

M(4) – 3 MAY 2022

# Ordinary Council Meeting

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Agenda

Notice is hereby given that the next **Ordinary Meeting** of the **Alpine Shire Council** will be held in the Auditorium@Mount Beauty, Kiewa Valley Highway, Mount Beauty on **3 May 2022** commencing at **5:00pm**.

## Agenda

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## 1. Recording and livestreaming of Council meetings

*The CEO will read the following statement:*

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

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

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(3) – 5 APRIL 2022

#### **RECOMMENDATION**

*That the minutes of Ordinary Council Meeting M(3) held on 5 April 2022 as circulated be confirmed noting resolution 9.3.1.e. in relation to the Dinner Plain Special Rate (2022/23) was incorrect and the rate has been corrected to 43% of the General Rate.*

## 4. Apologies

## 5. Obituaries / congratulations

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

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

## **7. Public questions**

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

Questions on Notice can be written or from the floor.

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

## 8. Presentation of reports by officers

### 8.1 CHIEF EXECUTIVE OFFICER – CHARLIE BIRD

#### 8.1.1 Contracts approved by the CEO

##### RECOMMENDATION

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

<i>Contract No:</i>	<i>CQ22001</i>	<i>Process:</i>	<i>RFQ</i>
<i>Title:</i>	<i>Bridge Design Services – Snowy Creek Bridge</i>		
<i>Tenderer:</i>	<i>Chris O'Brien &amp; Co</i>		
<i>\$ (excl. GST):</i>	<i>\$48,500</i>		

<i>Contract No:</i>	<i>CQ21139</i>	<i>Process:</i>	<i>RFQ</i>
<i>Title:</i>	<i>Electric Line Clearing (Myrtleford)</i>		
<i>Tenderer:</i>	<i>Arboressence</i>		
<i>\$ (excl. GST):</i>	<i>\$76,096.60</i>		

<i>Contract No:</i>		<i>Process:</i>	<i>RFQ</i>
<i>Title:</i>	<i>Unsealed Road &amp; Drainage Maintenance</i>		
<i>Tenderer:</i>	<i>Awarded to Roche Excavations and Ryder Civil</i>		
<i>\$ (excl. GST):</i>	<i>\$85,000 (Roche Excavations) and \$33,000 (Ryder Civil)</i>		

## 8.1.2 Appointment of Consultancy Service for Chief Executive Officer Recruitment

### INTRODUCTION

This report relates to the award of a contract for the provision of consulting services to lead the recruitment and selection of a new Chief Executive Officer (CEO).

### RECOMMENDATION

*That:*

1. *Council awards Contract No. 2202201 "Council CEO Recruitment Services" to \_\_\_\_\_; and*
2. *The Mayor be authorised to finalise the terms of the engagement with the successful consultant.*

### BACKGROUND

The current CEO has been appointed to a new position and will conclude his role with Council on 20 May 2022.

Council is obligated under s45 of the *Local Government Act 2020* to obtain independent professional advice to conduct the recruitment and selection of a new CEO and as stipulated in its CEO Employment and Remuneration Policy, adopted by Council at its meeting held in December 2021.

A request for quotation was advertised from 8 April 2022 and closed on 22 April 2022 via tenders.net. The tender document was downloaded by 12 prospective tenderers and six submissions were received by the closing date.

### EVALUATION

The evaluation was conducted by the CEO Employment and Remuneration Committee (Independent Chairperson David Preiss, Mayor Sarah Nicholas, Cr Tony Keeble and Cr Kelli Prime).

The tenders were evaluated according to the key selection criteria listed in the Request for Quotation:

- Price
- Experience and Previous Performance
- Delivery
- Social
- Environment

### ISSUES

The successful Recruitment Consultancy will lead the recruitment and selection of a new CEO. They will be required to manage the process of selecting suitable candidates for the position of CEO, be responsible for managing interviews, provide advice on

remuneration, provide advice on contract conditions, and provide advice on performance criteria for the CEO and any other matters as determined by the CEO Employment and Remuneration Committee.

### ***Recruitment Period***

It is anticipated that the recruitment phase could take up to six months. Council must appoint an Acting CEO if there is an anticipated vacancy in the office.

## **POLICY IMPLICATIONS**

The request for quotation 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:

- 5.3 Bold leadership, strong partnerships and effective advocacy

## **FINANCIAL AND RESOURCE IMPLICATIONS**

There is sufficient allocation in the 2021/22 Budget and an allowance has been made in the 2022/23 Draft Budget for the recruitment process.

## **CONSULTATION**

The CEO Employment and Remuneration Committee has agreed on the key selection criteria set out in the request for quotation.

