

M(3) – 5 APRIL 2022

Ordinary Council Meeting

Minutes

The **Ordinary Meeting** of the **Alpine Shire Council** was held at the Senior Citizens Centre, Smith Street, Myrtleford on **5 April 2022** and commenced at **5.00pm**

PRESENT

COUNCILLORS

Cr Sarah Nicholas - Mayor

Cr Katarina Hughes - Deputy Mayor

Cr John Forsyth

Cr Ron Janas

Cr Tony Keeble

Cr Simon Kelley

OFFICERS

Charlie Bird - Chief Executive Officer

William Jeremy - Director Assets

APOLOGIES

Cr Kelli Prime

Helen Havercroft - Director Corporate Performance

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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.

By submitting a question, you consent to your question being read aloud at the meeting.

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

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

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

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

The Mayor will read the following statement:

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

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

3. Confirmation of minutes

3.1 ORDINARY COUNCIL MEETING – M(2) – 1 MARCH 2022

Cr Forsyth

Cr Hughes

That the minutes of Ordinary Council Meeting M(2) held on 1 March 2022 as circulated be confirmed.

Carried

4. Apologies

Cr Kelli Prime

Helen Havercroft, Director Corporate Performance

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

Cr Janas declared a conflict of interest with respect to item 9.3.11 Planning Application P.2021.83.1 - 545 Myrtleford Yackandandah Road, Barwidgee

Cr Kelley declared a potential or perceived conflict of interest with respect to item 9.2.3 Big Hill Car Park Sealing.

Cr Nicholas declared a conflict of interest with respect to item 9.3.9 Planning Application P.2021.183 - 117 Centenary Avenue, Wandiligong

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. Urgent business

Cr Forsyth

Cr Keeble

That Council admits report item 9.2.10 Mount Beauty Airport Upgrade Variation to this agenda as urgent business in accordance with Chapter 3, Section C4.2 of Council's Governance Rules.

The report is considered to be urgent business because a decision is required in order to enable the project to proceed to completion within the remaining construction window before winter.

Carried

9. Presentation of reports by officers

9.1 CHIEF EXECUTIVE OFFICER – CHARLIE BIRD

9.1.1 VEC Election Report - Alpine Shire Council Countback Report

INTRODUCTION

Following the resignation of Councillor Charlie Vincent in late December 2021, an election countback was required to fill the extraordinary vacancy on Alpine Shire Council. The countback was conducted by the Victorian Electoral Commission, and the presentation of the election report is a requirement of the *Local Government (Electoral) Regulations 2020*.

Cr Keeble
Cr Hughes

That Council receives and notes the 'Alpine Shire Council - Local Government Countback Report - 19 January 2022', prepared by the Victorian Electoral Commission.

Carried

BACKGROUND

An extraordinary vacancy occurred on Alpine Shire Council due to the resignation of Councillor Charlie Vincent on Wednesday 22 December 2021.

The vacating councillor was one of seven councillors elected at the Alpine Shire Council general election in October 2020.

The *Local Government Act 2020* (LGA 2020) requires the vacancy to be filled, in the first instance, from among the list of the remaining unsuccessful candidates who were eligible for election at the general election.

ISSUES

Countback system

The LGA 2020 requires a countback to be used as the first method of filling an extraordinary vacancy for unsubdivided Councils where there are one or more previously unsuccessful candidates. Countbacks are designed to fill the vacancy in proportion to the amount of support each candidate has in the electorate that elected the vacating councillor. If there were no eligible candidates remaining to fill the vacancy, a by-election would be required.

Countback and declaration of result

The Victorian Electoral Commission (VEC) hosted the computer countback online, at 11am on Wednesday 19 January 2022. Following the countback, Simon Kelley was publicly declared elected on Thursday 20 January 2022.

Report on countback

Regulation 83 of the *Local Government (Electoral) Regulations 2020* requires the VEC to prepare a report to the Chief Executive Officer (CEO) on the conduct of the election, within the period of 6 months after election day.

The CEO must ensure that the report is submitted to Council at the earliest practicable meeting of the Council held after the report is received by the CEO. Council received the report on 3 March 2022.

POLICY IMPLICATIONS

The presentation of the VEC's report ensures that Council is compliant with the *Local Government (Electoral) Regulations 2020*.

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

- 5.2 A responsible, transparent and responsible organisation

FINANCIAL AND RESOURCE IMPLICATIONS

The cost of the election countback was paid by Council. No further costs are associated with the presentation of this report.

CONSULTATION

No consultation was required, as the presentation of the report is a statutory process.

CONCLUSION

As the presentation of the VEC report is a requirement of the *Local Government (Electoral) Regulations 2020*, it is appropriate for Council to receive and note the report.

DECLARATION OF CONFLICT OF INTEREST

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

- Chief Executive Officer
- Governance Officer

ATTACHMENT(S)

9.1.1. Alpine Shire Council - Local Government Countback Report - 19 January 2022

9.2 DIRECTOR ASSETS – WILLIAM JEREMY

9.2.1 Energy Efficient Street Lighting

File Number: CT22015

INTRODUCTION

This report relates to the award of a contract for the supply of energy efficient streetlight hardware as part of the Energy Efficient Street Lighting project.

Cr Janas

Cr Hughes

That Council awards Contract No. 2201501 "Supply of Energy Efficient Streetlight Hardware" to Sylvania-Schreder based on the tendered schedule of rates with an upper limiting value of \$440,000 (GST Exclusive).

Carried

BACKGROUND

Council adopted the Alpine Shire Council Climate Action Plan at the September 2021 Council meeting, committing to climate change mitigation by reducing Greenhouse Gas (GHG) emissions from Council corporate operations to net zero by 2023.

As part of this commitment, Council joined the Victorian Energy Collaboration Renewable Power Purchase Agreement (VECO PPA) which will provide all of Council's electricity usage from 100% renewable energy. In addition to this, Council continues to pursue electricity use reduction, such as on-site solar and LED streetlights. These initiatives deliver the co-benefits of lower electricity bills, less reliance on the grid, freeing up renewable electricity supply for other users and demonstrating leadership to the community.

Upgrading streetlighting to improve efficiencies, reduce GHG emissions and introduce new technology is one of the actions identified in Council's Climate Action Plan.

An audit of Council's streetlights identified that 1,333 out of 1,494 streetlights would benefit from upgrading. These include 849 mercury-vapour and 403 sodium lights.

Mercury-vapour technology is being phased out over the next two to five years under international agreements and will no longer be available.

Sodium and mercury-vapour lights are inefficient and have a high impact on the environment. These lights will be upgraded to LED technology which is more efficient and less harmful to the environment.

Overall project benefits will include:

- freeing up renewable electricity supply for other users which saves the equivalent of 420 tonnes CO₂ each year

- saving of ~70% in energy consumption due to new technology and improved lighting efficiency
- safer roads, as a result of improved lighting where a decision is taken to install lighting with increased intensity compared to what is currently installed.

Collaborative procurement is encouraged under the Local Government Act 2020 and Council's Procurement Policy to maximise value for money. Council has used the Municipal Association of Victoria (MAV) Procurement Panel for Energy Efficient Street Lighting Hardware. There are nine suppliers on the MAV panel with four approved by AusNet Services to supply streetlights to be installed on their network. Only Ausnet Services approved suppliers are eligible to tender for this project.

Tenders were sought, and compliant responses received from all four Ausnet Services approved suppliers.

EVALUATION

The evaluation panel consisted of the Project Officer and the Manager Asset Development.

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

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

Following the assessment of the tenders, it was determined that the tender from Sylvania-Schreder best met all the requirements of the selection criteria.

ISSUES

The scope of this project is limited to streetlighting and excludes lighting in Council's parks, reserves and facilities. An audit of this lighting will be carried out separately to establish opportunities for upgrades.

POLICY IMPLICATIONS

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

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

- 3.1 Decisive leadership to address the impacts and causes of climate change

FINANCIAL AND RESOURCE IMPLICATIONS

The financial return on investment analysis (excluding rebates) indicates a payback period between four and seven years.

Council will be accessing three rebate programs as part of this project as follows:

- Ausnet Mercury Vapour Decommissioning Program
- Victorian Energy Efficiency Commission Certificate Program
- Department of Transport Program

The financial impact of combining the savings from more energy efficient streetlights and accessing the three rebate programs reduces the payback period to two years.

CONSULTATION

Council has engaged the support of Ironbark Sustainability, an independent industry expert, to assist in the delivery of this project.

The community will be informed of the lighting upgrades and associated benefits of LED lighting prior to installation commencing, which is planned for the second quarter of the 2022/23 financial year.

CONCLUSION

Upgrading streetlighting to improve efficiencies, reduce GHG emissions and introduce new technology is one of the actions identified in Council's Climate Action Plan.

Following collaborative procurement through MAV panel and a comprehensive assessment and evaluation of the tenders, the proposal from Sylvania-Shreder 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

9.2.2 Communication Services for Capital Works Projects

Contract No. CQ21125

INTRODUCTION

The purpose of this report is to seek Council endorsement to engage a suitably qualified and experienced communications consultancy to provide communication and engagement support to the Asset Development team.

Cr Forsyth

Cr Kelley

That Council awards Contract No. 2112501 "Communications Services for Capital Works Projects" to The Copy Collective to the amount of \$232,000 (GST Exclusive).

Carried

BACKGROUND

Council is committed to delivering exceptional project outcomes for the community. Capital works projects are typically complex and can take a long time to deliver. Council would like to take the community on a journey from project commencement, through all the major milestones and culminating in the project's completion for public use and benefit. The Alpine Shire community is highly engaged and interested in the works Council is undertaking. Regular, well planned and proactive communication will enable better customer experiences and outcomes.

The services from the communication consultancy will include but not be limited to:

1. Development of communication plans across all projects

The design, development, and delivery of a communication plan for all major projects. The plan will provide a predictable and repeatable guided approach to the delivery of effective and inclusive communication to residents and stakeholders.

The plan will outline the overarching engagement objectives and describe the high-level approach to ensure clear, timely and transparent communication for the specific project.

2. Content and copy creation

Development and delivery of copywriting and content creation in conjunction with the Asset Development Team Project Officers. Creating content to final draft quality for review, executive approval and publication for all major projects and other selected projects.

3. Ongoing tactical communication support

Support the implementation and tactical navigation of the communication plans for the selected project portfolio.

A request for quotation was advertised for a period of four weeks from 19 October to 19 November via tenders.net and the Alpine Shire Council website. The prices received exceeded the procurement threshold for a request for quotation.

An Invitation to Tender was advertised from 19 January 2022 to 19 February 2022 via tenders.net, the Alpine Shire Council website and an advertisement in the Herald Sun.

The tender documents were downloaded by 52 prospective tenderers and 16 submissions were received by the closing date.

EVALUATION

The evaluation panel consisted of the Project Officer, Communications Officer and the Manager Asset Development.

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

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

Five tenderers were requested to provide examples of media releases and social media tiles and three of these tenderers were shortlisted for interviews.

Following the assessment of the tenders, it was determined that the tender from The Copy Collective best met all the requirements of the selection criteria.

ISSUES

Council has successfully secured significant State and Australian Government funding to deliver a number of important capital projects. There is significant community interest in these projects.

Council's communication resourcing is unable to meet this increased demand and opportunities are being missed to fully engage the community.

Engaging external support to provide regular, well planned and proactive communication will result in better project outcomes by more effectively engaging our community to provide input into projects during the scoping and design phases, and keeping our community better informed as projects are being delivered.

POLICY IMPLICATIONS

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

- 5.1 Effective communication and engagement

FINANCIAL AND RESOURCE IMPLICATIONS

The contract services are fully funded via external capital project funding. There are sufficient financial resources to award this contract. No financial co-contribution from Council is required.

CONSULTATION

Extensive consultation has been undertaken with the Communications Officer and Executive team to ensure these services complement and enhance Council's communications program.

CONCLUSION

Council has secured significant external funding to deliver capital projects. The existing communications resourcing is insufficient to effectively support the delivery of these projects, and it is recommended that the support of an external communications agency is engaged.

Following a comprehensive assessment, the tender from The Copy Collective is considered to present best value for Council. It is recommended that Council awards the contract for Communication Services for Capital Works to The Copy Collective.

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
- Communications Officer

ATTACHMENT(S)

Nil

Cr Kelley left the meeting at 5.26pm.

9.2.3 Big Hill Car Park Sealing

Contract No. CT21147

INTRODUCTION

This report relates to the award of a contract for civil works at Big Hill car park off Bogong High Plains Road, Mount Beauty. The works include drainage, pedestrian safety and parking upgrades including sealing works.

Cr Keeble
Cr Hughes

That Council awards Contract No. 2114701 for "Big Hill Car Park Sealing" to North East Civil Construction Pty Ltd for the lump sum price of \$234,440.34 (GST Exclusive).

Carried

BACKGROUND

Big Hill car park operates as the trail head for the Big Hill Mountain Bike Park and an entry point onto the Mount Beauty Gorge Walk. It is a popular facility with toilets, bike wash stations, club sheds including an Upper Kiewa Valley Lions Club shed, and a BBQ pavilion area.

The works address the following key items:

- resolving the significant drainage problems
- resolving entrance angles causing vehicle damage
- improving pedestrian safety
- improving turning circles
- sealing and formalising parking bays.

The car park works are complementary to works recently undertaken by Team Mount Beauty involving installation of a retaining wall.

A tender for the construction works was advertised on Wednesday 23 February 2022 via tenders.net, the Alpine Shire Council website and an advertisement in the Herald Sun.

The tender documents were downloaded by six prospective tenderers and one conforming response was received by the closing date.

EVALUATION

The evaluation panel consisted of the Project Officer and the Manager Asset Development.

The tender was evaluated according to the key selection criteria listed in the Invitation to Tender:

- Price
- Qualifications and Previous Performance

- Delivery
- Social
- Environmental

The breakdown of the tendered price was compared to the internal estimate and determined to offer value for money for Council

Following the assessment of the tender, it was determined that the tender from North East Civil Construction best met all the requirements of the selection criteria.

ISSUES

Team Mount Beauty regularly hosts cycling events from this car park. Delivery of the works are planned with consideration of their 2022 event timetable to minimise disruption. Access to the trails will be maintained under traffic control during construction.

Lions Club shed access will be impacted during the civil works. Consultation has been undertaken with the Club and they have made arrangements to relocate their operations during the construction period.

POLICY IMPLICATIONS

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

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

- 4.5 Assets for our current and future needs

FINANCIAL AND RESOURCE IMPLICATIONS

Council successfully secured funding from the Australian Government's Local Roads and Community Infrastructure Phase 1 and Phase 3 Funds towards the Big Hill Car Park Sealing project. No Council co-contribution is required to deliver this project. There is sufficient funding to deliver the scope of this project.

CONSULTATION

Team Mount Beauty approached Council to request improvements to address the issues listed in this report. The proposed scope addresses these issues. VicRoads has been engaged and is supportive of the works. Further updates will be provided to the Mount Beauty community before works commence. The Lions Club has been consulted and are aware of the works. Council's Asset Maintenance Team have been consulted.

CONCLUSION

Following a comprehensive assessment, the tender from North East Civil Construction is considered to present good value for Council. It is recommended that Council awards the contract to North East Civil 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.

- Director Assets
- Manager Asset Development
- Project Officer

ATTACHMENT(S)

Nil

Cr Kelley returned at 5.31pm

9.2.4 Toms Road - Road Discontinuation, Road Deviation and Land Exchange

INTRODUCTION

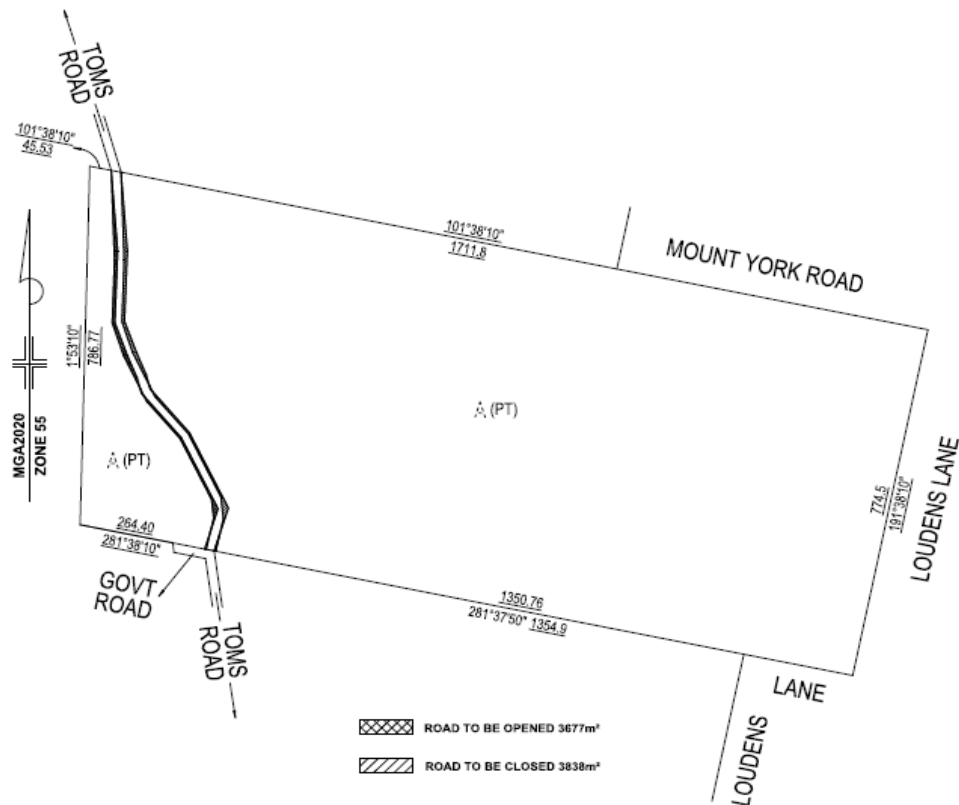
The purpose of this report is to advise Council's intention to discontinue a road and carry out a road deviation and land exchange at Toms Road, Tawonga South.

Cr Janas

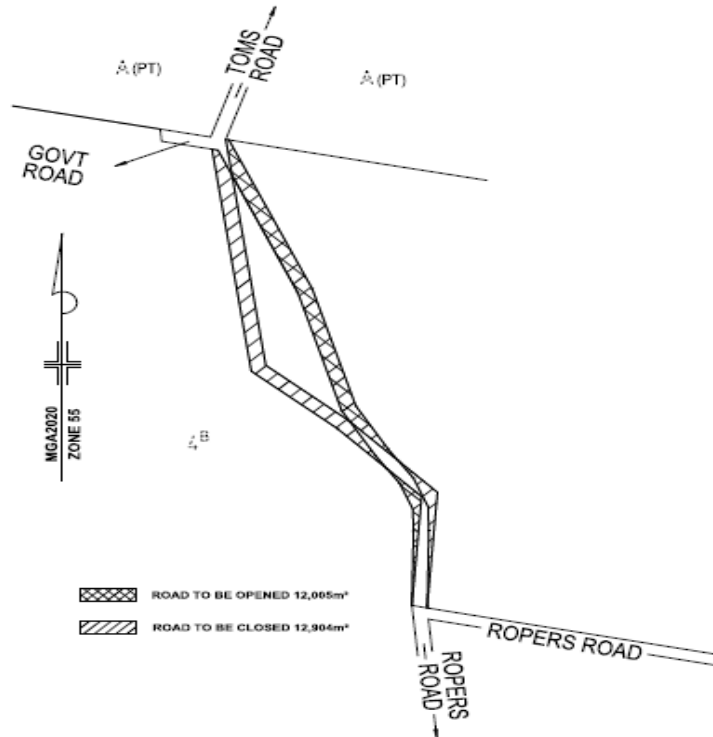
Cr Keeble

That Council:

1. *Advertises its intention to discontinue a road and carry out a road deviation and exchange of land affecting parts of Crown Portion A, Crown Allotment 4 (PT), 4A, 4B, and Former Government Road (PT) and private land, Lot 1 TP22014D, Lot 1 PS849572S and Lots 1,2 and 3 TP827582A Parish of Mullindolingong as follows:*
 - a. *Discontinue 3838m² of road in accordance with Schedule 10, Clause 3(a) of the Local Government Act 1989 (LGA 1989);*
 - b. *Exchange the 3838m² of land discontinued as road with the owner of Lot 1 TP22014D under s114(2)(c) of the Local Government Act 2020 (LGA 2020);*
 - c. *Declare 3677m² of land as a road (Land to be Transferred) to be open to public traffic pursuant to Section 204(2) of the LGA 1989;*



- d. Discontinue 12904m² of road in accordance with Schedule 10, Clause 3(a) of the LGA 1989;*
- e. Exchange the 12904m² of land discontinued as road with the owner of Lot 1 PS849572S and Lots 1,2 and 3 TP827582A under s114(2)(c) of the LGA 2020;*
- f. Declare 12005m² of land as a road (Land to be Transferred) to be open to public traffic pursuant to Section 204(2) of the LGA 1989.*



- 2. Provides public notice of the intention to discontinue the road, deviate the road and exchange the land as outlined in (1)(a)-(f) above, inviting public submissions for a period of no less than 28 days in accordance with s207A and s223 of the LGA 1989 and s114(2)(c) of the LGA 2020.*
 - a. Form a committee to hear submissions under s223 of the LGA 1989, if required*
 - b. Present a report to the June Council meeting to formally discontinue the road, deviate the road and exchange the land as described above.*

Carried

BACKGROUND

Toms Road, Tawonga South, is 1.6km in length and maintained by Alpine Shire Council. A contract for the upgrade of Toms Road was awarded at the February 2022 Council meeting. During the scoping phase of the project, it was identified that the formed road was not located entirely in the road reserve and that private infrastructure had previously been constructed within the road reserve with the endorsement of Council Officers.

Extensive consultation has been undertaken with landowners, and survey work has been undertaken to establish title boundaries and determine land areas impacted and subject to the road discontinuance and land exchange.

