

M(10) – 4 OCTOBER 2022

Ordinary Council Meeting

Agenda

Notice is hereby given that the next **Ordinary Meeting** of the **Alpine Shire Council** will be held in the Council Chambers, Great Alpine Road, Bright on **4 October 2022** commencing at **5:00pm**.

Agenda

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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.

Video is focused on a specific area however audio from the entire room is captured.

In common with all narrative during Council meetings, verbal responses to congratulations, obituaries and question time will not be recorded in the written minutes. By submitting a question, you consent to your question being read aloud at the meeting.

The reasoning behind recording council meetings is 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

All to stand, and the Mayor will read the following statement:

The Alpine Shire Council acknowledges the Taungurung Traditional Owners and their ancestors as the Traditional Owners of the land we are now on. We pay our respects to their 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(9) – 6 SEPTEMBER 2022

RECOMMENDATION

That the minutes of Ordinary Council Meeting M(9) held on 6 September 2022 as circulated be confirmed.

4. Apologies

5. Obituaries / congratulations

Refer to Alpine Shire Council's website 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 can be written or from the floor.

Refer to Alpine Shire Council's website www.alpineshire.vic.gov.au; for its YouTube live-streaming recording for responses to questions.

8. Mayors Report

8.1.1 Annual Report 2021/22

INTRODUCTION

The purpose of this report is to present Council's 2021/22 Annual Report.

The Annual Report contains a report of operations, which gives an overview of Council's performance against the first year of the Council Plan 2021-2025, and a financial report, which contains the audited financial statements and performance statement.

The financial statements and performance statement have been approved "in principle" in accordance with S99 of the *Local Government Act 2020* (the Act) at the Ordinary Council Meeting held on 6 September 2022.

Council is currently awaiting Audit clearance on the statements from the Victorian Auditor General Office (VAGO) and two pages contained within attachment 8.1.1 have been left intentionally blank.

Council will ensure that the performance statement and financial statements, in their final form after any changes recommended by VAGO have been made, are certified in accordance with the regulations. The Mayor and Cr Kelley are the nominated representatives to certify the accounts in accordance with the Act.

This is the first year that the *Local Government Act 2020* requires the Annual Report to be presented by the Mayor.

RECOMMENDATIONS

That Council:

- 1. In accordance with section 100 of the Local Government Act 2020, Council receives and notes the 2021/22 Annual Report as presented.*
- 2. Delegates to the Chief Executive Officer the authority to correct any errors including typographical in the operations report that do not materially alter the underlying message of the report.*

BACKGROUND

Section 98 of the *Local Government Act 2020* requires Council to prepare an Annual Report for each financial year that contains a report on the operations of the Council, an audited performance statement and audited financial statements.

Council approved the in-principle Financial and Performance Statements at the Ordinary Council Meeting held on 6 September 2022. These statements have been audited, endorsed by Council's Audit and Risk Committee, certified by two Councillors authorised by Council, and contain the opinion certificates (auditor's reports) from the Victorian Auditor General.

Section 100 of the *Local Government Act 2020* (LGA 2020) contains a new requirement stating that the Mayor must report on the implementation of the Council Plan by presenting the Annual Report at a Council Meeting open to the public within four months of the end of financial year.

The Annual Report contains all information required by the *Local Government Act 2020*, and *Local Government (Planning and Reporting) Regulations 2020*.

ISSUES

Report of Operations

This section of the Annual Report provides an overview of progress in delivering the Strategies contained in the Council Plan 2021-2025 and the Major Initiatives in the Budget 2021/22. A summary of key achievements during 2021/22 include:

1. For those who live and visit

- More than \$74,000 in Community Grants was awarded to the community in August 2021, enabling community projects valued at \$210,000 to progress.
- Adoption of the Access and Inclusion Plan 2021-2025 and development of a Youth Strategy.
- Commencement of work on Council's Reflect Reconciliation Action Plan, including release of a draft for input from First Nations People of the Alpine Shire.

2. For a thriving economy

- In addition we awarded more than \$74,000 in Event funding to the community in August 2021, in addition to \$124,000 support that was not utilised the previous financial year due to COVID-19.
- Adoption of Council's Events Strategy, with event funding and permits framework due to take effect from 1 July 2022. A total of 76 event permits were issued for 2021/22, noting that there were a significant number of other events that did not progress due to COVID-19.
- Visitation statistics for 2021 showed an increase on 2019 visitation, noting that 2020 data was not available. This is despite Melbourne being in COVID-19 lockdown for nearly one third of the calendar year.

3. For the bold protection of our future

- Council's Climate Action Plan was adopted in September 2021. Initiatives include planning for Council's electric vehicle fleet, design for solar battery installation at five Council buildings, and plans for replacement of the Shire's streetlights with LEDs.
- Adoption of the Domestic Animal Management Plan 2021-2025. Investigate the introduction of a cat curfew, staff skills upgrades, follow up of unregistered animals, property inspections for dangerous dogs, and an audit of domestic animal businesses.

- Implementation of Council's Event Waste Management Plan for large events within the Alpine Shire, including use of mobile water stations and waste wise event signage and bins.
- Approval of the Municipal Emergency Management Plan.

4. For the enjoyment and opportunities of our lifestyle

- A policy-neutral translation of the Alpine Planning Policy Framework was approved by the Minister for Planning, the first step towards an Alpine Planning Scheme Review.
- Completion of the Great Valley Trail, providing a further 16 km of shared trail connecting Harrietteville and Bright.
- Adoption of the Alpine Sport and Active Recreation Plan, and the Asset Plan, providing direction for future management of Council facilities.
- Major works at the Mount Beauty Airport were progressed, with the runway partially reopening for users in 2021/22. Final drainage and sealing works will be completed in 2022/23.

5. For strong and informed leadership

- Adoption of all documentation required by the Local Government Act 2020 during 2021/22, including the Community Vision, Council Plan, Asset Plan, Workforce Plan, and Financial Plan.

Challenges in 2021/22

COVID-19 continued to impact across the Alpine Shire, affecting the community's ability to hold events and operate businesses. Impact on Council operations included challenges in delivering capital works through to staff and contractor shortages. Council continued to provide services to the community while dealing with restrictions and staff shortages during peak transmission periods.

Governance Report

This section of the Annual Report contains required statutory information.

Financial Statements

The Financial Statements show Council's financial performance, financial position, and cash flows against the previous year.

In summary, Council ended the 2021/22 year with an operating surplus of \$10.08m, which was \$3.47m higher than the \$6.61m surplus projected in the 2021/22 Annual Budget (the Budget).

The higher result was primarily due to Federal Assistance Grants for 2022/23 received in advance in the 2021/22 financial year, and lower than expected employee costs by \$0.6m due to the impact of vacant positions throughout the year. These positive variances were offset by a significant increase in Landfill Rehabilitation expense booked in 2021/22, resulting from an increase in forecast costs for future years.

The total comprehensive result for the 2021/22 Financial year is \$32.92m and includes an asset revaluation increment of \$22.84m comprised of predominantly infrastructure assets and in particular bridges.

1. Income

Altogether Council received \$41.14m in income which was \$4.07m favourable to the Budget projection of \$37.06m. Key variances to budget were as follows:

Grants - operating

Council received total operating grant income of \$8.75m which was \$3.81m favourable to budget, primarily due to the receipt of higher-than-anticipated Federal Assistance Grants distributed by the Victorian Grants Commission.

Grants - capital

Council received total capital grant income of \$8.53m which was \$0.38m less than anticipated.

2. Expenses

Overall expenses were \$31.06m which was \$0.603m higher than Budget. Key variances to budget were as follows:

Materials and services costs of \$14.24m vs budget of \$13.97m.

In addition, as previously referred to, the Landfill Rehabilitation expense was significantly higher than budget because of additional provisions and an increase in the discount factor used in provision calculations.

Depreciation was \$5.41m which was \$0.31m unfavourable to Budget and partly reflects the revaluation of Bridges and Buildings assets.

Employee costs, which were \$9.96m vs budget of \$10.56m, primarily due to the impact of vacant positions throughout the year.

Performance Statement

The Performance Statement provides an overview of Council progress against key performance indicators. The Local Government Performance Reporting Framework (LGPRF) provides the basis for these indicators to enable a uniform Performance Statement across all Victorian councils.

Several service performance indicators continued to be impacted by COVID-19, including:

- An early opening of aquatic facilities during 2021/22 saw a recovery in visitor numbers following a low the previous year.
- Active library members in the Alpine Shire increased in 2021/22, but the three-year average reduced as the closures of previous years continue to impact performance. Council expects active library members to return to pre-COVID-19 levels in due course.

- Staff shortages as a result of illness from COVID-19 or related complications have been felt throughout the organisation, particularly after restrictions lifted, which impacted on some service delivery outputs.

Generally, the financial indicators show that Council is financially sustainable and that services are being delivered within expected parameters.

POLICY IMPLICATIONS

The Annual Report must be presented to a Council meeting open to the public within four months of the end of financial year.

The Financial Statements and Performance Statement have been prepared and audited in accordance with the *Local Government Act 2020*.

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

The Annual Report containing audited Financial Statements and Performance Statement for the year ended 30 June 2022 shows that Council is financially sustainable and that Council services are being delivered within expected parameters.

CONSULTATION

The Audit and Risk Committee Charter states that the Committee is required to review the Annual Financial Report and consider whether it is complete, consistent with information known to Audit Committee members and reflects appropriate accounting principles.

The Audit and Risk Committee was presented with the in-principle Financial Statements and Performance Statement and received a briefing from Council's auditors following their review of these documents.

CONCLUSION

Council ended the 2021/22 year with an operating surplus of \$10.08 million, which is greater than that predicted in the 2021/22 Annual Budget. The higher operating surplus result is largely attributed to Federal Assistance Grants for 2022/23 received in advance in the 2021/22 financial year and lower than expected employee costs due to the impact of vacant positions throughout the year. This is partly offset with a significant increase in Landfill Rehabilitation expense.

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 Corporate
- Accountant
- Governance Officer

ATTACHMENT(S)

8.1.1 Alpine Shire Council Annual Report 2021/22

9. Presentation of reports by officers

9.1 CHIEF EXECUTIVE OFFICER – WILL JEREMY

9.1.1 Contracts approved by the CEO

RECOMMENDATIONS

That the Contracts approved by the CEO be noted.

Contract No:	<i>CQ21142</i>	Process:	<i>RFQ</i>
Title:	<i>Myrtleford Memorial Hall - Electrical Work</i>		
Tenderer:	<i>Alpex Electrical</i>		
\$ (excl. GST):	<i>\$45,000</i>		

Contract No:	<i>CQ22223</i>	Process:	<i>RFQ</i>
Title:	<i>Myrtleford Memorial Hall - Building Works</i>		
Tenderer:	<i>Van Heek Constructions</i>		
\$ (excl. GST):	<i>\$135,000</i>		

9.2 DIRECTOR ASSETS – ALAN REES

9.2.1 Alpine Better Places Harrietville - Consultation

INTRODUCTION

The purpose of this report is to update Council on the results of the community survey and project delivery timelines for this project.

RECOMMENDATIONS

That Council:

- 1. Notes the community engagement undertaken on the project to date;*
- 2. Notes the methodology and results of the community survey;*
- 3. Acknowledges the community's feedback for incorporation into the detailed design; and*
- 4. Proceeds with the development of the detailed design and subsequent construction of the Tronoh Dredgehole Precinct in accordance with the terms of the funding agreement adopted at the June 2022 Ordinary Council Meeting.*

BACKGROUND

The Alpine Better Places Harrietville Concept Design project commenced in March 2020.

The key items in the design brief included:

- Improved streetscapes, including wayfinding signage, paths, tracks or trails to better connect the town's assets and facilities, integrated landscape treatments and improved parking options.
- Improved open space reserves, including upgraded and/or additional facilities and amenities.

The Draft Concept Design Plans for Harrietville were developed to focus on the following three key areas identified and prioritised by the community in the phase one consultation:

- a. Tronoh Dredge Carpark,
- b. Tavare and Pioneer Park, and
- c. Harrietville Community Hall.

In December 2021, following three rounds of community engagement and a 28-day public exhibition period, the Final Draft Concept Design Plans for Harrietville were adopted by Council.

In February 2022 Council secured funding from the Black Summer Bushfire Recovery Fund to undertake the detailed design and construction of the Tronoh Dredgehole Carpark.

In response to a petition received and acknowledged by Council at the ordinary Council meeting in June 2022, a community survey was undertaken throughout June to August

2022. The purpose of the survey was to establish the level of community support for the project and obtain community feedback that will inform the detailed design of all three precincts of the project (being Tronoh Dredgehole, Pioneer and Tavare Parks and the Community Hall).