Council's Community Engagement Policy provides guidance on when Council must consult with the community. As the recruitment of the CEO is operational in nature, guiding the way that Council will deal with the employment and recruitment of the CEO, the community has no ability to inform this decision.

## **CONCLUSION**

It is recommended that Council award the contract to the Recruitment Consultancy that best meets the selection criteria.

## **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
- Executive Assistant to CEO

## **ATTACHMENT(S)**

Nil

## 8.1.3 Appointment of Acting Chief Executive Officer

### INTRODUCTION

This report relates to the appointment of an Acting Chief Executive Officer (Acting CEO) to allow for the recruitment of a new Chief Executive Officer (CEO).

### RECOMMENDATION

*That:*

1. *Alan Clark be appointed to the position of Acting Chief Executive Officer for a period up to twelve months effective from 21 May 2022;*
2. *The Acting Chief Executive Officer be appointed as the interim Director of MomentumOne Shared Services;*
3. *Upon the successful appointment of a new Chief Executive Officer, the Acting Chief Executive Officer position will cease; and*
4. *The Mayor be authorised to finalise the terms of the Acting Chief Executive Officer's appointment on behalf of Council.*

### BACKGROUND

The current CEO has been appointed to a new position and will conclude his role with Council on 20 May 2022.

Council will engage a recruitment consultant to undertake the search for a new CEO and this process is currently underway and will take approximately six months.

### ISSUES

Section 44(4) of the *Local Government Act 2020 (LGA 2020)* states that if there is a vacancy in the office of CEO, Council must appoint a person to be the Acting CEO.

Section 44(5) of the *LGA 2020* requires an Acting CEO to be a member of Council staff.

Council's CEO employment and remuneration policy states:

- that an appointment of an Acting CEO for a period of more than 28 days must be made by Council resolution; and
- that Council's CEO Employment and Remuneration Committee may advise on the selection and appointment of an Acting CEO.

### POLICY IMPLICATIONS

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

- 5.3 Bold leadership, strong partnerships and effective advocacy



## **FINANCIAL AND RESOURCE IMPLICATIONS**

There is sufficient allocation in the 2021/22 Budget and an allowance has been made in the 2022/23 Draft Budget for the recruitment process

## **CONSULTATION**

Council's Community Engagement Policy provides guidance on when Council must consult with the community. Members of Council CEO Employment and Remuneration Committee have been consulted on the proposed Acting CEO appointment. The appointment of an Acting CEO is operational in nature, the community has no ability to inform this decision.

## **CONCLUSION**

That Alan Clark be appointed to the position as Acting CEO for a period of up to twelve months to allow for the recruitment of the next CEO.

## **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
- Executive Assistant to CEO
- Governance Officer

## **ATTACHMENT(S)**

Nil

## 8.2 DIRECTOR ASSETS – WILLIAM JEREMY

### 8.2.1 Dinner Plain Bus - Fuel Surcharge

#### **INTRODUCTION**

This report relates to a request that a fuel surcharge be applied to the operation of the 2022 Dinner Plain to Mount Hotham bus service. The request has been received because of the extraordinary increase to diesel fuel pricing.

#### **RECOMMENDATION**

*That Council agrees to pay Alpine Spirit Pty Ltd a surcharge for fuel costs incurred that are greater than \$1.3709/litre for fuel purchased for the operation of the 2022 winter bus service.*

#### **BACKGROUND**

At the December 2021 Council Meeting, Council endorsed a one-year extension to Contract No. 1707301 for the provision of the Dinner Plain bus service by Alpine Spirit for the 2022 ski season. The contract extension lump sum amount of \$165,371 (exclusive of GST) includes the application of a 2.9% CPI adjustment to the 2021 contract price, in alignment with Schedule 1.1 of the Contract.

#### **ISSUES**

Recent global events have led to significant increases to diesel fuel prices, with the cost per litre currently being much higher than the indexed contract rate of \$1.3709/litre.

Alpine Spirit has considered the impact of the increased fuel costs and advised that they cannot absorb this increase in cost. They have proposed to Council the implementation of a fuel surcharge.

On the date that the fuel surcharge request was made, diesel fuel prices were quoted by a bulk supplier at \$2.1760/litre. The cost at that time was therefore 59% higher than the indexed contract rate.

Alpine Spirit are contracted by Mount Hotham Resort Management Board to operate the inter-village bus service of Mount Hotham. A fuel surcharge proposal for the 2022 service has been received and has been supported by Board members of Mount Hotham Resort Management Board.

#### **POLICY IMPLICATIONS**

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

2.2 Innovative and sustainable business development that supports year-round benefit

## **FINANCIAL AND RESOURCE IMPLICATIONS**

Alpine Spirit has requested that Council pays a fuel surcharge for purchases of fuel made where the cost is greater than \$1.3709/litre. The surcharge will be calculated based on the actual price paid by Alpine Spirit. The fuel surcharge will be invoiced at the end of the season, supported by evidence of the fuel purchases which have been made.