ISSUES

None to report.

POLICY IMPLICATIONS

Road discontinuance and deviation is being progressed in accordance with the *Local Government Act 1989*, including the requirement for public submissions in accordance with s223 of that Act.

Land exchange is being progressed in accordance with the *Local Government Act 2020*, with consultation processes in accordance with Council's Community Engagement Policy.

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

- 4.5 Assets for our current and future needs

FINANCIAL AND RESOURCE IMPLICATIONS

A valuation of all land to be exchanged has been conducted and has been valued at \$18,000 per hectare. The total difference of the combined land exchanges is 0.106 hectares and totals \$1,907.00. The outcome of the exchange is to the advantage of the landowners. Due to the costs associated with the sales and purchases of the land, no financial consideration will be sought from the landowners by Council.

CONSULTATION

Extensive consultation and negotiations have been ongoing for approximately three years with landowners directly affected by the land exchanges.

The discontinuation, deviation and land exchanges will be placed on public exhibition for no less than 28 days. Public submissions may be received during the public exhibition period. Any person wishing to be heard in support of their submission may request to do so, in which case a committee of Councillors will be formed to hear these submissions.

All written submissions will be considered by Council.

Following the public submission period, a report will be brought back to Council to formally deviate the road and exchange the land. This decision will then be advertised in the Victorian Government Gazette in order to meet all the requirements of the *Local Government Act 1989*.

CONCLUSION

It is recommended that the required discontinuation of the road, deviation of the road and land exchanges are carried through to ensure the existing road alignment is within the road reserve in its entirety.

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 Local Economic Recovery Fund - Kiewa River Trail Extension

INTRODUCTION

This report seeks Council's endorsement to submit a funding application for the detailed design and construction of the Kiewa River Trail extension in Mount Beauty.

Cr Forsyth

Cr Keeble

That Council endorses an application to the Bushfire Recovery Victoria 'Local Economic Recovery Fund Round 3' for detailed design and construction of the Kiewa River Trail extension with zero Council co-contribution.

Carried

BACKGROUND

The final round of the Local Community Projects Grants, funded under the Local Economic Recovery (LER) program, will fund local projects vital for community recovery in bushfire-affected regions. Funding is jointly provided by the Australian and Victorian Governments and administered by Bushfire Recovery Victoria.

A total of \$3.8 million is allocated. Grants between \$50,000 and \$2 million are available for eligible applicants, and applications close on Monday 11 April 2022.

The key objectives of the fund are to:

- increase employment opportunities and decrease skills shortages
- increase business capacity and economic opportunity with a focus on tourism, primary industries, and small businesses
- increase visitor confidence in the region
- improve community wellbeing
- restore or improve the natural environment
- increase economic and social benefits by investing in enabling infrastructure
- promote Aboriginal participation and ownership and protect and enhance Aboriginal culture

Following an assessment of the projects in Council's Project Pipeline which meet the grant funding criteria, and discussions with Bushfire Recovery Victoria, it is recommended that an application is made for funding to deliver the detailed design and construction of the Kiewa River Trail extension project.

ISSUES

The proposed extension of the Kiewa River Trail will cross Crown waterfront land which is currently under licence to an adjacent landowner. The licence has been issued by the Victorian Government Department of Environment, Land, Water and Planning (DELWP). Delivery of the trail extension will require either modification or cancellation of this

existing waterfront licence. Council officers have engaged with both DELWP and the impacted landowner.

The trail alignment will potentially pass through areas subject to inundation during flood events, and this will be taken into consideration during the detailed design of the trail.

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 proposed funding application requires no co-contribution from Council. The capital cost to deliver the Kiewa River Trail extension project is estimated to be \$850,000.

The deadline for the expenditure of funding received under this program is 31 December 2023.

CONSULTATION

The project that has been nominated based on an assessment of the projects in Council's Project Pipeline against the grant funding criteria and following engagement with Bushfire Recovery Victoria. The project has strong community support. Landowners adjacent to the trail alignment have been engaged through the process of scoping the project. DELWP has been engaged and is supportive of the project.

CONCLUSION

A funding opportunity is available to Council. Following assessment of the projects in Council's Project Pipeline which meet the grant criteria it is recommended that an application is made for funding to deliver the detailed design and construction of the Kiewa River Trail extension project.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Asset Development

ATTACHMENT(S)

Nil

9.2.6 Alpine Better Places Tawonga

INTRODUCTION

This report relates to the next steps in the Alpine Better Places Tawonga project.

Cr Janas

Cr Keeble

That Council:

- 1. Approves the demolition of the Tawonga Scout Hall; and*
- 2. Endorses the proposed draft Concept Designs (as per attachment 9.2.6) be used to re-engage with the community.*

Carried

BACKGROUND

The Alpine Better Places Tawonga project commenced in March 2020. The key objectives of the project include:

- Improved streetscapes, including wayfinding signage, paths, tracks and 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 Alpine Better Places Tawonga detailed concept design plans were developed to focus on two key areas that were identified by the community:

1. Create a centralised 'focus' or heart to the township in Pioneer Park.
2. Improve the circulation and safety for pedestrians.

The project was placed on hold in August 2021 pending a decision by Council relating to the purchase of the Tawonga Scout Hall. The purchase of the Tawonga Scout Hall was finalised in January 2022, enabling work on the project to recommence.

ISSUES

Tawonga Scout Hall - Building

At the August 2021 Council Meeting, Council invited submissions from the public on a proposal for Council to purchase the property on which the Tawonga Scout Hall is located. In the report to Council it was stated:

In March 2017, the building that is located on this land, the 'Tawonga Scout Hall', was inspected and significant issues were identified across a wide range of building components. In a further inspection carried out in November 2020 it was reported that 'the building cannot be used for any purpose including accommodation due to its condition and lack of facilities and further that the wastewater system is unknown and in

close proximity to a waterway which is of concern. As the building has not been used for several years, prior to any use being undertaken, the premises needs to comply with the current standards.'

Subsequent to the purchase being finalised, a further inspection of the building has been carried out by an experienced building practitioner. The results of this inspection are consistent with the findings of the earlier inspections, that significant work would be required to bring the building back into compliance with current standards.

Based on the findings of the three inspections, it has been determined that it would not be cost effective for Council to carry out works to the existing building to achieve a certificate of occupancy, and then to maintain the building into the future for public use. Should Council determine through the upcoming engagement around the Alpine Better Places project that a building is appropriate on this land in the future, then it would be more cost effective to design and construct a new building based on the specific user requirements of the proposed occupiers of the building.

On this basis, it is recommended that the existing Tawonga Scout Hall building be demolished.

Tawonga Scout Hall - Land

The inclusion of the Tawonga Scout Hall land in the scope of the Alpine Better Places Tawonga project provides a significant opportunity to contribute towards the delivery of an exceptional outcome for the community.

Based on feedback during the previous stages of engagement, and feedback received in relation to the proposal for Council to purchase the Tawonga Scout Hall, four alternative draft concept designs have been prepared as the basis for re-engaging with the community to establish the future plans for the land on which the Tawonga Scout Hall is located, as part of the overall Alpine Better Places Tawonga project scope.

The four concept designs are summarised as follows:

- Option 1 – parkland, revegetation and carparking
- Option 2 – new building and carparking
- Option 3 – relocation of multipurpose playing courts to this area, and
- Option 4 – cycle pump track

Outstanding Concept Design Issues

In addition to establishing agreed plans for the future development of the Tawonga Scout Hall land, the following have been identified as the key issues which remain outstanding to resolve from the previous engagement with the community:

- Safe pedestrian circulation and crossing points on the Kiewa Valley Highway.
- Carparking on the Kiewa Valley Highway adjacent to the Old Tawonga Store.
- The extent of new playground shade trees and natural elements.

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

Based on the cost to demolish Friendship House in Myrtleford, the estimated cost of demolishing the Tawonga Scout Hall is \$50,000. The work will be budgeted through Council's normal annual budget cycle.

Following adoption of the detailed concept designs, Council will seek opportunities to secure external funding in order to commence delivery of the project. The Alpine Better Places Tawonga project is following the same model which has successfully delivered Alpine Better Places Porepunkah, Myrtleford and Mafeking Square in Bright, and has recently secured funding to commence delivery of the Alpine Better Places Harrierville project.

CONSULTATION

Consultation has occurred throughout the development of the draft detailed concept design plans. Residents, community organisations, and internal stakeholders were engaged through three rounds of consultation.

A further two rounds of community engagement are proposed, followed by endorsement of the draft concept designs for a formal public exhibition period. The proposed starting point for this community engagement are the four concept plans attached to this report.

The tentative timeframe for the delivery of the remaining components of the detailed concept design project will see the final detailed concept plans adopted at the December 2022 Council Meeting.

CONCLUSION

With the purchase of the Tawonga Scout Hall being concluded, Council is now in a position to re-engage with the community to complete the delivery of the Alpine Better Places Tawonga project.

The Tawonga Scout Hall building has been assessed for a third time. It has been concluded that it is not cost effective to retain the building, and demolition is recommended.

Four concept designs have been established for the land on which the Tawonga Scout Hall is located, and it is proposed to re-engage the community using these concept designs.

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)

9.2.6 Draft Concept Designs - ABP Tawonga Scout Hall

9.2.7 Tawonga Community Hall Upgrade

INTRODUCTION

This report relates to the adoption of the preferred concept design for the upgrade of the Tawonga Community Hall.

Cr Keeble
Cr Hughes

That Council adopts the concept design for the Tawonga Community Hall upgrade which retains the stage and establishes new amenities in a structure located outside the footprint of the existing building with access provided from the foyer.

Carried

BACKGROUND

The Tawonga Community Hall was built in the late-1950's after the community raised the funds. It is a valued community asset.

The Tawonga Scout Hall provided an overnight accommodation facility for school groups travelling to the Kiewa Valley and ski fields. In 2015, the Tawonga Scout Hall was closed, and the Tawonga Community Hall started providing overnight accommodation for these groups.

In late-2020, the Tawonga and District Community Association (TDCA) approached Council seeking support to apply for funding to upgrade the Hall. Council engaged extensively with the TDCA and developed a user requirements statement which was used as the basis for a funding application.

The following key requirements were identified:

- Capacity for up to 60 persons in overnight dormitory style accommodation.
- Capacity for up to 100 – 120 persons at catered events.
- A new external roofed deck.
- Upgrading the Hall to meet Environmentally Sustainable Design standards.
- Installation of a new wastewater treatment system to handle occupancy requirements.
- Improved storage, kitchen and carparking.

In August 2021, Council successfully secured \$850,000 of funding from Bushfire Recovery Victoria's Local Economic Recovery program. This program is jointly funded by the Australian and Victorian Governments. Concept designs were subsequently developed.

ISSUES

There is currently no reticulated wastewater system servicing the Tawonga Hall, and it is required to treat and dispose of its wastewater on site via an approved treatment system. The Tawonga Community Hall has limited outside space, which constrains the size and capacity of the onsite wastewater treatment system that can be installed. The occupancy

permit for Class 3 (overnight accommodation) and Class 9 (catered events) is governed by the wastewater treatment system. The wastewater treatment system has been designed to maximise the occupancy of the hall and will enable up to 60 persons for overnight accommodation and up to 120 persons at catered events.

Different concept designs are equally capable of fulfilling the agreed user requirements. The key variables are the location of the new amenities, being either internal or external to the existing building footprint, and the retention or removal of the existing stage. Community consultation was used as outlined below to establish the preferred concept.

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 Tawonga Community Hall Upgrade is fully funded by Bushfire Recovery Victoria. There is sufficient funding to enable the delivery of the key requirements identified in the user requirements statement. No co-contribution is required from Council.

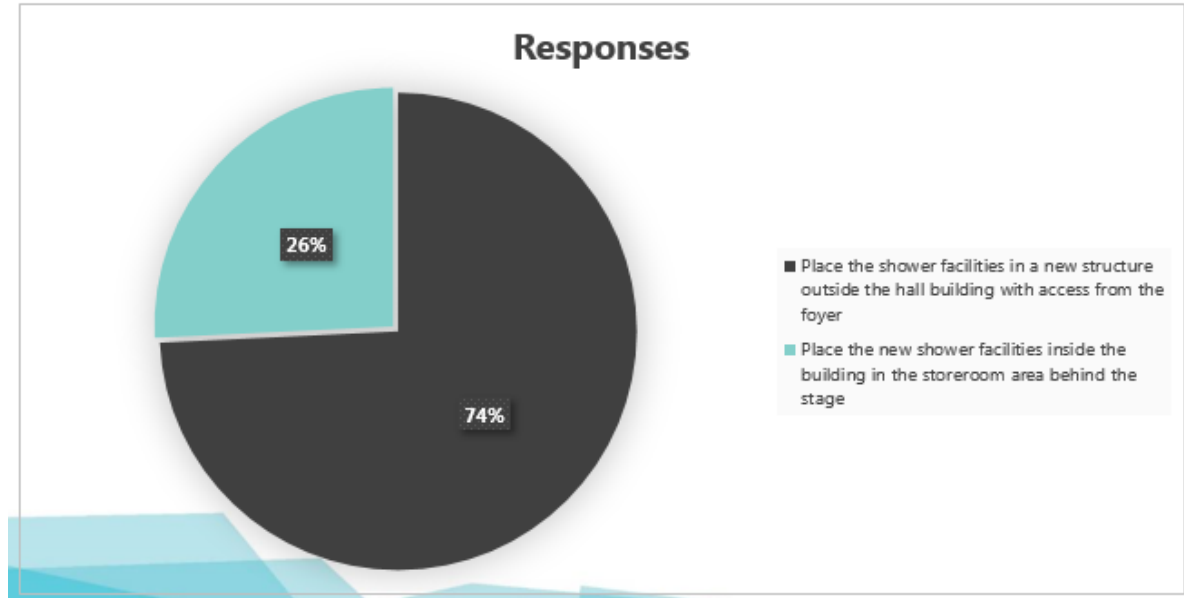
CONSULTATION

Extensive community engagement has been conducted with the Tawonga community to establish two concept designs:

- Option 1: Place the shower facilities in a new structure outside the hall building with access from the foyer.
- Option 2: Place the new shower facilities inside the building in the storeroom area behind the stage.

These options were presented to the community in February 2022. At that meeting the community requested Council to conduct an engagement process based on the Alpine Better Places engagement model to enable broad community participation in determining the final preferred concept for final design and construction. Council received 66 individual responses and 42 comments.

The results of the engagement process are as follows:



1. Option 1 External Amenities - 74%
2. Option 2 Internal Amenities - 26%

Individual comments have been addressed as follows:

Issues Raised	Project Response
Option 1 (external) or Option 2 (internal) amenities	External amenities for detailed design based on community feedback
Removal or retention of stage.	Retention of the stage is strongly supported by the school and childcare users
Kitchen upgrade to meet required health standards.	Incorporated
Building insulation, double glazing, air conditioning, solar & hot water	Incorporated in Environmentally Sustainable Design (ESD) specification
Additional user group storage.	Incorporated
Onsite wastewater treatment upgrade	Incorporated
New external roofed deck	Incorporated

CONCLUSION

Extensive consultation has been carried out with the community to establish the user requirements and preferred concept design. The results of the consultation and engagement process demonstrates a strong community preference for the amenities to be located outside the existing building. Retention of the stage is strongly supported by school and childcare users. It is recommended that Council adopts Option 1 to place the new amenities structure outside the building footprint with access from the foyer and retains the stage.

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

9.2.8 Draft Asset Plan 2022-2031

INTRODUCTION

This report relates to the adoption of the draft Asset Plan 2022-2031 for public exhibition.

Cr Forsyth
Cr Keeble

That Council:

- 1. Endorse the draft Asset Plan 2022-2031 for the purpose of seeking public submissions;*
- 2. Invites public submissions on the draft Asset Plan 2022-2031 for a period no less than 28 days; and*
- 3. Considers a recommendation to adopt the final document in June 2022.*

Carried

BACKGROUND

Section 92 of the *Local Government Act 2020* requires all Victorian councils to develop, adopt and keep in force an Asset Plan (the Plan). The Plan must be adopted by 30 June 2022.

The Plan is a strategic document that informs the community about how Council's infrastructure assets will be managed and maintained to support achieving the Community Vision and Council Plan objectives.

The Plan must cover a minimum period of at least the next 10 financial years, and include information about maintenance, renewal, acquisition, expansion, upgrade, disposal, and decommissioning in relation to each class of infrastructure asset under the control of the Council. These asset classes include roads and car parks, buildings, pathways, open space, drainage and bridges.

ISSUES

None to report.

POLICY IMPLICATIONS

Council's draft Asset Plan has been prepared to meet the requirements of the *Local Government Act 2020*.

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

There are no financial or resource implications associated with the adoption by Council of the Asset Plan. The content of the Plan is aligned with the content of the Financial Plan, which was adopted by Council at the October 2021 Council Meeting.

CONSULTATION

In accordance with the requirements of the LGA 2020, the first version of the Plan must be adopted in accordance with Council's Community Engagement Policy. The content of the Plan is closely aligned with the content of the Financial Plan, supports delivery of the Strategic Objectives of the Council Plan 2021-2025, and supports progress towards achieving the Community Vision 2040. The Community Vision, Council Plan and Financial Plan were all prepared with significant community engagement, including a thorough deliberative engagement process. A planned 28-day public exhibition period provides an opportunity for the community to review and provide feedback on the Plan.

The Plan must be reviewed in accordance with Council's deliberative engagement practices and an update adopted by 31 October in the year following a general election.

CONCLUSION

Council is legislated under LGA 2020 to develop and adopt an Asset Plan which includes information about maintenance, renewal, acquisition, expansion, upgrade, disposal, and decommissioning in relation to each class of infrastructure asset under the control of the Council. Council's Draft Asset Plan has been developed in line with this legislation, and this Plan is ready for public exhibition.

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 Maintenance

ATTACHMENT(S)

9.2.8 Draft Asset Plan 2022-2031

9.2.9 Plant and Fleet Purchases

INTRODUCTION

This report relates to a commitment to the purchase of priority plant and fleet for the 2022/23 capital works program ahead of the 2022/23 annual budget being adopted.

Cr Janas
Cr Forsyth

That Council commits to the purchase of priority plant and fleet items to the value of \$375,600 (GST Exclusive) ahead of the 2022/23 budget being adopted.

Carried

BACKGROUND

The COVID pandemic has resulted in significant and ongoing supply chain interruptions.

Commitments were made to the purchase of plant and fleet budgeted in the 2021/22 financial year as early as July 2021. At this time, there remain a number of items for which we do not yet have a confirmed delivery date.

Suppliers have indicated that delivery timeframes for plant and fleet have not improved. For a number of plant and fleet items listed in the proposed draft 2022/23 capital works budget for purchase in 2022/23, suppliers are unable to provide any indication of a delivery timeframe.

ISSUES

Delayed delivery of replacement plant and fleet budgeted for purchase in 2021/22 is having an operational impact. The wide area mower which is being replaced has suffered reduced availability due to breakdowns, and this has impacted on the delivery of our open space maintenance program. Our pool car fleet has been depleted as vehicles have been reallocated out of the pool to fill gaps resulting from breakdowns of allocated Utes and work vehicles, and this has impacted on the ability of our office-based staff to effectively service our community needs.

In order to mitigate against a recurrence of similar operational impacts in 2022/23, it is recommended to commit to the purchase of priority plant and fleet ahead of the annual budget being adopted. The benefit of doing so is twofold:

1. An early order increases the likelihood of the plant and fleet being delivered during the 2022/23 financial year; and
2. Placing orders late in the financial year avoids competing for supply with other organisations which follow the same budget cycle and typically place orders early in the financial year.
3. From an assessment of the plant and fleet list in the proposed draft 2022/23 capital works budget, the following items with a total estimated purchase price of \$375,600

have been identified as priority plant and fleet, where Council will likely benefit from an early commitment to purchase:

2022/23 Priority Plant & Fleet	Estimated Purchase Price (Ex GST)
Work Utes x 4	\$184,800
Wide Area Mower	\$121,000
4WD Work Vehicle	\$39,000
Kiewa Valley L2P Vehicle	\$30,800
Total	\$375,600

POLICY IMPLICATIONS

Procurement of plant and fleet will be carried out in accordance with Council's Procurement Policy, taking advantage of collaborative procurement opportunities where these exist and are determined to be of benefit to Council.

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

Council has secured commitments totalling \$27,000 towards the replacement of the Kiewa Valley L2P vehicle as follows:

- \$17,000 from Mount Beauty & District Community Bank
- \$10,000 from the Upper Kiewa Valley Lions Club

The remaining funds totalling \$348,800 which is being recommended for early commitment to plant and fleet purchases will be fully funded by Council.

The priority plant and fleet items have been included in the proposed draft 2022/23 capital works budget, on the basis that despite order being placed in 2021/22, the expenditure will all be incurred during 2022/23 when plant and fleet is delivered.

Council will receive income from the trade-in of vehicles which are being renewed, and trade-in values are considered likely to benefit from the same supply chain interruptions which are impacting on the purchase of new plant and fleet.

CONSULTATION

Relevant department Managers and staff have been consulted in compiling the proposed draft plant and fleet renewal list for 2022/23 and establishing the likely operational impacts of a delay in delivery.

CONCLUSION

Council's operations have been impacted by delays in delivery of plant and fleet ordered early in the 2021/22 financial year. To mitigate recurrence in 2022/23, an early commitment to the purchase of priority plant and fleet to the value of \$375,600 is recommended.

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 Maintenance
- Depot Operations Officer

ATTACHMENT(S)

Nil

9.2.10 Mount Beauty Airport Upgrade - Variations

File Number: 2107501

INTRODUCTION

This report relates to variations to the Mount Beauty Upgrade project.

