

M(1) – 1 FEBRUARY 2022

# Ordinary Council Meeting

---

Agenda

Notice is hereby given that the next **Ordinary Meeting** of the **Alpine Shire Council** will be held on **1 February 2022** commencing at **5:00pm**.

## Agenda

1. Recording and livestreaming of Council meetings .....	3
2. Acknowledgement of traditional custodians, and recognition of all people ....	3
3. Confirmation of minutes .....	3
3.1 Ordinary Council Meeting – M(14) – 14 December 2021.....	3
4. Apologies .....	3
5. Obituaries / congratulations.....	3
6. Declarations by Councillors of conflict of interest.....	4
7. Public questions.....	4
8. Presentation of reports by officers .....	5
8.1 Chief Executive Officer – Charlie Bird .....	5
8.1.1 Councillor Affirmation of Office and Code of Conduct declaration.....	5
8.1.2 Contracts approved by the CEO .....	8
8.1.3 MomentumOne Shared Services.....	9
8.2 Director Assets – William Jeremy.....	11
8.2.1 Contract 2106701 - Toms Road Upgrade.....	11
8.2.2 Contract 2112801 - Bakers Gully Road Drainage Works .....	14
8.2.3 Contract 2107501 - Mount Beauty Airport Upgrade - Variation.....	16
8.2.4 Building Better Regions Fund - Implementation of Alpine Better Places Harrierville .....	20
8.3 Director Corporate Performance – Helen Havercroft.....	23
8.3.1 Appointment of Councillors to represent Council on Committees and Boards.....	23
8.3.2 Airport Services Lease for Aircraft Hangar Lease at Porepunkah Airfield .....	28
8.3.3 Contract 2114001 - ICT System Host and Storage Renewal .....	31
8.3.4 Domestic Animal Management Plan .....	34
8.3.5 Planning Application P.2021.124 - 650 Buffalo River Road, Buffalo River .....	37
8.3.6 Planning Application P.2021.144 - 35 Station Street Porepunkah.....	58
9. Informal meetings of Councillors .....	79
10. Presentation of reports by delegates.....	80
11. General business .....	80
12. Motions for which notice has previously been given.....	80
13. Reception and reading of petitions.....	80

14. Documents for sealing.....81

## 1. Recording and livestreaming of Council meetings

*The CEO will read the following statement:*

All council meetings are filmed with both video and audio being recorded.

This meeting is being held online and audio and video is focused on Councillors and Council Officers.

Question time will still be held, however it is requested that questions be submitted in writing prior to the meeting. By submitting a question, you consent to your question being read aloud at the meeting.

In common with all narrative during council meetings verbal responses to congratulations, obituaries and question time will not be recorded in the written minutes.

The reasoning behind recording council meetings is of course to hold us more accountable and improve transparency of council's decision making to our community.

The full meeting is being streamed live on Council's YouTube channel which is "Alpine Shire Council" and will also be available on the YouTube channel shortly after this meeting.

## 2. Acknowledgement of traditional custodians, and recognition of all people

*The Mayor will read the following statement:*

The Alpine Shire Council acknowledges the Traditional Owners of the land we are now on, we pay our respect to Elders, past and present.

We also acknowledge those people who have contributed to the rich fabric of our community and strive to make wise decisions that will improve the quality of life for all.

## 3. Confirmation of minutes

### 3.1 ORDINARY COUNCIL MEETING – M(14) – 14 DECEMBER 2021

#### **RECOMMENDATION**

*That the minutes of Ordinary Council Meeting M(14) held on 14 December 2021 as circulated be confirmed.*

## 4. Apologies

## 5. Obituaries / congratulations

Refer to Alpine Shire Council's website [www.alpineshire.vic.gov.au](http://www.alpineshire.vic.gov.au); for its YouTube live-streaming recording for responses to questions.

## **6. Declarations by Councillors of conflict of interest**

## **7. Public questions**

Questions on Notice will be limited to two questions per person.

Questions on Notice must be submitted in writing prior to the meeting.

Refer to Alpine Shire Council's website [www.alpineshire.vic.gov.au](http://www.alpineshire.vic.gov.au); for its YouTube live-streaming recording for responses to questions.

## 8. Presentation of reports by officers

### 8.1 CHIEF EXECUTIVE OFFICER – CHARLIE BIRD

#### 8.1.1 Councillor Affirmation of Office and Code of Conduct declaration

File Number 640.01

##### **INTRODUCTION**

Following the extraordinary vacancy due to the resignation Councillor Charlie Vincent in December 2021, the Victorian Electoral Commission (VEC) conducted a countback of the formal ballot papers cast at the last general election held in October 2020.

VEC held the countback on Wednesday 19 January 2022, with Simon Kelley officially declared elected on Thursday 20 January 2022.

The *Local Government Act 2020* (LGA 2020) specifies that a person elected to be a Councillor is not capable of acting as a Councillor unless he or she has taken the oath or affirmation of office in the manner prescribed by the regulations.

##### **RECOMMENDATION**

*That the Affirmation of Office signed on 25 January 2022 be received and recorded in the minutes of this Council meeting.*

##### **BACKGROUND / ISSUES**

Section 31 of the LGA 2020 states that the office of a Councillor becomes vacant if a person elected to be a Councillors does not take the Oath or Affirmation of Office within three months after the day on which the person was declared elected.

##### **Oath or Affirmation of Office**

Section 30 of the LGA 2020 requires the Oath or Affirmation of Office to be administered by the Chief Executive Officer (CEO); signed and dated before the CEO; and recorded in the minutes of a Council meeting, whether or not the Oath or Affirmation was taken at a Council meeting. Regulation 5 of the Local Government (Governance and Integrity) Regulations 2005 provides for the Oath or Affirmation of Office to be conducted via audio visual link, with the approval of the CEO.

The Affirmation of Office ceremony was held on Tuesday 25 January 2022 via audio visual link and the signed Affirmation is included with the minutes of this meeting. The CEO approved the order of proceedings prior to the ceremony to ensure that it complied with both the LGA 2020 and Regulations.

Oaths and Affirmations were in accordance with the required format in the *Oaths and Affirmations Act 2018*, and the Local Government (Governance and Integrity) Regulations 2020, which required the following form:

*"I will undertake the duties of the office of Councillor in the best interests of the municipal community.*

*I will abide by the Councillor Code of Conduct and uphold the standards of conduct set out in the Councillor Code of Conduct.*

*I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 and any other Acts to the best of my skill and judgement."*

### **Code of Conduct Declaration**

In addition to the Councillor taking the Oath or Affirmation of Office, the Councillor has made a separate declaration regarding the Councillor Code of Conduct (the Code). This declaration was made in writing and witnessed by the Chief Executive Officer.

This declaration will be included with the Councillor Code of Conduct (version 6) that was most recently adopted by Council on 23 February 2021.

### **Policy Implications**

Section 30(1) of the LGA 2020 states that a person elected to be a Councillor is not capable of acting as a Councillor until the person has taken the Oath or Affirmation of Office in the manner prescribed by the *Local Government Act 2020*, and the Local Government (Governance and Integrity) Regulations 2020.

Once the Oath or Affirmation of Office has been completed, the Councillor-elect can commence their role as a Councillor.

### **Financial and resource implications**

Mayor and Councillors are entitled to receive allowances in accordance with the Local Government Act 2020, and reimbursement of expenses in accordance with the Councillor Expenses Policy No. 76. Council has budgeted for these expenses in the Annual Budget.

### **Consultation**

A Councillor is able to choose their preferred version of Oath or Affirmation. As this is a statutory process, no community consultation was required.

### **Conclusion**

Council is required to include a copy of signed Oaths and Affirmations in the minutes of a Council meeting. This report ensures that Council has complied with this LGA 2020 requirement.

### **DECLARATION OF CONFLICT OF INTEREST**

In accordance with section 130 of the Local Government Act 2020, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Chief Executive Officer
- Governance Officer
- Executive Assistant to CEO

**ATTACHMENT(S)**

8.1.1 Councillor Affirmation of Office



## 8.1.2 Contracts approved by the CEO

### RECOMMENDATION

*That the Capital Works Contracts approved by the CEO be noted.*

<b>Contract No:</b>	<i>CQ21135</i>	<b>Process:</b>	<i>RFQ</i>
<b>Title:</b>	<i>Bright Strategic Traffic Assessment</i>		
<b>Tenderer:</b>	<i>One Mile Grid</i>		
<b>\$ (excl. GST):</b>	<i>\$56,200</i>		

<b>Contract No:</b>	<i>CQ21064</i>	<b>Process:</b>	<i>RFQ</i>
<b>Title:</b>	<i>Gravel Resheeting 2021-22 (Supply)</i>		
<b>Tenderer:</b>	<i>Indigo Shire Council</i>		
<b>\$ (excl. GST):</b>	<i>\$126,000</i>		

<b>Contract No:</b>	<i>CQ21065</i>	<b>Process:</b>	<i>RFQ</i>
<b>Title:</b>	<i>Gravel Resheeting 2021-22 (Cartage)</i>		
<b>Tenderer:</b>	<i>North East Civil Construction \$80,080 (+GST) Richardson Earthmoving \$22,165 (+GST) McPherson Earthmoving \$22,165 (+GST)</i>		
<b>\$ (excl. GST):</b>	<i>\$124,410</i>		

<b>Contract No:</b>	<i>CQ21009</i>	<b>Process:</b>	<i>RFQ</i>
<b>Title:</b>	<i>Bright Railway Museum Roofing Repairs</i>		
<b>Tenderer:</b>	<i>Argyle Maintenance Services</i>		
<b>\$ (excl. GST):</b>	<i>\$81,150</i>		

## 8.1.3 MomentumOne Shared Services

### INTRODUCTION

The purpose of the report is for Council to note MomentumOne Shared Services' (MomentumOne) Annual Financial Report for 2019/20 as well as provide Council with information on recent developments in relation to the status of the company.

### RECOMMENDATION

*That Council notes the MomentumOne Shared Services:*

- 1. Annual Financial Report for 2019/20;*
- 2. Annual Financial Report for 2020/21;*
- 3. Dividend payment to Alpine Shire Council in 2021/22; and*
- 4. Board's decision to cease provision of labour hire and technology solutions effective 31 October 2021 and place the business into dormancy.*

### BACKGROUND

MomentumOne Shared Services (MomentumOne) was established by Alpine Shire Council and Towong Shire Council in 2015 to deliver the benefits of shared services to local government through its labour hire and technology solution. Since this time, MomentumOne has placed over 530 team members with eight partner councils. While MomentumOne has specialised in workforce solutions for seasonal pools, it has also placed cleaning and waste management staff with its partner councils, as well as provided employment management services for Council's Working for Victoria program.

MomentumOne was established as an innovative response to the challenges faced by small rural councils, including limited financial resources, lean organisational structures, complex legacy administrative systems and limited opportunities to reduce costs through economies of scale or by outsourcing to a competitive private sector. Over the last six years, MomentumOne's solution has reduced service delivery costs for Council by more than \$0.5m, while also reducing the administrative overheads associated with recruitment, onboarding and ongoing employment management services.

While MomentumOne has been able to viably provide its services to date, several factors have emerged over time that have an influence on its future viability, including fixed business costs, internal resourcing, business scale and changes to industrial instruments. A review of its position to continue providing labour hire and technology solutions was undertaken by the Board in 2021 and the decision was made to cease operations. Its final contract concluded 31 October 2021.

### ISSUES

As a wholly owned subsidiary of Alpine Shire Council and Towong Shire Council, annual audits are undertaken by an external auditor on behalf of the Victorian Auditor General's Office.

Activities are now underway to finalise its operations and ensure that both the Company and Council can continue to meet their obligations. MomentumOne has sufficient retained earnings to maintain business dormancy for several years. The MomentumOne Board will meet annually and review the dormancy decision at these meetings.

### **POLICY IMPLICATIONS**

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 5.2 A responsible, transparent and responsive organisation

### **FINANCIAL AND RESOURCE IMPLICATIONS**

While its continuing operation is not viable, MomentumOne has achieved positive financial results over the past five financial years and has also reduced service delivery costs for Council as well as its other local government partners.

MomentumOne's Board recently made the decision to distribute dividends totalling \$90,000 to Alpine and Towong which will be distributed in accordance with profit share provisions contained in the Shareholders Agreement.

### **CONSULTATION**

Council was consulted during the formation of MomentumOne in September and October 2015. Council has been kept informed of MomentumOne activities and performance through Council briefings, including the decision made to cease company operations earlier this financial year.

### **CONCLUSION**

MomentumOne has provided cost-effective and efficient services to both Council and as well as its other local government partners over the past six years, fulfilling its objective to deliver the benefits of shared services to local government. The decision to cease its operations is prudent given the review undertaken earlier in 2021.

### **DECLARATION OF CONFLICT OF INTEREST**

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Chief Executive Officer

### **ATTACHMENT(S)**

8.1.3.a. MomentumOne Shared Services Annual Financial Report 2019/20

8.1.3.b. MomentumOne Shared Services Annual Financial Report 2020/21

## 8.2 DIRECTOR ASSETS – WILLIAM JEREMY

### 8.2.1 Contract 2106701 - Toms Road Upgrade

File Number: 2106701

#### **INTRODUCTION**

This report relates to the award of the Toms Road Upgrade Tender

#### **RECOMMENDATION**

*That Council awards Contract No. 2106701 "Toms Road Upgrade" to Richardson Earthworks and Maintenance for the lump sum price of \$242,522.12 (GST exclusive).*

#### **BACKGROUND**

Toms Road is 1.6km in length and maintained by Alpine Shire Council. Existing road drainage is inadequate, impaired and not functioning as required. Poor drainage, inadequate road formation and the narrow road carriageway has resulted in further road degradation.

A detailed assessment of the situation has been undertaken by Council in consultation with the affected landowners. This has resulted in the development of the detailed scope of works that will rectify the situation and provide the appropriate access and service to meet all landowners' requirements.

Council has successfully secured funding for these works via the Victorian government's AgriLinks Upgrade Program.

A tender for the construction works was advertised in the Herald Sun on 25 November 2021, as well as on tenders.net and the Alpine Shire Council website.

The tender documents were downloaded by 15 prospective tenderers and three conforming responses were received by the closing date.

#### **EVALUATION**

The evaluation panel consisted of the Manager Asset Development and the Project Officer. The tenders were evaluated according to the key selection criteria listed in the Invitation to Tender:

- Price
- Qualifications and Previous Performance
- Delivery
- Social
- Environmental

Following the assessment of the tenders, it was determined that the tender from Richardson Earthmoving and Maintenance best met all the requirements of the selection criteria.

## **ISSUES**

During the scoping phase of this project identified that the formed road was not located entirely in the road reserve and that private infrastructure had been constructed on the road reserve following earlier Council approval to do so.

Extensive consultation has been undertaken with landowners to develop an agreed solution which includes a road deviation plan that will align the road reserve with the existing formed road.

The road deviation plan and associated administration and governance will be submitted to Council in a separate report in due course once these road reconstruction works are complete and the final alignment has been surveyed.