The community was invited to provide feedback on the following elements of the design:

- lighting
- amenities
- day shelter
- overall designs

Survey Methodology

The survey methodology and statistical analysis utilised 2021 ABS census data for Harrietville with each resident having one vote. The survey was open for six weeks and no response was considered broad support for the concept designs. Twenty percent of the community participated in the survey with 101 unique submissions received from business owners, residents, non-resident ratepayers and tenants of long-term rental properties.

Communication Program

The following communication program was undertaken to ensure the survey reached as many ratepayers and residents of Harrietville as possible:

- Plans made available online
- Hard copies placed in Harrietville Post Office, Harrietville Community Hall, Bright Library and Bright Offices
- Website content updated (major project page)
- Four Facebook posts
- Radio and newspaper coverage
- Media release
- Variable Message Sign (VMS) board in Pioneer Park
- Mailout to each household, ratepayer, resident

The survey results are as follows:

Topic	Supportive (of 101 survey responses)	Non-supportive (of 101 survey responses)	Supportive % (of 101 survey responses)	Silent (Assumed Support)	Supportive + Silent %
Lighting	62	39	61%	387	92%
Amenities	56	45	55%	387	91%
Day Shelter	79	22	78%	387	95%

Topic	Supportive (of 101 survey responses)	Non- supportive (of 101 survey responses)	Supportive % (of 101 survey responses)	Silent (Assumed Support)	Supportive + Silent %
Overall Design	77	24	76%	387	95%

2021 ABS Census Population = 488

ISSUES

A number of suggestions were made by the community, and these will be incorporated into the detailed design.

Key Issues:

Item	Feedback for Detailed Design	Detailed Design Response
Lighting	<ul style="list-style-type: none"> Concern about light pollution 	<ul style="list-style-type: none"> Install "subdued" lighting and timers
Amenities	<ul style="list-style-type: none"> Consider size, location, orientation, screening & deter campers 	<ul style="list-style-type: none"> Position, screen & size for day use Layout & traffic design to deter camping
Day shelter, picnic tables & meeting area	<ul style="list-style-type: none"> Needed, but sized appropriately 	<ul style="list-style-type: none"> Position & sized appropriately
Overall design	<ul style="list-style-type: none"> Comfortable & functional, natural & historic look & feel Fit for purpose walking trail head facilities Deter overnight campers 	<ul style="list-style-type: none"> Style to be consistent with existing and future plans for Harrietville Bins, cleaning services, landscaping treatments, & pleasant and safe trail Designs to deter campers and caravans (traffic management)

The funding agreement for delivery of this project requires Council to meet specific project milestones. Failure to achieve these milestones places the project and funding for the project at risk.

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 Black Summer Bushfire Recovery Grant Funding Program for the detailed design and construction of the Alpine Better Places Harrietville Tronoh Dredgehole Carpark.

The project is fully funded with no financial co-contribution required from Council.

CONSULTATION

Extensive community consultation has occurred throughout the development of the final concept plans, involving ratepayers, residents, community organisations, business operators and internal stakeholders.

Community Engagement Process:

Date	Engagement Process
March 2020	Alpine Better Places Concept Design project commences
July 2020	Consultation #1: community invited to comment on preliminary plans
February 2021	Consultation #2: community invited to comment on draft designs and priority list
July 2021	Consultation #3: community invited to comment on the third revision of the plans
October - November 2021	Consultation #4: Public Exhibition: community invited to view and provide feedback on final draft concept design plans
December 2021	Council adopted final concept design plans and starts seeking funding
February 2022	Council secured funding from Black Summer Bushfire Recovery Grant Fund
June - August 2022	Consultation #5: community invited to provide feedback on the following items for the Tronoh Dredgehole Precinct: lighting, amenities, day shelter, overall design to inform the detailed design

CONCLUSION

Council has consulted extensively with the community on the development of the Alpine Better Places Harrietville Concept Design Plans. Community support has been

demonstrated for the Final Concept Design and the specific suggestions will be addressed through the detailed design.

It is recommended that Council approves the project to proceed with detailed design and construction.

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
- Project Officer

ATTACHMENT(S)

9.2.1 Alpine Better Places Harrietville Final Concept Plan - November 2021

9.2.2 Mount Beauty Airport Update

INTRODUCTION

The purpose of this report is to update Council on the Mount Beauty Airport.

RECOMMENDATIONS

That Council:

1. *Notes the life-cycle analysis and improved value for the community of an asphalt surface treatment;*
2. *Approves the project to proceed with an asphalt surface; and*
3. *Notes the review of the airport's operating model and the management association and its partnership with Council.*

BACKGROUND

Construction

The unsealed runway surface is performing well despite the wet winter. A 25mm asphalt surface treatment can be delivered within the approved project budget.

An asphalt surface treatment is recommended as it results in a lower renewal cost to Council and provides a better user experience for airport users. Asphalt also has a 20% lower CO2 impact over the 25 year lifecycle, which aligns with the objectives of Council's Climate Action Plan.

Airport Association Review

On 25 June 2022 the Mount Beauty Airport Management Association (MBAMA) was granted permission to use and occupy the airport subject to restricted conditions. As such a Memorandum of Understanding (MOU) was put in place stipulating the roles and responsibilities of the Association and Council during this period. Additionally, Council has proposed that a service agreement and licence be developed to replace the existing MOU once the Airport is completed and fully functional.

During the airport upgrade, Council in collaboration with the MBAMA has identified the opportunity to complete a full review of the Association, the airport operating model and the partnership between the Association and Council.

Engagement with members of the association, user groups and the broader community will occur to determine the most effective model for the operation of the airport.

ISSUES

Council is not aware of any issues associated with this report.

POLICY IMPLICATIONS

The recommendations are 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 asphalt surface treatment can be delivered within the budget approved by Council and will result in a lower overall lifecycle cost for Council and the best value for the community.

CONSULTATION

The Committee of the airport management association has been consulted and is supportive of the asphalt surface treatment and the review of its operating model.

CONCLUSION

Following the lifecycle analysis and the strategic alignment with Council's Climate Action Plan, it is recommended that Council approves the project to proceed with an asphalt surface treatment.

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
- Director Corporate Performance
- Manager Facilities
- Manager Asset Development

ATTACHMENT(S)

Nil

9.2.3 Porepunkah Landfill Rehabilitation Cap Construction Stage 2

File Number: CT22039

INTRODUCTION

This report relates to the award of a contract for the Porepunkah Landfill Rehabilitation Cap Construction Stage 2.

RECOMMENDATION

That Council awards Contract No. 22039 "Porepunkah Landfill Rehabilitation Cap Construction Stage 2" to Extons Pty Ltd for the lump sum price of \$1,282,272 (GST Exclusive).

BACKGROUND

Consultants were engaged in October 2020 to make amendments to the Stage 2 and 3 landfill cap designs to address Environment Protection Agency (EPA) requirements. This included the replacement of the existing compacted clay layer in the cap profile with a geosynthetic clay liner (GCL) to meet the requirements of Best Practice Environmental Management (BPEM) guidelines.

EPA approved the revised cap design in June 2022.

Completion of the Stage 2 landfill cap construction works will represent a significant compliance milestone with the EPA.

These works will establish a sequenced methodology for the completion of the third and final stage of landfill capping works required at the site.

The Tender was advertised in the Herald Sun on the 8 June 2022, on tenders.net and Alpine Shire Council website.

The Tender documents were downloaded by 28 prospective tenderers with four conforming tenders being submitted to council.

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 Sustainability

Following the initial assessment, three tenderers were shortlisted for further evaluation.

The assessment of the shortlisted tenders determined that the tender from Extons Pty Ltd best met the selection criteria.

ISSUES

The construction methodology proposed requires continuous access to the complete work area which is expected to impact on the current transfer station operations. This will likely result in periods of closure to the facility, with residents and business being impacted. Considerable planning and communication will occur between the Contractor, Manager Facilities and the Transfer Station operations team to mitigate any impacts. Extensive communication with the community will be undertaken to mitigate any inconvenience.

The delivery methodology incorporates an environmentally sustainable design initiative that involves recycling subgrade materials (3400 m³) won from the site for re-use as part of the delivery of these works. If the existing material is not suitable, it will be replaced in accordance with the contracted schedule of rates. The maximum variation cost to the contract if all the subgrade materials is obtained from an external source is \$127,400.

POLICY IMPLICATIONS

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

- 3.3 Responsible management of waste

FINANCIAL AND RESOURCE IMPLICATIONS

The total budget for this project is \$1,560,000 which is fully funded by Council via the Waste Reserve. There are no additional maintenance costs expected as a result of the recommendations of this report.

There is sufficient allocation within the project budget to deliver the works through the award of this contract.

CONSULTATION

All aspects of the project have been communicated via the Project Control Group (PCG).

The PCG includes representatives from:

- Environment Protection Authority (EPA)
- EPA appointed environmental auditor
- External consultant
- Department of Environment, Land, Water and Planning (DELWP)
- Relevant Council officers

CONCLUSION

Following a comprehensive assessment, the tender from Extons Pty Ltd is considered to represent the best value option for the project and 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
- Project Officer

ATTACHMENT(S)

Nil

9.2.4 Asphalt Overlay Program 2022-23

File Number: CT22054

INTRODUCTION

This report relates to the award of a contract for the Asphalt Overlay program for 2022-23.

RECOMMENDATION

That Council awards Contract No. 2205401 for "Asphalt Overlay 2022-23" to Rich River Asphalt for the lump sum price of \$155,469 (GST Exclusive).

BACKGROUND

The Asphalt Overlay 2022-23 program will be carried out in Myrtleford, Porepunkah and Bright.

Council undertakes asphalt overlay works each year by a process of overlaying existing sprayseal with asphalt to prolong the life of selected road segments.

These segments are typically court bowls, carparks and intersections.

The tender was advertised in the Border Mail on 10 March 2022, as well as Tenders.net and Council's website.

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

EVALUATION

The evaluation panel consisted of the Manager Asset Development and 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

Through this evaluation process it was determined that the tender from Rich River Asphalt best met the selection criteria.

ISSUES

Council is not aware of any current issues.

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 total budget for the Asphalt Overlay program is \$150,000. Due to increased market prices the scope has been adjusted to maximise value for the community. The recommended contract value exceeds the budget allocation by \$5,469.

CONSULTATION

Consultation has been undertaken with the Asset Maintenance department to finalise the scope. The contractor will inform impacted residents and businesses prior to works commencing.

CONCLUSION

Following a comprehensive assessment, the tender from Rich River Asphalt 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
- Project Officer

ATTACHMENT(S)

Nil

9.2.5 Resealing 2022-23

File Number: CT20055

INTRODUCTION

This report relates to the award of a contract for the Resealing Program for 2022-23.

RECOMMENDATION

That Council awards Contract No. 2205501 for "Resealing 2022-23" to GW & BR Cramer for the lump sum price of \$439,887 (GST exclusive).

BACKGROUND

The Resealing Program 2022-23 will be carried out in Wandiligong, Germantown, Buckland and Bright.

Council undertakes spray seal works each year on road segments identified through its routine condition inspection program.

The tender was advertised in the Border Mail on 3 July 2022 as well as Tenders.net and Council's website.

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

EVALUATION

The evaluation panel consisted of the Manager Asset Development and 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

Through this evaluation process it was determined that the tender from GW & BR Cramer best met the selection criteria.

ISSUES

Council is not aware of any issues.

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 total budget for the resealing program is \$500,000. The total contract value of \$439,887 is inclusive of spray sealing and line marking.

CONSULTATION

Consultation has been undertaken with the Asset Maintenance department to finalise the scope. The contractor will inform impacted residents and businesses prior to works commencing.

CONCLUSION

Following a comprehensive assessment, the tender from GW & BR Crameri 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
- Project Officer

ATTACHMENT(S)

Nil

9.2.6 Alpine Shire Youth Strategy

INTRODUCTION

This report relates to the adoption of the Alpine Shire Youth Strategy and the action that will follow.

RECOMMENDATIONS

That Council:

- 1. Adopts the Alpine Shire Youth Strategy;*
- 2. Develops an Implementation Plan to be finalised by 31 December 2022 addressing the priorities and initiatives identified in the Strategy; and*
- 3. Prioritises the projects and programs listed in the Implementation Plan, identifying resources and budget required to deliver each action.*

BACKGROUND

Young people are central to a vibrant and healthy community. When given opportunities, young people bring passion, energy, and creativity to the whole community.

This inaugural Alpine Shire Youth Strategy 2022-2024 (Youth Strategy) sets the direction for the next three years, guiding Alpine Shire Council and its Communities that Care Alpine (CTCA) partners' efforts to cultivate resilience, wellbeing and opportunities for young people and their families in the Alpine Shire region.

The Youth Strategy was developed in collaboration with CTCA partners and through extensive engagement with young people.