Cr Keeble

Cr Janas

That Council:

1. *Approves a variation to Contract No. 2107501 for the "Mount Beauty Airport Upgrade Construction" to Winslow Constructors for the upper limiting value of \$458,169 (GST exclusive) for treatment of the runway extension subgrade to meet design specifications; and*
2. *Approves a further variation to Contract No. 2107501 for the "Mount Beauty Airport Upgrade Construction" to Winslow Constructors for the lump sum reduction of \$301,607 (GST exclusive) to revert to a spray seal runway surface as per the original design specification.*

Carried

BACKGROUND

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

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

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

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

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

At the October 2021 Council Meeting, Winslow Constructors was awarded a contract for the 'Mount Beauty Airport Upgrade Construction' for the amount of \$1,865,794.

Stripping of topsoil and excavation of material commenced in November 2021. These works revealed that the subgrade of the proposed runway extension did not meet the specification requirements. Potential technical solutions were investigated, and the most suitable option was identified to stabilise the subgrade in order to meet the specification.

At the February 2022 Council Meeting, Winslow was awarded a contract variation for \$440,227 for treatment of the runway subgrade to meet design specifications. At the same meeting, Council awarded a further variation to Winslow Constructors for \$169,691 for additional works to enlarge the apron and widen the runway at the southern end to further improve the serviceability and safety of the airport operations.

ISSUES

Subgrade Condition

The selected option to stabilise the subgrade and meet the specification requirements has been successfully applied across most areas of the runway. However, as the civil construction works have progressed since February 2022, the full extent of the poor subgrade conditions has become apparent and has exceeded what was previously understood. A further engineering redesign has been necessary to address a number of particularly challenging areas where excavation has resulted in standing water. Completion of these subgrade stabilisation works is required to finish the project.

Runway Surface: Asphalt versus Spray Seal

The original tender specification was for a spray seal runway surface. Competitive pricing in the construction tender responses enabled Council to explore upgrading the runway surface from spray seal to asphalt and deliver the project within the project budget. An asphalt surface provides a higher quality finish, and the useful life before renewal is required is longer than with a spray seal finish. The construction contract was subsequently awarded on the basis of an asphalt runway surface.

Given the works which have subsequently become necessary to stabilise the subgrade, it is no longer possible to deliver the project within the approved budget if an asphalt seal is retained. It is recommended that the runway surface is changed back to spray seal as per the original design specification.

Airport Runway Renewal

The cost to change from a spray seal surface to an asphalt surface has been priced by the construction contractor as \$301,607 (GST Exclusive). A spray seal surface will require renewing approximately twice as frequently as an asphalt surface. The cost for renewal of an asphalt surface is approximately 60% more than that for a spray seal surface.

Flood Resilience

The flood resilience of the runway surface is dependent on the bond integrity between the surface of the pavement and the top layer of the runway. If the bond is of high quality, then there is little difference between the performance of a spray seal and asphalt surface. The design specification requires the area most susceptible to flood

inundation to be cement stabilised prior to the final runway surface being applied. This treatment makes the pavement more resilient to flood damage.

Timeline

The project timeline has been updated to incorporate the additional time required to complete the subgrade stabilisation works. The project is expected to be completed by end-May 2022, subject to favourable conditions.

POLICY IMPLICATIONS

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

- 4.5 Assets for our current and future needs

FINANCIAL AND RESOURCE IMPLICATIONS

This project is funded through the Australian Government's Regional Airports Program (RAP) for a total of \$3,111,820 (GST exclusive). The funding ratio is \$1 RAP: \$1 Council. Council's financial commitment to the project is its 50% share under the RAP funding agreement being \$1,555,910 (GST exclusive).

The two variations for which Council approval is sought include:

- Subgrade stabilisation treatment required to ensure the extended runway pavement meets design specifications: \$458,169 (GST exclusive) addition; and
- Revert to a spray seal runway surface as per the original design specification: \$301,607 (GST exclusive) reduction

The approval of these two variations will result in a total of \$3,038,324 (GST exclusive) being spent under the RAP. Unspent RAP grant funding will be returned to the Australian Government.

The grant cannot be used for project planning, design, permits, or feasibility costs. These costs must be funded 100% by Council.

If the two proposed variations are approved by Council, Council's total contribution to the project would remain as \$1,784,318 (GST exclusive), as was estimated to be the total commitment in the report to the February Council Meeting. This amount is \$228,408 (GST exclusive) above Council's total original commitment of \$1,555,910 (GST exclusive) and includes the approved addition of a variation to the original scope to increase the apron and widen the runway at the southern end.

CONSULTATION

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

Changing the runway surface from asphalt to spray seal has been discussed with the MBAMA and they are supportive of this approach.

CONCLUSION

Due to larger area and more severe subgrade conditions encountered since February, additional stabilising treatment is required to ensure the extended runway pavement meets the design specifications.

There is an opportunity to reduce the cost by reverting back to a spray seal runway surface, which will deliver the project as per the original design specifications.

Approving these variations would have no net increase in Council's approved contribution to the total cost of the project. It is recommended that Council approves these variations.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Asset Development
- Project Officer

ATTACHMENT(S)

Nil

9.3 DIRECTOR CORPORATE PERFORMANCE - CHARLIE BIRD

9.3.1 Dinner Plain Special Rate (2022/2023) Public Notice of Proposed Declaration

INTRODUCTION

A Council may declare a special rate for the purpose of defraying the expenses of performing a function that is of special benefit to the persons required to pay the special rate. The declaration of a special rate is a requirement of the *Local Government Act 1989*, Section 163.

The purpose of this report is to recommend that public notice is given of a proposed declaration of a Special Rate for the Dinner Plain village applicable to Commercial / Industrial land only in the 2022/2023 financial year.

Cr Keeble
Cr Forsyth

That Council:

1. *Gives public notice in accordance with s163 of the Local Government Act 1989 of the intention to declare a special rate for the period 1 July 2022 to 30 June 2023 as follows:*
 - a. *a special rate (the Dinner Plain Special Rate) be declared for the purpose of defraying any expenses in relation to the provision of services of special benefit to the owners of Commercial / Industrial land within the Dinner Plain village;*
 - b. *the total cost of the performance of this function is estimated to be \$653,000 over one year, based on inclusion of the following services:*
 - i. *The Dinner Plain to Hotham winter bus service*
 - ii. *Roadways snow clearing*
 - iii. *Cross country snow grooming*
 - iv. *Marketing and events support specific to Dinner Plain*
 - v. *Cable Television Maintenance;*
 - c. *the Dinner Plain Special Rate will apply to Commercial / Industrial land within the Dinner Plain village as defined in the attached map;*
 - d. *the definition of Commercial / Industrial land is the definition provided in the Alpine Shire Council Revenue and Rating Plan;*
 - e. *the amount of the Dinner Plain Special Rate to be levied is determined as 43% of the general rate as provided in the Alpine Shire Council draft Budget Report 2022/2023;*
 - f. *the amount of the Dinner Plain Special Rate to be levied is estimated to be \$177,000 over one year, or such other amount as is lawfully raised as a consequence of this Resolution;*

- g. the amount of the Special Rate will be the amount shown as due and payable in any notice sent to a person required to pay the Dinner Plain Special Rate;*
 - h. each person liable to pay the Dinner Plain Special Rate is to pay by instalments in line with Council's general rate payment requirements each year.*
- 2. Invites written submissions from the public in relation to the proposed declaration of the Dinner Plain Special Rate in accordance with s163A and s223 of the Local Government Act 1989, with submissions closing at 5pm on Thursday 12 May 2022;*
 - 3. Forms a committee according to Section 223 (1)(b) of the Local Government Act 1989, if required, consisting of Councillors for the purpose of hearing submissions in relation to the proposed declaration of the Dinner Plain Special Rate; and*
 - 4. Considers the Dinner Plain Special Rate for 2022/2023 declaration at an Ordinary Council Meeting on 7 June 2022.*

Carried

BACKGROUND

The Dinner Plain village has for some time been subject to a Special Rate to defray the expenses associated with services of special benefit to Dinner Plain ratepayers. Within the Alpine Shire Council's draft Council Budget Report 2022/2023, this includes:

- the Dinner Plain to Hotham winter bus service (\$270,000)
- roadways snow clearance (\$160,000)
- cross country snow grooming (\$66,000)
- marketing and events support specific to Dinner Plain (\$150,000)
- Cable Television Maintenance (\$7,000)

ISSUES

A declared Special Rate for Dinner Plain reduced from 65% in 2016/17, to 43% in 2017/18. In 2018/19, the Special Rate was aligned to the differential rate for Commercial / Industrial Land in the rest of the shire and was only paid by ratepayers who own Commercial / Industrial land in the Dinner Plain village (including holiday lets).

This approach has continued since 2018/2019. In 2022/2023 it is proposed that it be maintained for the declaration of a Special Rate to be made.

It is noted that the Dinner Plain village operates on a total cost recovery basis. If there is a deficit or surplus based on the difference between

- a. all general and Special income attributable to Dinner Plain and
- b. all general and Special costs attributable to Dinner Plain,

this is allocated to a reserve, namely the 'Dinner Plain Reserve'. This is inclusive of all relevant income and costs, including, for example, the general rates paid by Dinner Plain

ratepayers; an apportionment of general Council grants; an apportionment of Council services relevant to Dinner Plain; an apportionment of Council overheads; all Special Rate costs; and all capital works expenditure in Dinner Plain. Based on current forecasts, Dinner Plain expenditure will continue to exceed income as it has in 2021/2022.

It is noted that in line with the 2019/20 Dinner Plain Special Rate declaration, Council is committed to delivery of a pipeline of \$1.5m new and upgrade capital works within Dinner Plain by 2027. It is anticipated that by the end of 2022/2023, \$1,507,000 of this pipeline will have been delivered, including:

2017/18 Works

- Toboggan Run Access Improvements - \$19,000
- Dinner Plain Mountain Bike Trails - \$187,000
- Dinner Plain Village Green - \$32,000

2018/19 Works

- Toboggan and Ski Run Safety Improvements - \$24,000
- Dinner Plain Mountain Bike Trails Stage 2 - \$70,000 (\$187,000 total cost, \$117,000 grant funded)
- Dinner Plain Tracks and Trails Signage - \$43,000
- Dinner Plain Village Detailed Designs - \$48,000
- Dinner Plain Tube Slide - \$4,000

2019/20 Works

- Toboggan and Ski Run Safety Improvements - \$35,000
- Dinner Plain Snowmaking Options Analysis - \$19,000 (\$62,000 total cost, \$43,000 grant funded)
- Dinner Plain Mountain Bike Trails Stage 2 - \$4,000 (\$17,000 total cost, \$13,000 grant funded)
- Dinner Plain Village Detailed Designs - \$15,000
- Dinner Plain Street Name Signage - \$19,000
- Dinner Plain Tube Slide - \$1,000

2020/21 Works

- Dinner Plain Activation - \$81,000 (\$321,000 total cost, \$240,000 grant funded)
- Toboggan and Ski Run Safety Improvements - \$6,000

2021/22 Current Works

- Dinner Plain Activation Phase 1 - \$765,000 (\$1.54m total cost, \$640,000 grant funded)
 - This includes works to the Bus Bays and Shelters and Scrubbers End parking upgrade
- Dinner Plain Activation Phase 2 - \$80,000 (\$2.37m total cost, \$2m grant funded)
- Dinner Plain Snow Making \$80,000 (\$3m total cost fully grant funded)

2022/2023 Works Proposed

- Dinner Plain Activation Phase 1 - \$800,000 (\$1.54m total cost, \$640,000 grant funded)
 - This includes works to the Scrubbers Hut, Toboggan Run and Mount Bike Hut and upgrades to tracks and trail runs.
- Dinner Plain Activation Phase 2 - \$650,000 (\$2.37m total cost, \$2m grant funded. This phase is expected to be completed in the 2023/24 financial year.)
 - This includes works to Recreation Reserve upgrades, car parking upgrades and landscaping at the Dinner Plain Village Centre.
- Dinner Plain Snow Making \$500,000 (\$3m total cost fully grant funded)

POLICY IMPLICATIONS

The preparation of the Dinner Plain Village Special Rate 2022/2023 is in accordance with the:

- Special Rates and Charges, Ministerial Guidelines, September 2004
- *Local Government Act 1989*
- Revenue and Rating Plan.

FINANCIAL AND RESOURCE IMPLICATIONS

Based on current property valuations across the Alpine Shire, the Dinner Plain Special Rate for 2022/2023 is proposing to raise an estimated \$177,000 over the 12-month period. This is significantly less revenue than the cost of the Special Rate services which are estimated to cost \$653,000 over the same period.

Analysis indicates that Dinner Plain expenditure will exceed income into the foreseeable future. This deficit will be covered by the Dinner Plain Reserve whilst it has a positive balance.

CONSULTATION

Under Section 163 of *the Local Government Act 1989*, a Council must give public notice of its intention to make a special rate declaration at least 28 days before making the declaration. The public notice must contain an outline of the proposed declaration, the date on which it is proposed to be made, and it must advise that copies of the proposed declaration are available for inspection at the Council office for at least 28 days after the publication of the notice.

In addition, the Council must send a copy of the public notice to each person who will be liable to pay the special rate within three (3) working days of the day on which the public notice is published.

Under Section 223 of the *Local Government Act 1989* a person has a right to make a submission on the proposed Dinner Plain Special Rate for 2022/2023 and any submission must be considered before adoption of the budget by Council. Council must allow a minimum 28 days after the public notice to receive submissions. A person has the right

to have their submission heard at a committee formed according to Section 223 (1)(b) of the *Local Government Act 1989*, if required, consisting of Councillors for the purpose of hearing submissions.

CONCLUSION

Public notice of the intention to declare a special rate is a requirement of the *Local Government Act 1989*.

Council is giving public notice of the intent to declare a Dinner Plain Special Rate of 43% of the general rate for rateable residential properties for the period 1 July 2022 to 30 June 2023 in accordance with Section 163 of the *Local Government Act 1989*. It is proposed to declare the Dinner Plain Special Rate at an Ordinary Council Meeting on 7 June 2022.

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
- Director Assets
- Rates Coordinator

ATTACHMENT(S)

9.3.1 Dinner Plain Village Rate Map

9.3.2 Draft 2022/23 Budget Report

INTRODUCTION

The purpose of this report is to receive the draft 2022/2023 Budget for the Alpine Shire Council.

Cr Forsyth

Cr Keeble

That Council:

1. *Prepares the draft Alpine Shire Council 2022/2023 Budget annexed to this resolution and featuring a 1.75% rate increase, for the purposes of section 94(1) of the Local Government Act 2020;*
2. *Authorises the Chief Executive Officer to:*
 - a. *give public notice of the preparation of the draft Alpine Shire Council 2022/2023 Budget in accordance with Council's Community Engagement Policy;*
 - b. *make available for public inspection the information required in accordance with the Local Government (Planning and Reporting) Regulations 2020;*
3. *Invites written submissions from the public on any proposal contained in the budget, with submissions closing at 5pm, Thursday 12 May 2022, noting that any submitter may request to be heard in person in support of their submission;*
4. *Forms a committee, if required, consisting of Councillors for the purpose of hearing submissions in relation to the draft Alpine Shire Council 2022/2023 Budget; and*
5. *Considers a recommendation to adopt the 2022/2023 Budget at an Ordinary Council Meeting on 7 June 2022.*

Carried

ISSUES

Based on ongoing community consultation, Council has prepared a draft Annual Budget for 2022/2023 which is aligned to the Community Vision 2040 in the Alpine Shire Council Plan 2021-2025.

Through continued strong cost management, the draft Budget provides a prudent financial position which enables Council to continue to deliver critical services and projects as conditions evolve.

This draft Annual Budget projects a surplus of \$8.11m which is influenced by:

- a. A Rate increase of 1.75%, in line with the Fair Go Rates System which caps Victorian Council rate increases in line with inflation; and

- b. Capital works expenditure totalling \$17.8m in 2022/2023, a significant Capital Works Program reflecting a steady pipeline of asset renewal and increased development activity from successful Grant applications totalling nearly \$9m.
- c. A decreased material and services budget arising from a reduction in spending on bushfire recovery.
- d. A temporary increase in staffing levels largely in response to an increase in capacity required to deliver the Capital Works program.

Council has also updated its pipeline of initiatives to align budgeted activities to the strategic objectives outlined in the Council Plan 2021-2025.

In addition, a review of Council fees and charges has been conducted. Fees have been increased in line with movements in the actual costs to provide various services.

Further detail on the operating result, strategic objectives, services, cash and investments, capital works, financial sustainability, and rates, charges and fees can be as per attachment 9.3.2 draft 2022/2023 Budget.

BUDGET HIGHLIGHTS

As part of the draft 2022/23 Budget, Council plans to deliver another significant capital expenditure program totalling \$17.8 million, supported by Government grant funding of nearly \$9 million.

Major projects include:

- Dinner Plain Activation (\$1.45m)
- Dargo High Plains Road Upgrade (\$2.25m)
- Landfill Rehabilitation (\$2.2m)
- Annual Road Renewal Program (\$1.5m)
- Detailed Design of the Ablett Pavilion Upgrade
- Myrtleford Splashpark
- Myrtleford Savoy Soccer Club Upgrade and
- Harrierville Tronoh Dredge Hole Precinct
- Tawonga Memorial Hall Upgrade, and
- Concept Designs for the Mountain View Children’s Centre will be carried out.

Further supporting Council’s commitment to climate change mitigation and reduction of greenhouse gas emissions, a number of key projects will be delivered to improve the efficiency and environmental impacts of Council infrastructure.

These vital projects include:

- Mount Beauty Stadium Renewable Energy Upgrade (\$200,000)
- Bright Office Electric Vehicle Charging station installation (\$61,000) and
- Energy Efficient Streetlight Upgrade (\$500,000) will see ageing and inefficient street lighting replaced with energy-efficient alternatives, and a number of Council buildings will be upgraded to renewable energy solutions.
- Climate action initiatives to deliver net zero corporate carbon emissions by July 2023; and

- prepare for the roll out of the kerbside collection service for Food Organics, Green Organics (FOGO).

POLICY IMPLICATIONS

The draft 2022/2023 Budget is prepared in accordance with the *Local Government Act 2020* and the Local Government (*Planning and Reporting*) Regulations 2020.

The draft Budget covers a four-year period, including the budget year 2022/2023, and the subsequent three financial years.

Rating provisions remain in the *Local Government Act 1989*. The Victorian government has released the final report and government response on the Local Government Rating System Review; however this has not yet translated to legislative change.

The draft Budget is aligned to the Strategic Objectives identified in the Alpine Shire Council Plan 2021-2025. Major Initiatives are identified that will contribute to the delivery of the Strategic Objective. Council's progress in the delivery of these major initiatives will be reported in the corresponding Annual Report.

FINANCIAL AND RESOURCE IMPLICATIONS

Council prepares its draft Budget with the objective of balancing long term financial sustainability and prioritised delivery against community needs. The draft 2022/2023 Budget forecasts an operating surplus of \$8.11 million dollars and a working capital ratio of 3.97.

Materials and services expenditure has decreased due to a reduction in bushfire recovery expenditure despite the increased capital works programme. Departmental budgets have largely been managed to remain flat or have increased with the Consumer Price Index.

CONSULTATION

Section 96(1) of the *Local Government Act 2020* provides for Council to develop the budget in accordance with the financial management principles, and Council's Community Engagement Policy.

Special Rates remain governed by the requirements of the *Local Government Act 1989* and must include a statutory public consultation process, including the ability for a submitter to request to be heard in person. It is considered prudent that Council mirrors this process for public consultation and submissions regarding the draft 2022/2023 Budget, as the draft 2022/2023 Budget contains assumptions based on the inclusion of a Dinner Plain Special Rate.

Council officers undertake community engagement processes throughout the year to assist with the development of the budget. The final step is for Council to adopt the budget after receiving and considering all submissions from interested parties. The budget is required to be adopted by 30 June 2022.

CONCLUSION

The draft 2022/2023 Budget has been prepared in accordance with the Alpine Shire Council Plan 2021-2025 Strategic Objectives and the *Local Government Act 2020*. The draft Budget Report is presented for Council's consideration and public exhibition.

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
- Director Assets
- Accountant

ATTACHMENT(S)

9.3.2 Alpine Shire Council draft 2022/2023 Budget

9.3.3 Audit and Risk Committee Meeting Minutes

File Number: 0900.06

INTRODUCTION

The purpose of the report is to present the minutes of the Audit and Risk Committee meetings No.2021/22-3 held on 26 November 2021 and No.2021/22-4 held on 18 February 2022.

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

- 2020/21 MomentumOne Shared Services
- Local Government Act 2020 deliverables - implementation update
- Management of road assets
- Risk management - framework, policy and register update.

Cr Janas

Cr Kelley

That Council:

1. *Receives and notes the minutes of Audit and Risk Committee Meeting No.2021/22-3 held 26 November 2021; and*
2. *Receives and notes the minutes of Audit and Risk Committee Meeting No.2021/22-4 held 18 February 2022.*

Carried

REPORT

Audit and Risk Committee Meeting No.2021/22-3, 26 November 2021

Welcome and congratulations

The Committee congratulated member, Councillor Sarah Nicholas, on her appointment as Mayor and extended a welcome to new Director Corporate Performance, Helen Havercroft.

MomentumOne Shared Services

MomentumOne, as a wholly owned subsidiary of Alpine Shire Council and Towong Shire Council, has provided cost-effective and efficient services to both Council's as well as its other local government partners over the past six years, fulfilling its objective to deliver the benefits of shared services to local government. The MomentumOne Shared Services' Annual Financial Report for 2019/20 was presented to the Committee and it was briefed on the decision undertaken by the Board in 2021 to cease its operations following a review after several factors emerged over time that influenced its future

viability, including fixed business costs, internal resourcing, business scale and changes to industrial instruments.