## **POLICY IMPLICATIONS**

The tender was advertised and evaluated in accordance with Council's Procurement Policy.

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 4.5 Assets for our current and future needs

## **FINANCIAL AND RESOURCE IMPLICATIONS**

The project is \$255,396 completely funded by the Victorian government's AgriLinks Upgrade Funding Program". There is sufficient allocation within the project budget to award this contract and deliver the works.

## **CONSULTATION**

Director Assets, Manager Asset Development and the Project Officer have been heavily involved in the decision making relating to the outcome of the project.

Extensive negotiations have been carried out with affected landowners.

North East Catchment Management Authority has been consulted and is supportive of the works.

External customers directly impacted during the delivery of the works will be notified in advance of the works commencing. The works schedule will also be provided on the Council's website.

## **CONCLUSION**

That the Contact be awarded to Richardson Earthmoving and Maintenance for \$242,522.12 (GST exclusive) to undertake Toms Road Upgrade.

## **DECLARATION OF CONFLICT OF INTEREST**

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Acting Director Assets
- Manager Asset Development

## **ATTACHMENT(S)**

Nil

## 8.2.2 Contract 2112801 - Bakers Gully Road Drainage Works

File Number: CT21128

### **INTRODUCTION**

This report relates to the award of a contract for drainage works along Bakers Gully Road between Park Street and Faulkner Rise. The works include drainage, pedestrian safety, traffic calming and parking upgrades.

### **RECOMMENDATION**

*That Council awards Contract No. 2112801 for the "Bakers Gully Road Drainage Works" to Stadelmann Enterprises Pty Ltd for the lump sum price of \$372,619.42 (GST Exclusive).*

### **BACKGROUND**

This section of Bakers Gully Road has a history of issues relating to drainage, pedestrian access and safety, turning traffic and parking.

A tender for the construction works was advertised in the Herald Sun on 10 November 2021, as well as on tenders.net and the Alpine Shire Council website.

The tender documents were downloaded by 13 prospective tenderers and three conforming responses were received by the closing date.

### **EVALUATION**

The evaluation panel consisted of the Manager Asset Development and Director Assets.

The tenders were evaluated according to the key selection criteria listed in the Invitation to Tender:

- Price
- Qualifications and Previous Performance
- Delivery
- Social
- Environmental

Following the assessment of the tenders, it was determined that the tender from Stadelmann Enterprises best met all the requirements of the selection criteria.

### **ISSUES**

Between Park Street and Sommer Avenue, Bakers Gully Road is adjacent to the Bright P-12 College. Delivery of the works will be planned to minimise disruption to the school, with access to other properties along the road to be maintained under traffic control. Only minor delays are expected.

## **POLICY IMPLICATIONS**

The tender was advertised and evaluated in accordance with Council's Procurement Policy.

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 4.5 Assets for our current and future needs

## **FINANCIAL AND RESOURCE IMPLICATIONS**

In the December 2021 Council Meeting, Council allocated \$179,000 of funding from the Australian Government's Local Roads and Community Infrastructure Phase 3 Fund towards the Bakers Gully Road Drainage Upgrade. Together with funds committed in the 2021/22 Annual Budget, there is sufficient funding to deliver the scope of this contract.

## **CONSULTATION**

The local residents and school have approached Council on numerous occasions to request improvements to address the issues noted. The proposed scope addresses these requests and all known issues along this section of road. Further updates will be provided to the school community and residents before works commence to ensure all are kept well informed.

## **CONCLUSION**

Following a comprehensive assessment, the Tender from Stadelmann Enterprises is considered to present the best value option for Council.

## **DECLARATION OF CONFLICT OF INTEREST**

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Assets
- Manager Asset Development

## **ATTACHMENT(S)**

Nil



## 8.2.3 Contract 2107501 - Mount Beauty Airport Upgrade - Variation

File Number: 2107501

### **INTRODUCTION**

This report relates to variations on the Mount Beauty Airport Upgrade project that require additional expenditure and optimising available grant funding.

### **RECOMMENDATION**

*That Council approves:*

- 1. A variation to Contract No. 2107501 for the "Mount Beauty Airport Upgrade Construction" to Winslow Constructors for the lump sum price of \$440,227 (GST exclusive) for treatment of the runway extension subgrade to meet design specifications; and*
- 2. A further variation to Contract No. 2107501 for the "Mount Beauty Airport Upgrade Construction" to Winslow Constructors for the lump sum price of \$169,961 (GST exclusive) for the enlarged apron and widening an additional section of the runway.*

### **BACKGROUND**

The Mount Beauty Airport Upgrade involves an extension and widening to the existing runway.

Council adopted a revised masterplan for the Mount Beauty Airport in March 2011, which recommended extending the runway from 930m to 1,540m and widening from 10m to 18m.

Funding was sought from the Australian Government's Regional Airport Program (RAP) in December 2019, based on an expanded scope to have the upgrade meet the standards of a registered airport. On 13 June 2020, Council was advised that the funding application was successful.

Specialised airport design consultants were engaged in July 2020 to re-assess the funding application scope against new Civil Aviation Safety Authority (CASA) regulations. On the basis of the feedback received, the scope of the project was revised, with the key change being the decision to retain the airport with the classification 'Aeroplane Landing Area' rather than aiming for an upgrade to a registered airport. The Regional Airports Program approved the change in scope and Council entered into a funding agreement on this basis.

Detailed design was progressed between January and May 2021, and this included flood modelling which was mandated by the North East Catchment Management Authority (NECMA), as the proposed extension was considered likely to encroach onto the Kiewa River floodplain.

The design and geotechnical investigations were completed in accordance with CASA guidelines.

Winslow Constructors were awarded the contract for the construction of the Mount Beauty Airport Upgrade construction for the amount of \$1,865,794.80 (GST exclusive). The budget for this project is \$3,111,820 (GST exclusive) which is 50% funded by the Australian Government's RAP on eligible expenditure (not including design, approvals etc.).

### ***Subgrade Treatment***

Physical work commenced on the runway extension on 22 November 2021 with the stripping of topsoil and excavation. These works revealed that the subgrade of the proposed runway extension did not meet the specification requirements. This is a latent ground condition, and the subgrade requires stabilising treatment for the extended runway to be constructed in accordance with design specifications.

### ***Apron Enlargement and Additional Runway Widening***

The Mount Beauty Airport Management Association (MBAMA) requested Council consider additional works involving the enlargement of the apron and widening of the runway at the southern end to further improve the serviceability and safety of the airport operations if funding permitted. Council requested a quote from the contractor for the apron enlargement and extra widening works.

## **ISSUES**

### ***Subgrade Treatment***

It is imperative that the subgrade of the extended runway pavement is stabilised to ensure the project is delivered in accordance with design specifications and meets performance standards.

A number of potential technical solutions were investigated to stabilise the subgrade:

1. Bridging mattress with crushed rock
2. Bridging mattress with river gravel (available next to site)
3. Polycom stabilising agent.

Both bridging mattress options produced results that comply with the design specifications, however the Polycom stabilising agent option didn't.

Option 2 (bridging mattress with river gravel) presents the best value for money solution to meet the design specifications.

The contractor has quoted \$410,227 plus an allowance of \$30,000 for land restoration after the river gravel is extracted which will total \$440,227 (GST exclusive) for this variation.

### ***Apron Enlargement and Additional Runway Widening***

The contractor provided a quote for the apron enlargement and additional runway widening for \$169,961 (GST exclusive) for this additional scope.

## **POLICY IMPLICATIONS**

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 4.5 Assets for our current and future needs

## **FINANCIAL AND RESOURCE IMPLICATIONS**

This project is funded through the Australian Government's RAP for a total of \$3,111,820 (GST exclusive). The funding ratio is \$1 RAP: \$1 Council. Council's financial commitment to the project is its 50% share under the RAP funding agreement being \$1,555,910 (GST exclusive). There is sufficient funding under the RAP grant to award these two variations. The award of these two variations will result in a total of \$3,038,342 (GST exclusive) being spent under the RAP. The grant cannot be used for project planning, design or permit costs. These costs for the project total \$265,147 (GST exclusive) and are entirely Council's responsibility.

The two variations Council approval is sought for include:

1. Subgrade stabilisation treatment required to ensure the extended runway pavement meets design specifications - \$440,227 (GST exclusive).
2. Apron enlargement and additional runway widening to enhance the serviceability and safety of the airport operations. - \$169,961 (GST exclusive)

If the two proposed variations are approved by Council, Council's total contribution to the project would be \$1,784,318 (GST exclusive), which is \$228,408 (GST exclusive) above its total original commitment of \$1,555,910 (GST exclusive). At this stage Council does not anticipate any further unexpected expenditure on this project.

Any unspent RAP grant funding will be returned to the Australian Government.

## **CONSULTATION**

The design of the Mount Beauty Airport Upgrade project has been undertaken in consultation with the MBAMA, representatives of the airport user groups, adjacent landowners, and relevant State Government authorities including the NECMA and Department of Environment, Land, Water and Planning.

Council will continue to engage with key stakeholders through the delivery of the construction phase of the project. Current restrictions on airport operations resulting from the construction works are being managed in close consultation with the MBAMA, with safety remaining the highest priority.

## **CONCLUSION**

Due to latent conditions encountered onsite with the subgrade of the proposed runway extension, stabilising treatment is required to ensure the extended runway pavement meets the design specifications and for the contractor to complete the approved scope of works for the Mount Beauty Airport Upgrade project.

There is also an opportunity to use unallocated RAP grant funding to cover half (50%) of the cost to enlarge the apron and widen an additional length of the runway, which will enhance the serviceability and safety of the airport operations. Any unspent RAP grant funding will be returned to the Australian Government.

Half (50%) of the cost of these works can be covered by the RAP funding and would be a variation to the contract. Approving these variations would increase Council's contribution by \$228,408 (GST exclusive) above its total original commitment of \$1,555,910 (GST exclusive). It is recommended that Council approve these variations.

### **DECLARATION OF CONFLICT OF INTEREST**

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Acting Director Assets
- Project Officer

### **ATTACHMENT(S)**

Nil

## 8.2.4 Building Better Regions Fund - Implementation of Alpine Better Places Harrietville

### INTRODUCTION

An opportunity exists for Council to seek significant funding to implement the Alpine Better Places priority projects in Harrietville. This report relates to available funding opportunity and seeks Council's financial commitment for the nominated project.

### RECOMMENDATION

*That Council authorises an application to the Australian Government's Building Better Regions Round 6 Fund for the Alpine Better Places Harrietville Project with a maximum Council commitment of up to \$2,300,000 (GST exclusive).*

### BACKGROUND

The Australian Government has established a \$250 million Building Better Regions Round 6 Fund (BBRF R6) to help successful applicants undertake infrastructure or community investment projects that help their local communities recover from the effects of the pandemic.

BBRF R6 also aims to encourage local opportunities for growth that may be emerging due to a growing appetite for domestic tourism as well as more permanent population movements to the regions. This round will help enhance the local infrastructure that regional areas need to support their recovery and to grow. The closing date for applications is 10 February 2022.

Following an assessment of projects in Council's Project Pipeline which meet the grant funding criteria and are sufficiently well developed to be deliverable within the nominated project timeframes, it is recommended that an application is made for funding to deliver the Alpine Better Places Harrietville project.

The project encompasses the following precincts: Tronoh Dredge Hole Carpark; Pioneer Park and Tavare Park; and Harrietville Community Hall. The project will:

- Improve the streetscape, including wayfinding signage, paths, tracks or trails to better connect the town's assets and facilities, integrated landscape treatments and improved parking options; and
- Improve open space reserves, including upgraded and/or additional facilities and amenities.
- Ultimately this project will make Harrietville a more desirable place to live, invest in and visit. The project is well timed to take advantage of the soon to be opened Australian Government funded Harrietville to Bright shared trail, which will drive further visitation and economic stimulus.

## ISSUES

Council is awaiting a decision on a funding application to the Australian Government's Black Summer Bushfire Fund to support the delivery of the Tronoh Dredge Hole Precinct component of the Alpine Better Places Harrierville project. If this application is successful, then Council would withdraw this component from the application to the BBRF R6 application.

## POLICY IMPLICATIONS

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 4.5 Assets for our current and future needs

## FINANCIAL AND RESOURCE IMPLICATIONS

The BBRF R6 funding application requires Council to co-contribute to the project at a ratio of BBRF R6 \$1: Council \$1. The capital cost to deliver the Alpine Better Places Harrierville project is \$4.6m, with \$2.3m to be sought from grant funding, and the remaining project costs of \$2.3m being met by Council. It is anticipated that the expenditure would be incurred over the 2022/23 and 2023/24 financial years.

The impact of delivering this project without the deferral of other planned projects has been modelled in Council's Long Term Financial Plan (LTFP) and shown to result in a reduction in the forecast working capital ratio from 4.0 to 3.5. This reduction can be accommodated without impacting significantly on Council's financial sustainability however the following impacts should be noted:

1. Delivery of these projects will impact the timing of asset renewal works, as approximately 50% of the project expenditure are estimated to be asset renewal. The LTFP considers the ongoing asset renewal cost, which Council will be responsible for
2. Given the significant investment required to implement the project, this will impact Council's ability to commit to further discretionary spend on other new and upgrade projects in the project pipeline and into the future. The capital works project pipeline is currently being reviewed as part of the FY 2022/23 budget process.

## CONSULTATION

The Alpine Better Places Harrierville project has been developed in consultation with residents, community organisations and internal stakeholders has occurred throughout the development of the detailed concept designs.

Three rounds of community consultation have been carried out including:

- July 2020 - Consultation 1 via Zoom webinar. The community provided feedback on the preliminary plans and areas of focus.
- February 2021 – Consultation 2, Harrierville Community Hall, lunch and evening sessions. The community was invited to provide comment on the draft detailed concept designs and proposed project priority list. The presentation and plans were

made available online and the feedback period was open for two weeks. A further third round of consultation was supported by the community.

- July 2021- Consultation 3, Harrietville Community Hall, lunch and evening sessions. The community was invited to view and provide feedback on the third revision of the plans. The presentation and plans were made available online. The feedback period was open for five weeks.
- 14 October -12 November 2021 - consultation 4, 28 Day Public Exhibition Period. Plans were made available online, in Harrietville township, Bright Library and Bright Council Offices. Media notices included Facebook, radio and newspaper notices. Emails were sent to all contacts recorded during the consultation process and community group email contacts. Links to the project website were provided in all correspondence where all plans and submission contact details could be accessed by the public.

Council adopted the Alpine Better Places Harrietville Final Detailed Concept Designs at its Council Meeting held on 14 December 2021.

The project that has been nominated has been identified as high priority on Council's Project Pipeline. The project has been selected based on alignment with the funding eligibility and evaluation criteria.

If funded, Council Officers will continue to liaise with key stakeholders throughout the implementation phase.

## **CONCLUSION**

Implementation of the Alpine Better Places Harrietville project will result in significant benefits for Harrietville and the Alpine Shire. Council can fund this project, and this presents a great opportunity to secure significant funding from the Australian Government for implementation. There is strong community support for this project and it is recommended that Council endorses a funding application for BBRF R6 fund.