The Youth Strategy establishes a clear focus for Alpine Shire Council and its CTCA partners, identifying roles, priorities, and initiatives to create the greatest positive impact for young people in Alpine Shire.

ISSUES

Four submissions were received in response to the draft Youth Strategy being placed on exhibition.

- two submissions were supportive of the Strategy as it was presented;
- one submission suggested that public transport connectivity between rural and regional townships needs addressing. This item doesn't fit within the three priorities of the Strategy, however is identified as a Strategic Objective of the current Council Plan;
- the fourth submission from the Victorian Pride Lobby suggested that the Strategy needed strengthening to address the following matters:
 - Bullying
 - Confidence in confidentiality of services
 - Family conflict
 - Gender identity

- Equity and discrimination
- Body image

This feedback has been addressed under Priority 1 of the Strategy.

POLICY IMPLICATIONS

The recommendations are in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 1.3 A caring community

FINANCIAL AND RESOURCE IMPLICATIONS

The financial and resourcing implications that will result from the adoption of the Alpine Shire Youth Strategy will be driven by the agreed actions that arise from the strategy and are captured in the Implementation Plan. Actions arising from the Youth Strategy will be prioritised and will be funded through the normal Council budgeting processes.

CONSULTATION

201 young people aged 12-25 from Alpine Shire communities have been engaged throughout the development of the Strategy through:

- Online surveys
- Face to face engagement
- Online forums with young people
- Online forums with other stakeholders (schools and support agencies)

In addition, data has been drawn from:

- 2020 Mission Australia Youth Survey
- 2019 Communities That Care Alpine Youth Survey

The draft Youth Strategy was placed on exhibition for 28 days and feedback was sought through:

- Media release
- Council's Website
- Facebook posts
- Email to stakeholders
- Physical copies on display at Council Libraries and Offices.

CONCLUSION

The Alpine Shire Youth Strategy articulates key needs and priorities of youth of the Alpine Shire community and identifies clear initiatives to guide Council and its partners in the future delivery of programs for youth. It is recommended that Council adopts the Alpine Shire Youth Strategy.

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
- Acting Manager Community Development

ATTACHMENT(S)

9.2.6 Alpine Shire Youth Strategy

9.2.7 Bushfire Recovery Grant Funding

INTRODUCTION

This report relates to the reallocation of existing and the allocation of new bushfire recovery funding.

RECOMMENDATIONS

That Council:

1. *Notes the reallocation of \$330,000 of existing funds received through the Council Support Fund as described in this report;*
2. *Notes the allocation of \$272,000 of new funds to be provided to Council through the Council Support Fund; and*
3. *Notes the allocation of \$565,000 of new funds to be provided to Council through the Recovery and Resilience Grants (LGAs) 2022.*

BACKGROUND

In January 2020, Council received \$1million from the State Government's Council Support Fund to support community recovery from the 2019-20 bushfire event.

An additional \$500,000 of financial assistance was provided to Council on 8 January 2021 with a further \$800,000 being provided to Council on 27 July 2021. These funds are to support further community-led recovery efforts across the Alpine Shire.

As part of an application made by Council seeking a variation to the Council Support Fund agreement, Council requested approval from Bushfire Recovery Victoria to reallocate \$330,000 of funding received through the Council Support Fund as follows:

Original Project	Budget Allocated	Allocation Change	Reasons for Change	Revised Project
Waived rental relief for businesses with a commercial interest with Council	\$50,000	-\$50,000	No requests for rental relief	Myrtleford Memorial Hall
Waived fees and charges for businesses	\$130,000	-\$10,000	\$130,000 was an estimate; fees and charges were waived for businesses to the total amount of \$120,000	Resourcing to develop emergency evacuation plans for Council facilities

Original Project	Budget Allocated	Allocation Change	Reasons for Change	Revised Project
Resourcing for resilience activities	\$400,000	-\$110,000	Additional funding has been received to support resourcing through the fourth variation to the Council Support Fund	Myrtleford Memorial Hall
Resilience activities	\$80,000	-\$80,000	Additional funding has been received to support resilience activities through the Recovery and Resilience grant	Myrtleford Memorial Hall
Alpine CRC priority projects	\$80,000	-\$80,000	Additional funding has been received to support Alpine CRC priority projects through the Recovery and Resilience grant	Myrtleford Memorial Hall
Total reallocation		\$330,000		

An additional \$272,000 of financial assistance was received by Council on 5 September 2022. These funds will be utilised to extend bushfire recovery resources through to 30 June 2023, which aligns with the completion date for all projects and activities funded under the Council Support Fund.

The Community Recovery and Resilience Grants Initiative (CRRGI) is a Commonwealth-State funding arrangement launched in 2022 through the Disaster Recovery Funding Arrangements (DRFA), designed to provide financial support to locally led and responsive programs that support recovery of communities in Victoria's bushfire affected regions.

Within the CRRGI, \$565,000 has been allocated to Council to support the delivery of the Recovery and Resilience Grants (LGAs) 2022 program. The following activities are planned to be delivered with these funds:

Key Activity	Activity Description	Grant Funds Allocated
Community events	Community events administered by Alpine Shire Council	\$130,000
Mobility lift for disabled access to community facilities	Procurement of a mobility lift for community use across Alpine Shire community facilities	\$22,000

Key Activity	Activity Description	Grant Funds Allocated
Resilience activities	Various activities identified through the Alpine Community Recovery Committee and Alpine Resilience Partnership	\$80,000
Climate resilience activities	Community Climate Action Roadmap and development of an Alpine Shire policy and prospectus covering renewable energy generation, storage, EV charging infrastructure, community power, and resilience	\$120,000
Reflect Reconciliation Action Plan	Delivery of actions identified in the draft Reflect RAP	\$20,000
Bright public Wi-Fi project	Delivery of a public Wi-Fi network to visitors to Bright CBD	\$20,000
Alpine CRC priority projects	Projects identified in the Alpine CRC's Community Recovery Plan framework as outstanding recovery priorities	\$100,000
Recovery workforce has capabilities and support needed to respond to community needs	Employment of a Project Officer - Bright Mystic Park for a six-month full-time position	\$60,000
	Disaster risk reduction training for Council staff	\$13,000

ISSUES

The grant agreements require all activity to be completed and funds fully expended by 30 June 2023.

POLICY IMPLICATIONS

The recommendations are in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 3.4 A community that is prepared for, can respond to, and recover from emergencies

FINANCIAL AND RESOURCE IMPLICATIONS

The variation to the grant agreement for the Council Support Fund was received on 5 September 2022.

The grant agreement for the Recovery and Resilience Grants (LGAs) 2022 program was received on 14 September 2022.

These two grant agreements were received after adoption of Council's 2022-23 annual budget. As a result, income and expenditure are not captured in the 2022-23 Budget.

CONSULTATION

The recommended allocation of funding has been established with input from the Alpine Community Recovery Committee and engagement with Council officers representing different areas of Council's activities.

CONCLUSION

The recommended allocation of funding will allow Council, the Alpine Community Recovery Committee, and the Alpine Resilience Partnership to continue to support our communities in their ongoing recovery from the 2019-20 bushfires, and to strengthen community capability and resilience.

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
- Acting Manager Bushfire Recovery

ATTACHMENT(S)

Nil

9.2.8 Tourism North East Memorandum of Understanding

INTRODUCTION

The purpose of this report is to seek Council endorsement for the signing of the Memorandum of Understanding (MoU) with Tourism North East for the period 1 July 2023 - 30 June 2026.

RECOMMENDATIONS

That Council:

- 1. Endorses the Memorandum of Understanding (MoU) between Alpine Shire Council, partnering councils and Resort Management Boards to facilitate the operations of Tourism North East;*
- 2. Authorises the Chief Executive Officer to sign the MoU; and*
- 3. Commits expenditure of \$40,000 per annum with CPI increases in years two and three in Council's 2023/24 and 2024/25 annual budget for its annual membership contribution.*

BACKGROUND

Tourism North East is one of the eleven Regional Tourism Boards established by the State Government for the regions of Victoria. Tourism North East is the designated Regional Tourism Board for the High Country, responsible for tourism development within the destinations of the north east.

Tourism North East's core function is to drive visitation and grow tourism product on behalf of seven councils and the three Victorian snow resorts of Mount Buller, Mount Hotham and Falls Creek. An MoU agreement dated 1 July 2020 to 30 June 2023 exists between all parties that commits to a partnering relationship between Tourism North East, each of the councils and the three snow resorts. Each of the partners commits to an equal share of recurring annual funding to underwrite the core function of Tourism North East.

Governance of Tourism North East is managed through a Board structure, which is made up of representation of Chief Executive Officers from each of the councils and resorts as well as skills based appointees and an independent Chair.

The MoU is a succinct document that defines the roles and responsibilities of both Tourism North East and the partner stakeholders.

ISSUES

Through the partnership and commitment of stakeholders, Council is able to leverage off a significant pool of resources to develop tourism product and promote Shire destinations to visitors.

The signing of the MoU is a continuation of the commitment of all partner stakeholders. The term of the agreement provides an adequate period for Tourism North East to

deliver on a range of multi-year initiatives including regionally significant projects funded by state government.

It is uncertain at this stage whether there will be any impact on the arrangements of the MoU as a result of the recent Alpine Resorts Reform and amalgamation of the separate snow resort management boards into one entity being Alpine Resorts Victoria.

Annual Review

The Board of Tourism North East undertakes an annual review of the organisation, including the performance of the Board, the strategic direction of the organisation as well as the performance of the Chief Executive Officer and staff of Tourism North East.

Board of Directors

The Chief Executive Officer is the nominated Director on the Board of Tourism North East, representing Alpine Shire Council. This role is unpaid.

POLICY IMPLICATIONS

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

- 2.1 Diverse reasons to visit

FINANCIAL AND RESOURCE IMPLICATIONS

The MoU will commit Council to three years of core funding of \$40,000 per annum with CPI increases applied to years two and three of the agreement. This cost will be incorporated into Council's annual budgeting process.

Expenditure for discretionary activities, including destination marketing and promotion and the management and hosting of the five destination websites for Alpine Shire will be managed through Council's annual budgeting processes.

CONSULTATION

Consultation with council and tourism industry operators and partner organisations is an ongoing process.

CONCLUSION

Council's involvement with and commitment to Tourism North East is of great benefit in driving visitation to destinations of the Shire and of benefit to the tourism industry. It is recommended that this commitment be continued for the period of the MoU, 1 July 2023 to 30 June 2026.

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 Economic and Community Development

ATTACHMENT(S)

Nil

9.3 DIRECTOR CORPORATE PERFORMANCE – HELEN HAVERCROFT

9.3.1 Audit and Risk Committee Meeting Minutes and Recommendations

INTRODUCTION

The purpose of the report is to present the minutes and recommendations of the Audit and Risk Committee meeting No.2022/23-2 held on 6 September 2022.

Key items presented to and considered by the Audit and Risk Committee (Committee) at this meeting included:

- Report by the External Auditors on the 2021/2022 annual audit including VAGO's Closing Report and Final Management Letter.
- Draft 2021/22 annual financial report and performance statement.
- Nomination of Committee Chair for 2022/2023.

RECOMMENDATIONS

That Council:

1. *Receives and notes the minutes of Audit and Risk Committee Meeting No.2022/23-2 held 6 September 2022; and*
2. *Accepts the Audit and Risk Committee's nomination and recommendation for Committee Chair and appoints independent member Gerard Moore to the role for the balance of the 2022/2023 financial year.*

REPORT

External Auditor

Council's External Auditors, Phil Delahunty, Partner, and Blessing Mendoza, Chartered Accountant, of RSD Audit, Bendigo attended the meeting via video conference to discuss the Victorian Auditor General's Office (VAGO) Audit, Year Ending 30 June 2022.

The Committee received and noted VAGO's Closing Report and Final Management Letter on the 2021/2022 Financial and Performance Statements of Council.

2021/2022 Annual Financial Report and Performance Statement (Draft)

Each year Council is required to prepare an Annual Financial Report containing financial statements that are audited according to Australian Accounting Standards. The financial statements show Council's financial performance, financial position, and cash flows against the previous year and comprise a balance sheet and statements of income, changes in equity, cash flows and capital works.

The annual performance statement is a specific requirement of the *Local Government Act 2020* and is generated from service and financial performance indicators, prescribed

sustainable capacity, and measures from the Local Government Performance Reporting Framework (LGPRF) – all of which are subject to audit.

The Committee considered and endorsed for Council approval in principle the draft Financial Report and Performance Statement for the year ended 30 June 2022.

Nomination and Recommendation of Chair

The Alpine Shire Council Audit and Risk Committee Charter, V4.0 August 2020, sets out the requirements for the appointment of the Chair of the Audit and Risk Committee.

Section 3.8 of the Charter stipulates that:

“The Chair of the Committee must be an independent member (section 53(4)).