Legislative Deliverables

The Committee received an update on Council's progress in implementing key deliverables of the *Local Government Act 2020* (LGA 2020) and *Gender Equality Act 2020* (GEA 2020)

The implementation of LGA 2020 has been a significant focus area for Council over the past 18 months with Council having met all its obligations. The Committee noted the LGA 2020 focus over the coming months to 30 June 2022 will be on development and approval of required Asset Plans.

The Committee noted the ongoing focus on implementation of the GEA 2020 requirements will be on developing a Gender Equality Action Plan by the end of March 2022 and implementing gender impact assessments into project management processes.

Audit and Risk Committee Meeting No.2021/22-4, 18 February 2022

Welcome to new members

The Committee extended a welcome to new councillor Simon Kelley. Councillor Kelley was appointed as one of two Council representatives to the Audit and Risk Committee in February 2022 following a countback due to an extraordinary vacancy and taking the Affirmation of Office in January 2022.

Management of Road Assets

The Committee received an update on the management of Council's road assets including the status of the Road Management Plan and Road Register.

Council is legislated under the *Road Management Act 2004* to keep a Register of Public Roads (the Register) specifying the public roads in respect of which it is the coordinating road authority and where it has made a decision that the road is 'reasonably required for general public use'. The Register can be viewed at the following link:

<http://maps.alpineshire.vic.gov.au/roadregister/roadregister.html>

While not legislated, Council has established and maintains a road management plan that establishes a system and sets the standards for Council's road management functions. The Plan can be viewed at the following link:

https://www.alpineshire.vic.gov.au/sites/default/files/resources/ASC-Road-Management-Plan_2.pdf

The Committee noted that the Register, and subsequently the Plan, is currently being reviewed and updated.

Risk Review

The Committee was briefed on the review of Council's key risk management documents including:

- Risk Management Policy No.54 - scheduled review
- Governance and Risk Framework - review to address changes in the *Local Government Act 2020*
- Risk Register - scheduled 6 monthly review
- Risk matrix - review post health and safety review in 2020

The Committee endorsed in principle the reviewed and updated Policy and Framework and noted that further work is required over the next 12 to 18 months particularly with regard to the risk register and ensuring that all Council risk related documents are updated and maintained regularly.

POLICY IMPLICATIONS

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

- 5.2 A responsible, transparent and responsive organisation

CONCLUSION

The Audit and Risk Committee, being satisfied with the detail provided in its agendas and the officer reports, submits the minutes of its meetings No.2021/22-3 held on 26 November 2021 and No.2021/22-4 held on 18 February 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
- Health, Safety and Risk Officer

ATTACHMENT(S)

- 9.3.3.a. Minutes of Audit and Risk Committee Meeting No.2021/22-3, 26 November 2021
- 9.3.3.b. Minutes of Audit and Risk Committee Meeting No.2021/22-4, 18 February 2022

9.3.4 Bright River Pool Slide Replacement

INTRODUCTION

The purpose of the report is to detail the issues with gathering incidence data and comprehensive feedback a result of a severely restricted 21/22 summer school holiday period and propose a delayed decision to determining if Council replaces the Bright River Pool Slide until May 2023.

Cr Hughes

Cr Kelley

That Council:

1. *Delay the decision regarding a replacement slide until after the 2022/23 summer school holiday period,*
2. *Undertakes an assessment of the operations of the Bright River Pool over summer 2022/2023, including incident data, feedback from the community, business and tourists regarding any impacts due to the absence of the slide, and*
3. *Reports back to the May 2023 Ordinary Council meeting.*

Carried

BACKGROUND

As assessment of the Bright River Pool operations was undertaken by Life Saving Victoria (LSV) in July/August 2021. The findings and recommendations of the LSV report along with legal advice in relation to Council's liability associated with the operations of the river pools were presented to Council in a report to the September 2021 Ordinary Council meeting. At the September Ordinary Council Meeting Council adopted the following motion:

That Council:

1. *remove the slide located at the Bright River Pool prior to November 2021; and*
2. *progress the investigation into replacement of the slide with a compliant alternative, and*
3. *reports back to the December 2021 Ordinary Council Meeting.*

The existing slide was removed in October 2021.

Investigations into alternate compliant slides were undertaken. It was established that a compliant slide could be sourced. At the December Ordinary Council Meeting Council adopted the following motion:

That Council:

1. *undertake an assessment of the operation of the Bright River Pool this summer, including incident data, feedback form the community, business and tourists regarding any impact due to the absence of the slide, and*
2. *reports back to the March 2022 Ordinary Council meeting.*

ISSUES

Disrupted Season

The operation of the Bright River Pool and tourist visitation to Bright over the 2021/22 summer holiday period was significantly disrupted. The key reasons for this disruption were:

- The impact of Covid 19 and more specifically the Omicron variant on the availability lifeguards and tourist numbers; and
- An unseasonably wet January and a number of rainfall events resulting in high water flows in the Ovens River.

Lifeguard Availability, Incidents and Usage

Due to lifeguard shortages, there was only 15 days in the holiday where lifeguards were deployed at the Bright River Pool. The majority of these were in the last two weeks of the January holiday period when the numbers of people swimming in the river pool were significantly lower than prior years. Over the 15 days where lifeguards were on duty there were only nine (9) incident reports by lifeguards with only four of these being in water incidents (three from the jumping platform with the remainder being at the splash park or the nearby playground).

This is significantly lower than the average daily incidents reported in the prior year.

Average hourly in water head counts were 37 which was down from 101 during the prior year's season.

Assessment of Impact of Absence of the slide on incidents and the broader

The key points of assessment were to be:

- The impact of removal of the slide on the number of incidents and severity of incidents at the river pool
- The impact on local businesses as a result of the removal of the slide
- The impact on the amenity of the river pool and whether people may reconsider their decision to visit Bright due to the removal of the slide.

Though average daily incidents were much lower than the prior year, due to the limited numbers of lifeguard active days i.e., reporting days and the lower in water numbers there is insufficient data to make an informed conclusion regarding the removal of the slide and impact on incidents.

Wider engagement with local business has not been undertaken as Council considers the impact of the Omicron variant of Covid 19 on business and tourist numbers were significant and any impact the removal of the slide may have is difficult to quantify. Gathered data from the Bright Visitor Information Centre showed a reduction from July 2021 to February 2022 of over 19% in visits when compared to the same period last year (full year figures pro rata for eight months).

Due to the disruptions and challenges associated with operating the river pool during the summer period there was insufficient opportunity to properly assess user experience and any negative impact on the removal of the slide.

It is therefore considered that Council cannot make informed commentary regarding the impact of the removal of the slide to inform a decision to replace the slide with a compliant alternative at this time.

POLICY IMPLICATIONS

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

- 1.4 Increasing health eating and active learning

FINANCIAL AND RESOURCE IMPLICATIONS

The cost for the design, supply and installation of the identified compliant slide options is \$70,000 (GST exclusive). Recurrent additional staff costs for the operation of any slide are estimated to be \$8,800 in year 1. Costs for maintenance are yet to be established. The manufacturer has also indicated an effective life of between 10 and 15 years for the proposed option.

The installation of a new slide and any operating costs are not provided for in the FY 2021/22 Budget or draft 2022/23 Budget.

CONSULTATION

Consultation has been limited to incidence data from the Lifeguard records over the season and no broader consultation has been conducted.

CONCLUSION

Given the impacts on the operations of the Bright River Pool during the 2021/22 summer school holiday period an informed decision or advice regarding the impact of the removal of the slide based on safety, incidents and local tourism is not able to be made. This range of data should be available over summer 22/23 after which a recommendation to Council can be made.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate Performance
- Acting Manager Facilities
- Community & Recreation Coordinator

ATTACHMENT(S)

Nil

9.3.5 Porepukah Bridge Caravan Reserve Committee of Management

INTRODUCTION

The purpose of the report is to provide Council with relevant information to facilitate consideration of the request from Department of Environment, Land, Water and Planning (DELWP) for Council to take over as the Committee of Management (CoM) for the Porepukah Bridge Caravan Reserve.

Cr Janas

Cr Hughes

That Council:

- 1. Accepts the request from Department of Environment, Land, Water and Planning (DELWP) to become the Committee of Management for the Porepukah Bridge Caravan Reserve;*
- 2. Accepts the responsibilities of the lessor of the existing lease between the Committee of Management and the lessee; and*
- 3. Enters into the necessary agreement/s to assume the responsibilities of the lessor of the lease.*

Carried

Cr Kelley called for a division.

For: Cr Nicholas, Cr Hughes, Cr Forsyth, Cr Keeble and Cr Janas

Against: Cr Kelley

BACKGROUND

Porepukah Bridge Caravan Reserve "Caravan Reserve" is located 36 Mount Buffalo Road, Porepukah. The Caravan Reserve fronts the Ovens River and occupies approximately 6.98 hectares. The Caravan Reserve amenities include a swimming pool and playground, two amenities blocks, a camp kitchen, the managers residence/office/kiosk and a selection of ensuite sites, cabins, powered sites, unpowered sites and annual sites.

Council has been approached by DELWP to take over the CoM for the Caravan Reserve. DELWP have confirmed the existing CoM supports Council taking over this responsibility.

Council currently acts as the CoM of three Caravan Reserves within the shire, these being the Bright Holiday Caravan Reserve, Myrtleford Holiday Caravan Reserve and Tawonga Caravan Reserve. Council has leased tenants operating the Bright and Myrtleford Caravan Reserve and is currently completing upgrade works at Tawonga Caravan Reserve prior to its reopening later in 2022.

As the CoM Council's primary obligation would be as the lessor of the lease of the caravan reserve. The current lease commenced in April 2016 and has 15 years remaining.

The commencement rent for the lessee under the lease was \$103,000 p.a.



Figure 1: Caravan Reserve area

ISSUES

Capital works obligations

The lease includes a program of capital improvements and therefore these are expected to be undertaken by the lessee. DELWP have indicated that the majority of projects are complete however there are outstanding capital works remaining to be completed as per Table 1 below.

Project	Estimated Costs	Status
Construction of a games room	\$60,000 - \$70,000	Not completed
Refurbishment of Campers Kitchen	\$50,000 - \$80,000	Underway
Construction of a second Campers Kitchen	\$80,000 - \$150,000	Due 2020 but delayed due to Covid

Table 1: Capital Improvements Required by the Lessee

There are no specified capital improvements under the lease for the lessor. General maintenance obligations and insurance obligations under the lease sit with the lessee. Therefore, under the terms of the lease the lessor has limited risk associated with maintenance, repair or improvements of a capital nature.

However, a Caravan Reserve Management Plan, as required under the lease, does include proposed works to be undertaken by the CoM to support required lessee improvements and add to the broader amenity of, and accessibility to, the Caravan Reserve. A significant portion of the Caravan Reserve Management Plan projects have been completed and DELWP have provided an update on the status of these projects as per Table 2.

Project	Estimated Costs	Status
Improved Safety and Security	\$40,000	Completed
Expand Residence	\$60,000	Completed
Upgrade Power Supply	\$30,000	Completed
Drainage	N/A	Ongoing
Upgrade Roads	\$135,000	Ongoing
New Amenities Block	\$275,000	Under Development

Table 2: Management Plan Works

Council has been advised by DELWP that once the amenities block has been completed (that is currently underway) there will be \$55,000 remaining in reserve funds. The previous CoM has traditionally kept \$55,000 in reserve in the instance of an emergency.

Financial Considerations

Over the remaining life of the existing lease, including Council receiving the retained funds and completing the as yet un-budgeted shed expansion the estimated income from the Caravan Reserve is approximately \$2,291,700 (includes annual 2% CPI increase each year).

In accordance with the *Crown Land (Reserves) Act 1978*, publicly elected CoMs are required to expend all revenue on managing the reserve they are appointed over and must submit an annual financial return to DELWP. This provision does not apply to Local Government Councils unless directed by the Minister however there is no such direction made to Alpine Shire Council. As such Council can cross subsidise revenue from Crown reserves under its management to other Crown reserves if required.

Economic Benefit

In 2012 the Caravan, RV and Accommodation Industry of Australia commissioned a report "*Economic Benefit Report - Commercial Caravan Park to a Local Community*" to understand the true economic benefits of caravan/ holiday parks to a region. The report found that the commercial caravan holiday parks studied, contribute in excess of \$1.26m

on average to their local region / economy per year, not including the flow on effect of tourists spending with other businesses in the region. The report found that for every \$1 of park income, \$1.38 of local economic activity was generated by the individual park.

POLICY IMPLICATIONS

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

- 1.4 Increasing health eating and active learning

FINANCIAL AND RESOURCE IMPLICATIONS

If Council accepts the CoM of the Caravan Reserve, it is estimated that the forward income (including current retained funds and completing the residual Caravan Reserve Management Plan Works) to Council would be \$2,291,700 by 2038..

This income over the life of the lease provides Council with capacity to meet its known commitments as the CoM and provide a positive contribution for future investment in infrastructure in the Caravan Reserve.

CONSULTATION

Council has been in consultation with DELWP and the current CoM to determine the status of the Caravan Reserve and the obligations required under the lease and the Caravan Reserve Management Plan.

Council has been approached by DELWP to take over the CoM for the Caravan Reserve. DELWP have confirmed the existing CoM supports Council taking over this responsibility.

CONCLUSION

Given the known commitments under the lease for lessor and lessee and Caravan Reserve Management Plans for the Caravan Reserve it is recommended that Council accepts the offer from DELWP to become the CoM.

Council would then be required to enter into the necessary agreements to formalize the appointment of the CoM and to confirm its status as the lessor of the existing lease over the Caravan Reserve.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate Performance
- Acting Manager Facilities
- Community & Recreation Coordinator

ATTACHMENT(S)

Nil

9.3.6 Harrietville Community Green Waste Facility Lease

INTRODUCTION

This report relates to the leasing of Council land Lot D Plan of Subdivision PS200281Q in Harrietville for the purpose of the operation of a community green waste facility.

It is proposed Council enter into a lease with the Harrietville Community Forum (HCF) for the purposes of the provision of land for a community green waste facility off Newmans Lane Harrietville.

Cr Keeble
Cr Forsyth

That Council:

1. *Approve and execute the lease of property forming part of Lot D PS200281Q located off Newmans Lane Harrietville to the Harrietville Community Forum for a community green waste facility under the following terms:*
 - a. *a management group is established by the lessee to take responsibility for the operation and administration of the green waste facility;*
 - b. *annual rental for the land is \$1.00;*
 - c. *the end of the lease be aligned with the commencement of Food Organics Garden Organics (FOGO) expected to commence in July 2023; and*
 - d. *Council to contribute \$5,000 per annum to the operations of the facility.*
2. *The lease document is signed and sealed at the appropriate stage of the Council meeting.*

Carried

BACKGROUND

2010 - 2020

In October 2010 Council entered into a Memorandum of Understanding (MoU) with the Harrietville Community Building Initiative Committee for the provision of land and mulching support for a community green waste facility off Newmans Lane Harrietville.

The MoU called for a formal review after three (3) years and could be terminated by mutual agreement by one month's written notice by either party. Necessary approval from the Environmental Protection Agency and a Planning Permit was obtained in 2011. The infrastructure was built in 2012 as a community project using funding from the MacPherson Smith Community Alliance Trust obtained by the Harrietville Community Building Initiative.

In December 2018, following consultation with the HCF, an extensive review of the operating model of the facility and continuing community support for the operations of the facility, Council entered into a lease with HCF for the continued use of the site for the community green waste facility.

The original lease was for a period of two years and provided for an annual contribution from Council of \$3,000 to support operating costs of the site.

2021

In 2021 Council made the decision to increase the financial contribution to the HCF to \$5,000 after consideration of the increased volume of green waste and associated costs. Additionally, the lease was reduced to a one-year term to allow for the potential introduction of a kerbside Food Organics and Garden Organics (FOGO) service and the possibility this service may reduce the volume of materials to be received and processed at the Harrietteville site.

2022 - Proposed Lease Terms

With the introduction of FOGO in July 2023 it is proposed the new lease be aligned to the commencement of FOGO.

Council Officers met with members of the HCF in February 2022 at the Harrietteville green waste facility to discuss administrative processes, compliance items and complete an onsite inspection.

The members of the HCF were informed of the new compliance requirements for the Community green waste facility under the *EPA 1667.3: Management and storage of combustible recyclable and waste materials guideline*. This compliance requirement forms part of the terms of the proposed end of lease term and is the only change from the previous year's lease apart from the term length.

Key terms under the proposed lease (April 2022 - July 2023) are:

- Expiry: end of lease term be aligned with the commencement of FOGO
- Rent: \$1 p.a.
- Council contribution: \$5,000 p.a. and for the term of the lease (in lieu of undertaking mulching functions).
- Insurance: Lessee to hold Public Liability cover of \$20,000,000.
- The lessee to establish an effective management group to take responsibility for the operation and administration of the premises.
- The lessee to develop membership documents including a Members Agreement and User Guide including confirmation of induction for members to the site.
- The lessee to provide Safe Working Method documents for the activities being undertaken at the site.
- The lessee to comply with the *EPA 1667.3: Management and storage of combustible recyclable and waste materials guideline*.
- Any mulching on the site to be undertaken by a licensed operator who has provided evidence of current public liability insurance.

- Mulching is not to be undertaken while any members of the public are on site.
- HCF is responsible for all costs associated with the operations of the facility.
- HCF is responsible for successful conduct of the mulching service, including advertising and promotion, membership, security, maintenance, monitoring, disposal of foreign material and beautification.

The ability for Council to enter the agreement is now obtained through the *Local Government Act 2020* under Part 2, Section 10 General Power.

ISSUES

Recycling Victoria is the Victorian Governments 10-year policy and action plan that, requires Councils to develop kerbside transition plans for the separation of food organics/garden organics (FOGO) material from kerbside waste bins and glass from kerbside comingled bins. A likely method of achieving the separation of FOGO from kerbside waste bins is through the introduction of a kerbside food organics/garden organics (FOGO) kerbside bin collection service. The introduction of this service could reduce the volume of materials to be received and processed at the Harrietville site.

POLICY IMPLICATIONS

The process is in accordance with the *Local Government Act 2020*. 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

Under the lease, Council has a commitment to pay \$5,000 p.a. or part there of to the tenant for the purposes of undertaking the operations of the site. There is provision of \$5,000 p.a. in the 2022/23 draft budget for this purpose. The annual lease income is \$1.

CONSULTATION

Consultation has been undertaken with the HCF regarding the operation of the site and the proposed lease of the land. Additionally, the HCF have been updated on the new compliance regulations *EPA 1667.3: Management and storage of combustible recyclable and waste materials guideline* and are aware of their responsibility to comply with the guidelines across all operations onsite.

CONCLUSION

The proposed lease will allow the Harrietville Community Forum to operate a community green waste facility on the site for use by the Harrietville community until commencement of FOGO Service.

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
- Acting Manager Facilities

ATTACHMENT(S)

Nil

9.3.7 Myrtleford Visitor Information Centre relocation

INTRODUCTION

This report is to seek Council's endorsement to relocate the Myrtleford Visitor Information Centre from its current location within the Alpine Gate Café building, to the Myrtleford Memorial Hall.

Cr Janas
Cr Hughes

That Council supports the relocation of the Myrtleford Visitor Information Centre to the Myrtleford Memorial Hall.

Carried

BACKGROUND

The Myrtleford Visitor Information Centre (VIC) is one of three Victoria Tourism Industry Council's accredited Information Centres within the shire. The Myrtleford VIC is largely run by volunteers and is open every day except for Christmas day. This group of dedicated volunteers were recognised for their 'Outstanding Contribution by Volunteers' in the 2022 Victorian Tourism Awards.

To maintain Victoria Tourism Industry accreditation the hours of operation need to be a minimum of six (6) hours per day. As a tenant Council cannot control this aspect of its operations and this was particularly evident when State Government mandates heavily restricted normal operating hours of the café business.

Council currently leases some space within the building located at 38 Great Alpine Road Myrtleford for the Myrtleford VIC. This arrangement has been in place for the past 15 years. Current rent is \$7,576 plus outgoings of approximately \$4,690 per annum.

The current lease expired on 1 January 2022 and the arrangement is now a month-to-month lease by agreement.

ISSUES

Modern Facilities and Amenity

There has been no significant improvements to the facilities in the VIC for some years and there continues to be shared facilities for Council volunteers and staff with patrons and staff of the Alpine Gate Café.

In 2019 (last full year of operation without Covid lockdown restricting trading) the VIC served approximately 15,190 visitors. Moving to a more prominent position on the Great Alpine Road should help increase visitation whilst also supporting the reactivation of Myrtleford Memorial Hall.

The Myrtleford Memorial Hall will afford the VIC dedicated wheelchair step free access boosting the ease of access for our community and visitors.

New clear signage from the Great Alpine Road, particularly the approach from Wangaratta will further increase visitation.

Carparking

The current VIC location has 72 carparks within 100m. The proposed relocated VIC will more than double access to carparks within the same radius to 160 carparks.

Control hours of operation

The current location within the café, limits the hours of operation of the VIC and to keep accreditation the VIC needs to be open a minimum of 6 hours per day. Providing dedicated street access to the relocated VIC means Council can control the hours of operation providing a better and safer service for staff and visitors alike.

Myrtleford Memorial Hall

The relocation would form part of the Myrtleford Memorial Hall capital refurbishment project. The refurbishment will take place during 2022 with the VIC being located at the front of the Memorial Hall. The proposed works that would incorporate the relocated VIC are planned for completion by 30 June 2022.

Insecure Tenure of Current Lease

The current landlord has indicated they may not be entering into a new lease with Council and are currently assessing the lease on a monthly basis. If Council is unable to secure arrangements each month, then a new premise may need to be found at short notice.

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

Relocating the VIC to the Myrtleford Memorial Hall will provide a total annual operational savings of approximately \$12,266 in rent and other outgoings, noting that there will be operational costs at the Memorial Hall location, which have not been determined

There is currently provision of \$35,000 in the 2022/23 draft budget for the costs associated with moving the fixtures and providing for updated fixtures and signage.