## **DECLARATION OF CONFLICT OF INTEREST**

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Assets
- Manager Asset Development

## **ATTACHMENT(S)**

Nil

## 8.3 Director Corporate Performance – Helen Havercroft

### 8.3.1 Appointment of Councillors to represent Council on Committees and Boards

File Number: 615.00

#### INTRODUCTION

Following the extraordinary vacancy due to the resignation Councillor Charlie Vincent in December 2021, the appointment of Councillors to represent Council on Committees and boards is being presented to allow for redistribution of representation following the countback. The Appointment of councillors to the various committees and groups will enable good governance and decision making for the 2022 year.

*That:*

- Councillors be appointed as Council's delegate on the following groups and committees (non-executive):*

<i>Committee</i>	<i>Councillor representative appointed at M(14) - 14 December 2021 to December 2022</i>	<i>Councillor representative appointed at M(1) - 1 February 2022 to December 2022</i>
<i>Municipal Association of Victoria</i>	<i>Mayor Deputy Mayor</i>	<i>Cr John Forsyth Mayor Sarah Nicholas</i>
<i>Hume Region Local Government Network</i>	<i>Mayor</i>	<i>Mayor Sarah Nicholas</i>
<i>Rural Councils Victoria (RCV)</i>	<i>Mayor</i>	<i>Mayor Sarah Nicholas</i>
<i>Alpine Shire Council – Audit and Risk Committee</i>	<i>Mayor Sarah Nicholas Cr Charlie Vincent</i>	<i>Mayor Sarah Nicholas Cr Simon Kelley</i>
<i>Alpine Shire Council – Finance Committee</i>	<i>Mayor Sarah Nicholas Cr Charlie Vincent</i>	<i>Mayor Sarah Nicholas Cr Simon Kelley</i>
<i>Alpine Resilience Committee (formerly known as Community Resilience Committee)</i>	<i>Cr Katarina Hughes Cr Ron Janas</i>	<i>Cr Katarina Hughes Cr Ron Janas</i>
<i>Alpine Children's Services Inc.</i>	<i>Cr Katarina Hughes</i>	<i>Cr Katarina Hughes</i>
<i>Goulburn Murray Climate Alliance</i>	<i>Cr Charlie Vincent Mayor Sarah Nicholas</i>	<i>Cr John Forsyth Mayor Sarah Nicholas</i>



<i>North East Waste and Resource Recovery Group (Forum)</i>	<i>Cr Kelli Prime</i>	<i>Cr Kelli Prime</i>
<i>Reflect Reconciliation Action Plan Working Group</i>		<i>Mayor Sarah Nicholas Cr John Forsyth</i>

2. *notes that a new Waste Authority will come into effect on 1 July 2022 to support a transition to a circular economy and that North East Waste and Resource Recovery Group will no longer operate.*

## **BACKGROUND**

### **Council Representation**

Councillor representation on committees is required for Council's own committees / groups, as well as other external committees.

In addition to discretionary appointments, Council's Mayor holds executive positions on committees / boards / groups as the regional representative. These are non-discretionary appointments.

### **Appointments**

Delegate and committee appointments are focussed on councillors' experience and areas of interest and in some cases, appointments may be made on the basis of maintaining consistency.

### **Committees no longer requiring Councillor representation**

#### *Alpine Alliance between Alpine Heath and Alpine Shire*

By mutual agreement between Alpine Health and Alpine Shire Chief Executive Officers (CEOs), the Alpine Alliance will continue between the CEOs without the requirement for Councillor representation.

### **Roles and Responsibilities**

The roles and responsibilities of councillors will vary depending on the position they are appointed to and it is important that this is understood.

#### *External Legal Entities*

Where a councillor or an officer is nominated to the board or executive of a separate legal entity, the nominee may take on fiduciary responsibilities in accordance with the *Corporations (Victoria) Act 1990*, and they are required to act in the best interests of that company or entity.

#### *Council Advisory Committees*

There is no formal decision making that can be made in an advisory capacity on behalf of Council, but rather, recommendations arising from the deliberations of the committee may be presented to Council for consideration, deliberation and final adoption.

*Responsibilities*

Regardless of the type of appointment, councillors are bound by their Code of Conduct and must comply with requirements relating to:

- Declaring conflicts of interest.
- Maintaining confidentiality of information.
- Recognising and abiding by their extent of authority i.e. not making decisions on behalf of Council.

<b>Council appointed delegates to non-executive groups and committees</b>	
<b>Committee</b>	<b>Overview</b>
Municipal Association of Victoria (MAV)	Each member council of the MAV must appoint a representative to attend State Council meetings, exercise their council's vote and provide regular reports to their council on MAV activities. Appointments for MAV representatives are made annually by each council.
Hume Region Local Government Network (HRLGN)	Non-discretionary appointment HRLGN is comprised of 12 member Councils in the Hume Region. It represents a shared regional perspective on local government issues and can provide advocacy and submissions on issues of joint interest. The CEO and Mayor from each Council participate in the HRLGN.
Rural Councils Victoria (RCV)	Rural Councils Victoria represents Victoria 37 rural councils, supporting and promoting sustainable, liveable, prosperous rural communities.
Alpine Shire Council – Audit and Risk Committee	An advisory committee of council responsible for: Monitoring compliance of Council policies and procedures with the LGA 2020, regulations, governance principles and Ministerial directions. Monitoring Council financial and performance reporting. Monitoring and providing advice on risk management and fraud prevention systems and controls. Overseeing internal and external audit functions.
Alpine Shire Council – Finance Committee	An advisory committee of Council that provides advice on the prudent, fair and transparent management of Council's finances.

<b>Council appointed delegates to non-executive groups and committees</b>	
<b>Committee</b>	<b>Overview</b>
Alpine Shire Council – Alpine Resilience Committee	The Alpine Resilience Committee identifies community needs and resource requirements and makes recommendations to recovery agencies, council and recovery managers on strategies and plans regarding community preparedness, recovery and resilience. At the July 2021 Council endorsed the change of name from Community Resilience Committee to Alpine Resilience Committee
Alpine Children’s Services Inc.	A not-for-profit organisation that provides early childhood services to families throughout the Alpine Shire.
Goulburn Murray Climate Alliance	The Goulburn Murray Climate Alliance was established in 2007 to promote regional action on climate change and consists of representatives from regional Catchment Management Authorities, DELWP and twelve local government municipalities.
North East Waste and Resource Recovery Group (Forum)	<p>NEWRRG as an organisation is legislated under the <i>Environment Protection Act 1970</i> and is one of seven waste and resource recovery groups in Victoria established under the Act. The role of the Forum is to act as a conduit between the North East WRRG and the councils and alpine resorts within the region.*</p> <p>*The Victorian Government is establishing a new Waste Authority to support the transition to the circular economy, underpinned by strong statutory powers and functions. As part of the proposed change the seven Waste and Resource Recovery Groups (WRGG's) will no longer operate. Council is not yet aware of the detail and if councillor representation will be required.</p>
Reconciliation Action Plan Working Group	Council is developing a Reconciliation Action Plan (RAP) in accordance Reconciliation Australia RAP Framework. Council has been strengthening its relationship with First Nation communities that have an interest in Alpine Shire under Bushfire Recovery Victoria's Cultural Healing Pillar, and developing RAP is the natural next step. The RAP development is funded by Bushfire Recovery Victoria.

## **POLICY IMPLICATIONS**

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 5.3 Bold leadership, strong partnerships and effective advocacy

## **FINANCIAL AND RESOURCE IMPLICATIONS**

Councillors are paid an annual allowance and do not receive additional payments for their involvement on council-appointed committees. Resourcing of councillors attending meetings and participating in the activities of these committees is supported by Council's annual budget.

## **CONSULTATION**

Once Council has appointed its representatives, appropriate communication actions will be undertaken.

## **CONCLUSION**

Appointment of councillors as Council's representative on its own advisory committees and project / working groups as well as external entities, associations, advisory and advocacy groups committees must now be made.

## **DECLARATION OF CONFLICT OF INTEREST**

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Corporate Performance
- Governance Officer
- Executive Assistant to CEO

## **ATTACHMENT(S)**

Nil

## 8.3.2 Airport Services Lease for Aircraft Hangar Lease at Porepunkah Airfield

### INTRODUCTION

This report seeks approval to execute leases at the Porepunkah Aerodrome. Leases have been prepared for hangars on land contained in Lot 1 Plan of Subdivision PS612929, 266 Buckland Valley Road Porepunkah for 10-year terms, with option for additional 10 years.

### RECOMMENDATION

*That Council:*

1. *Approve and execute a lease forming part of Lot1 PS612929, 266 Buckland Valley Road Porepunkah for aircraft hangars; and*
2. *Sign and Seal the lease documents at the appropriate stage of the Council meeting.*

### BACKGROUND

The Porepunkah Aerodrome Master Plan was presented to Council at the Ordinary Council Meeting June 2006. A recommendation of the Master Plan was that Council negotiate with the adjoining land owner of the airfield with regard to acquisition of additional land for potential hangar relocation and new hangars.

At the Ordinary Council meeting July 2007 Council approved the Acting CEO be authorised to proceed with the acquisition of an adjoining strip of land at the Porepunkah Aerodrome.

The land was acquired in 2008 and is contained in Lot 1 of Plan of Subdivision PS612929, 266 Buckland Valley Road Porepunkah. A new entrance to the airfield was created on this land with the remaining land set aside for hangars and taxi way.

Lease documentation has been developed for the purpose of entering into long term hangar leases on this land. The length of the leases are 10 years, plus an option for a further 10 years. Commencement rent for the attached lease will be \$1153.90 (GST exclusive) per annum calculated based on the square meterage of the sites.

In September 2018 and in accordance with Section 190 of the Local Government Act 1989 Council posted public notices notifying of proposed future leases at the airfield and invited submissions in accordance with Section 223 (Section 190(3b) & (4)) of the Local Government Act 1989 against such future leases. No submissions were received.

This report sets out the proposals for issuing the proposed future leases for hangars consulted on in September 2018 with 10 (plus 10) year terms.

### ISSUES

Under Section 115 of the *Local Government Act 2020* (the Act),

- (1) A Council's power to lease any land to any person is limited to leases for a term of 50 years or less.
- (2) Subject to any other Act, and except where section 116 applies, if a Council leases any land to any person subject to any exceptions, reservations, covenants and conditions, it must comply with this section.
- (3) A Council must include any proposal to lease land in a financial year in the budget, where the lease is—
  - (a) for one year or more and -
    - (i) the rent for any period of the lease is \$100 000 or more a year; or
    - (ii) the current market rental value of the land is \$100 000 or more a year; or
  - (b) for 10 years or more.
- (4) If a Council proposes to lease land that is subject to subsection (3) and that was not included as a proposal in the budget, the Council must undertake a community engagement process in accordance with the Council's community engagement policy in respect of the proposal before entering into the lease.

In September 2018 and in accordance with Section 190 of the *Local Government Act 1989* Council posted public notices notifying of proposed future leases at the airfield and invited submissions in accordance with Section 223 (Section 190(3b) & (4)) of the *Local Government Act 1989* against such future leases. No submissions were received.

The intent and terms of these leases have not changed (saved for Consumer Price Index (CPI) adjustments to annual rents). Council has therefore previously communicated its intention to enter into leases for aircraft hangars at the site and met its obligation under the *Local Government Act 1989* which applied at that time.

## **POLICY IMPLICATIONS**

The process adopted by Council for the awarding of future leases at the Porepunkah Aerodrome was in accordance with obligations under the *Local Government Act 1989* and the Local Government Best Practice Guidelines for the Sale, Exchange and Transfer of Land at that time. This lease is to be awarded as a result of these processes.

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 4.5 Assets for our current and future needs

## **FINANCIAL AND RESOURCE IMPLICATIONS**

The commencement annual lease income for a lease will be \$1,153.80 (GST exclusive). Forward lease charges are indexed to CPI annually and subject to a market review after the first 10 years of the lease.

Income collected from hangar rentals at the airfield is paid to the Porepunkah Aerodrome Association to assist it in fulfilling its responsibilities to operations and day to day maintenance of the airfield.

## **CONSULTATION**

In accordance with Section 190 of the *Local Government Act 1989*, public notices were posted in September 2018 notifying of proposed future leases at the site and inviting submissions in accordance with Section 223 (Section 190(3b) & (4)) of that Act. No submissions were received at that time.

Council has therefore previously communicated its intension to enter into leases for aircraft hangars at the site and met its obligation under the *Local Government Act 1989* which applied at that time. The current lease has been developed under the same terms (save for CPI adjustments to annual rent) and therefore it is not considered necessary to undertake further community engagement relating to such leases at the airfield.

The Porepunkah Airfield Association have been consulted and are supportive of the issuing of the leases.

## **CONCLUSION**

Having previously met Council's obligations under the *Local Government Act 1989* Council in relation to issuing leases at the airfield that the lease subject to this report does not require further Community Engagement and is executed by Council under the terms of section 115 of the *Local Government Act 2020*.

## **DECLARATION OF CONFLICT OF INTEREST**

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Corporate Performance
- Manager Facilities
- Commercial Officer

## **ATTACHMENT(S)**

Nil

### 8.3.3 Contract 2114001 - ICT System Host and Storage Renewal

#### INTRODUCTION

This report relates to the award of a Contract for the renewal of host servers and storage infrastructure used to run Council's information and communications technology (ICT) systems.

#### RECOMMENDATION

*That Council award No. CT21140-01 for the supply of professional services, components, software and maintenance agreements to design, install and commission ICT servers and storage as a renewal of existing systems to GlobalOne Technologies for the maximum contract price of \$335,807.55 (GST exclusive).*

#### BACKGROUND

Council operates a mix of on-premise and cloud-based platforms to host, maintain and protect the availability of the ICT systems. The on-premise systems provide services such as the workstations used to access computer programs, key organisational services such as Intramaps, storing electronic files or enabling printing.

The on-premise platforms are due for renewal due to their age and an increase of accompanying risk and performance issues. The typical lifecycle of ICT server platforms is around 4-5 years. After this time the risks of system outages and data loss increase substantially for each year the platform remains in operation. Council has budgeted for the replacement of all ICT server systems greater than five (5) years old in the current financial year.

The tender CT21140-01 includes project management, provision and supply of detailed designs, components and software, installation, migration of systems to the new platform and provision of documentation and training.

The tender was advertised on tenders.net and in the Alpine Observer on 24 November 2021. The tender was viewed by 34 suppliers in tenders.net and Council received eight conforming submissions.

#### EVALUATIONS

The initial evaluation panel consisted of the ICT Coordinator and Manager Technology and Transformation. Supplementary independent assessment was undertaken by an independent specialist.

The submissions were evaluated according to the tender evaluation criteria listed in the Invitation to Tender:

- Cost to Council
- Response to Specification
- Experience, Reputation and Resources
- Methodology



- Environmental Sustainability and Social Principles.

The evaluation was conducted through the following process:

- Cost assessment. Proposals deemed poor value for money were eliminated.
- Technology and architecture proposed is fit-for-purpose. Proposals using technologies not fit for purpose were eliminated.
- Tenders were independently assessed by a partner organisation that specialises in the virtual desktop technology used by Council. They identified significant performance risks in three proposals.