The Committee will nominate and recommend a Chair to Council each year.

Council will formally appoint the Committee Chair”.

The Committee nominated, and recommends to Council for appointment, independent member Gerard Moore as Chair of the Committee for 2022/2023.

POLICY IMPLICATIONS

The recommendations are in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 5.2 A responsible, transparent and responsive organisation

CONCLUSION

The Audit and Risk Committee, being satisfied with the detail provided in its agendas and the officer reports, submits the minutes of its meeting No.2022/23-2 held on 6 September 2022 to Council for noting.

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 Corporate
- Health Safety and Risk Officer

ATTACHMENT(S)

9.3.1 Minutes of Audit and Risk Committee Meeting No.2022/23-2, 6 September 2022

9.3.2 Tawonga Caravan Park Lease

Lease Register

INTRODUCTION

The purpose of the report is to recommend the granting of a 21 year lease for the Tawonga Caravan Park, permitting an operator to prepare the Caravan Park for reopening.

RECOMMENDATIONS

That Council:

1. *Subject to Ministerial approval, enters into a lease with BelgraviaPRO for the operation and development of Tawonga Caravan Park, Parish of Mullindoolingong, subject to the following terms:*
 - a. *Commencement on 17 October 2022.*
 - b. *Term of lease is 21 years.*
 - c. *Rent as per Table 1 in this report.*
 - d. *Tenant to pay all outgoings.*
 - e. *Tenant is responsible for all repairs, maintenance and other works to any building improvements (subject to a warranty period for new works).*
 - f. *Capital Works over the first five (5) year of the lease totalling \$1,905,000.*
 - g. *Estimated life of lease income is \$1,800,000.*
2. *Delegates authority to the Chief Executive Officer and / or nominated representative to sign the lease.*

BACKGROUND

In 2021, Council was appointed Committee of Management of the Tawonga Caravan Park by the State Government Department of Environment, Land, Water and Planning (DELWP). Council is nearing completion of a project to deliver significant infrastructure upgrades in the Park, funded by the State Government through the 'Crisis Committee of Cabinet - Infrastructure Stimulus Fund', a stimulus package intended to support Victoria's economic recovery from the COVID pandemic.

The Tawonga Caravan Park is an important and popular tourist asset and the awarding of a long term lease represents a significant opportunity for Council to achieve long term capital improvements and the development of a high quality tourist destination.

An invitation for the Expression of Interest (EOI) for the long term lease of the Park was advertised in the Herald Sun, Alpine Observer and Border Mail, and via tenders.net and Council's website on the 8 June 2022.

The EOI documents were downloaded by 19 prospective tenderers with two conforming proposals being received.

EVALUATION

Proposals were evaluated according to the selection criteria listed in the EOI, including:

- Price - Return and Capital Investment
- Qualifications
- Delivery
- Social
- Environmental Sustainability.

The evaluation Panel consisted of Manager Facilities, Community and Recreation Coordinator and Project Officer.

The Proponents were invited to clarify aspects of their proposals including development works, experience, resourcing, financial capacity and financial return to Council.

Following the assessment of the submissions it was determined that the proposal from BelgraviaPRO best met the selection criteria.

ISSUES

BelgraviaPRO Submission

BelgraviaPRO submitted a comprehensive and well-rounded submission to the EOI which met all of the selection criteria. The proposal aimed to create a park that caters to multiple market segments whilst capturing Tawonga as a unique destination for all users to find affordable accommodation.

The proposal highlighted that BelgraviaPRO would provide a model of customer service excellence with onsite management and support from regional and head offices.

The proposal includes substantial capital investment into the Park during the first five years of the lease.

The EOI documentation indicated the lease would be subject to a rent review after Year 3 and Council would provide the first six (6) months' rent free.

Rent in years 1-3 is reduced to facilitate a capital investment in the Park whilst BelgraviaPRO build the business and its customer base.

The proposed rent is in Table 1 below.

Period	Rent (Excluding GST)
Year 1	\$4,000 (subject to 6 month rent free period)
Year 2	\$4,120
Year 3	\$4,371
Year 4 onwards	Subject to Market Rental Evaluation

Table 1 - Proposed rent schedule for BelgraviaPRO.

POLICY IMPLICATIONS

The *Local Government Act 2020*, Section 115 provides local governments with the authority to lease land. Council complies with Section 115, Clause 3 that states:

(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. Details of the community engagement process are found below under 'consultation'.

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

- 2.1 Diverse reasons to visit

FINANCIAL AND RESOURCE IMPLICATIONS

The proposal from BelgraviaPRO provides for a significant investment in the Park within the first five years of \$1,905,000 of development works. This will significantly improve the Park and contribute to the potential for the rental income to be substantial after the first rent review.

It is predicted that the rental income to Council will be approximately \$1,800,000 over the term of the 21-year lease.

CONSULTATION

Pursuant to *The Local Government Act 2020*, Section 115 Council must undertake a community engagement process in accordance with Council's community engagement policy in respect of the proposal before entering into the lease.

An invitation to submit an EOI for the long term lease of the Park was advertised in the Herald Sun, Alpine Observer and Border Mail, and via tenders.net and Council's website on the 8 June 2022.

Community groups were engaged at community meetings in Tawonga to inform them of Council's intention to enter into a long-term lease.

Public notice was given in September 2022 in the Alpine Observer and Border Mail and on Council's website indicating Council's intention to award a lease for the operation and development of the Council-managed Crown Land known as the Tawonga Caravan Park.

CONCLUSION

Following a comprehensive tender, evaluation and assessment process, the proposal from BelgraviaPRO presents the best option for Council for entering into a long term lease for the operation and development of Tawonga Caravan Park.

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
- Project Officer
- Community and Recreation Coordinator

ATTACHMENT(S)

Nil

9.3.3 Planning Application P.2022.001 - 1072 Morses Creek Road, Wandiligong

<i>Application number:</i>	<i>P.2022.001</i>
<i>Proposal:</i>	<i>Use and Buildings and Works for a Dwelling, Host Farm, Agricultural Outbuilding and Water Tanks</i>
<i>Applicant's name:</i>	<i>D Cameron (Human Habitats)</i>
<i>Address:</i>	<i>1072 Morses Creek Road, Wandiligong 3744 (Lots 1,2,3,4 and 5 on Title Plan 949954G)</i>
<i>Land size:</i>	<i>8.463ha</i>
<i>Current use and development:</i>	<i>Agricultural Outbuilding</i>
<i>Site features:</i>	<i>The site is of an irregular rectangular shape and slopes down towards Morses Creek Road. The site has an agricultural outbuilding sited near the Morses Creek Road lot boundary.</i>
<i>Why is a permit required?</i>	<i>Clause 35.07-1 - Use (FZ) Clause 35.07-4 - Buildings and Works (FZ) Clause 44.06-2 - Buildings and Works (BMO)</i>
<i>Zoning:</i>	<i>Farming Zone (FZ)</i>
<i>Overlays:</i>	<i>Bushfire Management Overlay (BMO)</i>
<i>Restrictive covenants on the title?</i>	<i>None</i>
<i>Date received:</i>	<i>22 April 2022 (amended plans)</i>
<i>Statutory days:</i>	<i>165 days</i>
<i>Planner:</i>	<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 Dwelling, Host Farm, Agricultural Outbuilding and Water Tanks in accordance with the conditions outlined in Appendix 9.3.3a. and the following summarised reasons:

- 1. The proposal generally meets the relevant provisions of the:*

- i. Planning Policy Framework;*
- ii. Farming Zone;*
- iii. Bushfire Management Overlay*
- iv. Significant Landscape Overlay - Schedule 3*
- v. Particular provisions including clause 52.06 Car Parking, 53.02 Bushfire Planning;*
- vi. Decision Guidelines at Clauses 65.01.*

PROPOSAL

The proposal involves Use and Buildings and Works for a Dwelling, Host Farm, Agricultural Outbuilding and Water Tanks.

To demonstrate the need for a for dwelling on the site the applicant has submitted a farm plan which includes details of proposed agricultural activities on the site. This farm plan proposes the planting of 2361 olive trees to produce olive oil.

The proposed Dwelling includes the following:

- Minimum setbacks of 201.9 metres from the street lot boundary, 156.3 metres from the northern lot boundary, 25 metres from the southern lot boundary, and 166.3 metres from the western lot boundary.
- 3 bedrooms, 3 bathrooms, 1 study, double garage, open plan meals/family/kitchen, separate laundry and drying room and a games room.
- A maximum height of 7.4 metres above natural ground level.
- External materials and colours include 'Monument' and 'Ironstone' colour Colorbond, 'Ironstone' colour Snap lock metal cladding, white colour brick walls, rock walls, and metal oxide finish bagged brickwork.
- 10,000 litre water supply tank.
- Bushfire bunker.

The proposed Host Farm includes the following:

-
- Minimum setbacks of 25 metres to the southern lot boundary, more than 50 metres to the street lot boundary, and more than 50 metres from the western lot boundary.
- 2 bedrooms, 2 bathrooms, open plan living/kitchen/meals
- Maximum height of 6.4 metres above ground level
- External materials and colour consistent with the dwelling.
- 10,000 litre water supply tank

The outbuilding (irrigation shed) includes the following:

- Sited near the south-western corner of the site.
- Minimum setbacks of 6 metres from the southern lot boundary, 11 metres from the western lot boundary and more than 50 metres from all other lot boundaries.
- An area of 18.91sqm
- Ironstone colour colorbond walls and roof.

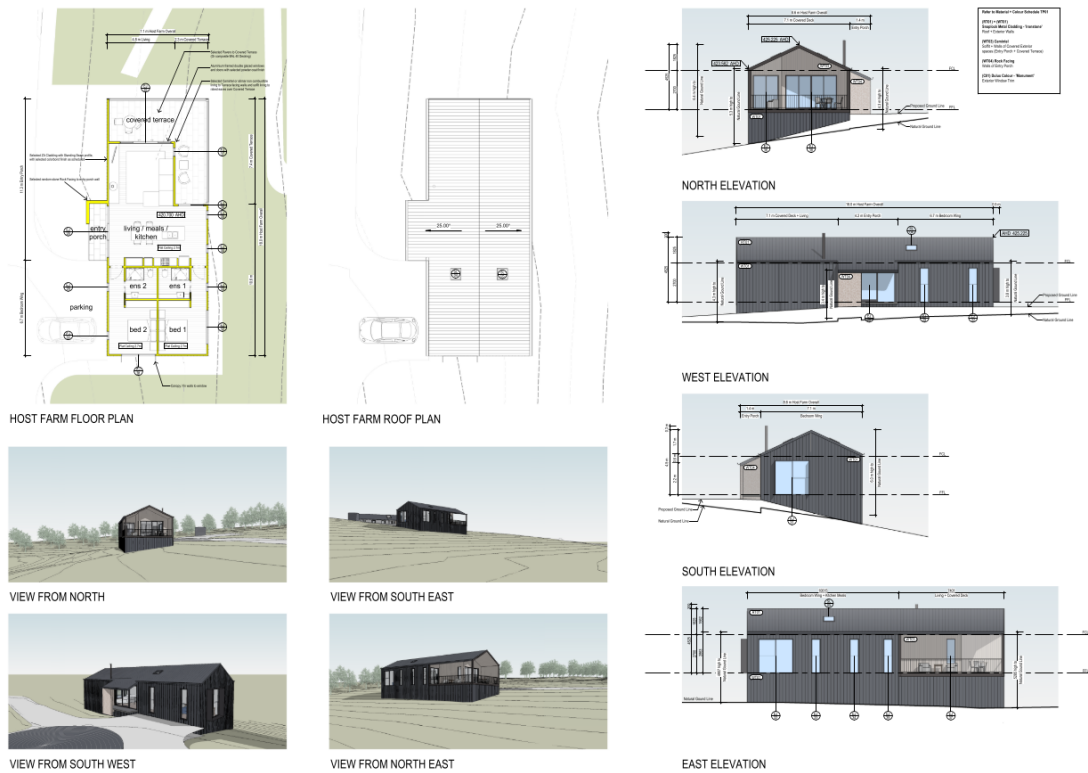


Figure 3: Shows the floor plan and elevations of the Host Farm.



Figure 4: Shows the floor plan and elevations of the irrigation shed.

SUBJECT LAND AND SURROUNDS

The site has a total area of approximately 8.463ha is an irregular rectangular shape and slopes down towards Morses Creek Road. The site contains an agricultural outbuilding sited near the south-eastern corner.

Surrounding land is predominantly zoned Farming and is affected by the same overlays as the subject site. This land predominantly used for agricultural purposes.

The nearest dwelling at 1109 Morses Creek Road is setback approximately 200 metres from the subject site.



Figure 5: Subject land.



Figure 6: Subject land and surrounds.