The planned refurbishment of the Myrtleford Memorial Hall is due to finish in June 2022 and is being funded through Council funds, the Bushfire Recovery Victoria grant and the Stronger Regional Communities grant.

CONSULTATION

Myrtleford Visitor Information Centre volunteers and staff have been advised of the possible relocation and are supportive of the move as is the existing tenant of the Supper Room which is located adjacent to the Memorial Hall.

This proposal has been discussed with the Landlord of the Alpine Gate Café who has indicated they have plans for the space currently leased by the VIC.

CONCLUSION

The relocation of the Myrtleford VIC will result in Council having full control over all decisions relating to the operation of the VIC, its operating hours or accessibility.

Additionally, the relocation to the Memorial Hall has the potential to increase visitations due to its extensive refurbishment, prominent town centre location and increased number of accessible carparks.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate Performance
- Acting Manager Facilities
- Community and Recreation Coordinator

ATTACHMENT(S)

Nil

9.3.8 Planning Application P.2021.138 - 29-35 Service Street, Porepunkah

Application number:	<i>P.2021.138</i>
Proposal:	<i>Six (6) Lot Subdivision and Native Vegetation Removal</i>
Applicant's name:	<i>Matthew Fischer (Fischer Development Solutions)</i>
Owner's name:	<i>J A & A C MASKELL</i>
Address:	<i>29-35 Service Street, Porepunkah VIC 3740 (CA 1 Section G Township of Porepunkah Parish of Porepunkah)</i>
Land size:	<i>14,810sqm (1.481ha)</i>
Current use and development:	<i>Dwelling and associated shedding</i>
Site features:	<i>There is a dwelling and associated shedding, native vegetation, and non-native vegetation on 29-35 Service Street, Porepunkah. Vehicle access to this dwelling is via Service Street. A watercourse (drainage channel) runs through a western portion of the site. Street trees exist in all verges surrounding the site. There is a constructed kerb and channel in the Station Street verge abutting the site. The site is relatively flat.</i>
Why is a permit required?	<i>Clause 32.05-5 Subdivision (TZ) Clause 44.06-2 Subdivision (BMO) Clause 52.17-1 Native Vegetation Removal</i>
Zoning:	<i>Township Zone (TZ)</i>
Overlays:	<i>Bushfire Management Overlay (BMO)</i>
Restrictive covenants on the title?	<i>None</i>
Date received:	<i>21 October 2021 (amended plans)</i>
Statutory days:	<i>152 days</i>
Planner:	<i>James Trimble</i>

Cr Hughes
Cr Janas

That a Notice of Decision to grant a planning permit be issued for a Six (6) lot Subdivision and Native Vegetation Removal in accordance with the conditions outlined in Appendix 9.3.8.a. and the following summarised reasons:

- 1. The proposal generally meets the relevant provisions of the:*
 - a. State and Local Planning Policy Framework;*
 - b. Township Zone;*
 - c. Particular provisions including clauses*
 - i. 52.17 Native Vegetation,*
 - ii. 53.01 Public Open Space Contribution and Subdivision,*
 - iii. 53.02 Bushfire Planning, and*
 - iv. 56 Residential Subdivision;*
 - d. Decision Guidelines at Clauses 65.01 and 65.02.*
- 2. The proposal provides an appropriate design, and respects the existing and desired neighbourhood character.*

Carried

PROPOSAL

Native Vegetation removal

The proposal involves native vegetation removal. The native vegetation removal is a patch of wattles with an area of 0.009 hectares. A third-party offset is proposed with vegetation sited in the proximity of 114 Station Street setback approximately 40 metres from Station Street.



Figure 1: Shows the location of native vegetation proposed to be removed.



Figure 2: Shows the native vegetation proposed to be removed.

Six (6) Lot Subdivision

The subdivision component of the application proposes lot sizes ranging from 720sqm to 10,430sqm. Proposed Lot 1 will contain an existing dwelling, associated shedding, and watercourse (drainage channel).

Proposed Lots 2 through 5 are of a regular rectangular shape and have a frontage to Station Street ranging from 18 to 20.24 metres. Proposed Lot 6 is of irregular shape with a frontage of 22.91 metres to Station Street and 23.58 metres to Wood Street.



Figure 3: Shows the subdivision layout on site.

SUBJECT LAND AND SURROUNDS

The site has a total area of 14,810sqm (1.481ha), is an irregular shape and is relatively flat. There is a dwelling and associated shedding, native vegetation, and non-native vegetation. Vehicle access to this existing dwelling is via Service Street. A watercourse (drainage channel) runs through a western portion of the site. Street trees exist in all verges surrounding the site. There is a constructed kerb and channel in the Station Street verge abutting the site.

All surrounding sites are zoned Township Zone. Within 5 sites of the subject site in all directions, lot sizes range from approximately 267sqm at 153 Station Street to 13,230sqm at 8 Mccullough Street. Adjoining sites to the east contain an existing dwelling.



Figure 4: Subject land.

PUBLIC NOTIFICATION

The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987*. Notice of the application was sent to surrounding landholders and occupiers. A sign was displayed on the site. One (1) objection was received and maintained. The matters raised in the objection have been summarised as follows:

1. Negatively changing the character of the area with inappropriate density
2. There will be another narrow footpath and obstacles in the way
3. Increased traffic noise and air pollution
4. Loss of views
5. There is a lack of public open space in Porepukah

In response to the objection received the applicant provided a response which has been summarised as follows:

1. Lot sizes in the direct vicinity of the site range from 500sqm to 1,200sqm. Adopting a larger lot size will encourage resubdivision by purchasers, whereas the lot sizes proposed discourage further subdivision. The proposal does not contravene neighbourhood character. The proposed lot frontages are consistent with the local neighbourhood which should not create visual disturbance from an 'out of place' building mass from future dwellings constructed.
2. If residents are illegally obstructing footpaths and shared paths, this is a separate compliance issue and not a relevant planning matter.

3. Station Street is a residential collector street that is expected to cater to up to 6,000 vehicles per day (vpd). As this road is a collector street, it is expected that it is used by commuters and tourists as well as local residents. Thus, the five (5) extra dwellings to be constructed on this site will only add a maximum of 50 vpd (IDM standard 10 vehicles/day/lot).
4. No response.
5. It is not feasible to develop a 'pocket-park' on the site. The developer will make a public open space contribution to Alpine Shire Council to invest in public open space around Porepunkah.

The assessing officer's response is provided as follows:

1. Density forms part of the relevant neighbourhood character considerations. The area considered to form the existing neighbourhood character was all lots with the same zoning, within 5 sites in all directions, on the northern side of the Ovens River. Lots within this area range from approximately 267sqm at 153 Station Street to 13,230sqm at 8 Mccullough Street. The subject site has an area of approximately 14,810sqm (1.481ha). Respecting character does not mean preventing change. The neighbourhood character standard is not intended to result in the replication of existing building stock or stop change. In simple terms, respect for the character of a neighbourhood means that the development should try to 'fit in'.
2. The maintenance and obstruction of existing public footpaths in the Porepunkah area is not a relevant planning consideration for this application. There are currently no existing footpaths in the verges abutting the site.
3. The *Environment Protection Regulations 2021* is the legislation applicable to transport noise within Victoria. The proposal could be undertaken in accordance with this legislation. The *Environment Protection Act 1970* covers air pollution. The proposal is not considered to result in a situation which would breach this legislation.
4. There are no specific town planning controls which apply to this site or any of the adjoining sites in relation to view impacts.
5. Clause 53.01 Public Open Space Contribution and Subdivision within the Alpine Planning Scheme states:

'A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both).'

A monetary contribution can be considered in lieu of the provision of additional public open space. There is considered to be an adequate area allocated for public open space within Porepunkah, in the areas currently zoned Township Zone.

REFERRALS

Referrals / Notice	Advice / Response / Conditions
Section 55 referrals	Country Fire Authority - No objection, subject to conditions. Ausnet - No objection, subject to conditions. Goulburn Murray Water - No objection, subject to conditions. North East Water - No objection, subject to conditions.
Section 52 referrals	North East Catchment Management Authority - No objection, subject to conditions.
Internal referrals:	Alpine Shire Council Engineering Team - No objection, subject to conditions. Alpine Shire Council Arborist Team – No objection and no concerns.

PLANNING ASSESSMENT

All applicable policy and decision guidelines can be found in Attachment 9.3.8.b.

State Planning Policy Framework

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

11.02-1S Supply of Urban Land - provision of additional land for residential use.

16.01-1S Housing Supply -

- i. increase in the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas; and
- ii. encourage higher density housing development on a site that is well located in relation to jobs, and services.

Local Planning Policy Framework

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

21.03-1 Townships and Villages - provision for urban growth in Porepunkah.

21.06-1 Infrastructure -

- i. supports consolidation of the Shire’s population in the main towns and some villages so as to make effective use of existing infrastructure with sufficient spare capacity;
- ii. will limit the need for new infrastructure and reduce the loss of agricultural land for the purposes of urban/residential development; and

- iii. maximises the use of existing infrastructure and limits the need for new infrastructure by consolidating growth in towns with reticulated services and encourages higher density development.

21.07-5 Porepunkah, as the proposal encourages residential development within the Porepunkah township boundaries.

Zoning

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

- It provides for additional residential development in a small town.
- It respects the neighbourhood character of the area.

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. The application is considered to meet the relevant requirements of the Bushfire Management Overlay, subject to conditions.

Particular Provisions

Clause 52.17 Native Vegetation

There is a permit trigger for the proposal within the provisions of clause 52.17 Native Vegetation. The proposal is considered to be generally in accordance with these provisions subject to the inclusion of conditions. A detailed assessment of the proposal against the provisions of Clause 52.17 is contained on the planning file – reference no. P.2021.138.

Clause 53.01 Public Open Space Contribution and Subdivision, Clause 53.02 Bushfire Planning and Clause 56 Residential subdivision

These clauses are state wide provisions and relevant to the application. The proposal is considered to be generally in accordance with these provisions subject to the inclusion of conditions. A detailed assessment of the proposal against these clauses is contained on the planning file – reference no. P.2021.138.

General Provisions

Clauses 65.01 and 65.02 of the Alpine Planning Scheme provides the general decision guidelines that must be considered before deciding on an application. The proposal is generally in accordance with the decision guidelines. A detailed assessment of the proposal against the provisions of Clauses 65.01 and 65.02 is contained on the planning file – reference no. P.2021.138.

CONCLUSION

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

1. The proposal generally meets the relevant provisions of the:
 - a. State and Local Planning Policy Framework;
 - b. Township Zone;
 - c. Particular provisions including:
 - i. clauses 52.17 Native Vegetation,
 - ii. 53.01 Public Open Space Contribution and Subdivision,
 - iii. 53.02 Bushfire Planning, and
 - iv. 56 Residential Subdivision
 - d. Decision Guidelines at Clause 65.01 and 65.02.
2. The proposal provides an appropriate design and respects the existing and desired neighbourhood character.

DECLARATION OF CONFLICT OF INTEREST

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

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

APPENDICIES

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

Appendix 9.3.8.a. Conditions

Amended Plans Required

1. Before the plan of subdivision is certified under the Subdivision Act 1988, amended plans 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. Compliance with the Country Fire Authority conditions in this permit;
 - b. Compliance with the North East Catchment Management Authority conditions in this permit.

Landscape Plan Required

2. Prior to the commencement of works, a landscape plan must be submitted to and approved by the responsible authority. Landscaping shall be generally in accordance with Council's Infrastructure Design Manual. When approved, the plan(s) will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions. The plan(s) must show:
 - a. Existing street trees;
 - b. Street trees to be removed;
 - c. Building envelopes and vehicular access points for each lot in the subdivision;
 - d. A planting schedule of all proposed street trees, which will include the location, number and size at maturity of all plants, and the botanical names of such plants;
 - e. The method of preparing, draining, watering and maintaining street trees;
 - f. All landscaped areas to be used for stormwater retardation;
 - g. The sewer, power, telecommunication and water supply connection points;
 - h. Any existing overhead powerlines;
 - i. The weed management program; and
 - j. All species selected must be to the satisfaction of the responsible authority.

Layout not altered - Subdivision

3. The layout of the subdivision as shown on the endorsed plan must not be altered or modified (whether or not in order to comply with any statute, statutory rule or Local Law, or for any other reason) without the prior written consent of the responsible authority.

Layout not altered - Works

4. The layout of the site and the size of the proposed 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.

Native vegetation permitted to be removed, destroyed or lopped

5. The native vegetation permitted to be removed, destroyed or lopped under this permit is 0.009 hectares of native vegetation. This is comprised of a patch of vegetation with no trees to be removed.

Native vegetation offsets

6. To offset the removal of 0.009 hectares of native vegetation, the permit holder must secure native vegetation offset in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017).
7. The general offset of 0.002 general habitat units:
 - a. located within the North East Catchment Management Authority boundary or the Alpine Shire municipal area; and
 - b. with a minimum strategic biodiversity value score of 0.176.
8. Before any native vegetation is removed, evidence that the offset required by this permit has been secured, must be provided to the satisfaction of the responsible authority. This evidence must be one or both of the following:
 - a. A credit extract(s) allocated to the permit from the Native Vegetation Credit Register (it is understood that the applicant will purchase an available third party offset via Victoria's Native Vegetation Credit Register), and/or,
 - b. An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site.
9. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.

Existing Structures

10. Prior to issue of Statement of Compliance, existing buildings and works on all proposed lots (excluding proposed Lot 1), must be demolished and removed from site to the satisfaction of the responsible authority.

Covenant Condition

11. Covenants that relate to the use of the land or development must not be included in any contracts of sale or on titles of any lots without the written approval of the responsible authority.

Easements

12. All existing and proposed easements and sites for existing and required utility services and roads must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the Subdivision Act 1988.

Payment in lieu of open space provision

13. Before the Statement of Compliance is issued under the *Subdivision Act 1988*, the applicant or owner must pay to the responsible authority a sum equivalent to five (5) per cent of the site value of all the land in the subdivision.

General Conditions

14. No works on site are permitted to commence until the plan of subdivision is certified under the Subdivision Act 1988.
15. The subdivision must be fully provided with reticulated services, including water, sewerage and electricity to the satisfaction of the relevant authority.

16. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of the Act.
17. Construction must be carried out in accordance with sediment control principles as outlined in "Construction Techniques for Sediment Pollution Control" EPA 1991.
18. All disturbed surfaces on the land resulting from the subdivision must be stabilised to the satisfaction of the responsible authority.

Mandatory Conditions

19. The owner of the land must enter into an agreement with:
 - a. a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b. a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
20. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
 - a. a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b. a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Mandatory Bushfire Management Overlay Condition

21. Before the Statement of Compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:
 - a. state that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Alpine Planning Scheme.
 - b. Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.
 - c. State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.
22. The landowner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

Street Tree Protection during Construction

23. Prior to commencement of works, street tree protection fencing must be erected around each street tree in the verges abutting the site to define a 'Tree Protection Zone' in accordance with AS 4970. The fence must be constructed of star pickets and hazard mesh or similar to the satisfaction of the responsible authority. The tree protection fence must remain in place until the subdivision works are completed. The ground surface of all Tree Protection Zones must be covered by a 100 mm deep layer of mulch before the subdivision works start and be watered regularly to the satisfaction of the responsible authority.

Regulation of Activities in Street Tree Protection Zone

24. No vehicular and pedestrian access, trenching and soil excavation is to occur within any Tree Protection Zone without the written consent of the responsible authority. No storage and dumping of tools, equipment and waste is to occur within any Tree Protection Zone.

Retention of Existing Street Trees

25. The existing street tree(s) must not be removed or damaged, without the prior written consent of the responsible authority.

Street Trees for Residential Allotments

26. Prior to issue of Statement of Compliance under the Subdivision Act 1988, the owner or developer of the subject land must provide street trees to the satisfaction of responsible authority.

Landscaping

27. Prior to the issue of a Statement of Compliance under the Subdivision Act 1988, landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
28. The landscaping shown on the endorsed plans must be maintained for a period of twelve months from the date of practical completion of the works to the satisfaction of the responsible authority. Any dead, diseased or damaged plants are to be replaced within 12 months of the date of practical completion for the works.

Construction Requirements

29. The owner/developer must ensure that all construction activity complies with the following and to the satisfaction of the relevant authority:
- a. Construction hours are limited to between 7am to 5pm Monday to Friday and 8am to 1pm on Saturdays. No construction activities are to be undertaken on public holidays or Sundays.
 - b. The site must always be maintained in a neat and tidy condition and no building materials or rubbish are to be stored or allowed to spill into adjoining sites. Any excavated material not required must be immediately disposed of off-site.
 - c. At the completion of the subdivision works all excess materials must be removed.
 - d. Parking must be contained within the construction site as identified within the endorsed construction plan.
 - e. The construction site must be securely fenced at all times during the subdivision works.

- f. Top soil from the subdivision works is to be stockpiled in a location where it will not be eroded from the site, is not on the road reserve and where no adverse amenity affects would arise.

Construction of Works

30. Before the Statement of Compliance is issued under the Subdivision Act 1988, the owner must construct and complete drainage and other civil works, in accordance with the endorsed plans and specifications approved by the responsible authority and in accordance with the relevant Infrastructure Design Manual. Drainage and other civil works to be constructed must include:

- a. vehicular crossings;
- b. footpaths;
- c. underground drainage and stormwater treatment;
- d. street trees;
- e. underground conduits for water, electricity and telephone;

all to the satisfaction of the responsible authority.

- Country Fire Authority Conditions - Amended Bushfire Management Plan required

31. Prior to the issuing of certification, an amended Bushfire Management Plan must be prepared to the satisfaction of CFA then submitted to the responsible authority for endorsement. The plan must be generally in accordance with the plan prepared by Fischer Development Solutions (drawing no. F1034BMP01/01, revision A, dated 21/07/2021) but modified as followed:

- a. All text below the heading of "Access" must be replaced with:
 - i. *"Access to the water tank in lot 1 must meet the following requirements:*
 - A. Curves must have a minimum inner radius of 10m
 - B. The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.
 - C. Have a minimum trafficable width of 3.5m of all- weather construction.
 - D. Be clear of encroachments for at least 0.5m on each side and 4m above the access way.
 - E. Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle."
- b. Inclusion of the following text below the existing text under the heading of "Water Supply".
 - i. *"The following requirements also apply to the water tank within lot 1:*
 - A. Incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting).
 - B. The outlet/s of the water tank must be within 4m of the access way and be unobstructed.

- C. Be readily identifiable from the building or appropriate identification signage to the satisfaction of CFA must be provided.
 - D. Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling)."
32. Once endorsed the Bushfire Management Plan must be included as an annex to the Section 173 Agreement and must not be altered unless otherwise agreed in writing by the CFA and the responsible authority.

Additional matters to be set out in Section 173 Agreement

33. In addition to the requirements of Clause 44.06-5 of the Alpine Planning Scheme the Section 173 Agreement prepared in accordance with that clause must also specify:
- a. Explicitly exclude Lot 1 from the following exemption under Clause 44.06-2 of the Alpine Planning Scheme:
 - i. A building or works consistent with an agreement under Section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of clause 44.06-5.

Provision of water in lot 1

34. Prior to Statement of Compliance the water supply for lot 1 must be installed as per the requirements on the endorsed Bushfire Management Plan.

Provision of vehicle access in lot 1

35. Prior to Statement of Compliance vehicle access to the firefighting water tank outlet within lot 1 must be constructed as per the requirements on the endorsed Bushfire Management Plan.

- North East Catchment Management Authority Conditions -

36. Prior to Certification of the Plan of Subdivision, the owner/applicant must enter into an agreement with the responsible authority made pursuant to Section 173 of the Planning and Environment Act 1987, and make application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act, which provides that the finished floor level of dwellings on lots 2 through to 6 inclusive shall be a minimum of 300mm above the surrounding finished surface level.
37. Prior to the Certification of Plan of Subdivision, the plan of subdivision shall be amended to show a 10m building exclusion zone from the top of bank of each side of the waterway.
38. Prior to the Certification of Plan of Subdivision, detailed design plans of the stormwater treatment systems must be submitted to, and approved by, the responsible authority, demonstrating compliance with the treatment objectives outlined in Urban Stormwater, Best Practice Environmental Management Guidelines, 2006.
39. Prior to the issue of Statement of Compliance for the subdivision, all stormwater treatment measures must be constructed, and drainage pits are to be labelled with signage emphasising that stormwater flows to creek, e.g. drain flows to creek, street to stream, etc.

**- Alpine Shire Engineering Department Conditions –
Detailed Construction Plans**

40. Prior to commencement of works, detailed construction plans must be submitted to and approved by Alpine Shire Council. Construction detail shall be generally in accordance with Council's Infrastructure Design Manual (www.designmanual.com.au). When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions, and shall include proposed construction detail, further information or modifications to:
- a. Underground drainage system, with supporting computations
 - b. Inspection and test plans, including hold and witness points for Alpine Shire Council sign off for Council assets created as part of the development.
 - c. Vehicular crossings

Stormwater retention and quality treatments

41. Concrete footpaths along Station Street, showing linkage of the development to the existing or proposed future footpath network.
42. Underground conduits for water, electricity and telephone.

Defect identification - Council's Assets

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

Urban Drainage Works

44. Prior to issue of Statement of Compliance under the Subdivision Act 1988, all stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge by underground pipe to the satisfaction of Alpine Shire Council. No effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system. The legal point of discharge (LPOD) for this site is the open drain on the lot. All roof water from buildings and surface water from paved areas must be collected and discharged to the LPOD to avoid any nuisance discharge to adjacent land, to the satisfaction of the responsible authority.