Three tenders were shortlisted. References were then sought to validate the proposals and capability of all remaining tenderers. Through this evaluation process it was determined that the tender from GlobalOne Technologies best met the selection criteria.

## **ISSUES**

### ***Risk of not going ahead***

The existing ICT platform systems are suffering performance problems that directly impact Council's ability to deliver services to our community. ICT performance failures also prevent some new technologies from being effectively implemented, such as SharePoint and OneDrive.

Finally, components of the existing systems are failing, such as failed storage devices. The replacement components are now difficult to source and the systems are not covered by warranty, meaning that component failures could lead to catastrophic system outages.

### ***Risk of failure in meeting project specifications***

By evaluating proposals against defined requirements, conducting reference checks and performing an independent assessment the likelihood of failure by GlobalOne Technologies have been greatly mitigated. Council is also already using familiar technology, which will reduce the time that is required by the ICT team to understand and manage any upgraded and renewed system.

### ***Supply chain delays in delivery of components***

The global pandemic has caused unprecedented supply chain issues for many industries, including ICT. Supply of components is currently estimated to be 90-100 days lead time which may impede the team's efforts to complete this renewal within the 2021-2022 financial year.

## **POLICY IMPLICATIONS**

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 2.3 Access to technology that meets our evolving needs

## **FINANCIAL AND RESOURCE IMPLICATIONS**

Every effort has been made to balance the up-front cost of implementing a new system that meets Council's requirements with the projected future needs and expenditure. Where possible license and support costs have been included for 5 years to avoid larger costs in future.

The total cost of the solution is \$335,808 (GST exclusive). This is broken down as:

- hardware and vendor support/warranties: \$288,220
- professional services to implement: \$47,5878

This exceeds the original project budget of \$265,000 (GST exclusive) approved in the FY2020-2021 and carried forward to the current financial year.

The increased supply and demand pressures over the past 18 months and large component cost increases have resulted in an increase to the project's cost.

However, some of this increased capital expenditure will be offset by lower ICT licensing (operational) costs in future years.

## **CONSULTATION**

The requirements outlined in the advertised tender were developed by researching and discussing similar projects at other Victorian LGAs, internal ICT team workshops, and discussions with independent specialists.

All members of the ICT Team were involved in the evaluation of proposals and were guided by the expert advice provided by qualified third parties.

## **CONCLUSION**

Following a comprehensive evaluation process it is recommended that Council award the contract for ICT System Host and Storage Renewal FY21-22 to GlobalOne Technologies.

## **DECLARATION OF CONFLICT OF INTEREST**

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Corporate Performance
- Manager Technology and Transformation
- ICT Coordinator

## **ATTACHMENT(S)**

Nil

### 8.3.4 Domestic Animal Management Plan

File Number: DAMP2022-2026

#### INTRODUCTION

This report relates to the adoption of the Alpine Shire Domestic Animal Management Plan 2022-2026.

#### RECOMMENDATION

*That Council adopt the Domestic Animal Management Plan 2022-2026.*

#### BACKGROUND

Council's Domestic Animal Management Plan (DAMP) is reviewed every four years to meet Council's obligations under the *Domestic Animals Act 1994*.

The Plan sets out how the Council will manage its domestic animal (cat and dog) population over a four-year period.

The Draft plan was adopted by Council on 9 November 2021 Council meeting and placed subsequently placed on public exhibition.

#### ISSUES

Council made a commitment in the DAMP 2017-2021 to investigate into Cat Curfews. Unfortunately, Council has not delivered on this commitment due to several impacts in recent years. The Cat Curfew will now be investigated as part of the DAMP 2022-2026.

#### SUBMISSIONS

Comments on draft DAMP	Key Change
Order of data so that most recent data is on the left	All tables have been amended to make them easier to read.
Greater controls on cats	The issue will require significant community engagement. This will be investigated in the DAMP 2022-2026 period. The draft DAMP 2022-2026 attracted 10 submissions. The majority indicated strong support for additional cat controls with a preference for a cat curfew.
Develop Collaborations with DELWP	This comment is noted but has not resulted in any change to the DAMP 2022-2026.
Create an Off Lead Dog Park	This suggestion has been noted and will be considered as part of the next review of the DAMP.

Comments on draft DAMP	Key Change
Cat Control Local Law	The creation of a specific cat control Local Law will be considered as part of a future Local Law review. Effective implementation and enforcement will be a key consideration.

## POLICY IMPLICATIONS

Council's DAMP is reviewed every four years to meet Council's obligations under the *Domestic Animal Management Act 1994*.

This report is consistent with the following strategic objective in the Council Plan.

A well planned and safe community.

## FINANCIAL AND RESOURCE IMPLICATIONS

The initiatives contained within the DAMP are to be implemented over a four-year period. The DAMP 2022-2026 will not require additional resources over and above those already identified in the Strategic Resources Plan 2021/2022.

Actions to be delivered from 2022/2023 financial year onwards will be considered through the annual Council budgeting processes.

## CONSULTATION

Community consultation was conducted as part of the review process.

The Draft DAMP was placed on public exhibition for 28 days between 17 November and 15 December 2021. This was advertised in local newspapers and Council's Facebook page. The Draft DAMP was available on Council's website, hardcopies in libraries and the Bright office. In addition, individuals who have shown interest in the DAMP 2017-2021 over the last year received an email from Council inviting them to provide feedback.

Council has responded to each submission received.

## CONCLUSION

The DAMP 2022-2026 has been amended where required to respond to submissions received and meets Council's obligations under the *Domestic Animals Act 1994*. If adopted a copy will be sent to the Victorian Government in accordance with the *Domestic Animals Act 1994*.

## DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interest to disclose in providing this report.

- Director Corporate Performance

- Manager Planning and Amenity
- Compliance Coordinator

**ATTACHMENT(S)**

8.3.4 Domestic Animal Management Plan 2022-2026

### 8.3.5 Planning Application P.2021.124 - 650 Buffalo River Road, Buffalo River

<b>Application number:</b>	<i>P.2021.124</i>
<b>Proposal:</b>	<i>Use and Buildings and Works for a Dwelling, and Alteration of Access to a Road in a Road Zone - Category 1.</i>
<b>Applicant's name:</b>	<i>Mr David Hunter (Habitat Planning)</i>
<b>Owner's name:</b>	<i>Yvonne E Kennewell</i>
<b>Address:</b>	<i>650 Buffalo River Road, Buffalo River VIC 3737 (Lot 1 PS 316685C)</i>
<b>Land size:</b>	<i>3733sqm</i>
<b>Current use and development:</b>	<i>The site is currently developed with shedding.</i>
<b>Site features:</b>	<i>The site is of an irregular shape and relatively flat. The site contains several sheds and is fenced on all sides. There is an existing crossover located near the southern corner of the site.</i>
<b>Why is a permit required?</b>	<i>Clause 35.07-1 Use (FZ) Clause 35.07-4 Buildings and Works (FZ) Clause 44.04-2 Buildings and Works (LSIO) Clause 44.06-2 Buildings and Works (BMO) Clause 52.29-2 Alter access to a road in a Road Zone, Category 1</i>
<b>Zoning:</b>	<i>Farming Zone (FZ)</i>
<b>Overlays:</b>	<i>Land Subject to Inundation Overlay (LSIO) Bushfire Management Overlay (BMO)</i>
<b>Restrictive covenants on the title?</b>	<i>None</i>
<b>Date received:</b>	<i>22 November 2021 (amended plans)</i>
<b>Statutory days:</b>	<i>71 days</i>
<b>Planner:</b>	<i>James Trimble</i>

### **RECOMMENDATION**

*That a refusal be issued for the proposed Use and Buildings and Works for a Dwelling and Alteration of Access to a Road in a Road Zone - Category 1 for the reasons identified in appendix 8.3.5.a and on the following summarised grounds:*

- 1. The proposal does not meet the relevant planning permit framework of the Alpine Planning Scheme including relevant State and Local Policies, and the purposes and decision guidelines of the Farming Zone.*
- 2. The proposal does not provide for the orderly planning of the area.*
- 3. The proposal does not provide for adequate onsite wastewater management.*

### **PROPOSAL**

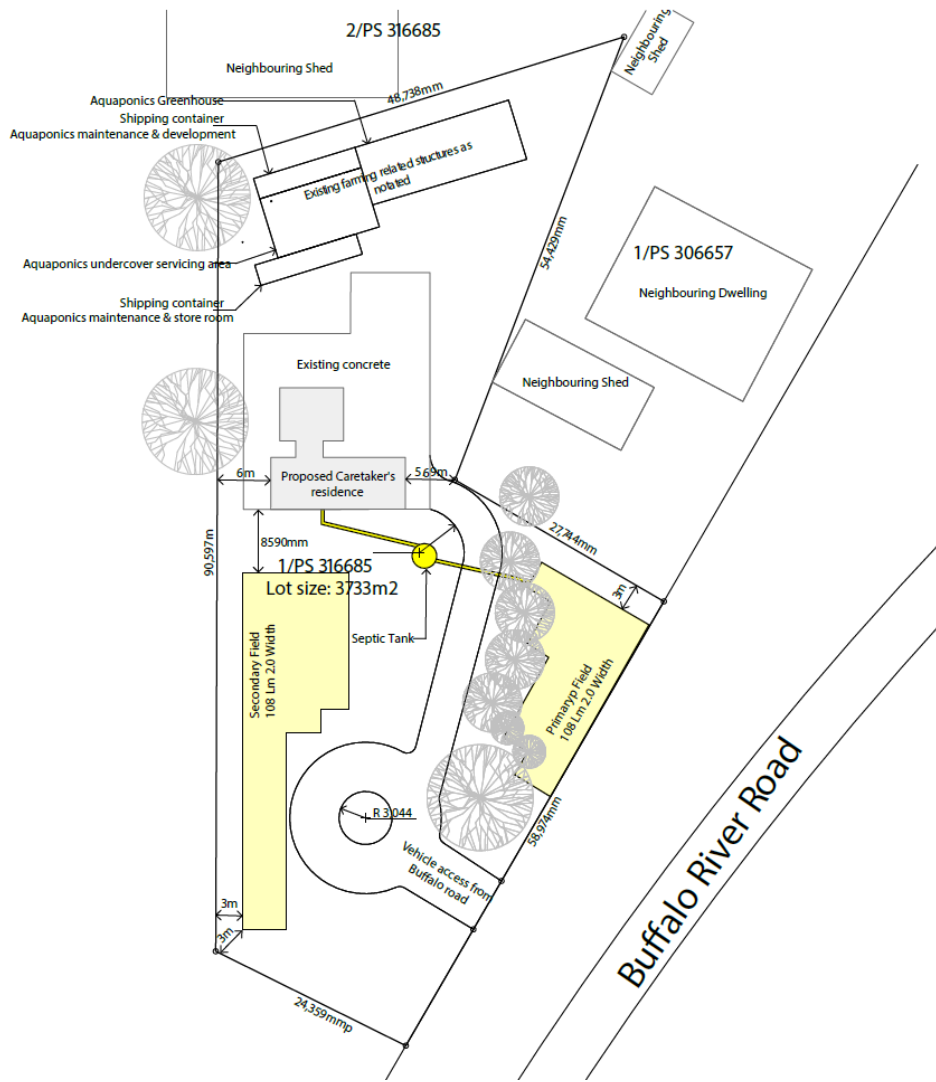
The proposal involves Use and Buildings and Works for a Dwelling, and Alteration of Access to a Road in a Road Zone - Category 1.

At ground floor the proposed dwelling has a single garage, open plan living and kitchen, separate laundry, two (2) bathrooms and a bedroom. An upper level is proposed with an office, two (2) bedrooms and a toilet.

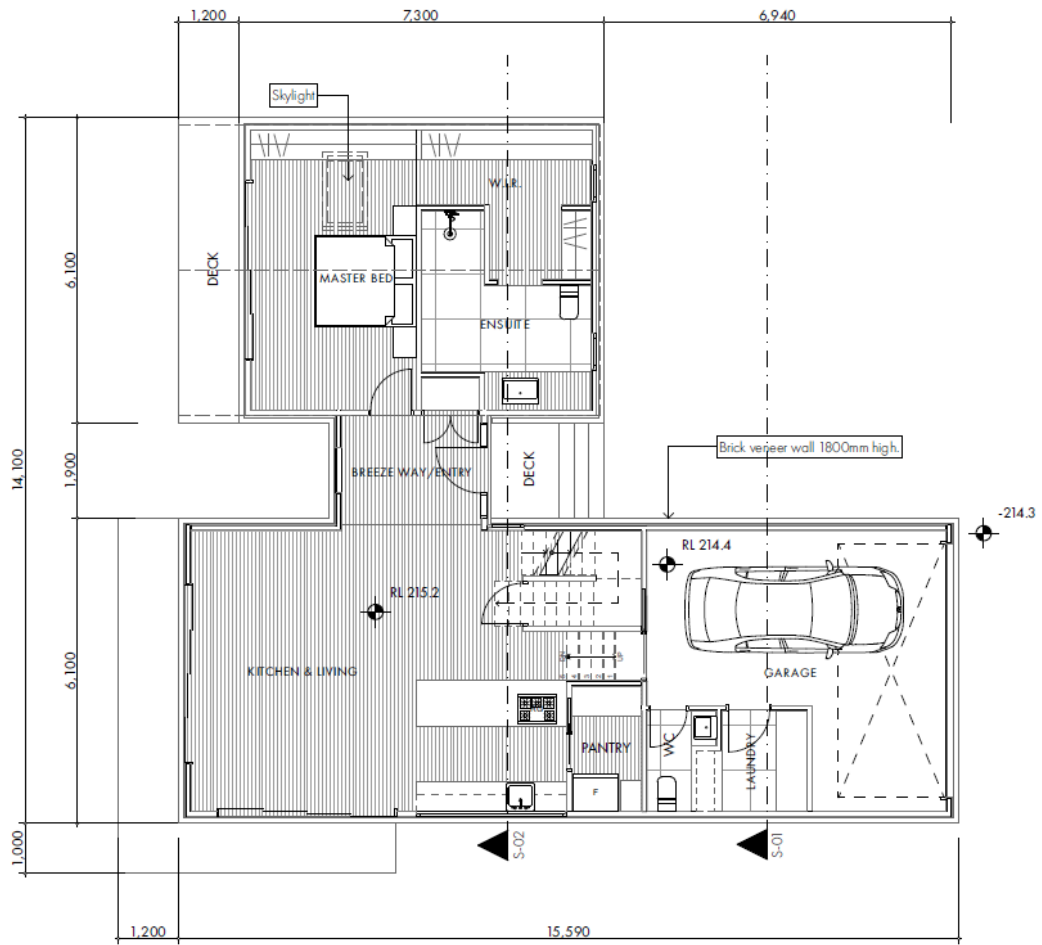
The minimum setbacks include 6 metres to the western (rear) lot boundary, approximately 26.9 metres to the northern (side) lot boundary, 5.69 metres to the eastern (side) lot boundary, and approximately 51.58 metres to the southern (side) lot boundary. An approximate minimum setback of 29.5 metres to Buffalo River Road is proposed.