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. The proposal does not protect the land from inappropriate non-rural associated development There is no need for a second dwelling proposed to be used for short stay holiday accommodation. There is already an excessive amount of short-term holiday accommodation in the area, which has resulted in there being a lack of affordable accommodation.
2. The proposal will not enhance agricultural production
3. Negative additional traffic impacts. Road is currently in bad condition and quite dangerous, with narrow bridges, potholes, corrugation, bad signage. Increased risks to cyclists and pedestrians. Additional damage to Morses Creek Road.
4. Dust hazard
5. Negative noise impacts
6. Negative environmental impacts on adjoining property and creek

7. Negative impact on quality of life and serenity

The applicant provided a response which is summarised below.

1. The proposed Host Farm is a value add use to complement the agricultural production. There are provisions within the scheme which reiterate tourism role as a major driver of the economy. Within the scheme there is reference to *'There are opportunities to value add and develop agricultural based industries'*. The tourism industry is underpinned by a wide range of accommodation offerings. Ongoing in tourism is expected and rural based tourism has vital role to play.
2. No response.
3. Alpine Shire Council Engineering Team did not object to the proposal, subject to conditions. None of the conditions require works to external roads. The proposal represents a minor increase in traffic volumes. Morses Creek Road meets the relevant requirements for all weather construction and is sufficient for emergency vehicle access. There is insufficient need, nexus and equity in seeking further works to Morses Creek Road as a result of the proposal.
4. Dust impacts. Refer to point 5. below.
5. The rural context dictates the appropriate levels of noise, within a productive agricultural setting, noise impacts are to be expected and will far outweigh any impacts from a dwelling and host farm use.
6. Environmental impacts. The proposal including its waste water system, has been designed to comply with all applicable environmental standards, and thus will offer far greater environmental protection than other nearby dwellings, many of which predate the environmental controls.
7. Quality of life and serenity. The rural context dictates the serenity expectation. Within a productive agricultural setting amenity impacts are to be expected and will far outweigh any impacts from a dwelling and host farm use.

The assessing officer's response is provided as follows:

1. The relevant policy as mentioned in this report encourages the development of Host Farms, and tourism development generally. The proposed agricultural activity has been peer reviewed by Councils expert farm plan consultant and is considered to be viable. Should the application be supported suitable conditions would be included to ensure that all proposed agricultural activities are fully implemented prior to the commencement of any buildings and works for any host farm.
2. The proposal is in association with a new olive farm on the site, as indicated in the farm plan submitted with the application. A peer review of the farm plan by Councils expert consultant has identified that the proposed agricultural activities are viable on the site. The proposal is considered to enhance the agricultural productivity of the site, subject to the inclusion of suitable conditions should the application be supported.
3. Traffic impacts. The proposal has been reviewed by Councils Engineering team and conditional consent has been provided to the proposal. The proposed is not considered to result in a substantial increase in traffic in the area. There is considered to be capacity within the existing road network to accommodate the proposal. The

standard and quality of the road may be reviewed outside of this planning application process.

4. Dust hazard. There is separate legislation outside of the *Planning and Environment Act 1987* regulated by the Environment Protection Authority.
5. Negative noise impacts. Noise from Industry in Regional Victoria and State Environment Protection Policy (Control of Music Noise from Public Premises) No N-2, provides recommended maximum noise levels from Commerce/Industry. Should the application be supported, suitable conditions and notes would be included to give legal effect to the relevant legislation and the recommended noise levels. The proposal could be undertaken in accordance with this legislation.
6. Negative environmental impacts on adjoining property and creek. The application has been reviewed by Goulburn Murray Water and Councils Environmental Health Team. Conditional consent was provided by both. Should the application be supported suitable conditions would be included to manage environmental impacts associated with wastewater. Separate legislation exists outside of the *Planning and Environment Act 1987* in relation to use of pesticides.
7. Negative impact on quality of life and serenity. The subject land is zoned farming where agricultural activities are encouraged and permitted as of right, where heavy machinery and equipment may operate. The proposal is associated with an agricultural activity that has been assessed as being viable on the site.
8. An online planning forum was held on 31 August 2022.

REFERRALS

Referrals / Notice	Advice / Response / Conditions
Section 55 referrals	Country Fire Authority - No objection, subject to conditions. Goulburn Murray Water - No objection, subject to conditions.

Referrals / Notice	Advice / Response / Conditions
Internal referrals:	<p>ASC Environmental Health Team - No objection, subject to conditions.</p> <p>ASC Engineering Team - No objection, subject to conditions.</p> <p>ASC Farm Plan Consultant -</p> <p>The production system has been evaluated as environmentally sustainable for this site. If the Farm Plan is implemented as proposed, there will be no negative environmental impact on the site or surrounding properties. In addition, it is anticipated there will be improvements in soil quality native vegetation levels and biodiversity. The production of olives for table olives and/or oil in this location is feasible from a production perspective. The enterprise has been evaluated as being plausible and commercially workable. The enterprise has been evaluated as requiring a dwelling to support a legitimate agricultural activity.</p>

PLANNING ASSESSMENT

All applicable policy and decision guidelines can be found in Appendix 9.3.3.b.

Planning Policy Framework

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

Policy 12.05-2L - Landscape, includes a strategy 'Support development in rural areas that does not dominate or intrude on the landscape setting including landscape corridors.'

Policy 14.01-2S - Sustainable agricultural land use includes an objective 'Encourage sustainable agricultural land use.' Relevant strategies in this policy include:

- *Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices*
- *Encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing.*
- *Facilitate ongoing productivity and investment in high value agriculture.*

Policy 14.01-2L includes the following relevant strategies:

- *Encourage and support sustainable agricultural practices that are capable of increasing productivity levels.*
- *Encourage well designed, sustainable industries that support agricultural uses that enhance the visual amenity of rural areas.*
- *Facilitate the growth and expansion of farms, recognising industry requirements for incremental growth.*

- *Support sustainable agricultural industries that incorporate best management practice.*

Policy 17.04-1S - Facilitating tourism includes the following objective 'Encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.' The policy includes the following relevant strategies:

- *Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities.*
- *Promote tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions.*
- *Create innovative tourism experiences.*
- *Encourage investment that meets demand and supports growth in tourism.*

Policy 17.04-1L - Tourism includes the following objective 'To enhance and expand the tourism industry, while protecting the environmental, landscape and cultural values of the Shire and the lifestyle of its residents.' This policy includes the following relevant strategies:

- *Support quality tourist development that takes advantage of the environmental, landscape, and heritage values of rural and urban areas*
- *Promote agri-tourism uses and encourage non-traditional agri-tourism experiences.*
- *Support the following types of tourism developments in rural zones: Host farm.*

Zoning

The subject land is zoned Farming Zone. The proposal is considered to be consistent with the purposes and decision guidelines of the farming zone for the following reasons:

- It provides for the use of land for agriculture
- It encourages the retention of productive agricultural land
- It encourages use and development of land based on comprehensive and sustainable land management practices

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.

Particular Provisions

Clause 52.06 – Car Parking

Clause 52.06 of the Alpine Planning Scheme contains the state-wide car parking and access provisions. In accordance with the requirements of this clause at least two (2) car parking spaces are required for the proposed dwelling. There is no prescribed car parking requirement for a Host Farm. Two (2) bedrooms are proposed in the host farm building. At least 2 onsite car parking spaces are proposed in close proximity of the pedestrian entrance to the host farm. This is considered adequate. A detailed assessment of the proposal against the provisions of Clauses 52.06 is contained on the planning file – reference no. P.2022.001. The proposal is considered to be generally in accordance with the decision guidelines subject to conditions.

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.

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.2022.001. The proposal is considered to be 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:
 - i. Planning Policy Framework;
 - ii. General Residential Zone;
 - iii. Bushfire Management Overlay;
 - iv. Particular provisions including clause 52.06 Car Parking; and 53.02 Bushfire Planning;
 - v. Decision Guidelines at Clause 65.01.

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
- A/Manager Planning and Amenity

- Senior Planning Officer

APPENDICIES

9.3.3.a. Conditions

9.3.3.b. Policy and decision guidelines

9.3.3.a. Conditions

Effect of Permit

1. This permit will have no force of effect until acceptable evidence is provided demonstrating that a suitable water allocation licence has been obtained and/or a suitable dam has been constructed on the site for the purposes of irrigating the intended olive production area and the water has been accessed (for example bore constructed) to the satisfaction of the responsible authority.

Additional Plan Required - Prior to the commencement of any use

2. Prior to the commencement of any use authorised by this permit, a landscape plan must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions. The plan must show:
 - a. Landscaping plant species. All species selected must be to the satisfaction of the responsible authority;
 - b. Landscaping compliant with the defendable space requirements of clause 53.02 Bushfire Planning within the Alpine Planning Scheme, within required defendable space areas;
 - c. A landscaping and 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;
 - d. Details of weed and invasive plant species management;
 - e. The means of watering/irrigation proposed to be used.
 - f. Details of all surface finishes of pathways, accessways, car parking spaces

Agricultural Activity required prior commencement of any works for the Dwelling

3. Prior to the commencement of any buildings and works for the Dwelling authorised by this permit at least 1000 olive trees must be established on the property to the satisfaction of the responsible authority. Please contact Alpine Shire Council Planning Team to arrange an inspection in order to comply with this condition.

Agricultural Activity required prior to commencement of any works for the Host Farm

4. Prior to the commencement of any building and works for the Host Farm authorised by this permit all agricultural activities identified in the farm plan forming part of this planning permit must be fully implemented to the satisfaction of the responsible authority. Please contact Alpine Shire's Planning Department to arrange an inspection in order to comply with this condition.

Dwelling required prior to commencement of any works for the Host Farm

5. Prior to the commencement of any building and works for the Host Farm authorised by this permit the dwelling authorised by this permit must be completed to the satisfaction of the responsible authority. Please contact Alpine Shire's Planning Department to arrange an inspection in order to comply with this condition.

Endorsed Plans

- 6 The layout of the site and the size of the proposed buildings and works, and the layout of the uses must be generally in accordance with the endorsed plans which form part of this permit. The endorsed plans 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 consent of the responsible authority

Dwelling Use

7. This permit is issued for the use of the land with a dwelling on the basis that the dwelling is required for the primary production of not less than 2361 olive trees as set out in the "Farm Plan" report endorsed under this permit and as amended if applicable.

Host Farm Use

8. Occupants of the approved Host Farm under this permit must only use the premise on a short-term basis. Any occupant of the approved premises must not reside onsite for any more than 60 days in a calendar year unless otherwise approved in writing by the responsible authority.

Landscaping

9. Before the use of any buildings and works authorised by this permit 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.
10. 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. Mandatory Bushfire Condition.

Mandatory Bushfire Management Overlay Condition

11. 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.

Section 173 Agreement Required

12. Prior to the commencement of any works hereby permitted, the owner must enter into an Agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 to provide the following:
 - a. The owner acknowledges that the subject land is located in a rural area where there is agricultural activity where there may be adverse amenity impacts from noise, odour, dust, chemicals, light, etc. from time to time.
 - b. In the event that the owner makes the Host Farm building authorised by this permit available to accommodate persons away from their normal place of

- residence, the owner is obliged to notify any occupier of this building as far as is reasonably possible, that the property is located in a rural area where agricultural activity takes place from time to time as described in a. above, and that adverse amenity impacts may be experienced
- c. The Farm Plan endorsed under Planning Permit 2022.001 must be fully implemented and all ongoing obligations met, unless otherwise approved in writing by the responsible authority.
 - d. The uses permitted by Planning Permit 2022.001 must cease within 9 months of the cessation of the agricultural/farming use(s) of the land as set out in the Farm Plan endorsed under Planning Permit 2022.001, unless an alternative agricultural/farming use(s) is substantiated by a Whole Farm Plan approved in writing by the responsible authority.
 - e. The dwelling must be decommissioned or demolished to the satisfaction of the Responsible Authority within 12 months of the cessation of the agricultural/farming use(s) of the land as set out in the Farm Plan endorsed under Planning Permit 2022.001, unless an alternative agricultural/farming use(s) is substantiated by a Farm Plan approved in writing by the responsible authority.
 - f. The host farm must be decommissioned or demolished to the satisfaction of the Responsible Authority within 12 months of the cessation of the agricultural/farming use(s) of the land as set out in the Farm Plan endorsed under Planning Permit 2022.001, unless an alternative agricultural/farming use(s) is substantiated by a Farm Plan approved in writing by the responsible authority.
 - g. Clauses e) and f) stated above will expire, and no longer be applicable in the following circumstance. The approved Farm Plan endorsed under Planning Permit 2022.001 has been successfully implemented (evidence of this must be supplied to the responsible authority) to the satisfaction of the responsible authority for a period of time not less than 15 years of the date of registration of this agreement on title.

The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement.