Drainage Discharge Plan

45. Prior to certification under the *Subdivision Act 1988*, a properly prepared drainage discharge plan with computations must be submitted to, and approved by, Alpine Shire Council. 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 information submitted must show the details listed in Council's Infrastructure Design Manual and be designed in accordance with the requirements of that manual. The information and plan must include:

- a. details of how the works on the land are to be drained and retarded,
- b. computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by Alpine Shire Council,
- c. connection points for drainage for each lot,
- d. underground pipe drains conveying stormwater to the legal point of discharge for each allotment,
- e. documentation demonstrating approval from the relevant authority for the legal point of discharge,
- f. a maximum discharge rate from the site is to be determined by computation to the satisfaction of Council to pre-development flow,
- g. measures to enhance stormwater discharge quality from the site and protect downstream waterways, including the expected discharge quality emanating from the development and design calculation summaries of the treatment elements, designed in accordance with Urban Stormwater, Best Practice Environmental Management Guidelines, 2006, and
- h. maintenance schedules for treatment elements.

46. Prior to issue of Statement of Compliance under the Subdivision Act 1988, all works constructed or carried out must be in accordance with those plans to the satisfaction of Alpine Shire Council.

Urban Vehicle Crossing Requirements

47. Prior to issue of Statement of Compliance under the Subdivision Act 1988, vehicular crossings shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the Alpine Shire Council, and shall comply with the following:
- a. Standard vehicular crossings shall be constructed at right angles to the road to suit the proposed driveways, and any existing redundant crossing shall be removed and replaced with concrete kerb and channel and landscaping to match into the surrounding profile. The vehicle crossing must be constructed of plain grey concrete.
 - b. Any proposed vehicular crossing shall have satisfactory clearance to any side entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant authority and shall be at the applicant's expense.

- c. Crossings shall be constructed of concrete and be generally in accordance with IDM drawing SD240.
- d. Crossing shall be at least 9 meters apart

Prior to Commencement of Construction

48. Before any drainage works associated with the subdivision start, the following items must be satisfied:
- a. issue of the certified Plan of Subdivision,
 - b. approval of the construction plans, and
 - c. an on-site meeting with officers of the municipality, the contractor and the developer or the developer's consultant to discuss matters such as roadside management, construction techniques, sedimentation controls, vegetation clearing controls and vegetated areas to be barricaded off prior to and during construction.

Construction Management

49. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of Alpine Shire Council.
50. Prior to commencement of works, a Construction Management Plan shall be submitted to and approved by Alpine Shire Council. The plan must outline how 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. Management measures are to be in accordance with EPA guidelines for Environment Management, "Doing It Right On Subdivisions" Publication 960, September 2004.

No Mud on Roads

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

- Ausnet Conditions -

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

- Goulburn Murray Water Conditions -

54. Any Plan of Subdivision lodged for certification must be referred to Goulburn Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.

55. All works within the subdivision must be done in accordance with EPA Publication 960 "Doing It Right on Subdivisions, Temporary Environmental Protection Measures for Subdivision Construction Sites", September 2004.
56. Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.
57. All stormwater discharged from the site must meet the urban run-off objectives and Standard C25 as specified in Clause 56.07-4 of the Victorian Planning Provisions. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.
- North East Water Conditions -**
58. The owner of the subject land (or applicant in anticipation of becoming the owner) is required to enter into a legal agreement with North East Water detailing the works to be constructed, and other requirements to be met, necessary for the provision of reticulated water supply to each of the lots and proposed dwellings, within the development, at the owners cost, to the satisfaction of North East Water, provided:
- a. where the development is staged, a number of agreements may be required for separate stages; and
 - b. each agreement must be in accordance with North East Water policy and requirements applying at the time of entry into the relevant agreement.
59. The owner of the subject land (or applicant in anticipation of becoming the owner) is required to enter into a legal agreement with North East Water detailing the works to be constructed and other requirements to be met, necessary for the provision of reticulated sewerage services to each of the lots and proposed dwellings, within the development, at the owners cost, to the satisfaction of North East Water, provided:
- a. where the development is staged, a number of agreements may be required for separate stages; and
 - b. each agreement must be in accordance with North East Water policy and requirements applying at the time of entry into the relevant agreement.
60. Where the development (including any subdivision) occurs in stages the availability of water supply and sewerage services may be delayed having regard to NEW system capacity, conditions in relation to which shall be detailed in the relevant agreement for water supply and/or sewerage services.
61. The works required to be constructed for the provision of water supply and sewerage services must include, where so required by and to the satisfaction of, North East Water:
- a. works external to the subject land to allow connection to the North East Water water supply and sewerage systems;
 - b. the vesting at no cost of such of those works required by North East Water, to North East Water ("Developer Works"); and
 - c. works to ensure compatibility with and allowance for, other developments being served through existing and future North East Water infrastructure, including the Developer Works

- d. internal or private works within the development, in accordance with applicable plumbing standards and providing adequate pressure and service levels.
 62. Any modification to the development approved under this permit, including an increase or decrease in the number of dwellings or lots (or both) or the inclusion of additional land, requires the further consent of and may be subject to modified conditions, to the satisfaction of, North East Water.
 63. Prior to the issue of a Statement of Compliance, the applicant must pay a new customer contribution determined in accordance with North East Water's policy for development charges applicable to the water supply system currently servicing the area in which the subject land is located.
 64. Prior to the issue of a Statement of Compliance, the applicant must pay a new customer contribution determined in accordance with North East Water's policy for development charges applicable to sewers and disposal systems currently servicing the area in which the subject land is located.
 65. The applicant must create easements to the satisfaction of and in favour of North East Water, over all existing and proposed sewerage facilities within the proposed subdivision.
 66. The applicant must ensure that private water services do not traverse property boundaries and are independently supplied from a point of supply approved by North East Water.
 67. The applicant must provide easements through other land, to the satisfaction of North East Water, if such easements are considered necessary for the efficient and economic servicing of the subject land.
 68. That the applicant pays applicable charges determined in accordance with North East Water's policy for development charges, applicable from time to time towards North East Water's sewers and disposal systems servicing the area to which the permit applies.
 69. Where the subject land is developed in stages, the North East Water conditions will apply to any subsequent stage of the subdivision
 70. Where an easement created in favour of North East Water is located within a proposed road reserve in a future stage, prior to the certification of the plan of subdivision for that stage, the applicant must formally remove the easement from the title to the land.
 71. North East Water's consent to the issue of a Statement of Compliance under the Subdivision Act 1988 is conditional upon completion of all works, and meeting all requirements set out in this permit and any relevant agreement with, North East Water.
 72. The plan of subdivision for certification must be referred to North East Water in accordance with Section 8 of the *Subdivision Act 1988*.
- Expiry**
73. This permit will expire if one of the following circumstances applies:
 - a. The plan of subdivision is not certified within two (2) years of the date of this permit.

- b. The approved works are not started within two (2) years of the date of the permit.
 - c. The approved works are not completed within four (4) years of the date of the permit.
74. The registration of the subdivision is not completed within five (5) years of the date of certification of the plan of subdivision.
75. The responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards.

- End of Conditions -

Planning Notes

76. A Works on Waterways permit must be obtained from the North East Catchment Management Authority in accordance with By-Law No 2014/01 Waterways Protection prior to commencing any works in, on or over designated waterways (such as landscaping, access crossings, storm water outlets, etc). Further information and an application form can be obtained from the Authority at:
<http://www.necma.vic.gov.au/About-Us/ProgramsInitiatives/Undertake-Works-on-Waterways>
77. It is recommended that, at an early date the applicant commences negotiations with AusNet Services for a supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued without delay (the release to the municipality enabling a Statement of Compliance with the conditions to be issued). Arrangements for the supply will be subject to obtaining the agreement of other Authorities and any landowners affected by routes of the electric power lines required to supply the lots and for any tree clearing. Prospective purchasers of lots on this plan should contact this office to determine the availability of a supply of electricity. Financial contributions may be required. For all enquiries please email: subdivisions@ausnetservices.com.au
78. CFA does not consent to the Certification of the Plan of Subdivision under Section 9 of the Subdivision Act 1988. CFA does want the Plan of Subdivision for this planning permit application referred under Section 8 of the Subdivision Act 1988.
79. CFA does not consent to the Statement of Compliance for Subdivision.
80. 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.
81. The land affected by this permit may be subject to flooding and/or floor level requirements for any new construction and the permit holder and any other interested party, should make their own enquires as to whether the proposed development is so affected. Pursuant to Regulation 6.2(7) of the Building Regulations 1994, the consent and report of the Council must be obtained to an application for a building permit if the site is in an area liable to flooding.
82. This permit does not authorize the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

9.3.8.b. POLICY AND DECISION GUIDELINES

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

State Planning Policy Framework

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

- 11.02-1S Supply of urban land
- 11.03-6S Regional and local places
- 12.01-1S Protection of biodiversity
- 12.01-2S Native vegetation management
- 13.01-1S Natural hazards and climate change
- 13.02-1S Bushfire planning
- 13.03-1S Floodplain management
- 14.02-1S Catchment planning and management
- 14.02-2S Water quality
- 15.01-3S Subdivision design
- 15.01-5S Neighbourhood character
- 16.01-1S Housing supply
- 18.02-3S Road system (this policy has been superseded)
- 19.03-2S Infrastructure design and provision
- 19.03-3S Integrated water management

Local Planning Policy Framework

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

- 21.03-1 Townships and villages
- 21.03-4 Built form and heritage
- 21.04-1 Native vegetation, biodiversity and environmental values
- 21.04-4 Environmental risk
- 21.04-6 Catchments and waterways
- 21.06-1 Infrastructure
- 21.07-5 Porepunkah
- 22.02-1 Native vegetation and biodiversity

22.04-4 Urban stormwater management

Zone

The land is zoned Township Zone.

Overlays

The land is covered by the Bushfire Management Overlay.

Particular Provisions

52.17 Native Vegetation

53.01 Public Open Space Contribution and Subdivision

53.02 Bushfire Planning

56 Residential subdivision

General Provisions

Clauses 65.01 and 65.02 within the Alpine Planning Scheme provides the general decision guidelines.

Cr Nicholas declared a conflict of interest with respect to item 9.3.9 and left the room at 7.11pm.

Cr Hughes assumed position of Chair as Deputy Mayor.

9.3.9 Planning Application P.2021.183 - 117 Centenary Avenue, Wandiligong

Application number:	<i>P.2021.183</i>
Proposal:	<i>Use and Buildings and Works for the construction of a Dwelling, Carport and Outbuilding.</i>
Applicant's name:	<i>Sonia Nannipieri (Design Bright Building Design Services)</i>
Owner's name:	<i>M Godenzi and C L McLean</i>
Address:	<i>117 Centenary Ave, Wandiligong, VIC 3744 (Lot 3 PS 824322H)</i>
Land size:	<i>5,283sqm</i>
Current use and development:	<i>Vacant</i>
Site features:	<i>The site is of a rectangular shape and relatively flat. There is an existing crossover located near the south-western corner of the site. The site contains non-native vegetation towards the rear.</i>
Why is a permit required?	<i>Clause 35.07-1 Use (FZ) Clause 35.07-4 Buildings and Works (FZ) Clause 42.03-2 Buildings and Works (SLO3) Clause 43.01-1 Buildings and Works (HO83) Clause 44.06-2 Buildings and Works (BMO)</i>
Zoning:	<i>Farming Zone (FZ)</i>
Overlays:	<i>Significant Landscape Overlay - Schedule 3 (SLO3) Heritage Overlay - Schedule 83 (HO83) Bushfire Management Overlay (BMO)</i>
Restrictive covenants on the title?	<i>Section 173 Agreement AT584762Y</i>
Date received:	<i>15 November 2021 (amended plans)</i>
Statutory days:	<i>127</i>
Planner:	<i>James Trimble</i>

*Cr Forsyth
Cr Janas*

That Council issues a Notice of Decision to grant a planning permit for Use and Buildings and Works for the construction of a dwelling, carport and outbuilding in accordance with the conditions outlined in Appendix 9.3.9.a. and the following summarised reasons:

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

 - a. State and Local Planning Policy Framework;*
 - b. Heritage Overlay - Schedule 83*
 - c. Significant Landscape Overlay - Schedule 3*
 - d. Bushfire Management Overlay*
 - e. Particular provisions including clause 53.02 Bushfire Planning;*
 - f. Decision Guidelines at Clauses 65.01.**
- 2. The proposal provides an appropriate design, and respects the existing and desired neighbourhood character.*

Carried

PROPOSAL

The proposal involves Use and Buildings and Works for the construction of a dwelling, carport and outbuilding.

The proposed dwelling is setback 15.6 metres from Centenary Avenue, 12.8 metres from the northern lot boundary, 9 metres from the southern lot boundary and approximately 93 metres from the rear lot boundary.

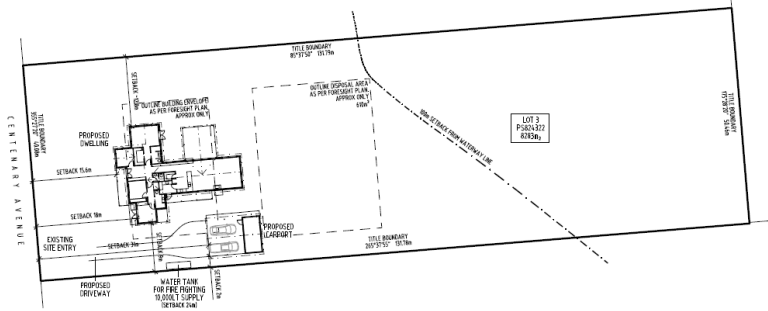
The proposed dwelling is single storey and includes a 35-degree pitched roof, four (4) bedrooms, three (3) bathrooms, open plan meals/kitchen/lounge, separate laundry, north facing alfresco area, front and side verandahs, and a 10,000 litre water tank. External materials and colours include Colorbond Monument Matt roofing, Masonry handmade old reds/grey grout walls, vertical timber hardwood cladding, colorbond monument matt gutters and fascia, aluminium monument and timber hardwood frames. The associated onsite wastewater disposal area is setback behind the dwelling. New onsite landscaping with trees is proposed in the street setback area.

A detached carport and outbuilding is proposed with a setback of 31 metres from Centenary Avenue, approximately 31 metres from the northern lot boundary, approximately 90 metres from the rear lot boundary and 2 metres from the southern lot boundary. Roof pitch, external materials and colours of the detached carport and outbuilding are the same as the dwelling. This building is single storey and provides undercover parking for two (2) vehicles.

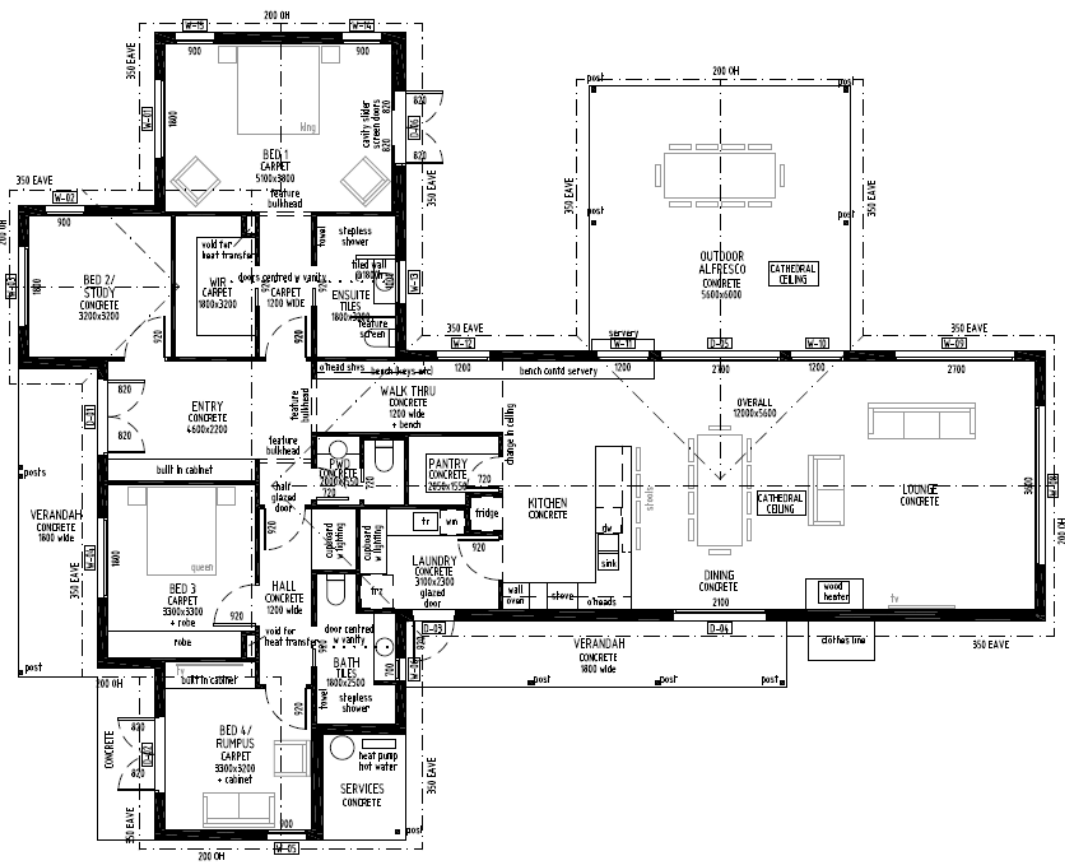
SITE AREA ANALYSIS	
TOTAL SITE AREA	13063m ²
BUILDING	1706m ²
PERGOLAS & OUTDOOR	4113m ²
CARPETS & STORE	4139m ²
TOTAL SITE FOOTPRINT	13063m ²



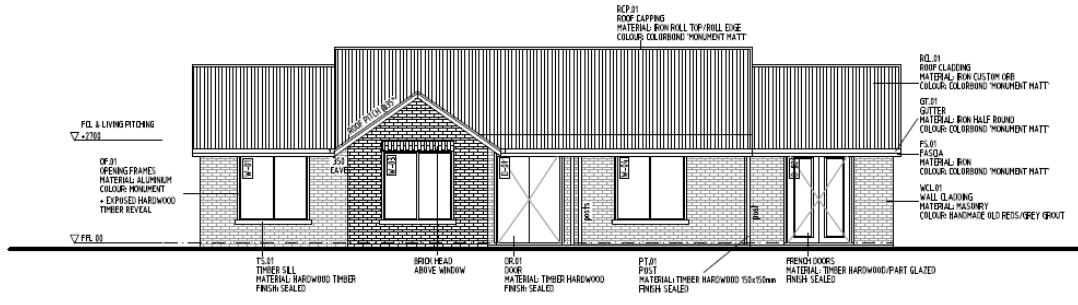
AERIAL PHOTO
SCALE 1:1000 @A3
APPROX ONLY



SITE PLAN
SCALE 1:1000 @A3



DWELLING FLOOR PLAN
SCALE 1:100 @A3



WEST ELEVATION (STREET VIEW)
SCALE 1:100 @A3



SOUTH ELEVATION
SCALE 1:100 @A3



EAST ELEVATION
SCALE 1:100 @A3



NORTH ELEVATION
SCALE 1:100 @A3

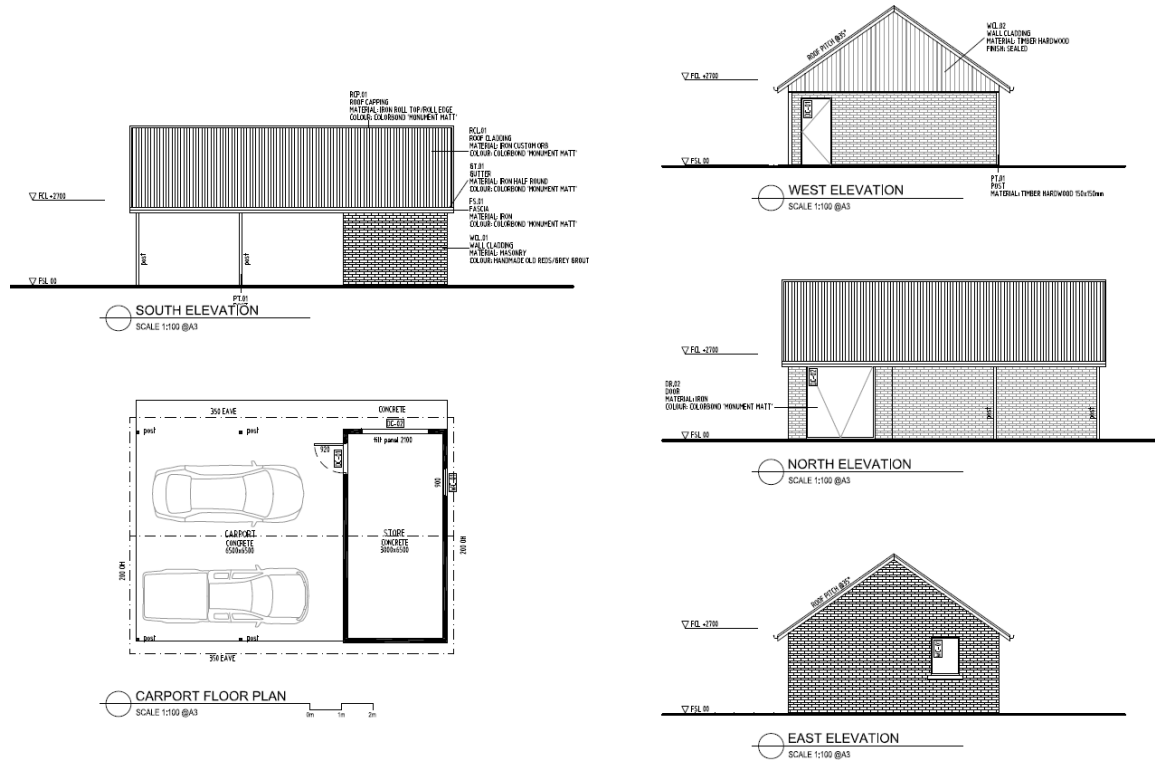


Figure 2: Shows the development layout on site.

SUBJECT LAND AND SURROUNDS

The subject site was created as a result of VCAT decision P2624/2018. In the commentary associated with this VCAT decision the senior member made a statement that the current Farming Zone to the site is inappropriate.