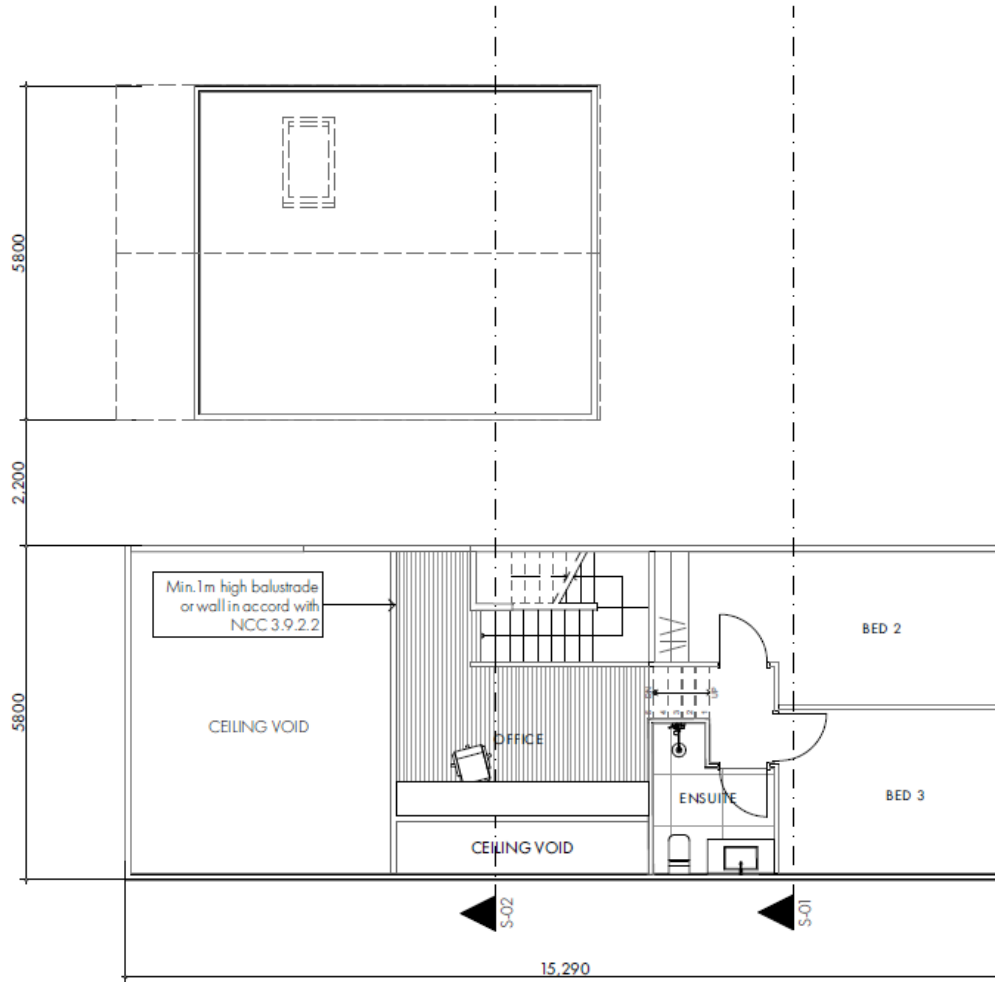
The maximum building height proposed is approximately seven (7) metres. External materials include Lysaght Enseam Metal Roof and Wall Cladding and brickwork.

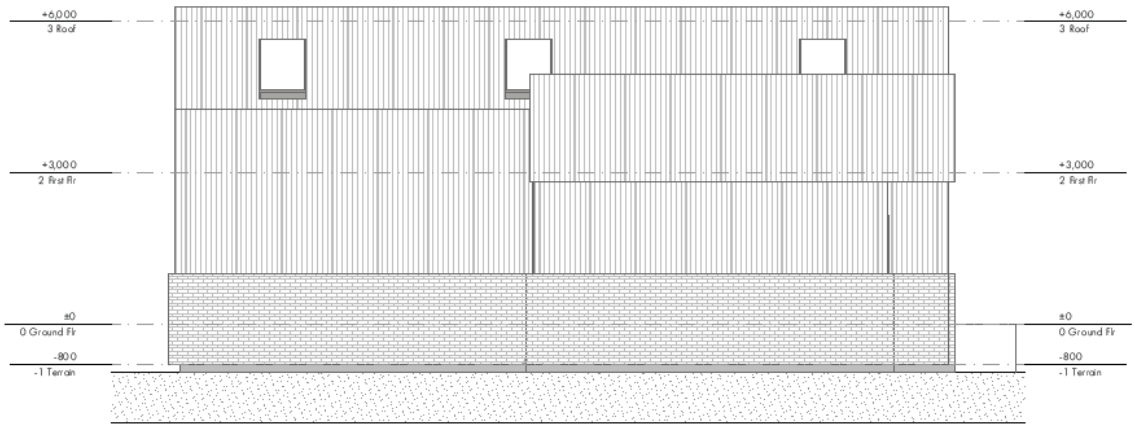
An associated onsite wastewater disposal area has been indicated to the south of the proposed dwelling, which includes both a primary and secondary field.





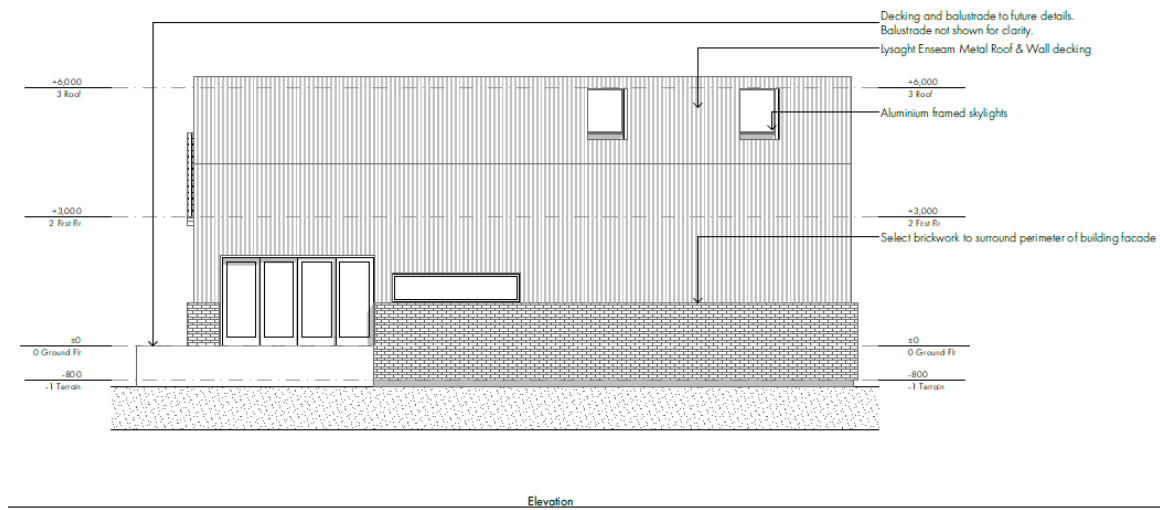






Elevation





**Figure 1: Shows the development layout on site.**

## SUBJECT LAND AND SURROUNDS

The site is an irregular shape with the side boundaries measuring 77.65 metres (abutting adjoining 648 Buffalo Rover Road, Buffalo River) and 178.65 metres (abutting adjoining 642 Buffalo River Road, Buffalo River), with the front lot boundary measuring 58.13 metres. The site has an area of 3,733sqm, contains several sheds, fencing on all sides, a concrete pad, a driveway, a crossover and landscaping, and is relatively flat.

The site is surrounded by land of varied lot sizes within the Farming Zone (3,217sqm to 116,267sqm), and to the east of the site on the eastern side of Buffalo River Road the land is zoned Rural Living Zone. Most of the surrounding smaller sites are developed for the purpose of a single dwelling, and larger lots being used for agricultural purposes. The site abuts Buffalo River Road which is zoned Road Zone – Category 1, and is sited approximately 240 metres to the south, and 285 metres to the east of Buffalo River.

### Planning History

Refusal 2011.83.1 was issued on 5 December 2012 for Use and Development of a Dwelling on the site. The reasons for refusal included wastewater disposal impact concerns on water quality, and associated wastewater not being able to be treated and retained on-site in accordance with the State Environment Protection Policy (Water of Victoria) under the *Environment Protection Act 1970*.

Corrected planning permit 2019.152.2 was issued on 20 April 2020 for Building and Works (Development of Agricultural Sea Containers and Greenhouse) associated with an Aquaculture (Aquaponics) Use on the site. This application was considered by Council at the 3 March 2020 Ordinary Council Meeting. The development approved in this permit incorporates the construction of two sea containers with an awning attached to northern sea container and one greenhouse to allow for the storage of aquaponics and associated equipment, testing and evaluating aquaponic systems. There is an associated endorsed landscaping plan and waste management plan.

Planning permit P.2020.221 was issued on 5 January 2021 for Buildings and Works for the Installation of a Chicken Coop on the site. The development approved in this permit incorporates the construction of a chicken coop and chicken fencing in the northern corner of the site.



**Figure 2: Subject land.**

## PUBLIC NOTIFICATION

The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987*. Notice of the application was sent to surrounding landholders and occupiers. A sign was displayed on the site. Three (3) objections were received and maintained. The matters raised in the objections have been summarised as follows:

1. Compliance concerns
  - a. Failure to comply to comply with previous planning permit issued for the site
    - i. Conditions not met
    - ii. Potential for major infestation of foreign fish into the Buffalo River
    - iii. Inadequate drainage causing flooding
  - b. Has a permit for access to a Road in Road Zone - Category 1 been obtained?
  - c. Has a permit for a water tank at the end of the greenhouse been obtained?
  - d. Electric fencing non-compliant to Australian Standards
  - e. Already commenced building a dwelling on the site without a permit.
  - f. A person has been living on the site for more than 28 days in a calendar year. Associated wastewater concerns.
  - g. Does the steel structure on the site have a building permit?
2. Aquaculture activity does not exist on the site and does not provide adequate justification for the proposed dwelling.
3. The proposal is not environmentally appropriate
4. Water trust pipe concerns
  - a. Tapped into without approval from the water trust
  - b. Neighbouring access to water trust pipes not provided and denied
  - c. Previously broken water trust pipe, denying water to surrounding dwellings
  - d. Building over water trust pipes
  - e. Access to property for pipe maintenance and repair
  - f. Redirecting the water trust pipes
5. It will be an eyesore - Large bulky black metal cladding
6. Will devalue property values
7. Overlooking concerns - Loss of privacy within side and back yards
8. Overshadowing concerns
9. Boundary concerns - Do the subject plans reflect the property 'as is' or its true legal measurement?
10. Flooding impact concerns
  - a. Will result in build-up of debris
  - b. Will prevent floodwaters from dissipating along their natural course
  - c. Will cause flood waters to inundate surrounding properties

In response to the objections received the applicant submitted a response which is summarised below:

1. Compliance

- a. Compliance with previous planning permit issued for the site
    - i. In relation to the previous application, the applicant advises that the works on the current application are not yet complete and as such the 29 conditions will only apply in their entirety once a final inspection and certificate of occupancy has been issued. This application does not make any changes to the previously considered planning application.
    - ii. In relation to the uses on the land, it is clarified that the construction underway as per the previous planning approval is for Aquaponics. The applicant is required to meet all conditions of the previous approval in establishing these works and intends to do so as part of the works.
    - iii. The species of fish being considered are all native and the tanks are to be at a working height that is above the nominated 1 in 100 year inundation levels.
    - iv. The applicant advises that stormwater drainage is part of the current permit and works underway are not yet completed.
  - b. It is noted that the Regional Roads Victoria has no objection to the development, they require as a condition of development that the crossover be constructed and maintained in accordance with Vic Roads GD4010 subject to a permit for such works.
  - c. It is confirmed that water tanks are not part of the current permit.
  - d. All fencing is compliant to applicable regulations.
  - e. There has been no commencement of construction of a permanent dwelling on the property by the applicant.
  - f. The applicant is not permanently residing on the property. The applicant has camped on the property within the permitted time periods from time to time. Wastewater from any caravans on the property are collected and disposed of via the cassette toilet at the applicant's home in Myrtleford.
2. A dwelling on the property is an acceptable use of the land in supporting the proposed aquaponics and associated activities. The alternative has been a vacant unusable and largely untidy area of farmland.
  3. Environmental appropriateness - No response
  4. Water trust pipe
    - a. Water trust water has not been used to fill any water tanks. The applicant also notes in response to submissions that water trust pipes run through the subject site and exist without an easement or established location. It is not the fault of the applicant that easements have not been applied to the location of the pipes within the property. Despite this, the applicant acknowledges the location and advises that to their knowledge no buildings are proposed to be placed over Water Trust pipes.
    - b. The applicant notes the location of pipes and infrastructure in the land. It is also acknowledged that the applicant has facilitated access to the nominated maintenance contact for emergency repairs.
  5. The overall development of the site, including the previously permitted activities, have been professionally planned and arranged on the site to be an efficient and

appropriate development. Notably, the design is intended to provide a pleasant landscaped streetscape ensuring development is not imposing from Buffalo River Road. It is positioned as far as practical from the eastern property and to make use of the existing shed on adjoining land to screen sight lines as much as practically possible given all constraints. Finally, the development has been considered to ensure compliance with CFA bushfire guidelines .

6. It is considered that the proposal will not impact on property values as it seeks approval for a permitted use of land for rural purposes and that this is not dissimilar to the character of surrounding properties. Despite this, loss of property values is not a relevant planning consideration.
7. Overlooking was considered in detail when preparing the documentation for submission. The architectural package was carefully considered to avoid overlooking and other amenity impacts to adjoining properties, including 648 Buffalo River Road. It is noted that there are no windows in the second storey that will be facing the adjoining property at 648 Buffalo River Road from the second storey. There is also a reasonable distance and a shed building between the dwelling and the neighbouring property. Therefore, it is not considered that there will be any overlooking/privacy issues.
8. Overshadowing - No response
9. The applicant believes that the fence and driveway are wholly within the property boundary, however does not object to a survey being completed to verify exact location. Likewise, the applicant is agreeable to relocating the driveway away from the fence line to satisfy the neighbouring landowners concerns. This could be applied as a condition requiring amended plans in consultation with the neighbouring landowner or similar condition.
10. In relation to flooding concerns of neighbouring properties, it is noted that the land is within the LSIO rather than FO and that the extent of flooding across the land is not significant. The works carried out on site will not substantially alter flood flows or behaviour and it is not likely that adjoining properties will be more impacted by flooding. It is also noted that the application has been referred to North East Catchment Management Authority in relation to flooding and they have recommended approval subject to appropriate conditions. As such, the applicant believes that appropriate consideration has been given to flooding and that there will be no further impacts on adjoining properties.