Evidence of the registration of the section 173 agreement must be provided to the responsible authority prior to the commencement of any building and works authorised by this permit.

External Building Colour Reflectivity

13. The external materials of the building(s) including the roof must be constructed of materials of muted colours to enhance the aesthetic amenity of the area. No materials having a highly reflective surface shall be used. For the purpose of this clause "highly reflective" shall include unpainted aluminium, zinc or similar materials.

Construction Requirements

14. Silt fencing material or straw hay bales (staked and keyed into the ground surface) must be placed at the bottom of the construction area prior to the commencement of construction to prevent storm water runoff entering a drainage line. Batters steeper than 2:1 (horizontal: vertical) must have a layer of straw over the entire batter to retain the topsoil.
15. An area for the storage of construction materials must be designated prior to the arrival of equipment and materials onsite. Wherever possible, disturbed areas should be used rather than areas of good quality indigenous vegetation and significant stands of trees. At the completion of construction all excess materials must be removed and the site should be regenerated to the satisfaction of the Alpine Shire.

(Irrigation) Shed Specific Conditions

16. The shed must not be used for human habitation.
17. The shed must not be used for the sale of any goods. It must also not be used for the servicing of goods or the manufacturing of goods for commercial gain.
18. The permitted shed is approved on the grounds of it being solely associated with agriculture. On this basis the shed does not form part of the Bushfire Management Overlay's consideration. Should the intended use of the shed change then an amendment to the permit is required to facilitate its approval.
19. Alpine Shire's Environmental Health Team Condition - The shed must not have any more than two waste water producing plumbed fixtures installed.

Farming Zone Dwelling Conditions

20. Prior to the use of the land for a dwelling access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles, to the satisfaction of the responsible authority.
21. Prior to the use of the land for a dwelling the dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970, to the satisfaction of the responsible authority.
22. Prior to the use of the land for a dwelling the dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes, to the satisfaction of the responsible authority.
23. Prior to the use of the land for a dwelling the dwelling must be connected to a reticulated electricity supply or have an alternative energy source, to the satisfaction of the responsible authority.

Car Parking and Loading/Unloading

24. Car parking areas must be well lit and clearly signed to the satisfaction of the responsible authority.

25. No less than 4 car space(s) must be provided on the land for the uses and development, including spaces clearly marked for use by disabled persons (if required).
26. Areas set aside for car parking, the loading/unloading of goods, and 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.
27. The accessway must be designed to allow vehicles to enter and exit the site in a forward gear to the satisfaction of the responsible authority.
28. The loading/unloading of goods must only occur with the site.
29. Prior to the commencement of any use authorised by this permit, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a. constructed to an appropriate standard, and treated to prevent dust generation;
 - b. properly formed to such levels that they can be used in accordance with the endorsed plans;
 - c. drained;
 - d. line marked to indicate each car space and all access lanes;
 - e. clearly signed directing drivers to the area(s) set aside for car parking. (Such signs are to be sited and maintained to the satisfaction of the responsible authority, and not exceed a display area of 0.3 square metres);

all to the satisfaction of the responsible authority.

Noise

30. 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 (SEPP N-2).
31. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.

Garbage

32. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded, drained and screened from public view to the satisfaction of the responsible authority.

External Lighting

33. 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.

Security Alarms

34. 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.

Goods Storage

35. No goods shall be stored or left exposed outside the building so as to be visible from any public road or thoroughfare.

Alpine Shire Council Environmental Health Team Conditions

36. An application must be made for a Permit to Install a Septic Tank System to the satisfaction of Council's Environmental Health Officer prior to a building permit being issued in accordance with the requirements of the *Building Act 1993*. The septic system must comply with the Code of Practice – onsite Wastewater Management Publication 891.4 and AS1546.1 to 1546.4 and generally be in accordance with the Land Capability Assessment NK18082021-1A (December 2021) from PORTA ENVIRONMENTAL PTY LTD.

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

37. Before the development starts, a Bushfire Management Plan must be submitted to and endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority. The plan must be generally in accordance with the plan submitted with the application prepared by Adie Courtney Architect (Drawing number TP01/E, dated 3.03.22) but modified as follows:
- i. Label the drawing "Bushfire Management Plan" instead of Proposed Site Plan + Site Data + Materials and Colour Scheme,
 - ii. Remove the "Site Data" information box and
 - iii. Remove the Material and Colour Schedule

Bushfire Emergency Management Plan

38. Before the development starts, the Bushfire Emergency Management Plan (prepared by Mountain Planning, dated 9th March 2022, Version A) must be submitted to and endorsed by the Responsible Authority. Once endorsed the plan must not be altered (apart from required updates) unless agreed to in writing by CFA and the Responsible Authority

Goulburn Murray Water Conditions

39. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
40. All wastewater from the dwelling must be treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant or equivalent. The system must have a certificate of conformity issued by the Conformity Assessment Body (or equivalent approval) and be installed, operated and maintained in accordance with the relevant Australian Standard and EPA Code of Practice.
41. The wastewater disposal area must be located at least: 100m from any waterways, 40m from any drainage lines, 60m from any dams, and 20m from any bores. *Where

- wastewater is treated to at least a secondary standard, the distance may be reduced in accordance with the current EPA Code of Practice – Onsite Wastewater Management. However where possible setback distances must be maximised.
42. All wastewater must be applied to land via pressure-compensating sub-surface irrigation installed along the contour.
 43. The wastewater management system must be appropriately designed to manage the potential volume of wastewater generated under full occupancy, including an appropriately sized disposal area based on a full water balance specific to the proposal and subject land in accordance with the requirements of the current EPA Code of Practice – Onsite Wastewater Management.
 44. The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.
 45. No buildings are to be constructed within 30 metres of any waterways or on any drainage lines.

Alpine Shire Council Engineering Team Conditions

Rural Drainage Works

46. Prior to the commencement of use of the building and works authorised by this permit, all stormwater and surface water discharging from the site, buildings and works must be retained and treated on site to the satisfaction of the responsible authority. No effluent or polluted water of any type will be allowed to enter the stormwater drainage system. Once treated to the satisfaction of the responsible authority, the stormwater shall be conveyed to the legal point of discharge to the satisfaction of the Alpine Shire Council. The legal point of discharge for this site is on-site retention and overflow dispersed to ground.

Rural Crossings

47. Prior to the commencement of use of the building and works authorised by this permit, 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 reinstated to match into the surrounding profile.
 - b. Any proposed vehicular crossing shall have satisfactory clearance to any 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 are to be concrete or have a bituminous seal applied where they abut a sealed road. If the road is unsealed the crossing may remain an unsealed crushed

rock pavement. Dimensions and roadside drainage treatments are to be generally in accordance with IDM drawing SD255.

Construction Management Plan

48. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Alpine Shire Council. Issues such as mud on roads, dust generation and erosion and sediment control will be managed, on site, during the construction phase. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise.

No Mud on Roads

49. 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 from the subject land, to the satisfaction of the Alpine Shire Council.

Expiry

50. This permit will expire if one of the following circumstances applies:

- a. the dwelling, agricultural outbuilding and water tanks is not started within two (2) years of the date of this permit.
- b. the dwelling, agricultural outbuilding and water tanks is not completed within four (4) years of the date of this permit.
- c. the dwelling use has not commenced within four (4) years of the date of this permit.
- d. the host farm is not started within five (5) years of the date of this permit
- e. the host farm is not completed within seven (7) years of the date of this permit.
- f. the host farm use has not commenced within seven (7) years of the date of this permit

Pursuant to Section 69 of the *Planning and Environment Act 1987*, the Responsible Authority may extend:

- The commencement date referred to if a request is made in writing before the permit expires or within six (6) months afterwards.
- The completion date referred to if a request is made in writing within twelve (12) months after the permit expires and the development started lawfully before the permit expired.

- 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 Alpine Shire Council 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 displayed without a further permit.
4. This permit does not grant approval for any dam on the site.
5. This permit does not grant approval for any temporary use of any building.

9.3.3.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>.

Planning Policy Framework

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

- 11.01-1S - Settlement
- 11.01-1L-01 - Settlement
- 11.01-1L-08 - Wandiligong
- 11.03-5S - Distinctive areas and landscapes
- 11.03-6S - Regional and local places
- 12.03-1S - River corridors, waterways, lakes and wetlands
- 12.05-2S - Landscapes
- 12.05-2L - Landscapes
- 13.02-1S - Bushfire Planning
- 13.02-1L - Bushfire Planning
- 13.05-1S - Noise Management
- 13.07-1S - Land use compatibility
- 14.01-1S - Protection of Agricultural Land
- 14.01-1L - Protection of Agricultural Land
- 14.01-2S - Sustainable agricultural land use
- 14.01-2L - Sustainable agricultural land use
- 14.02-1S - Catchment planning and management
- 14.02-1L - Catchment planning and management
- 14.02-2S - Water quality
- 14.02-2L - Water quality
- 15.01-1L-01 - Urban Design
- 15.01-2S - Building Design
- 15.01-6S - Design for rural areas
- 16.01-1S - Housing Supply
- 17.04-1S - Facilitating Tourism
- 17.04-1L - Tourism

18.02-4S - Roads

18.02-4L - Roads

Zone

The land is zoned Farming Zone.

Overlays

The land is covered by the Bushfire Management Overlay and Significant Landscape Overlay - schedule 3.

Particular Provisions

52.06 Car Parking

53.02 Bushfire Planning

General Provisions

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

9.3.4 Planning Application P.2021.229 - 365 Mullagong Road, Upper Gundowring

<i>Application number:</i>	<i>P.2021.229</i>
<i>Proposal:</i>	<i>Use and Buildings and Works for a Telecommunications Facility</i>
<i>Applicant's name:</i>	<i>M Baade (SAQ Consulting Pty Ltd)</i>
<i>Address:</i>	<i>365 Mullagong Road, Upper Gundowring VIC 3691 (Lot 1 TP537686D)</i>
<i>Land size:</i>	<i>38.069ha</i>
<i>Current use and development:</i>	<i>Dwelling and associated shedding</i>
<i>Site features:</i>	<i>The site is in 2 parts, is of an irregular shape and is undulating. The site has a single storey single dwelling and associated outbuildings sited in the southern part of the site. There are a number of dams on the site</i>
<i>Why is a permit required?</i>	<i>Clause 35.07-1 Use (FZ) Clause 35.07-4 Buildings and Works (FZ) Clause 52.19-1 Buildings and Works (Telecommunications Facility)</i>
<i>Zoning:</i>	<i>Farming Zone (FZ)</i>
<i>Overlays:</i>	<i>Bushfire Management Overlay (BMO)</i>
<i>Restrictive covenants on the title?</i>	<i>None</i>
<i>Date received:</i>	<i>28 June 2022 (amended plans)</i>
<i>Statutory days:</i>	<i>100 days</i>
<i>Planner:</i>	<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 Telecommunications Facility in accordance with the conditions outlined in Appendix 9.3.4.a. and the following summarised reasons:

- 1. The proposal generally meets the relevant provisions of the:*

- i. Planning Policy Framework;*
- ii. Farming Zone;*
- iii. Particular provisions including clause 52.19 Telecommunications Facility;*
- iv. Decision Guidelines at Clauses 65.01.*

PROPOSAL

The proposal involves Use and Buildings and Works for a telecommunication facility. The proposal includes the following:

- A 15-metre-high galvanised steel monopole with 2 parabolic antennas sited at the top of the monopole.
- Setbacks of the monopole include 296 metres from the Mullagong Road lot boundary, 76 metres from the eastern lot boundary, and 5 metres from the northern lot boundary.
- A 6 metre by 6 metre leased and fenced compound area.
- A site distribution board within the abovementioned compound area.
- Use of existing vehicle access.