The site has a total area of 5,283sqm, is rectangular in shape and is relatively flat. There is an existing crossover located near the south-western corner of the site.

The site contains non-native vegetation towards the rear.

The site does not have access to reticulated sewerage.

Land to the north, south and west is zoned Farming, and is also affected by the same planning overlays as the subject site. Land to the south and west contains a single dwelling.

Land to the east of the site is Crown land, zoned Public Conservation and Resource Zone. This land contains substantial vegetation both native and non-native. Further to the east is Morses Creek.



Figure 3: Subject land.

PUBLIC NOTIFICATION

The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987*. Notice of the application was sent to surrounding landholders and occupiers. A sign was displayed on the site. Two (2) objections were received and maintained. The matters raised in the objections have been summarised as follows:

1. Setback too close to the street
2. Poor orientation
3. Improper wall cladding. Brick is not appropriate. Vertical timber cladding is not appropriate should be horizontal.
4. Window and door framing should be timber
5. Lack of articulation and lack of verandahs
6. Not in keeping with the character of the area
7. Septic system too close to Moses Creek
8. Sets a bad precedence
9. Site should be resurveyed. There is no back fence
10. The dwelling must be designed in sympathy with the Wandiligong Heritage Guidelines
11. Have six-star energy ratings been adhered to.

The applicant provided a partial response which is provided below.

The siting of the proposed dwelling and carport is determined by setbacks from the waterway, the Land Capability Assessment (LCA) and the nominated building envelope. These requirements are outlined in a Section 173 Agreement registered on the title of the site. It was the client's preference to site the dwelling further back on the property than what is proposed, however it was sited to adhere to these requirements.

The proposal has been reviewed by Councils' heritage advisor. The heritage advisor has provided constructive guidance and feedback. We have cooperatively adopted the

suggestions made by the heritage advisor to ensure the design is sensitive to the Wandiligong area and meets the heritage guidelines.

The assessing officer's response is provided as follows:

1. The proposed street setback is considered appropriate in the context of existing surrounding development and is sufficient to provide further landscaping to assist in blending the dwelling into its setting. The street setback proposed is greater than existing surrounding development which fronts Centenary Avenue, within close proximity of the subject site.
2. An irregular siting of the proposed development to the street lot boundary would be out of context with existing surrounding development. There are a number of existing buildings in close proximity of the site which front Centenary Avenue with a regular siting to Centenary Avenue.
3. The proposed use of red brickwork is considered appropriate, in the context of existing surrounding development. There are a number of existing surrounding buildings in close proximity which front Centenary Avenue which have brick cladding. In addition, the use of red brick is consistent with some of the older brick buildings within the Wandiligong Area. The proposed development includes vertical cladding on a portion of the western elevation of the detached carport/store building and a portion of the northern elevation of the dwelling. This is considered acceptable in the context of existing surrounding development and that the carport/store building is setback 31 metres from the Centenary Avenue lot boundary reducing its visual prominence on the streetscape.
4. The proposed development includes aluminium framing in colour 'Monument', timber sills, and other timber detailing. This is considered to be recessive and appropriate in the context of existing surrounding development.
5. The west (street front) elevation of the proposed development is considered to be appropriately articulated as its composition is massed with four street setback variations to the front wall of the dwelling. The use of multiple verandahs on the street front elevation and part of the southern elevation provides further articulation. The size of the proposed development is considered appropriate in the context of existing surrounding development. Considering the above there is not considered to be a need for additional verandah area/s as the level of articulation proposed is considered adequate.
6. The area considered to form the existing neighbourhood character was all lots, within 5 sites in all directions. Adjoining sites to the south and west contain an existing single storey dwelling. Respecting character does not mean preventing change. The neighbourhood character standard is not intended to result in the replication of existing building stock or stop change. In simple terms, respect for the character of a neighbourhood means that the development should try to 'fit in'. The proposal is not considered to result in change in the streetscape and neighbourhood characteristics.
7. The application was referred to Alpine Shire Council Environmental Health Team and Goulburn Murray Water. Conditional consent provided by both. The proposal is in accordance with the Section 173 Agreement registered on the title of the site relating to onsite wastewater management.

8. Every application is considered on its own merits
9. No buildings and works are proposed within close proximity of the rear lot boundary. It is the responsibility of the landowner to ensure all buildings and works are sited within the lot boundaries of the site.
10. The Wandiligong Heritage Guidelines have been considered in assessing the application, there is scope to consider variations to these guidelines. The Wandiligong Heritage Guidelines are a reference document within the Alpine Planning Scheme and are not an incorporated document. Councils' heritage advisor has reviewed the application and provided consent.
11. The design includes windows and openings on all sides. The open plan kitchen/dining/lounge has a north facing wall with windows and openings. The proposed could be undertaken in accordance with six-star energy rating requirements, noting that such level of detail may be required for a subsequent building permit application, if the planning application is approved.

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.
Internal referrals:	Alpine Shire Council Health Team - No objection subject to conditions. Alpine Shire Heritage Advisor - No objection.

PLANNING ASSESSMENT

All applicable policy and decision guidelines can be found in Appendix 9.3.9.b.

State Planning Policy Framework

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

15.01-5S Neighbourhood character - Supports development that respects the existing neighbourhood character or contributes to a preferred neighbourhood character.

15.03-1S Heritage conservation - Encourages appropriate development that respects places with identified heritage values.

16.01-1S Housing supply - Increases the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.

Local Planning Policy Framework

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

21.06-1 Infrastructure - Encourages appropriate development that respects places with identified heritage values.

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:

- a. the land is capable of accommodating the proposal including the disposal of effluent,
- b. the site is suitable for the proposal and compatible with adjoining residential land use,
- c. the site has minimal capacity to sustain any agricultural use,
- d. there is no existing agricultural activity on any adjoining site, and
- e. the proposal will not result in the loss or fragmentation of productive agricultural land.

Bushfire Management Overlay

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

Particular Provisions

Clause 53.02 – Bushfire Planning

The application was referred to the CFA for comment. Consent was provided, 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 Clause 65.01 is contained on the planning file – reference no. P.2021.183. The proposal is generally in accordance with the decision guidelines.

CONCLUSION

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

1. The proposal generally meets the relevant provisions of the:
 - a. State and Local Planning Policy Framework;
 - b. Heritage Overlay - Schedule 83

- c. Significant Landscape Overlay - Schedule 3
 - d. Bushfire Management Overlay
 - e. Particular provisions including 53.02 Bushfire Planning.
 - f. Decision Guidelines at Clause 65.01.
2. The proposal provides an appropriate design and respects the existing and desired neighbourhood character.

DECLARATION OF CONFLICT OF INTEREST

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

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

APPENDICIES

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

Appendix 9.3.9.a. Conditions

Amended Plans Required - Development

1. Before the development starts, amended plans 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 water tank having an external colour(s) consistent with the other building and works authorised by this permit.
 - b. The water tank having a minimum southern lot boundary setback of 2 metres.
 - c. Compliance with the Country Fire Authority conditions in this permit.

Endorsed Plans

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

External Materials and Colours

3. The external materials of the building(s) including the roof must be constructed in materials of muted colours, to the satisfaction of the responsible authority. No materials having a highly reflective surface shall be used. For the purposes of this condition 'highly reflective' includes but is not limited to unpainted zincalume.
4. All eaves and gutters must be ogee or quad profile and downpipes must be circular.
5. Roof cappings must be roll top and roll edge.

Garbage Storage

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

Landscaping Works

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

Construction Site Storage Area

9. An area for the storage of construction materials must be designated prior to the arrival of equipment and materials onsite. At the completion of construction all

excess materials must be removed from the site to the satisfaction of the responsible authority.

Mandatory Bushfire Conditions

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

Disturbed Surfaces

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

Farm Zone Use Conditions

12. Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles, to the satisfaction of the relevant authorities.
13. Prior to the dwelling use authorised by this permit commencing, wastewater must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system, to the satisfaction of the relevant authorities.
13. Prior to the dwelling use authorised by this permit commencing, 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 relevant authorities.
14. Prior to the dwelling use authorised by this permit commencing, the dwelling must be connected to a reticulated electricity supply or have an alternative energy source, to the satisfaction of the relevant authorities.

- Goulburn Murray Water Conditions -

16. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
17. All wastewater from the dwelling must be installed, applied and setback in accordance with the S.173 Agreement AT584762Y 08/09/2020 on title Volume 12256 Folio 605.

- Alpine Shire Council Environmental Health Team Conditions -

18. 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 LCA-ROSS-02 from Foresight Engineering Services.

- Country Fire Authority Conditions -

19. Before the development starts, a Bushfire Management Plan (BMP) must be prepared and submitted to the responsible authority for endorsement. 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 BMP prepared by Design Bright Building Design Services (ref. A-03 20/245, Rev A, dated 8/10/2021) but modified as follows:
- a. Water supply

Replace the text relating to water supply with:

 - i. 10,000 litres of effective water supply for fire fighting purposes must be provided which meets the following requirements:
 - A. Is stored in an above ground water tank constructed of concrete or metal.
 - B. All fixed above-ground water pipes and fittings required for firefighting purposes must be made of corrosive resistant metal.
 - C. Include a separate outlet for occupant use.
 - D. Incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting).
 - E. Be located within 60 metres of the outer edge of the approved building.
 - F. The outlet/s of the water tank must be within 4m of the accessway and be unobstructed.
 - G. Be readily identifiable from the building or appropriate identification signage to the satisfaction of CFA must be provided.
 - H. Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling).
 - b. Access

Add the following text relating to access:

Access for fire fighting purposes must be provided which meets the following requirements:

 - ii. Be of all-weather construction
 - iii. Have a load limit of at least 15 tonnes
 - iv. Curves must have a minimum inner radius of 10m.
 - v. The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.
 - vi. Have a minimum trafficable width of 3.5m of all- weather construction.
 - vii. Be clear of encroachments for at least 0.5m on each side and 4m above the accessway.
 - viii. Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

Expiry

20. This permit will expire if one of the following circumstances applies:
- a. the development is not started within two (2) years of the date of this permit.
 - b. the development is not completed within four (4) years of the date of this permit.
 - c. the use is not started within four (4) years of the date of this permit.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six (6) months afterwards.

- End of Conditions -

Planning Notes

1. This permit does not authorise approval under the Building Act. It is the responsibility of the applicant to determine if a building permit is required for the proposed buildings and works.
2. A road opening/crossing permit must be obtained from the responsible authority prior to working in or occupying the road reserve with construction equipment or materials. Applications may be accessed from the Alpine Shire Council website.
3. This permit does not grant approval for any fencing on the site.
4. The Site Plan provided is not a survey plan and may not show the correct boundary. The applicant is responsible for ensuring the development is sited within their freehold land.
5. Reformatting the Bushfire Management Plan text with section headings (E.g. Construction Standard, Defendable Space, Water Supply & Access) would make it easier to read.
6. Remove the aerial photo from the BMP (including the off-site defendable space).

Appendix 9.3.9.b. POLICY AND DECISION GUIDELINES

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

State Planning Policy Framework

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

- 12.05-2S – Landscapes
- 13.01-1S – Natural Hazards and Climate Change
- 13.02-1S – Bushfire Planning
- 14.02-1S – Catchment Planning and Management
- 14.02-2S – Water Quality
- 15.01-2S – Building Design
- 15.01-5S – Neighbourhood Character
- 15.01-6S – Design for Rural Areas
- 15.03-1S – Heritage Conservation
- 16.01-1S - Housing supply
- 16.01-3S – Rural Residential Development
- 19.03-3S – Integrated Water Management
- 19.03-2S – Infrastructure Design and Provision

Local Planning Policy Framework

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

- 21.03-2 – Rural Residential Living
- 21.03-3 – Rural Lifestyle, Subdivisions and Dwellings
- 21.03-4 – Built Form and Heritage
- 21.04-3 – Landscapes
- 21.04-4 – Environmental Risks
- 21.04-5 – Public-Private Land Interface
- 21.04-6 – Catchments and Waterways
- 21.06-1 – Infrastructure
- 21.07-7 – Wandiligong
- 22.02-3 – Landscapes

22.03-2 – Agriculture

Zone

The land is zoned Farming Zone.

Overlays

The land is covered by the Bushfire Management Overlay, Significant Landscape Overlay - Schedule 3, and Heritage Overlay - Schedule 83.

Particular Provisions

53.02 Bushfire Planning

General Provisions

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

Cr Nicholas returned at 7.25pm

Cr Janas declared a conflict of interest with respect to item 9.3.10 and 9.3.11 and left the room at 7.25pm to allow for both motions to be dealt with.

9.3.10 Reconsideration of Planning Application P.2019.83.1 following December 2021 Council Meeting

INTRODUCTION

Planning Application P.2019.83.1 was previously presented to Council at the Ordinary Council Meeting held on 14 December 2021, where Council resolved:

That:

- 1. A decision on this permit application is deferred to a future meeting; and*
- 2. An acoustic report is presented to Council to support decision-making.*

Following this resolution, Council officers requested further information in the form of an acoustic report prepared by a suitable qualified person which demonstrates that all aspects of the use are compliance, or with appropriate recommendations are able to comply, with the relevant EPA noise emission regulations.

To date, no acoustic report has been received by Council.

The Planning Application must be resolved to achieve orderly planning as well as providing clarity to the applicant, the community, and to Council.

Cr Forsyth

Cr Keeble

That:

- 1. Further to Council's resolution on 14 December 2021 requesting an acoustic report to be presented to Council to support decision making, it be noted that no such report has been received from the applicant.*
- 2. Council reconsider the original officer report on Planning Application P.2019.83.1 as item 9.3.11 of this meeting.*

Carried

9.3.11 Planning Application P.2019.83.1 - 545 Myrtleford-Yackandandah Road, Barwidgee

Application number:	<i>P.2019.83.1</i>
Proposal:	<p><i>Current Permit Allows: Buildings and Works for the Construction of a Shed and Creation of an Access to a Road Zone Category 1</i></p> <p><i>Proposal Amendment: Buildings and Works for the Construction of a Shed and Creation of an Access to a Road Zone Category 1 and Use and Development of land for an Art and Craft Centre, Plant Nursery and Business Identification Signage</i></p>
Applicant's name:	<i>Oxley and Company</i>
Owner's name:	<i>Ian and Lynn Johnson</i>
Address:	<i>545 Myrtleford-Yackandandah Road, Barwidgee</i>
Land size:	<i>8848 sqm</i>
Current use and development:	<i>Dwelling and associated shedding</i>
Site features:	<i>The irregular shaped parcel is tightly positioned between the Myrtleford-Yackandandah Road on the eastern side and Barwidgee Creek at the western side. The site is relatively flat and contains well established exotic gardens and a private residence towards the northern end. There are some scattered native gum trees along the creek frontage and along the southern boundary.</i>
Why is a permit required?	<p><i>Clause 35.07-1 - Use - Farming Zone</i></p> <p><i>Clause 52.05-14 - Signage</i></p> <p><i>Clause 52.06-3 - Car Parking</i></p> <p><i>Clause 52.29-2 Alter access to a road in a Road Zone Category 1</i></p>
Zoning:	<i>Farming Zone (FZ)</i>
Overlays:	<p><i>Bushfire Management Overlay (BMO)</i></p> <p><i>Land Subject to Inundation Overlay (LSIO)</i></p>
Restrictive covenants on the title?	<i>None</i>

<i>Date received:</i>	<i>10 June 2021</i>
<i>Statutory days:</i>	<i>286</i>
<i>Planner:</i>	<i>Sam Porter</i>

*Cr Keeble
Cr Forsyth*

That a Notice of Decision to grant an amended planning permit be issued for Buildings and Works for the Construction of a Shed and Creation of an Access to a Road Zone Category 1 and Use and Development of land for an Art and Craft Centre, Plant Nursery and Business Identification Signage in accordance with the conditions outlined in Appendix 9.3.11.a. and the following reasons:

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

 - a. State and Local Planning Policy Framework*
 - b. Farming Zone*
 - c. Particular provisions including clauses 52.05 Signage, 52.06 Car Parking, 52.29 Land Adjacent to a Road in Road Zone - Category 1 and 53.02 Bushfire Planning;*
 - d. Decision Guidelines at Clause 65.01.**
- 2. The proposal is able to be compatible with adjoining and nearby land uses, and will not impede or conflict with the surrounding dominate land use of agriculture.*

Carried

PROPOSAL

Planning Permit 5.2019.83 originally approved the construction of a shed and a new access way to a Road Zone 1. This application gave insight into the land owners intent to use a portion of the shed for the purposes of a home based business. This home based business has not successfully complied with the planning provisions that apply to that specific land use.

As a result an amended application was received proposing to amend the original permit to include the new land use of Art and craft centre combined with business identification signage. The amendment application was then later revised again to include the further land use of plant nursery.

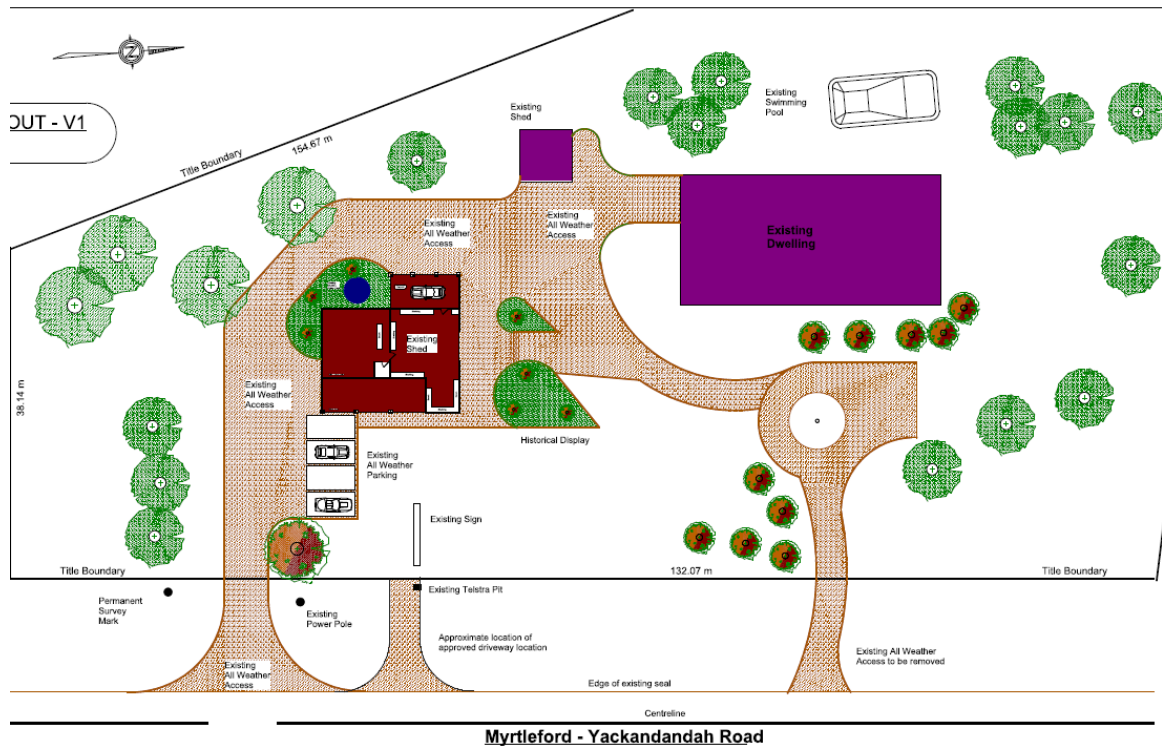
The type of art and craft centre proposed will hand make and sell onsite a variety of timber and steel goods, including but not limited to: equine goods, gates, signs, garden art and picture frames (see Figure 2 for example display).