The assessing officer's response is provided as follows:

1. Compliance. Any potential compliance issues with previous permits issued for the site, and use and buildings and works on the site, is beyond the scope of relevant planning considerations for this application. Each application is considered on its own merits.
2. Council's Compliance Coordinator has inspected the site and confirmed that an aquaponics activity is not currently operating on the site. There is no current agricultural/farming activity being undertaken on the site to provide adequate justification for the proposed dwelling, under the relevant state and local planning policies and farming zone considerations. No farm management plan has been



submitted for the proposal and there is no guarantee that the site will be used for an agricultural/farming activity providing a need for a dwelling on the site.

3. Environmental appropriateness. The application was referred to Council's Health Team. A refusal response was provided. The proposal is not considered to be environmentally appropriate, due to failure to demonstrate that all wastewater for the proposed dwelling will be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017* for an on-site wastewater management system.
4. Water trust pipe. The applicant submitted a recent copy of title for the land, including the relevant plan of subdivision. The relevant plan of subdivision being PS316685C does not identify any easements on the site. The application including the amended plans were referred to North East Water for comment. A letter of no objection was received.
5. The external building materials include brickwork and Lysaght Enseam Metal Roof and Wall Cladding. These materials are considered appropriate subject to appropriate conditions if the application were to be supported. The proposed dwelling has a maximum height of approximately 6.8 metres, is setback approximately 29.5 metres from the Buffalo River Road lot boundary and has an approximate ground floor area of 152sqm. The scale and bulk intensity of the proposal is considered appropriate.
6. Property values. The Victorian Civil and Administrative Tribunal has regularly determined that this is not a relevant planning consideration.
7. Overlooking concerns. The proposal is not considered to result in substantial additional overlooking impacts. The nearest existing dwelling is sited approximately 26.22m to the north-east of the proposed dwelling. This existing dwelling has private open space to the north.
8. Overshadowing concerns. The proposal is not considered to result in substantial additional overshadowing impacts. The nearest existing dwelling is sited approximately 26.22m to the north-east of the proposed dwelling. This existing dwelling has private open space to the north.
9. Boundary concerns. A suitable condition could be included should the application be supported, requiring a title re-establishment survey. It is understood that the proposed buildings and works can be constructed entirely within the site.
10. Flooding impact concerns. The site is covered entirely by the Land Subject to Inundation Overlay within the Alpine Planning Scheme. The application was referred to the North East Catchment Management Authority (NECMA) for consideration of flooding impacts. Conditional consent was provided subject to the submission of amended plans which demonstrate compliance with the conditions requested by NECMA. The proposal is considered to meet the relevant flooding considerations.

A planning forum was held on 13 January 2022.

**REFERRALS**

Referrals / Notice	Advice / Response / Conditions
Section 55 referrals	Country Fire Authority - No objection, subject to conditions. North East Catchment Management Authority - No objection, subject to conditions. Regional Roads Victoria - No objection, subject to conditions. Goulburn Murray Water - No objection, subject to conditions.
Section 52 referrals	North East Water - No objection
Internal referrals:	<p>Council's Engineering Department - No objection, subject to conditions.</p> <p>Council's Environmental Health Department - Objection</p> <p><i>The submitted plans suggest that the available site would be inadequate for long term wastewater disposal.</i></p> <p><i>Further grounds for objecting to approving the planning permit include:</i></p> <ul style="list-style-type: none"> <li><i>a. The wastewater disposal area must be located in accordance with Table 5 of the Environment Protection Act Code of Practice – Onsite Wastewater Management, Publication 891.4, July 2016, from any waterways, drainage lines, dams or bores.</i> <ul style="list-style-type: none"> <li><i>i. The secondary field along the western boundary does not meet the required setback from the undefined adjacent waterbody.</i></li> </ul> </li> <li><i>b. Insufficient land application area. All wastewater must be applied to land via pressure-compensating sub-surface irrigation installed along the contour.</i> <ul style="list-style-type: none"> <li><i>i. As the secondary field does not meet the setbacks, the primary field is insufficient for the required land application area.</i></li> <li><i>ii. Additionally, the primary field does not meet the required setbacks from the front boundary adjacent to Buffalo River road.</i></li> </ul> </li> <li><i>c. Limited water balance table provided</i> <ul style="list-style-type: none"> <li><i>i. Water balance table: a calculation of the area required for wastewater disposal based on a full water balance specific to the site and proposed development in accordance with the EPA Code of Practice Onsite Wastewater Management.</i></li> </ul> </li> </ul>

## **PLANNING ASSESSMENT**

All applicable policy and decision guidelines can be found in Appendix 8.3.5(b).

### **State Planning Policy Framework**

The following State Planning Policy Framework (SPPF) does not give support to the proposal.

Clause 14.01-1S Protection of Agricultural Land as the proposal does not:

- Prevent inappropriately dispersed urban activities in rural areas.
- Limit new housing in rural areas.
- Fully consider the sites agricultural land capability.

Clause 16.01-3S Rural Residential Development as the proposal does not:

- Protect agriculture and avoid inappropriate rural residential development.
- Discourage development of small lots in rural zones for residential use.

### **Local Planning Policy Framework**

The following Local Planning Policy Framework (LPPF) does not give support to the proposal.

Clause 21.03-2 Rural Residential Living as the proposal does not protect rural land from inappropriate development, as the site is classified as high quality for agriculture within the Alpine Shire Council Agriculture Precincts and Land Capability mapping, referenced within the Alpine Shire Council Rural Land Strategy (2015)

Clause 21.03-3 Rural lifestyle, subdivision and dwellings as the proposal is not linked to and required for an agricultural, associated rural activity or rural tourism purpose, and the proposal results in the loss of agricultural land that is of strategic significance in the local context, as the proposal does not:

- Limit rural lifestyle development in agricultural areas.
- Discourage the proliferation of dwellings not associated with agriculture.
- Demonstrate that the dwelling is required to support a legitimate, established agricultural or rural activity/ies.

Clause 21.05-3 Agriculture as the proposal does not protect strategically significant agricultural land for production, and protect the land from residential expansion, as the proposal does not:

- Reinforce agricultural production as the primary purpose of the Farming Zone.
- Protect agricultural land from inappropriate use and development such as isolated non-agricultural uses including residential uses.
- Protect strategically significant agricultural land to support future agricultural industries.
- Ensure that rural land is used and developed in a way that will support agricultural production.

Clause 21.06-1 Infrastructure as the proposal does not reduce the loss of agricultural land for the purposes of urban/residential development.

Clause 22.03-2 Agriculture as the proposal does not;

- discourage the conversion of agricultural land to non-soil based use and development, and it has not been demonstrated that the proposal complements the agricultural base of the shire and
- discourage development which is sensitive off site effects and may prejudice agricultural production.

## **Zoning**

The subject land is zoned Farming Zone. The proposal does not meet the considerations of the Farming Zone for the following reasons:

- The proposal does not provide of the use of land for agriculture.
- The proposal does not encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- It has not been clearly demonstrated that all wastewater for the proposed dwelling will be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.
- It has not been clearly demonstrated that the proposal will support and enhance agricultural production.
- The dwelling will be adversely affected by agricultural activities on adjacent land due to dust, noise, and odour.
- The location of on-site effluent disposal areas have not been sited to minimise the impact of nutrient loads on waterways.

## **Land Subject to Inundation Overlay**

The land is covered entirely by the Land Subject to Inundation Overlay. There is a planning permit trigger for the proposal at clause 44.04-2. The application was referred to the North East Catchment Management Authority (NECMA) for comment. Conditional consent was provided. The application is considered to meet the relevant requirements of the Land Subject to Inundation Overlay, subject to conditions if approved.

## **Bushfire Management Overlay**

The land is covered entirely by the Bushfire Management Overlay. There is a planning permit trigger for the proposal at clause 44.06-2. The application was referred to the Country Fire Association (CFA) for comment. Conditional consent was provided. The application is considered to meet the relevant requirements of the Bushfire Management Overlay, subject to conditions if approved.

## **Particular Provisions**

### **Clause 52.06 - Car Parking**

Pursuant to the requirements of Table 1 within clause 52.06 the proposal requires the provision of 2 onsite car spaces and at least 1 space must be provided under cover. The application is considered to meet the relevant requirements of this clause, subject to conditions if approved. A detailed assessment of the proposal against the provisions of Clause 52.06 is contained on the planning file – reference no. P.2021.124.

### **Clause 52.29 - Land adjacent to a Road in a Road Zone, Category 1**

The application was referred to Regional Roads Victoria (RRV) for comment. Conditional consent was provided. The application is considered to meet the relevant requirements of this clause, subject to conditions if approved.

### **Clause 53.02 – Bushfire Planning**

The application was referred to the Country Fire Association (CFA) for comment. Conditional consent was provided. The application is considered to meet the relevant requirements of this clause, subject to conditions if approved.

## **General Provisions**

Clause 65.01 of the Alpine Planning Scheme provides the general decision guidelines that must be considered before deciding on an application. A detailed assessment of the proposal against the provisions of Clause 65.01 is contained on the planning file – reference no. P.2021.124. The proposal is considered to have a negative effect on the environment due to not providing adequate onsite wastewater management and does not provide for the orderly planning of the area.

## **CONCLUSION**

The application is not considered to be consistent with the Alpine Planning Scheme and should be refused for the following summarised reasons:

1. The proposal does not meet the relevant planning permit framework of the Alpine Planning Scheme including relevant State and Local Policies, and the purposes and decision guidelines of the Farming Zone.
2. The proposal does not provide for the orderly planning of the area.
3. The proposal does not provide for adequate onsite wastewater management.

## **DECLARATION OF CONFLICT OF INTEREST**

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Corporate Performance
- Acting / Manager Planning and Amenity
- Planning Officer

## **APPENDICIES**

8.3.5.a. Reasons for refusal

8.3.5.b. Policy and decision guidelines

**Appendix 8.3.5.a. Reasons for refusal**

1. The proposal does not comply with Clause 14.01-1S Protection of Agricultural Land as the proposal does not:
  - a. Prevent inappropriately dispersed urban activities in rural areas.
  - b. Limit new housing in rural areas.
  - c. Fully consider the sites agricultural land capability.
2. The proposal does not comply with Clause 16.01-3S Rural Residential Development as the proposal does not:
  - a. Protect agriculture and avoid inappropriate rural residential development.
  - b. Discourage development of small lots in rural zones for residential use.
3. The proposal does not comply with Clause 21.03-2 Rural Residential Living as the proposal does not protect rural land from inappropriate development, as the site is classified as high quality for agriculture.
4. The proposal does not comply with Clause 21.03-3 Rural lifestyle, subdivision and dwellings as the proposal is not linked to and required for an agricultural, associated rural activity or rural tourism purpose, and the proposal results in the loss of agricultural land that is of strategic significance in the local context, as the proposal does not:
  - a. Limit rural lifestyle development in agricultural areas.
  - b. Discourage the proliferation of dwellings not associated with agriculture.
  - c. Demonstrate that the dwelling is required to support a legitimate, established agricultural or rural activity/ies.
5. The proposal does not comply with Clause 21.05-3 Agriculture as the proposal does not protect strategically significant agricultural land for production, and protect the land from residential expansion, as the proposal does not:
  - a. Reinforce agricultural production as the primary purpose of the Farming Zone.
  - b. Protect agricultural land from inappropriate use and development such as isolated non-agricultural uses including residential uses.
  - c. Protect strategically significant agricultural land to support future agricultural industries.
  - d. Ensure that rural land is used and developed in a way that will support agricultural production.
6. The proposal does not comply with Clause 21.06-1 Infrastructure as the proposal does not reduce the loss of agricultural land for the purposes of urban/residential development.
7. The proposal does not comply with Clause 22.03-2 Agriculture as the proposal does not

- a. Discourage the conversion of agricultural land to non-soil based use and development, and it has not been demonstrated that the proposal complements the agricultural base of the shire.
  - b. Discourage development which is sensitive off site effects and may prejudice agricultural production.
8. The proposal is inconsistent with the considerations of the Farming Zone for the following reasons:
  - a. It does not implement the relevant Planning Policy Framework.
  - b. It does not provide for the use of land for agriculture.
  - c. It has not been clearly demonstrated that all wastewater for the proposed dwelling will be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.
  - d. It has not been clearly demonstrated that the proposal will support and enhance agricultural production.
  - e. The dwelling will be adversely affected by agricultural activities on adjacent land due to dust, noise, and odour.
  - f. The location of on-site effluent disposal areas have not been sited to minimise the impact of nutrient loads on waterways.
9. The proposal will have a negative effect on the environment and human health due to not providing adequate onsite wastewater management.
10. The proposal does not provide for the orderly planning of the area.



### **8.3.5.b POLICY AND DECISION GUIDELINES**

All of the below mentioned relevant planning considerations from the Alpine Planning Scheme may be viewed at the following link: <https://planning-schemes.delwp.vic.gov.au/schemes/alpine>.

#### **State Planning Policy Framework**

The State Planning Policy Framework (SPPF) provides relevant direction to the proposal at the following clauses:

- 11.01-1S Settlement
- 13.01-1S Natural hazards and climate change
- 13.02-1S Bushfire planning
- 13.03-1S Floodplain management
- 13.07-1S Land use compatibility
- 14.01-1S Protection of agricultural land
- 14.01-2S Sustainable agricultural land use
- 14.02-1S Catchment planning and management
- 15.01-2S Building design
- 15.01-5S Neighbourhood character
- 15.01-6S Design for rural areas
- 16.01-1S Housing supply
- 16.01-3S Rural residential development
- 18.02-4S Car parking

#### **Local Planning Policy Framework**

The Local Planning Policy Framework (LPPF) provides relevant direction to the proposal at the following clauses:

- 21.03-2 Rural residential living
- 21.03-3 Rural lifestyle, subdivision and dwellings
- 21.04-4 Environmental risk
- 21.04-6 Catchments and waterways
- 21.05-3 Agriculture
- 21.06-1 Infrastructure
- 21.07-11 Rural Precincts
- 22.03-2 Agriculture

## **Zone**

The land is zoned Farming Zone.

## **Overlays**

The land is covered entirely by the Land Subject to Inundation Overlay and Bushfire Management Overlay.

## **Particular Provisions**

52.06 Car Parking

52.29 Land adjacent to a Road Zone, Category 1

53.02 Bushfire Planning

## **General Provisions**

Clauses 65.01 within the Alpine Planning Scheme provides the general decision guidelines.