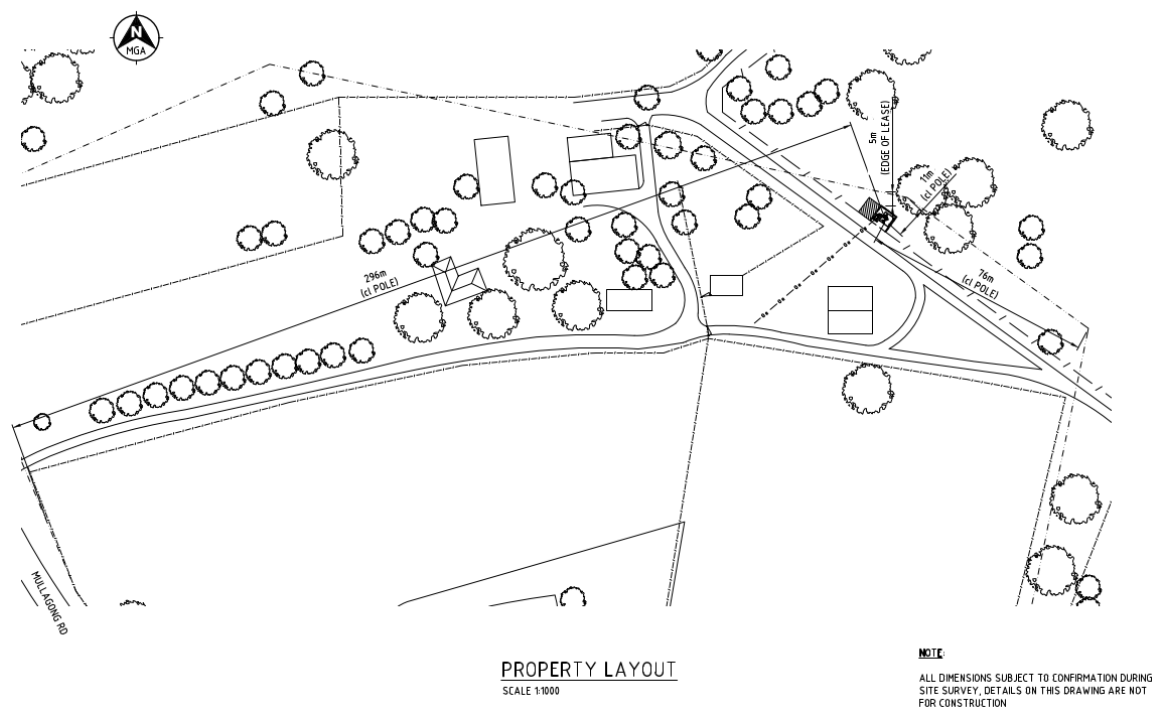


Figure 2: Shows the development layout on site within the southern part of the site, including setbacks.

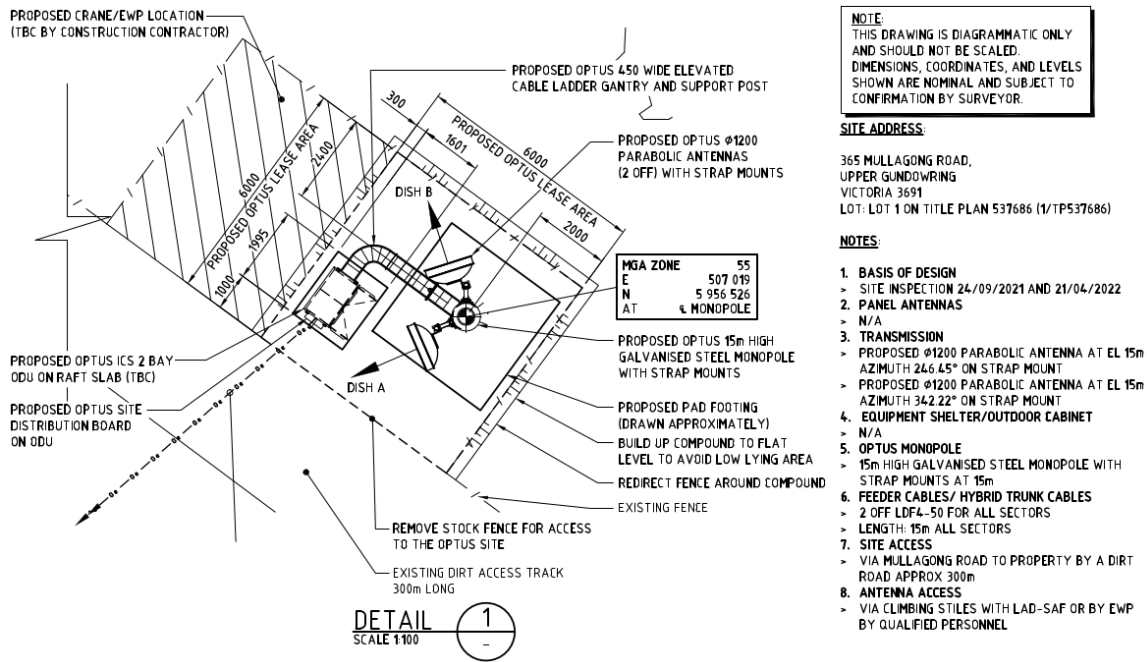


Figure 2: Shows the development layout of the telecommunications compound.

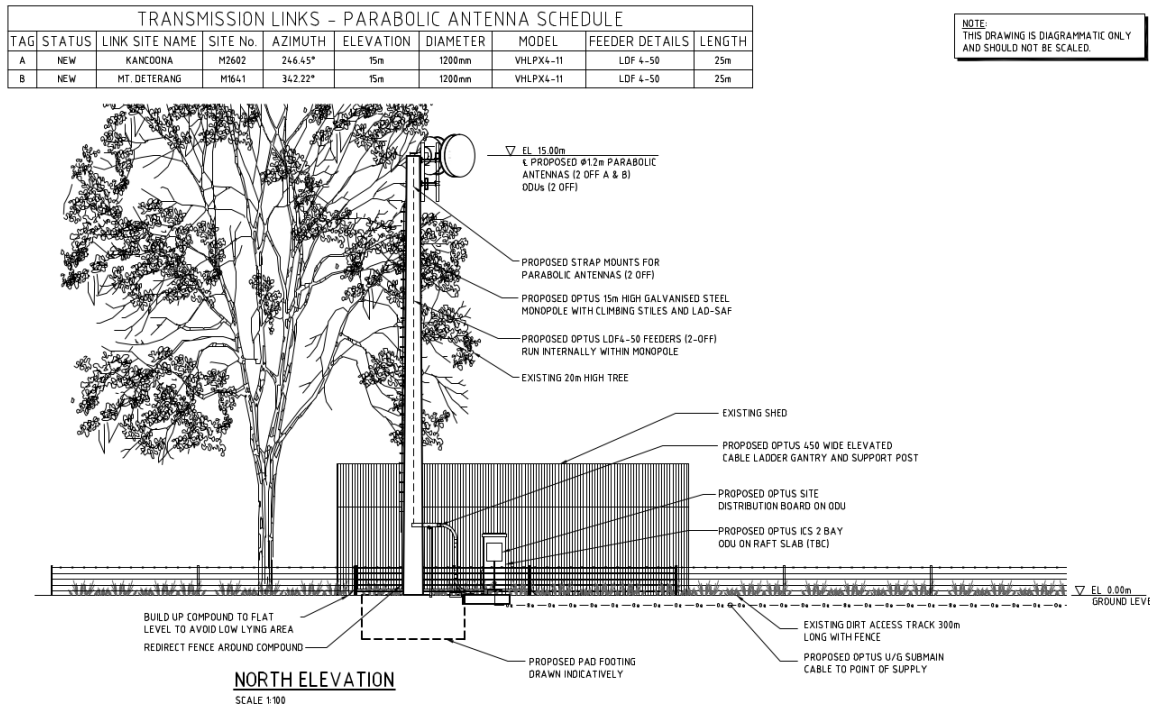


Figure 3: Shows the northern elevation of the telecommunications facility.

SUBJECT LAND AND SURROUNDS

The site has a total area of approximately 38.069 hectares in two (2) parts, is an irregular shape and is undulating. The site contains a number of dams, a single storey single dwelling and associated shedding the southern part.

All surrounding land is predominantly zoned Farming and affected by the same overlay as the subject site. This land predominantly consists of parcels containing a single dwelling.

To the north of the southern part is Mullagong Creek and the land slopes down towards this creek.

The nearest dwelling at 30 Larkin Lane is sited approximately 200 metres away from the proposed telecommunications facility. This dwelling is on a higher elevation than the location of the proposed telecommunications facility.



Figure 4: Location within the southern part of the site where the telecommunications facility is proposed.

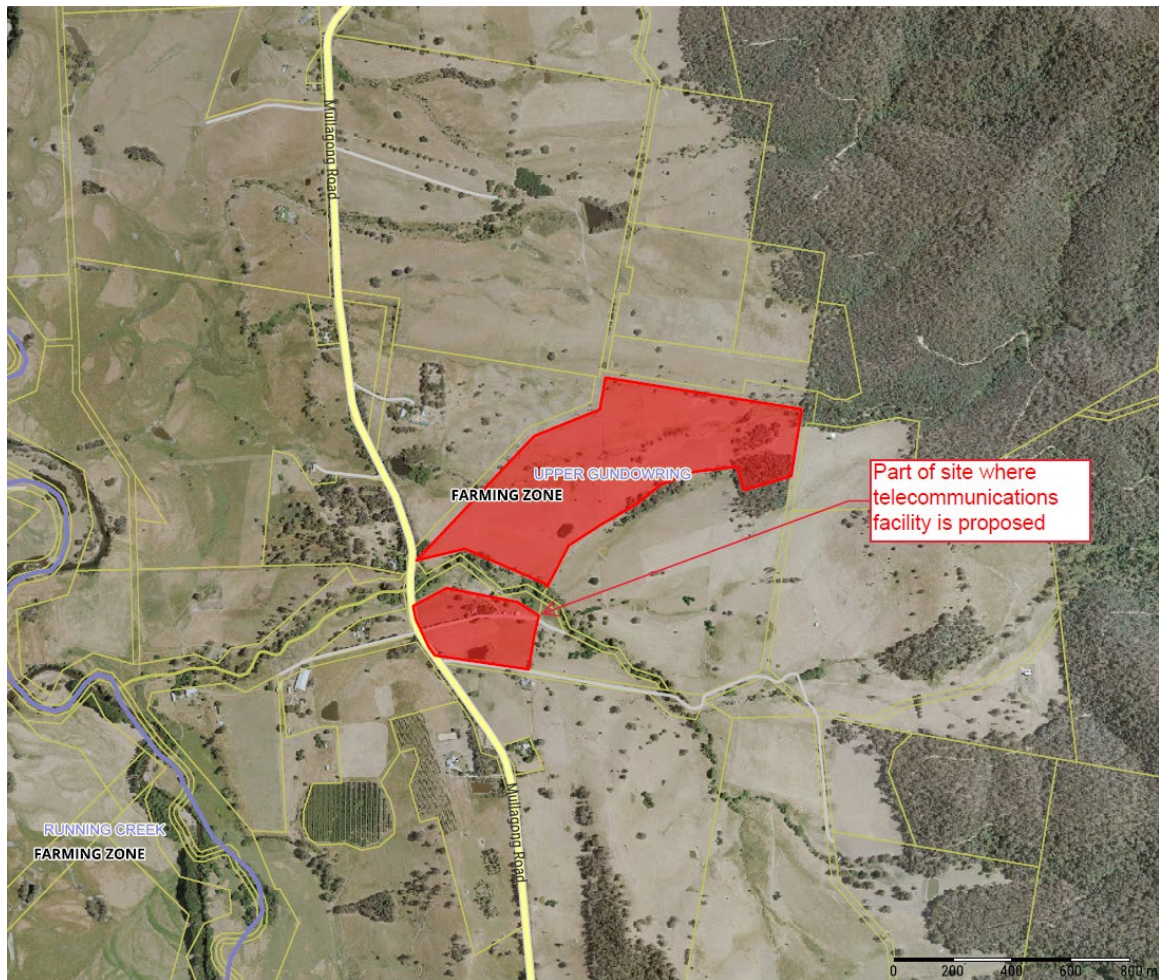


Figure 5: Subject land and surrounds, including part of site where the telecommunication facility is proposed.

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. Two (2) objections were received and maintained. The matters raised in the objections have been summarised as follows:

1. Lack of adequate screening from the road and nearby residences and the visual impact has not been adequately addressed
2. Concerns with the proposed location and siting. Insufficient review of other potential sites with no regard for co-location opportunities and only considering a limited number of sites.

The applicant provided a response which is summarised below.

1. Screening and visual impact. The proposed telecommunications facility was resited further north during the application process to take advantage of the screening available from an existing large tree and hay shed, meaning that from (at least) the residences on two adjacent properties to the south, the telecommunications facility would be substantially obscured and the impact on the locality significantly lessened.

The existing tree will play an important role in screening and generally mitigating the view of the proposed monopole. The base of the facility will be more or less at the existing ground level. There is no requirement for the telecommunications facility, which has a minimum height requirement and, in this case, very precise locational requirements, to be not visible nor have its impact spread equally around the locality. The submitter's dwellings are more than 200 metres and 400 metres distant from the proposed location, which is a significant distance for the purposes of mitigating visual impact. The modestly proportioned structure is very unlikely to be a dominant landscape element from either property, or Mullagong Road, which is more than 300 metres to the west.

2. Location and siting. The proposed facility is not a mobile phone base station but is instead needed to provide a transmission link between an existing Optus facility at Dederang and a new facility at Kancoona. The line of sight between all three structures must be clear and unobstructed, meaning the precise siting of such a transmission facility is critical. As the Kancoona facility cannot 'see' any existing Optus facilities due to distance and terrain a direct transmission path cannot be established. As such, without the proposed facility at Upper Gundowring, the Kancoona facility cannot be integrated into the Optus network. In other words, without a suitable transmission link, there is no point in constructing the Kancoona facility as it cannot be joined to the existing network.