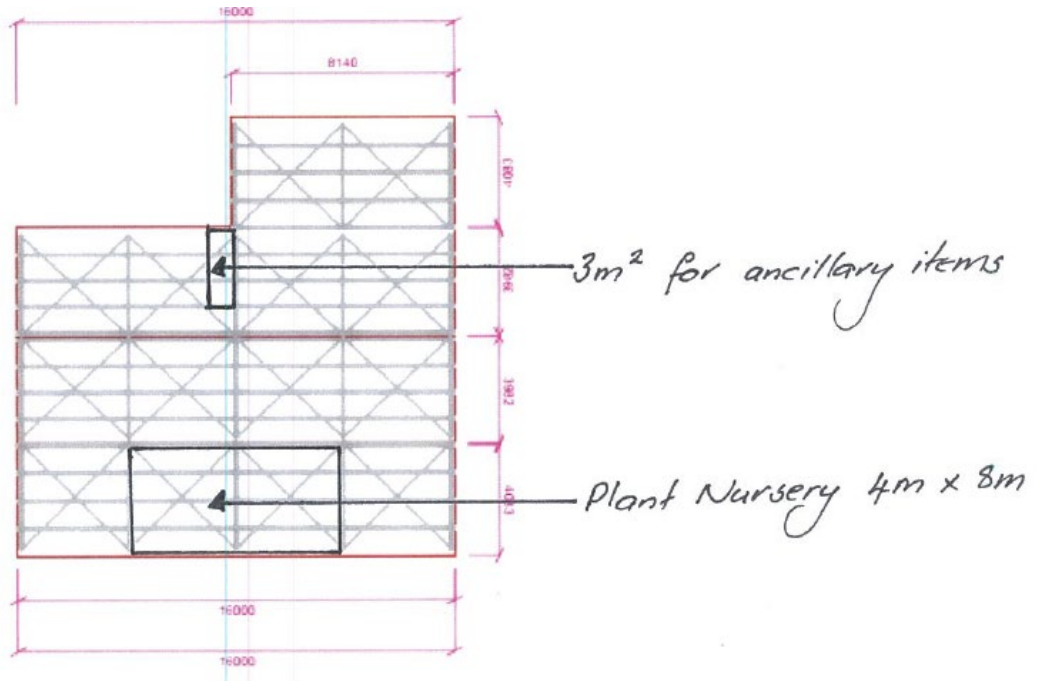
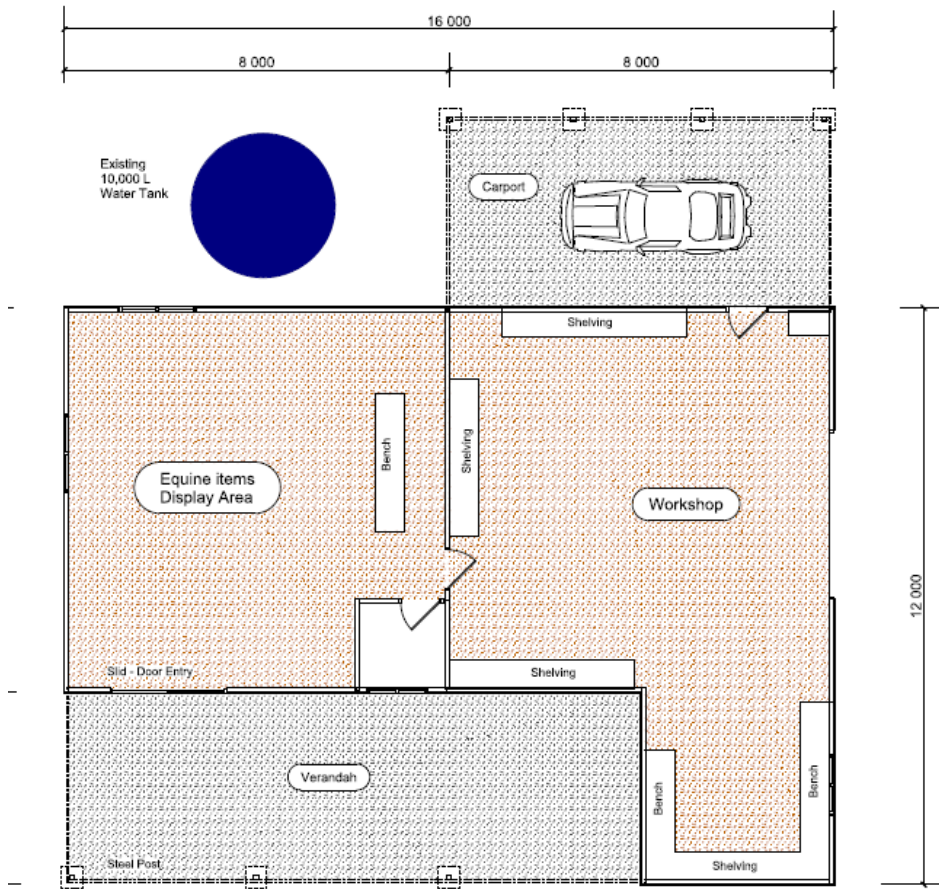
The building use layout is described as a 78 sqm workshop with a 64 sqm display area for the Art and Craft goods produced onsite. Within this area a 3sqm display area is proposed to display ancillary goods not produced onsite.

A 48 sqm veranda is positioned on the front of the building and is proposed to contain the Plant Nursery element of the proposal.

A business identification sign erected on two posts double sided totalling 2.9 sqm is proposed to be erected within the properties front setback. The sign will read the business name and be made of laser cut steel set on a galvanised corrugated iron background.

The plans showing the above described use and development are shown in Figure 1. Noting this application is predominantly retrospective, therefore, the development and use is currently in existence.





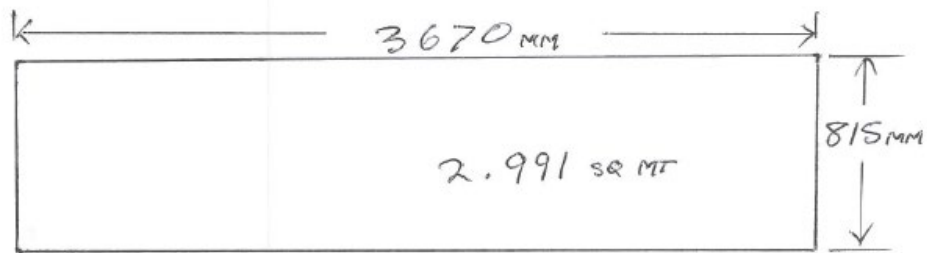


Figure 4: Shows the existing development and proposed use layout and signage.



Figure 2: Examples of crafts made onsite.

SUBJECT LAND AND SURROUNDS

The subject land is irregular in shape and 8848 sqm in size. The land is positioned between the Myrtleford-Yackandandah Road to the east and Barwidgee Creek to the west. The site is approximately 5km north of the Myrtleford township and sits within a farming area that is predominantly made up of several large rural holdings with a

number of smaller rural residential holdings spread along the road edge heading north. This ribbon or small rural residential holding extends north of the subject land for the next 5km, creating the settlement area known as Barwidgee.

Immediately north of the subject site are three small parcels ranging is 8043sqm to 1.2ha, with two of these parcel containing houses. The nearest house to the proposed development is 551 Myrtleford-Yackandandah Road which is 135m away.

East of the subject site is cleared open grassland used for beef grazing purposes and is largely in one property holding. South-east and south of the subject land are two more small rural residential holdings within 300m with more cleared pasture for grazing beyond these.

West of the site is steep heavily forested Crown land with smaller high quality agriculture holdings with irrigation capacity for intensive cropping to the south-west.



Figure 3: Subject land.

PUBLIC NOTIFICATION

The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987*. Notice of the application was sent to nine (9) surrounding landholders and occupiers. One (1) objection was received and maintained. The matters raised in the objection have been summarised as follows:

1. Noise
 - a. Constant metal grinding noise
 - b. Use of Loud Diesel Tractor
 - c. Loud door bell activated by patrons entering
2. Operating during lockdown periods
3. Traffic safety concerns and confusion of entrance to proposed use
4. Illegal signage

The assessing officer's response is provided as follows:

1. Additional Noise Impact
 - a. Constant metal griding - Council has inspected the subject land and gained an awareness of the types of crafting process occurring onsite. Having a permit with conditions will provide hours of operation limitations. In addition to trading hour limitations, a noise management plan condition has been proposed. This condition will require the land owner to address the following points in a detailed plan:
 - i. staffing and other measures which are designed to ensure the orderly arrival and departure of customers
 - ii. measures to control noise emissions from the premises leaving the subject land
 - iii. measures to control door bell noise emission on site
 - iv. measures to limit heavy vehicle machinery use.
 - b. Upon receipt and approval of an acceptable plan Council as the responsible authority along with the land owner has a clear understanding of how and when the use must be conducted onsite.
 - c. Tractor Noise - Whilst it has to be recognised that the subject site is located within a Farming Zone and tractor noise has to be expected the above discussion on a noise management plan will address any tractor use onsite that is associated with proposed use.
 - d. Door-bell - The above discussion on a noise management plan will address what technology is used to notify staff or craft worker onsite that a customer has arrived on the premise.
2. Operating During a Lockdown period - Commercial land uses operating during Covid lockdown periods isn't a relevant planning assessment consideration.
3. Traffic safety concerns and confusion of entrance to proposed use - The traffic ingress and egress from the Myrtleford-Yackandandah Rd has been taken into

account by Regional Road Victoria who have reviewed the proposed use and the intended access location. Conditions imposed by Regional Roads for the construction of the new crossing at the time the shed was approved under the original planning have been deemed satisfactory for the new uses.

4. Illegal signage - Signage was constructed onsite prior to approval been submitted to Council for consideration. The constructed signage exceeded the allowable 3sqm of area in the Farming zone. A revised amended application was received reducing the total area below 3sqm therefore allowing consideration of the sign. Should the approval of sign already constructed not be successful then it will have to be permanently removed from site.

Relevant provisions of the applicable SPPF, LPPF and the Farming Zone include:

- i. Clause 13.07-1S - Land Use compatibility*
- ii. Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.*
- iii. Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.*
- iv. Clause 14.01-1S Protection of Agricultural Land*
- v. Consider the impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.*
- vi. Consider the compatibility between the proposed or likely development and the existing use of the surrounding land.*
- vii. Clause 35.07-6 - Farming Zone*
- viii. Ensure that use or development of land is compatible with adjoining and nearby land uses.*
- ix. Consider whether the proposal is compatible with adjoining and nearby land uses.*
- x. The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*

The assessing officer's response is provided as follows:

The proposed land uses as shown in Figure 1 are to be located on an existing small rural holding that is removed from agricultural use with its primary use being residential. Large parcels that are being actively farmed still make up the primary surrounding land use, with little in the way of sensitive uses in close proximity to the site. The repurposing of a small area of the subject site for the proposed commercial usage is at a residential scale given it's predominately confined to an existing building and is considered to be compatible with the surrounding properties and their uses.

Whilst an intensification of traffic using the site is expected this has been assessed by Regional Roads who have consented to the proposed use subject to conditions outlined

above. Its siting is 130m south of the next crossover that accesses the neighbouring dwelling. This separation is considered acceptable for traffic noise separation. Should a permit be granted the land owner would have an ability to apply to Regional Roads for a tourist directional sign erected offsite on the road reserve. These signs would assist in resolving any access confusion.

60m directly east of the subject site the neighbouring property used for grazing has a well-established set of cattle yards. Cattle yards albeit used intermittently have the potential to cause some offsite impacts. To ensure awareness of these impacts is understood a condition for a Section 173 Agreement notifying all owners both present and future is acceptable.

The proposed description has taken steps that indicate a strong awareness of the proposed use and it's potential to cause unreasonable impact. The hours of operation align with residential amenity expectation rather than that of lower rural amenity expectations. To achieve this development is proposing to operate the use from 10am to 4pm Tuesday to Sunday, with the manufacturing works occurring between 9am to 5pm Monday to Friday.

REFERRALS

Referrals / Notice	Advice / Response / Conditions
Section 55 referrals	Goulburn Murray Water - unconditional consent. Regional Roads Victoria - No objection, subject to conditions remaining with some additional signage condition proposed.
Internal referrals:	North East Catchment Management Authority - No objection, existing conditions to remain. Alpine Shire Health Department - No objection, subject to conditions.

PLANNING ASSESSMENT

All applicable policy and decision guidelines can be found in Appendix 9.3.11.b.

State Planning Policy Framework

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

17.04-1S Facilitating Tourism as the proposal encourages tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination, as it:

- Encourages the development of a well-designed and sited tourist facility;
- Promotes tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions;
- Creates an innovative tourism experience; and
- Encourages investment that meets demand and supports growth in tourism.

Local Planning Policy Framework

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

21.05-1 Tourism as the proposal enhances and expands the tourism industry, while protecting the environmental, landscape and cultural values of the Shire and the lifestyle of its residents, encourages a diverse range of tourist facilities and will generate increased visitation and yield, as it:

- Encourages use and development that will increase visitor length of stay and increase visitor numbers;
- Facilitates growth in tourism to assist with diversification of the economy, encouraging new tourist development;
- Encourages growth in rural tourism and facilitates future tourism opportunities to diversify the rural economy.
- Encourages new tourist development in an appropriate rural location.

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 subject land is removed from agriculture meaning it can't be consolidated into a surrounding holding currently used for grazing or cultivation purposes.
- Minimal amenity impacts are considered likely due to the lack of any sensitive interfaces in proximity to the site
- The subject land and the proposed use area are all well separated from surrounding agricultural uses. The neighbour to the east does have a set of cattle yards that would be 50m from the subject building. A condition will be included to ensure acknowledgement of the potential impacts of this use are acknowledged.
- The proposal will assist in ensuring employment of the residents is kept in the community.
- The proposed use takes advantage of albeit relatively new existing infrastructure.

Land Subject to Inundation Overlay - LSIO

The subject land is covered entirely by the LSIO. The original planning permit which considered the development was referred to the North East Catchment Management Authority (NECMA), who imposed conditions on the construction. A further Section 52 referral was sent with the amendment to NEMCA who gave unchanged conditional consent.

Particular Provisions

Clause 52.05 - Signage

Each zone in the Alpine Planning Scheme lists sensitivity levels in terms of signage. The Farming zone is listed as Category 4 - Sensitive area. The purposed of the signage

control is listed at Clause 52.05-14 which states the purpose is 'to provide for unobtrusive signs in areas requiring strong amenity control'.

The Clause 52.05-14 further limits the type of proposed sign in this instance (Business identification sign) to a total area of 3sqm. The sign as proposed was initially constructed with approval and exceeded 3sqm in size. If the amended application is approved a condition will be included on the permit requiring the sign to be reduced to an area of 2.9sqm.

The appearance and dimensions of the sign along with the location setback generously from the road edge combine to result in a sign consistent with the requirements and decision guidelines of Clause 52.05.

Clause 52.06 - Car Parking

Clause 52.06-5 lists an Art and Craft centre to provide 4 spaces to each 100sqm of floor area. The proposal includes a 78sqm area to produce the goods and a 64sqm area to display the goods, therefore a combined floor area of 142sqm. 5 spaces are therefore required on this basis. but perhaps a more realistic calculation in this instance given the layout of the land use is the retail component being that of only 64sqm, therefore generating only two spaces. The secondary land use of plant nursery doesn't have a set parking amount pursuant to the provisions, this therefore means Council as the responsible authority has discretion as to the necessary amount.

The applicant has proposed via submitted plans to construct four spaces. A site inspection further reveals that it is feasible to construct further spaces if required given the abundance of space, therefore, the intended supply of four as shown is accepted.

Clause 52.29 - Land Adjacent to a Road Zone Category 1

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

Bushfire Management Overlay & Clause 53.02 – Bushfire Planning

The original permit dealt with the building and development works. As the amendment deals with just land uses only and the requirements of a planning overlay do not apply to 'use' consideration against the Bushfire Management Overlay.

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.2019.83. The proposal is generally in accordance with the decision guidelines.

CONCLUSION

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

1. The proposal generally meets the relevant provisions of the:
 - a. State and Local Planning Policy Framework;
 - b. Farming Zone;
 - c. Particular provisions including 52.05 Signage, 52.06 Car Parking and 52.29 Land adjacent to a road in Road Zone Category 1;
 - d. Decision Guidelines at Clause 65.01.
2. The proposal is compatible with adjoining and nearby land uses and has minimal potential to limit the operation and expansion of adjoining and nearby agricultural uses, subject to conditions if approved.

DECLARATION OF CONFLICT OF INTEREST

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

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

APPENDICIES

9.3.11.a. Conditions

9.3.11.b. Policy and decision guidelines

Appendix 9.3.11.a. Conditions

Additional Plans Required

1. Before the construction of the shed 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 generally in accordance with the plans submitted with the application but modified to show:
 - a. A proposed internal floor layout plan of the shed.

Endorsed Plans

2. The layout of the site and the size of the proposed buildings and works must be generally in accordance with the endorsed 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.

Construction

3. 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.
4. All roof water from buildings and surface water from paved areas must be collected and conveyed to a drainage easement or to the legal point of discharge so as to prevent stormwater nuisance to adjoining properties.
5. 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.

Construction Site Storage Area

6. An area for the storage of construction materials must be designated prior to the arrival of equipment and materials onsite. 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.

Environmental Health Department Conditions

7. Prior to the issuing of a building permit, a plan of the existing onsite wastewater management system and a reserve field of equivalent size to the existing disposal field must be supplied to Council's Environmental Health Team and is subject to the following:

- a. Where the proposed development requires alteration of the existing onsite wastewater management system an application for the system alteration must be approved by Council. No works are to commence on the system until a Permit to Alter has been issued.
- b. A land capability assessment compliant with Code of Practice onsite wastewater management publication 891 must be supplied with any application for a Permit to Alter.

Use Conditions

8. The shed must not be used for human habitation and unless otherwise approved and no more than two waste water producing plumbed fixtures are to be installed.
9. The use hereby permitted shall at all times conform to the definition of an arts and crafts centre as contained in the planning scheme and confined to the production and sale of works of visual art, photography, glass, textiles art , sculpture, silversmith and ceramics which are handmade and not mass produced.
10. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a. transport of materials, goods or commodities to or from the land;
 - b. appearance of any building, works or materials;
 - c. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d. presence of vermin.
11. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
12. Before the use starts, 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.
13. 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 the use authorised by this permit.
14. The retail component of the art and craft use and nursery must operate only between the hours of 10am to 4pm Tuesday to Sunday.
15. Art and Craft construction/manufacturing works on the site must only occur between the hours of 9 am and 5 pm Monday to Friday (except public holidays).

16. Before the use starts, a noise and amenity 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. All activities forming part of the use must comply with the endorsed plan. The plan must include:
 - a. staffing and other measures which are designed to ensure the orderly arrival and departure of customers,
 - b. measures to control noise emissions from the premises leaving the subject land,
 - c. measures to control door bell noise emissions of site, and
 - d. measures to limit heavy vehicle machinery use
17. All ancillary goods that are not manufacture onsite offered for sale within the approved Art and Craft retail display area must be confined to the 3m² area as shown on the endorsed plans.

Garbage Storage

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

Signage Conditions

19. The location and details of the sign, including those of the supporting structure, as shown on the endorsed plans, must not be altered without the written consent of the responsible authority.
20. The sign must not be illuminated by external or internal light except with the written consent of the responsible authority.
21. The sign must be constructed and maintained to the satisfaction of the responsible authority.
22. No additional signage is permitted unless otherwise approved by the responsible authority.

VicRoads Conditions

23. Only one access will be permitted from the subject land to the Myrtleford-Yackandandah Road as shown on the plan appended to the application.
24. Prior to the occupation of the shed, the following works must be constructed to the satisfaction of and at no cost to the Roads Corporation:
 - a. The proposed access must be constructed and sealed in accordance with VicRoads standard drawing SD2066 typical rural driveway access to residential properties type C.
 - b. Existing access noted on the plan appended to the application must be removed and the area reinstated.

- c. The barrier line marking adjacent to the proposed access must to be removed and reinstated adjacent to the existing access (as per the plan appended to the application).
25. The driveway must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the roadway).
 26. The proposed signage must not dazzle or distract drivers due to its size, design, or colouring, or it being illuminated, reflective, animated, or flashing.

Country Fire Authority Conditions

27. The Bushfire Management Plan (prepared by Mountain Planning, dated 23/7/2019) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the responsible authority.

NECMA Conditions

28. All electrical outlets, if required, must be located a minimum of 500 mm above shed floor level. Any electrical installation below this level must be suitable for continuous submergence in water.
29. Any chemicals, oil, fuel, grease, waste or other potential pollutants to be contained within the building must be stored a minimum of 500 mm above shed floor level. Adequate storage areas and shelving must be provided for this purpose.
30. Earthworks shall be limited to cut/fill to form a level building pad within the immediate footprint of the shed. No fill shall be imported to the site. Construction of an elevated fill pad is not supported in this circumstance.
31. The works shall provide for a minimum setback of 30 m from Barwidgee Creek.

Expiry Condition

32. This permit will expire if one of the following circumstances applies:
 - a. The development and use is/are not started within two years of the date of this permit.
 - b. The development is not completed within four years of the date of this permit.
 - c. The approved signage expires 15 years from the date of the amendment approval that authorised them.
33. The responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards.

- End of Conditions -

Appendix 9.3.11.b. POLICY AND DECISION GUIDELINES

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

State Planning Policy Framework

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

- 11.03-6S Regional and local places
- 13.01-1S Natural hazards and climate change
- 13.07-1S Land use compatibility
- 14.01-1S Protection of agricultural land
- 17.04-1S Facilitating tourism
- 18.02-3S Road system
- 18.02-4S Car parking

Local Planning Policy Framework

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

- 21.03-1 Townships and villages
- 21.05-1 Tourism
- 21.05-3 Agriculture
- 21.06-1 Infrastructure
- 21.07-11 Rural precincts
- 22.03-1 Tourist use and development

Zone

The land is zoned Farming Zone.

Overlays

The land is covered by the Bushfire Management Overlay.

The land is covered by the land Subject to Inundation overlay.

Particular Provisions

- 52.05 Signage
- 52.06 Car Parking
- 52.29 Land adjacent to a Road in a Road Zone Category 1

General Provisions

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

Cr Janas returned to the room at 7.38pm.

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.

Cr Forsyth

Cr Hughes

That the summary of informal meetings of Councillors for February / March 2022 be received.

Carried

Background

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

Date	Meeting
22 February	Briefing Session
24 February	Planning Forum
1 March	Briefing Session
15 March	Briefing Session
22 March	Briefing Session

Attachment(s)

- 10.0 Informal meetings of Councillors – February / March 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

Cr Hughes

Cr Forsyth

That Council notes and receives the petition from Residents of Mummery Road on behalf of a group of residents and users of Mummery Road, Myrtleford requesting Council to install a path along Mummery Road from the existing footpath on the corner of Bird Avenue and Mummery Road up to Tarrengower Court.

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

Carried

15. Documents for sealing

Cr Hughes

Cr Janas

That the following documents be signed and sealed.

- 1. Contract No 2112801 in favour of Stadelmann Enterprises Pty Ltd for the Bakers Gully Drainage Works.*
- 2. Lease between Alpine Shire Council and Harrietville Community Forum for the Provision of Harrietville Green Waste Facility be signed.*
- 3. Section 173 Agreement – Javor Building Co Pty Ltd. The Section 173 Agreement relates to Planning Permit 2021.42 for a 2 lot Subdivision at 9-11 Baker Street Tawonga South (Plan of Consolidation 152427, Volume 9544 Folio 083).*

The Agreement: -

- provides an exemption from a planning permit under Clause 44.06-2 of the Alpine Shire Planning Scheme subject to certain conditions.*
- incorporates the plan prepared in accordance with Clause 53.02-4.4 of the Alpine Planning Scheme and approved under this permit.*
- states that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.*

Carried

There being no further business the Chairperson declared the meeting closed at 7.47p.m.

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Chairperson