### 8.3.6 Planning Application P.2021.144 - 35 Station Street Porepunkah

<b>Application number:</b>	<i>P.2021.144</i>
<b>Proposal:</b>	<i>Use and Buildings and Works for a Store, and a Car Parking Waiver.</i>
<b>Applicant's name:</b>	<i>Mr Nick Vlahandreas (Mountain Planning)</i>
<b>Owner's name:</b>	<i>Madharjack Pty Ltd</i>
<b>Address:</b>	<i>35 Station Street, Porepunkah VIC 3740 (Lot 2 PS 635322L)</i>
<b>Land size:</b>	<i>1000sqm</i>
<b>Current use and development:</b>	<i>The site is currently used as a store and developed with several sea containers.</i>
<b>Site features:</b>	<i>The site is of a rectangular shape and relatively flat. The site contains several sea containers sited towards the rear and is fenced on all sides. There is an existing crossover located near the southern corner of the site. There is a sealed footpath, two (2) small street trees and a constructed kerb and channel in the verge in front of the site. There is a 6 metre wide drainage easement along the rear lot boundary of the site to the benefit of Alpine Shire.</i>
<b>Why is a permit required?</b>	<i>Clause 32.05-2 Use (TZ) Clause 32.05-10 Buildings and Works (TZ) Clause 44.06-2 Buildings and Works (BMO) Clause 52.06-3 Car Parking Waiver</i>
<b>Zoning:</b>	<i>Township Zone (TZ)</i>
<b>Overlays:</b>	<i>Bushfire Management Overlay - Schedule 1 (BMO1)</i>
<b>Restrictive covenants on the title?</b>	<i>None</i>
<b>Date received:</b>	<i>8 December 2021 (amended plans)</i>
<b>Statutory days:</b>	<i>55 days</i>
<b>Planner:</b>	<i>James Trimble</i>

**RECOMMENDATION**

*That a Notice of Decision to grant a planning permit be issued for Use and Buildings and Works for a Store and a Car Parking Waiver in accordance with the conditions outlined in Appendix 8.3.6.a. and the following summarised reasons:*

- 1. The proposal generally meets the relevant provisions of the:
 
  - a. State and Local Planning Policy Framework;*
  - b. Township Zone;*
  - c. Particular provisions including
 
    - i. clause 52.06 Car Parking,*
    - ii. 53.02 Bushfire Planning,*
    - iii. 53.18 Stormwater Management in Urban Development;**
  - d. Decision Guidelines at Clauses 65.01.**
- 2. The proposal provides an appropriate design, and respects the existing and desired neighbourhood character.*

**PROPOSAL**

The proposal involves Use and Buildings and Works for a Store, and a Car Parking Waiver.

**Use and Buildings and Works for a Store**

The Use and Buildings and Works for the Construction of a Store component involves 24 shipping containers with a total floor area of 387sqm. The buildings have a maximum height of 2.98 metres. The shipping containers will be grey in colour. The buildings have a setback of 6 metres from Station Street, a 4.81 metre setback from the side (north-western) lot boundary, a 6 metre setback from the rear (north-eastern) lot boundary, and a 5.05 metre setback from the side (south-eastern) lot boundary. Vehicle access is proposed around the buildings, making use of an existing crossover at the front of the site. A 10,000 litre water tank is proposed in the rear setback area. A 1.2 metre wide landscaping area is proposed within the street setback and a 2 metre wide landscaping area is proposed in the rear setback area. Proposed landscaping includes Japanese Maples and grass.

**Car Parking Waiver.**

The Car Parking Waiver component involves the provision of no formal onsite car spaces in lieu of 10% of the site area (100sqm), as stated in Table 1, within clause 52.06 Car Parking within the Alpine Planning Scheme.



**Figure 3: Shows the development layout on site.**

### **SUBJECT LAND AND SURROUNDS**

The site has a total area of 1,000sqm, is rectangular in shape and is relatively flat. The site is currently used as a store, has several sea containers sited towards the rear, and is fenced on all sides. There is a 6-metre-wide drainage easement along the entire rear lot boundary, to the benefit of Alpine Shire Council.

Vehicle access to the site is via an existing sealed crossover located near the southern corner of the site. There is a sealed footpath, two (2) small street trees and a constructed kerb and channel in the verge in front of the site.

All surrounding sites are zoned Township Zone. Within 5 sites of the subject site in all directions, lot sizes range from approximately 405sqm at 1/24 Station Street to 17,287sqm at 47 Station St, Porepukah. Adjoining sites to the north, south and west contain an existing dwelling. The dwelling at adjoining 33 Station Street has an approximate street setback of nine (9) metres.

39 Station Street, 43 Station Street, 45C Station Street and 47 Station Street in close proximity of the site are developed and used for non-residential purposes. The smallest of these sites has an area of approximately 978sqm. The buildings at adjoining 39 Station Street have been approved with a street setback of eight (8) metres.



Figure 4: Subject land.

## PUBLIC NOTIFICATION

The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987*. Notice of the application was sent to surrounding landholders and occupiers. A sign was displayed on the site. Five (5) objections were received and maintained. The matters raised in the objection have been summarised as follows:

1. External colour will negatively affect the amenity of the area. Should be a neutral colour.
2. Proposed landscaping will not provide adequate screening.
3. Non-compliance with planning permit for another store facility in close proximity.
4. Driveway width is a concern. Not wide enough for car and trailer or furniture removal vans to turn.
5. Devalue property values.
6. Lack of side setback to 33 Station Street.
7. Height not appropriate.

8. Overshadowing of 33 Station Street.
9. Loss of views to the east.
10. Not in keeping with the character of the area. Does not contribute positively to the local context and enhance the public realm. Unightly.

In response to the objections received the applicant submitted amended plans to address some of the issues raised by the objectors. These amended plans were circulated to all objectors.

The assessing officer's response is provided as follows and is based on the most recent version of plans:

1. External colour. The plans state that the shipping containers will be grey in colour. This is considered suitable. A suitable condition will be included should the application be supported.
2. Landscaping is a relevant planning consideration pursuant to
  - a. 15.01-1S Urban Design - Ensure that development provides landscaping that supports the amenity, attractiveness, and safety of the public realm.
  - b. 15.01-2S Building Design - Ensure development provides landscaping that responds to its site context, enhances the built form, and creates safe and attractive spaces
  - c. 21.05-2 Commercial and Industrial - Promote appropriate landscaping in commercial and industrial areas.
  - d. 22.03-4 Industrial area policy - Landscaping should be provided along common property boundaries and within frontage setbacks and areas. Landscaping should use suitable native indigenous species. In designing landscaping consideration should be given to management of fire risk.
  - e. 32.05-13 Industrial Zone – Decision guidelines - Provision of car and bicycle parking and loading bay facilities and landscaping.

Should the application be supported suitable conditions would be included to ensure native evergreen, established landscaping is provided within the street setback area. As the site is covered by the bushfire management overlay and defensible space requirements apply. No formal onsite car and bicycle parking spaces are proposed and therefore there is no associated landscaping need for such facilities. The provision of landscaping to provide full screening of the proposed buildings and works from the street is not possible.

3. Non-compliance with planning permit for another store facility in close proximity – This is not a relevant planning consideration for this application. Every planning application is considered on its own merits.
4. Driveway width. The application has been assessed against the provisions of clause 52.06-9 design standards for car parking which includes accessway considerations. The application was referred to Council's Engineering Team and conditional consent was provided. A 12.5m long vehicle will not be able to enter and exit the site in a forward gear. This is the length of a Heavy Rigid Truck and a common length for a car and trailer. A 10m long vehicle may be able to enter and exit the site in a forward

gear subject to the submission of amended plans. This is the length of a medium rigid truck. Should the application be supported suitable conditions would be included.

5. Devalue property values – This is not a relevant planning consideration as determined by VCAT.
6. Side setback to 33 Station St. Setbacks are a relevant planning consideration for this application pursuant to:
  - a. 22.03-4 Industrial areas policy- Building heights, setbacks and form should have regard to and seek to be compatible with the surrounding development and the character of the locality in which the development is situated.
  - b. 32.05-13 Township Zone decision guidelines - The design, height, setback and appearance of the proposed buildings and works including provision for solar access.

The application proposes a 4.81 metre setback to 33 Station St. The proposed use isn't one which is considered likely to generate noise, dust, detrimental amenity issues etc and based on the existing surrounding developed site context the side setback to 33 Station St is considered suitable.

7. Building height is a relevant consideration for this application pursuant to:
  - a. 15.01-2S Building design - Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale and massing of new development.
  - b. 21.03-4 Built form and heritage - Where appropriate limit the height of buildings in towns and villages to reflect the current character and urban design and to maintain rural and mountain vistas.
  - c. 22.03-4 – Industrial areas policy - Building heights, setbacks and form should have regard to and seek to be compatible with the surrounding development and the character of the locality in which the development is situated.
  - d. 32.05-13 Township Zone – Decision guidelines - The design, height, setback and appearance of the proposed buildings and works including provision for solar access.

The proposed building height of 2.98m is considered appropriate for the site in the context of existing surrounding development within 5 sites with the same zoning, with a higher building height. Whilst it is recognised that the building height is referred to in the application report but not the plans a condition would be included to ensure this information is provided on the plans.

8. Overshadowing. The proposal is not considered to result in substantial overshadowing of adjoining 33 Station St because the proposed side setbacks and building height minimise the extent of any overshadowing. There are no habitable room windows at 33 Station St, within 1 metre of the common lot boundary with 35 Station St.
9. Views. There is minimal consideration of the impact on existing views. There are strategies in PPF 15.01-2S Building Design and LPPF 21.03-4 Built Form and Heritage



relevant to views, however the proposal is considered to meet the objectives of these policies in relation to views.

#### 10. Neighbourhood Character

- a. The area considered to form the existing neighbourhood character was all lots with the same zoning, within 5 sites in all directions.
- b. Adjoining sites to the north, south and west contain an existing dwelling. The dwelling at adjoining 33 Station Street has an approximate street setback of nine (9) metres.
- c. 39 Station St, 43 Station St, 45C Station and 47 Station Street are developed and used for non-residential purposes. 39 Station Street abutting the site to the east, has planning permit approval for Use of Land and Building and Works for the Construction of a Store (Self Storage Facility). The endorsed plans forming part of this permit indicate:
  - i. a minimum eight (8)m setback of buildings from Station Street,
  - ii. a 1.2m wide landscaping area within the street setback area
- d. Respecting character does not mean preventing change. The neighbourhood character standard is not intended to result in the replication of existing building stock or stop change. In simple terms, respect for the character of a neighbourhood means that the development should try to 'fit in'.
- e. A minimum 6 metre street setback is proposed to single storey development.
- f. The proposal is not considered to result in change in the streetscape and neighbourhood characteristics, subject to conditions including the requirement to have a minimum 8 metre street setback.
- g. Should the application be supported suitable conditions would be included.

An objector's forum was held on 16 December 2021.

#### REFERRALS

Referrals / Notice	Advice / Response / Conditions
Section 55 referrals	Country Fire Authority - No objection, subject to conditions. Ausnet - No objection, subject to conditions.
Section 52 referrals	North East Catchment Management Authority - No objection, subject to conditions.
Internal referrals:	Council's Engineering Department - No objection, subject to conditions. Council's Arborist Department - No objection, subject to conditions.

#### PLANNING ASSESSMENT

All applicable policy and decision guidelines can be found in Attachment 8.3.6.(b).

### **State Planning Policy Framework**

The following State Planning Policy Framework (SPPF) gives support to the proposal.

15.01-5S Neighbourhood character

The proposal respects the existing neighbourhood character as it responds to its context.

17.01-1S Diversified economy

The proposal will strengthen and diversify the economy.

17.02-1S Business

The proposal encourages development that meets the community's needs for other commercial services.

### **Local Planning Policy Framework**

The following Local Planning Policy Framework (LPPF) gives support to the proposal.

21.05-2 Commercial and industrial

The proposal will enhance the economic competitiveness of the area.

21.07-5 Porepunkah

The proposal is of a scale and bulk that reflects that of existing development in the area.

The subject land is located in the former railway goods area, where service and light industrial uses are encouraged.

### **Zoning**

The subject land is zoned Township Zone. The proposal is consistent with the purposes and decision guidelines of the Township Zone for the following reasons:

- The proposal respects the neighbourhood character of the area.
- The proposal includes a non-residential use which will serve local community needs in an appropriate location.
- The design, heights, setbacks and appearance of the proposed buildings and works are generally appropriate for the site, subject to conditions.
- The scale and intensity of the use and development is appropriate for the site, subject to conditions.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal are appropriate for the site, subject to conditions.
- Existing uses on adjoining or nearby land will have minimal effect *on the proposal*.

### **Bushfire Management Overlay**

The land is covered entirely by the Bushfire Management Overlay. There is a planning permit trigger for the proposal at clause 44.06-2. The application was referred to the Country Fire Association (CFA) for comment. Conditional consent was provided. The application is considered to meet the relevant requirements of the Bushfire Management Overlay, subject to the submission of an amended Bushfire Management Plan to be

consistent with the proposed site layout as indicated on the amended plans submitted 8 December 2021. A suitable condition has been included should the application be supported.

## **Particular Provisions**

### **Clause 52.06 - Car Parking**

Pursuant to Table 1 within clause 52.06-5, 10% of the site area (100sqm) should be provided as car parking. No car parking is proposed onsite. Pursuant to 52.06-3 there is a permit trigger for the proposed car parking waiver. The application has been assessed against the relevant considerations at clause 52.06-7. A detailed assessment of the proposal against the provisions of Clause 52.06 is contained on the planning file – reference no. P.2021.144. The application is considered to meet the relevant requirements of this clause, subject to conditions if approved.

### **Clause 53.02 – Bushfire Planning**

The application was referred to the Country Fire Association (CFA) for comment. Consent was provided. The application is considered to meet the relevant requirements of this clause, subject to conditions.

### **Clause 53.18 – Stormwater Management in Urban Development**

The application was referred to the North East Catchment Management Authority (NECMA) and Council's Engineering Department for comment. Conditional consent was provided by both. The application is considered to meet the relevant requirements of this clause, subject to conditions.

## **General Provisions**

Clause 65.01 of the Alpine Planning Scheme provides the general decision guidelines that must be considered before deciding on an application. A detailed assessment of the proposal against the provisions of Clauses 65.01 is contained on the planning file – reference no. P.2021.144. The proposal is generally in accordance with the decision guidelines.

## **CONCLUSION**

The application is considered to be consistent with the Alpine Planning Scheme and should be approved for the following summarised reasons:

1. The proposal generally meets the relevant provisions of the:
  - a. State and Local Planning Policy Framework;
  - b. Township Zone;
  - c. Particular provisions including 52.06 Car Parking, 53.02 Bushfire Planning, 53.18 Stormwater Management in Urban Development.
  - d. Decision Guidelines at Clause 65.01.

2. The proposal provides an appropriate design and respects the existing and desired neighbourhood character.

### **DECLARATION OF CONFLICT OF INTEREST**

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Corporate Performance
- Manager Planning and Amenity
- Planning Coordinator
- Planning Officer

### **APPENDICIES**

- 8.3.6.a Conditions
- 8.3.6.b Policy and decision guidelines

### **Appendix 8.3.6.a. Conditions**

#### **Amended Plans Required - Development**

1. Before the development start(s), amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a. A minimum street setback of 8 metres.
  - b. Maximum building height of 2.98 metres (or lessor) above natural ground level.
  - c. An altered Bushfire Management Plan which is consistent with the Mountain Planning Plan, Site Plain, Rev: A, Date 7 December 2021.
  - d. An amended Bushfire Management Plan in accordance with the requirements of the conditions of this permit.
  - e. The floor level of the storage units being elevated a minimum of 500 mm above surrounding natural surface levels.
  - f. That a 10-metre-long vehicle is able to enter and exit the site in a forward gear in accordance with the relevant Australian Standards. Swept path diagrams must be shown on the plans.
  - g. Landscaping with native evergreen hedges, bushes and/or trees within the Station Street setback area to soften the presence of the use and building and works authorised by this permit from both surrounding properties, roadways and the broader public realm. All species selected must be to the satisfaction of the responsible authority. Details of the landscaping must include:
    - i. A minimum of four (4) native indigenous canopy trees (minimum two metres tall when planted) within the street setback area;
    - ii. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
    - iii. The means of watering/irrigation proposed to be used;
    - iv. Details of weed and invasive plant species management;
    - v. Landscaping consistent with the vegetation management requirements of clause 53.02 Bushfire Planning within the Alpine Planning Scheme.