The assessing officer's response is provided as follows:

1. Screening and visual impact. Policy 15.01-1L-01 - Urban design, Policy 15.01-2S - Building design, Policy 15.01-5S - Neighbourhood character, Policy 15.01-6S Design for rural areas include objectives and strategies referencing a need for development to reflect the current character, scale, form and urban design of the area and protect the visual amenity of valued rural landscapes. There are existing higher power poles in the area on a higher elevation than where the telecommunications facility is proposed. The proposed siting and design of the telecommunications facility is considered to be consistent the existing character of the area. Policy 19.03-2L Infrastructure design and provision includes a strategy which states '*Minimise the visual impact of infrastructure.*' The siting and design of the proposal is considered to have minimal visual impact.

The Farming Zone includes the following relevant decision guidelines:

- *The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.*
- *The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.*
- The proposal is considered to have an acceptable impact in regard to the above, subject to conditions.

Clause 52.19 Telecommunication Facility includes the following purpose '*To encourage the provision of telecommunications facilities with minimal impact on the amenity of the*

area'. Clause 52.19 Telecommunications Facility includes the following relevant decision guideline:

- *The principles for the design, siting, construction and operation of a Telecommunications facility set out in A Code of Practice for Telecommunications Facilities in Victoria, July 2004. Principle 1 - A Telecommunications facility should be sited to minimise visual impact*
 - a. *Equipment associated with the telecommunications facility should be screened or housed to reduce its visibility*
 - b. *A telecommunications facility should be located so as to minimise any interruption to a significant view of a heritage place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land.*

The equipment associated with the proposed telecommunications facility will be predominantly screened from the road and adjoining dwellings.

The proposed telecommunication facility is considered to be located in a position which minimises interruption to a significant view of a heritage place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land.

2. Location and siting. Policy 15.01-2S - Building design includes a strategy which states *'Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale, massing and energy performance of new development.'* Such an analysis has been carried out by the applicant. Policy 19.03-2S - Infrastructure design and provision includes a strategy which states *'Integrate developments with infrastructure and services, whether they are in existing suburbs, growth areas or regional towns'*. The proposal is considered to be integrated with a telecommunication facility proposed in Kancoona. The Farming zone includes the following relevant decision guideline *'Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.'* The site is considered to be suitable for the use and development and compatible with adjoining and nearby land. Clause 52.19 Telecommunications Facility includes the following relevant decision guidelines:

- *The effect of the proposal on adjacent land.*

The proposal is considered to have an acceptable effect on adjacent land.

- *The principles for the design, siting, construction and operation of a Telecommunications facility set out in A Code of Practice for Telecommunications Facilities in Victoria, July 2004. Principle 2 'Telecommunications facilities should be colocated wherever practical. Application of principle*
 - a. *Wherever practical, telecommunications lines should be located within an existing underground conduit or duct.*
 - b. *Overhead lines and antennae should be attached to existing utility poles, towers or other radiocommunications equipment to minimise unnecessary clutter*

It is not considered to be practical for the telecommunications lines to be located within any existing underground conduit or duct. As the proposal is to provide a transmission link between two (2) other telecommunication facilities it is not considered suitable for the antennae to be attached to existing utility poles, towers or other existing radiocommunication equipment.

An onsite planning forum was held on 30 August 2022.

REFERRALS

The application not referred internally or externally.

PLANNING ASSESSMENT

All applicable policy and decision guidelines can be found in Appendix 9.3.4.b.

Planning Policy Framework

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

Policy 13.02-1S Bushfire planning as the proposal will strengthen the resilience of settlements and communities to bushfire. The proposal will provide increased protection of human life and reduce the vulnerability of communities to bushfire.

Policy 14.01-2S Sustainable agricultural land use as the proposal supports the enhancement of appropriate infrastructure.

Policy 19.03-2S Infrastructure design and provision as the proposal integrates developments with infrastructure and services.

Policy 19.03-2L Infrastructure design and provision as the proposal facilitates appropriate infrastructure to support agricultural, commercial and tourism uses, development and growth in rural areas, and the proposal improves infrastructure along key touring routes.

Policy 19.03-4S Telecommunications as the proposal facilitates the orderly development, extension and maintenance of telecommunication infrastructure. The proposal encourages the continued deployment of broadband telecommunications services that are easily accessible by increasing and improving access for all sectors of the community to the broadband telecommunications trunk network.

Policy 19.03-4L Telecommunications as it facilitates upgrades to the telecommunication network to ensure access to telecommunications across the whole Shire and eliminate black spots.

Zoning

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

- The proposed non-agricultural land use will not adversely affect the use of the land for agriculture.
- The proposal will support and enhance agricultural production.

- The proposal will not permanently remove the land from agricultural production.

Bushfire Management Overlay

The land is covered entirely by the Bushfire Management Overlay. There is no planning permit trigger for the proposal in the Bushfire Management Overlay.

Particular Provisions

Clause 52.19 – Telecommunications Facility

Clause 52.19 of the Alpine Planning Scheme contains the state-wide telecommunication facility provisions. The purposes of these provisions include:

- *To ensure that telecommunications infrastructure and services are provided in an efficient and cost effective manner to meet community needs.*
- *To facilitate an effective statewide telecommunications network in a manner consistent with orderly and proper planning.*
- *To encourage the provision of telecommunications facilities with minimal impact on the amenity of the area.*

The proposal is considered to be generally in accordance with the decision guidelines for the following reasons:

- It is generally in accordance with the principles for the design, siting, construction and operation of a Telecommunications facility set out in A Code of Practice for Telecommunications Facilities in Victoria, July 2004; and
- The effect of the proposal on adjacent land is considered acceptable.

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.2021.229. The proposal is considered to be 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:
 - i. Planning Policy Framework;
 - ii. Farming Zone;
 - iii. Particular provisions including 52.19 Telecommunications Facility;
 - iv. Decision Guidelines at Clause 65.01.

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
- A/Manager Planning and Amenity
- Senior Planning Officer

APPENDICIES

9.3.4.a. Conditions

9.3.4.b. Policy and decision guidelines

9.3.4.a. Conditions

1. Before the use and buildings and works authorised by this permit starts 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. The external colour of the monopole being pale eucalypt.
 - b. The level/s relative to Australian Height Datum for the top and bottom of monopole. The top of the monopole must not be more than 15 metres above the existing natural level directly below the location of the proposed monopole within the site.
 - c. The planting of three (3) established (minimum 2 metres high at the time of planting) trees on the site and sited to assist in reducing the visual impact of the proposed telecommunications facility on adjoining dwellings and Mullagong Road. All species selected must be to the satisfaction of the responsible authority.
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.
3. Before the approved use commences 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.
4. 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.
5. All external finishes must be non-reflective and of colours that blend with the surrounding landscape, to the satisfaction of the Responsible Authority.
6. The owner must ensure that the health standards for exposure to radio emissions are met as set out in "Radiation Protection Standard - Maximum Exposure Levels to Radiofrequency Fields- 3kHz to 300 Ghz, ARPANSA, May 2002" to the satisfaction of the Responsible Authority.
7. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the responsible authority. 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 from the subject land, to the satisfaction of the responsible authority. Should erosion control measures should be in accordance with Construction Techniques for sediment Pollution Control (EPA 1991).
8. An area for the storage of construction materials must be designated prior to the arrival of equipment and materials onsite. Wherever possible, disturbed areas should be used rather than areas of good quality indigenous vegetation and significant stands of trees. At the completion of construction all excess materials must be

removed and the site should be regenerated to the satisfaction of the responsible authority.

9. Construction works are only permitted between the hours of 7.00am and 6.00pm Monday to Saturday unless otherwise approved in writing by the responsible authority.
10. Appropriate traffic control measures must be undertaken during construction in accordance with Australian Standard AS1742.3 – 2002 Manual of uniform traffic control devices – Traffic control devices on roads, to the satisfaction of the responsible authority.
11. All external plant and equipment must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the responsible authority.
12. 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.
13. All security alarms and 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.
14. 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 has not commenced within four (4) years of the date of this permit.

Pursuant to Section 69 of the *Planning and Environment Act 1987*, the Responsible Authority may extend:

- i. The commencement date referred to if a request is made in writing before the permit expires or within six (6) months afterwards.
 - ii. The completion date referred to if a request is made in writing within twelve (12) months after the permit expires and the development started lawfully before the permit expired.
15. If the use of the site as a telecommunications facility ceases, all associated infrastructure must, be removed within three (3) months of the use ceasing, to the satisfaction of the responsible authority.

- 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. Construction must be carried out in a safe and effective manner in accordance with relevant requirements of the Occupational Health and Safety Act 1985.
5. The plans submitted for the planning permit application are not surveyed plans and may not show the correct boundary. The applicant is responsible for ensuring the development is sited within their freehold land.

9.3.4.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>.

Planning Policy Framework

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

- 13.02-1S – Bushfire Planning
- 13.07-1S - Land use compatibility
- 13.07-1L - Land use compatibility
- 14.01-1S - Protection of agricultural land
- 14.01-1L - Protection of agricultural land
- 14.01-2S - Sustainable agricultural land use
- 14.01-2L - Sustainable agricultural land use
- 15.01-1L-01 - Urban design
- 15.01-2S - Building design
- 15.01-5S - Neighbourhood character
- 15.01-6S - Design for rural areas
- 19.03-2S - Infrastructure design and provision
- 19.03-2L - Infrastructure design and provision
- 19.03-4S - Telecommunications
- 19.03-4L - Telecommunications

Zone

The land is zoned Farming Zone.

Overlays

The land is covered by the Bushfire Management Overlay.

Particular Provisions

52.19 Telecommunications Facility

General Provisions

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

10. 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 August / September 2022 be received.

Background

The written records of the informal meetings of Councillors held during the previous month are summarised below. A summary can be found in Attachment 10.0 to this report.

Date	Meeting
12 August	Kiewa Valley Historical Society
12 August	Tawonga District Community Association Meeting
30 August	Planning Forum
30 August	Briefing Session
31 August	Planning Forum
6 September	Briefing Session
20 September	Briefing Session

Attachment(s)

- 10.0 Informal meetings of Councillors – August / September 2022

11. Presentation of reports by delegates

12. General business

13. Motions for which notice has previously been given

14. Reception and reading of petitions

15. Documents for sealing

RECOMMENDATION

That the following documents be signed and sealed.

1. *Contract No. 21137 in favour of GroupSA for the Sport and Active Recreation Master Planning.*
2. *Contract No. 170401 in favour of GF & AM Peterson Pty Ltd for the Provision of Maintenance, Waste and Recycling Services at Dinner Plain.*
3. *Contract No. 1707402 in favour of GF & AM Peter son Pty Ltd for the Provision of Contracted Services at Dinner Plain Village.*
4. *Section 173 Agreement – Julie Christine Smith*
The Section 173 Agreement relates to conditions 16, 17 and 19 of Planning Permit 2020.115 for a Two (2) Lot Subdivision at Mystic Lane, Bright (Lot 3 PS: 305920G).

The Agreement provides for Bushfire Management protection requirements including a Bushfire Management Plan; and ensures setback requirements from any waterway for all future buildings and works on proposed Lots 1 and

5. *Section 173 Agreement – McPherson Earthmoving Contractors Pty Ltd. The Section 173 Agreement relates to conditions 11 and 58 of Planning Permit 2016.31-EXT2 for a 28 lot Subdivision and Creation of Access to a Road in a Road Zone Category 1 at 240 Myrtle Street, Myrtleford. Lot 2 PS 302095 and Lot A PS 344763.*

Condition 11

- a. *Landowner acknowledgment that the land is located near to industrial uses where businesses operate and from time-to-time these uses may produce off-site emissions such as noise, light and vibration.*
- b. *Lot 28 to be developed and used for temporary tourist accommodation purposes only.*
- c. *Landowner acknowledgment that Lot 28 is adjacent to the Myrtleford Savoy Sporting Club and may be subject to noise.*
- d. *Lot 14 and 15 restricted to single storey development.*
- e. *Requirement for a 10,000l rainwater tank for stormwater retention in association with any dwelling and for any dwelling to be plumbed accordingly.*
- f. *Dwelling on Lot 1 to address both street frontages.*
- g. *Fencing adjoining reserve between Lot 27 and 28 to have a maximum height of 1.5 metres.*
- h. *For lots 15 to 27, double glazing and rear boundary acoustic fencing requirements.*

Condition 58

Building envelopes on Lots 1 through 13 and 28, minimum FFL's and fencing requirements to address flooding considerations.

There being no further business the Chairperson declared the meeting closed at _____p.m.

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Chairperson