#### **Endorsed Plans**

2. The layout of the site and the size of the proposed buildings and works must be generally in accordance with the endorsed plan/s which form part of this permit. The endorsed plan/s must not be altered or modified (whether or not to comply with any statute statutory rule or local law or for any other reason) without the prior written consent of the responsible authority.

#### **External Materials and Colours**

3. The external materials of the building(s) including the roof must be constructed in materials of muted colours, to the satisfaction of the responsible authority. No

materials having a highly reflective surface shall be used. For the purposes of this condition 'highly reflective' includes but is not limited to unpainted zincalume.

### **Landscaping Works**

4. Before the commencement of the store use or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be completed to the satisfaction of the responsible authority.
5. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

### **Construction Site Storage Area**

6. An area for the storage of construction materials must be designated prior to the arrival of equipment and materials onsite. At the completion of construction all excess materials must be removed from the site to the satisfaction of the responsible authority.

### **Amenity**

7. The amenity of the area must not be detrimentally affected by the use or development, through the:
  - a. The transport of materials or goods to or from the land
  - b. The appearance of any stored materials or goods
  - c. Traffic generated by the use
  - d. Emissions from the land
  - e. to the satisfaction of the responsible authority.

### **Maintenance**

8. All buildings and works authorised by this permit must be maintained in good order and appearance to the satisfaction of the responsible authority.

### **Mandatory Bushfire Conditions**

9. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

### **Disturbed Surfaces**

10. All disturbed surfaces on the land resulting from the development must be stabilised to the satisfaction of the responsible authority.

### **Construction of Car Parking**

11. Before the commencement of the store use authorised by this permit starts, the access lanes, driveways and associated works and landscaping as shown on the endorsed plans must be:
  - a. constructed and available for use in accordance with the plans approved by the responsible authority;
  - b. formed to such levels and drained so that they can be used in accordance with the plans;
  - c. treated with an all-weather seal or some other durable surface;
  - d. all to the satisfaction of the responsible authority.

### **Vehicle Manoeuvring**

12. All driveways must be designed to allow all vehicles to drive forwards both when entering and leaving the property.
13. A corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, is required to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.
14. The accessways associated with the store must be well lit and clearly signed, to the satisfaction of the responsible authority.
15. Areas set aside for the movement of vehicles as shown on the endorsed plans must be made available for such use and must not be used for any other purpose.
16. Before the commencement of the store use authorised by this permit starts, a sign must be displayed at the vehicle entrance to the site, stating that the maximum vehicle length that can enter the site is 10 metres, to the satisfaction of the responsible authority.

### **Noise**

17. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2 and EPA Guideline Noise from Industry in Rural Victoria.
18. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.

19. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.

### **Un/loading of Goods**

20. The un/loading of goods must only be carried out onsite, to the satisfaction of the responsible authority.

### **Goods Storage**

21. All goods, refuse and packaging material associated with the development must be stored within the premises at all times unless the Responsible Authority has approved, in writing, alternative arrangements.

### **Use**

22. The site must not be used for any purpose listed in clause 53.10 Uses and Activities with Potential Adverse Impacts (as amended) within the Alpine Planning Scheme, without the prior written consent of the responsible authority.

### **Operating hours**

23. The use may operate only between the hours of 7am to 7pm Monday to Friday and 8am to 5pm Saturday and Sunday, unless the prior written consent of the responsible authority is obtained.

### **Illumination**

24. All external lighting provided on the site must be suitably baffled so that no direct light is emitted beyond the boundaries of the site and no nuisance is caused to adjoining properties, to the satisfaction of the responsible authority.

### **Street Trees**

25. The existing street tree(s) must not be removed or damaged without the prior written consent of the responsible authority.
26. Before the development (including demolition) starts, a tree protection zone fence must be erected around the existing street tree(s), to define a tree protection zone. The fence must be constructed of (star pickets and chain mesh or similar) to the satisfaction of the responsible authority. The tree protection fence must remain in place until construction is completed. The tree protection zone fencing is to be installed in accordance with Australian Standard AS 4970.
27. No vehicular or pedestrian access, trenching or soil excavation is to occur within the tree protection zone without the written consent of the responsible authority. No storage or dumping of tools, equipment or waste is to occur within the tree protection zone.



28. Any pruning that is required to be done to the canopy and/or root system of the street tree is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996.

#### **Defect identification - Council Assets**

29. Prior to commencement of the buildings and works authorised by this permit, the owner or developer must submit to the responsible authority a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb and channel, seal, streetlights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to Alpine Shire Council's assets/public infrastructure caused as a result of the development permitted by this permit.

#### **North East Catchment Management Authority Conditions -**

30. The finished floor level of the self-storage units must be constructed no less than 500 mm above the surrounding finished surface level.
31. The development shall make appropriate provision for drainage within and around the site to avoid impacting adjacent properties through the diversion of floodwater emanating from the adjacent drainage line and/or the drainage of stormwater runoff directly from the development

#### **Council's Engineering Department Conditions –**

32. Prior to commencement of construction, detailed construction plans must be submitted to and approved by the Alpine Shire Council. Construction detail shall be generally in accordance with Council's Infrastructure Design Manual ([www.designmanual.com.au](http://www.designmanual.com.au)). When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions, and shall include proposed construction detail, further information or modifications to:
- a. Sealed or concrete Driveway Pavement with drainage
  - b. Underground drainage system
  - c. Vehicular crossings
  - d. Swept path analysis for a 10m single unit truck

#### **Urban Drainage Works**

33. Prior to commencement of use, all stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge by underground pipe to the satisfaction of the Alpine Shire Council. No effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system. The legal point of discharge for this site is the grated pit on the lot. All roof water from buildings and surface water from paved areas must be collected and discharged to the legal point of discharge (LPOD) to avoid any nuisance discharge to adjacent land, to the satisfaction of the responsible authority.

**Urban Vehicle Crossing Requirements**

34. Prior to commencement of use, vehicular crossings shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the Alpine Shire Council, and shall comply with the following:
- a. standard vehicular crossings shall be constructed at right angles to the road to suit the proposed driveways, and any existing redundant crossing shall be removed and replaced with concrete kerb and channel to match into the surrounding profile. The vehicle crossing must be constructed of plain grey concrete.
  - b. Any proposed vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense;
  - c. crossings shall be constructed of concrete and be generally in accordance with IDM drawing SD240.

**Vehicle Turning**

35. The driveway must be designed to allow vehicles to drive forwards when entering and leaving the property. A turning template is to be submitted for approval drawing which clearly indicates a 10m single unit truck is capable of achieving the required movements.

**No Mud on Roads**

36. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads and footpaths from the subject land, to the satisfaction of the Alpine Shire Council.

**Ausnet Conditions –**

37. The applicant must enter into an agreement with AusNet Electricity Services Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to the lot. A payment to cover the cost of such work will be required.

**Country Fire Authority Conditions -****Bushfire Management Plan**

38. Before the development starts, an amended Bushfire Management Plan (BMP) which is generally in accordance with BMP prepared by Mountain Planning, drawing ref: 35 Station St, Porepunkah SC, Rev 0 dated 10 August 2021 must be submitted to and endorsed by the Responsible Authority. The plan must show the following bushfire protection measures, unless otherwise agreed in writing by the CFA and the Responsible Authority:

- Defendable Space
39. Show an area of defendable space to the property boundary where vegetation

(and other flammable materials) will be modified and managed in accordance with the following requirements:

- a. Grass must be short cropped and maintained during the declared fire danger period.
- b. All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- c. Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- d. Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
- e. Shrubs must not be located under the canopy of trees.
- f. Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
- g. Trees must not overhang or touch any elements of the building.
- h. The canopy of trees must be separated by at least 5 metres.
- i. There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

- Construction Standard

40. Nominate a minimum Bushfire Attack Level of BAL – 12.5 that the buildings will be designed and constructed.

- Water Supply

41. Show 10,000 litres of effective water supply for firefighting purposes which meets the following requirements:

- a. Be stored in an above ground water tank constructed of concrete or metal.
- b. Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
- c. Include a separate outlet for occupant use.
- d. Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.
- e. Be located within 60 metres of the outer edge of the approved building.
- f. The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.
- g. Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling (64 millimetre CFA 3 thread per inch male fitting).
- h. Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling)

- Access

42. Show the access for firefighting purposes which meets the following requirements:

- a. All weather construction.
- b. A load limit of at least 15 tonnes.

- c. Provide a minimum trafficable width of 3.5 metres
- d. Be clear of encroachments for at least 0.5 metre on each side and at least 4 metres vertically.
- e. Curves must have a minimum inner radius of 10m.
- f. The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.
- g. Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

### **Expiry**

43. This permit will expire if one of the following circumstances applies:
- a. the development is not started within two (2) years of the date of this permit.
  - b. the development is not completed within four (4) years of the date of this permit.
  - c. the use is not started within four (4) years of the date of this permit.
44. The responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six (6) months afterwards.

### **- End of Conditions -**

### **Planning Notes**

1. This permit does not authorise approval under the Building Act. It is the responsibility of the applicant to determine if a building permit is required for the proposed buildings and works.
2. A road opening/crossing permit must be obtained from the responsible authority prior to working in or occupying the road reserve with construction equipment or materials. Applications may be accessed from the Alpine Shire Council website.
3. Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.
4. The facilities approved by this permit shall be constructed and maintained to accord with all relevant legislation (Federal or State), Australian Standards, or any other design requirements relating to access or other issues affecting people with disabilities to the satisfaction to the responsible authority.
5. The Environment Protection Act 1970 covers air pollution, including odour. Section 41 says that businesses must not pollute the air to make it unsafe or offensive to others. For further information it is recommended that you contact Alpine Shire Environmental Health Department and the Environmental Protection Authority.
6. Australian Standard AS 4282-1977 Control of the obtrusive effects of outdoor lighting, includes controls around outdoor lighting.

7. It is recommended that, at an early date the applicant commences negotiations with AusNet Services for a supply of electricity in order that supply arrangements can be worked out in detail. Arrangements for the supply will be subject to obtaining the agreement of other Authorities and any landowners affected by routes of the electric power lines required to supply the lots and for any tree clearing. For all enquiries please email: [subdivisions@ausnetservices.com.au](mailto:subdivisions@ausnetservices.com.au)
  
8. CFA does not accept the proposed variation to the water supply requirements of four 2,500lt water tanks as these would not be effective from an operational perspective and hence has requested an amended BMP. The preferred position is one 10,000lt tank or a variation of two 5,000lt tanks interconnected with 75mm copper pipe.

### **Appendix 8.3.6.b POLICY AND DECISION GUIDELINES**

All of the below mentioned relevant planning considerations from the Alpine Planning Scheme may be viewed at the following link: <https://planning-schemes.delwp.vic.gov.au/schemes/alpine>.

#### **State Planning Policy Framework**

The State Planning Policy Framework (SPPF) provides relevant direction to the proposal at the following clauses:

- 11.03-6S Regional and local places
- 13.01-1S Natural hazards and climate change
- 13.02-1S Bushfire planning
- 13.03-1S Floodplain management
- 13.07-1S Land use compatibility
- 14.02-1S Catchment planning and management
- 15.01-2S Building design
- 15.01-5S Neighbourhood character
- 17.01-1S Diversified economy
- 17.02-1S Business
- 18.02-4S Car parking

#### **Local Planning Policy Framework**

The Local Planning Policy Framework (LPPF) provides relevant direction to the proposal at the following clauses:

- 21.03-1 Townships and villages
- 21.03-4 Built form and heritage
- 21.04-4 Environmental risk
- 21.04-6 Catchments and waterways
- 21.05-2 Commercial and industrial
- 21.06-1 Infrastructure
- 21.07-5 Porepunkah
- 22.04-4 Urban stormwater management

#### **Zone**

The land is zoned Township Zone.

## **Overlays**

The land is covered by the Bushfire Management Overlay - Schedule 1.

## **Particular Provisions**

52.06 Car Parking

53.02 Bushfire Planning

53.18 Stormwater Management in Urban Development

## **General Provisions**

Clauses 65.01 within the Alpine Planning Scheme provides the general decision guidelines.

## 9. Informal meetings of Councillors

### Introduction

In accordance with Chapter 8, section A1 of Council's Governance Rules, if there is a meeting of Councillors that:

- is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- is attended by at least one member of Council staff; and
- is not a Council meeting, Delegated Committee meeting, or Community Asset Committee meeting;

the Chief Executive Officer must ensure that a summary of the matters discussed at the meeting are tabled at the next convenient Council meeting, and are recorded in the minutes of that Council meeting.

### RECOMMENDATION

*That the summary of informal meetings of Councillors for December 2021 and January 2022 be received.*

### Background

The written records of the informal meetings of Councillors held during the previous month are summarised below. Detailed records can be found in Attachment 9.0 to this report.

Date	Meeting
7 December	Briefing Session
14 December	Australia Day Assessment Panel
14 December	Briefing Session
16 December	Planning Forum
13 January	Planning forum

### Attachment(s)

- 9.0 Informal meetings of Councillors – December 2021 and January 2022



## 10. Presentation of reports by delegates

## 11. General business

## 12. Motions for which notice has previously been given

## 13. Reception and reading of petitions

### RECOMMENDATION

*That Council notes and receives the petition from Upper Kiewa Valley Community Association proposing that the Mount Beauty Central Business District speed limit be reduced to 30/40km per hour.*

*A report will be tabled at the next Ordinary Council meeting in March 2022.*

## 14. Documents for sealing

### RECOMMENDATION

*That the following documents be signed and sealed.*

- 1. Section 173 Agreement – Michael and Antoinette Quirk. Lots 2 on Plan of Subdivision 831583M Volume 12305 Folio 906. Conditions 7, 27 and 40 of Planning Permit 2019.55.2 for an 8 Lot Staged Subdivision at 94-102 Station Street, Porepunkah.*

*The Agreement applies to the finished floor level of any new habitable building; bushfire protection measures as set out in the Bushfire Management Plan to be implemented; and the drainage to be constructed in accordance with the Drainage Discharge Plans.*

*This Section 173 Agreement supersedes Agreement executed in August 2021 (which will not be registered).*

- 2. Lease of Lot 1 on PS 612929 being part of the land in Certificate of title Volume 10529 Folio 040 and 041 to Luc Palisse.*

There being no further business the Chairperson declared the meeting closed at \_\_\_\_\_p.m.

.....

Chairperson