Based on an average price per litre of \$2.1760/litre which was recently quoted by a bulk fuel supplier, the amount of the fuel surcharge would be approximately \$16,500 (Exclusive of GST). The current price per litre for diesel is now lower than this.

## **CONSULTATION**

Consultation has occurred between Alpine Spirit and Council Officers.

## **CONCLUSION**

The price for fuel has increased significantly over recent months, and Alpine Spirit, the operator of the Dinner Plain to Mount Hotham bus service, has requested the implementation of a fuel surcharge to be applied to the 2022 winter bus service. Providing a fuel surcharge will contribute to the financial stability of Alpine Spirit, ensure quality of service delivery for the winter 2022 season and support the delivery of an important service for the Dinner Plain community and economy.

## **DECLARATION OF CONFLICT OF INTEREST**

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

- Director Assets
- Manager Economic Development
- Dinner Plain Marketing and Events Officer

## **ATTACHMENTS**

Nil

## 8.2.2 Petition - Proposed footpath extension on Mummery Road, Myrtleford

### INTRODUCTION

The purpose of the report is to inform Council and provide a response to a petition for a proposed footpath extension on Mummery Road, Myrtleford.

### RECOMMENDATION

*That Council:*

1. *Notes the petition for a proposed footpath extension on Mummery Road, Myrtleford;*
2. *Before 30 June 2022, removes or prunes roadside vegetation along Mummery Road as appropriate in order to improve sight lines for users of the road;*
3. *During the 2022/23 financial year, completes scoping, design and costing for the proposed footpath extension;*
4. *Assesses the priority of the proposed footpath extension against other competing priorities in the Project Pipeline, in order to inform the draft 2023/24 capital works budget; and*
5. *Advises the main proponent of the petition of Council's decision.*

### BACKGROUND

A petition for a footpath extension on Mummery Road, Myrtleford, was received on 5 April 2022. This petition with 83 signatures contains the wording:

*We the undersigned, request Alpine Shire Council install a path along Mummery Road, Myrtleford from the existing footpath at the corner of Bird Ave and Mummery Road up to Tarrengower Court.*

*We believe this needs to be completed as a matter of priority to ensure pedestrians, particularly school children can safely walk up and down this road to school.*

The petition states the following as being *the current safety issues for this section of road:*

- *Narrow road with no kerb or shoulder*
- *Tree right up to edge of the road*
- *60km speed limit*
- *Blind corners*
- *Increased numbers of vehicles, pedestrians and bike users*

Mummery Road is classified on Council's Register of Municipal Roads as a sealed collector road, from the junction with Prince Street to the junction with Tarrengower Court. The last traffic count was carried out in August 2018 and an average of 155 vehicle movements per day was recorded.

The existing footpath ends at Bird Avenue, and the proposed extension of the footpath to Tarrengower Court, a distance of approximately 1.8km, is listed on Council's project pipeline for tentative delivery 2025 and 2029.

## **ISSUES**

### **Constraints on capital works delivery**

Council's ability to deliver capital works, which includes renewal of existing infrastructure and the delivery of upgraded and new infrastructure, is constrained by the availability of funds. It is necessary for Council to prioritise capital works for delivery according to an assessment of the wishes and needs of the community, in order to deliver the maximum net benefit from the available funds. By accelerating the delivery of specific projects, it is necessary that the delivery of other projects will be deferred.

Council has secured significant external capital works funding following the 2019/20 bushfire event and the COVID-19 pandemic, and this funding is allocated to delivery of the specific projects nominated in the associated grant funding agreements. As a result, the 2022/23 capital works program proposed through the draft budget is very large, with the draft capital works budget being approximately double that of the budgeted capital works expenditure in a normal year. It is anticipated that the 2023/24 capital works program will be similarly large. Council's short-term ability to deliver additional capital works on top of what is already proposed is very constrained.

The requested footpath extension is a significant capital project which, subject to prioritisation and funding, Council would usually deliver across multiple years - for example carrying out scoping, design and costing in year one, in preparation for procurement and construction during year two. The timeframe for delivery can therefore be protracted.

### **Opportunities for short-term action**

Since receiving the petition on 5 April, a preliminary assessment has been carried out, and opportunities have been identified for short-term actions to improve sight lines for users of the road through the removal and pruning of vegetation.

Anecdotal feedback about vehicles regularly travelling along Mummery Road in excess of the 60km/hr speed limit has been shared with Victoria Police in order for them to consider enforcement action.

A new traffic count has been scheduled to be carried out to acquire up-to-date information on the use of the road to appropriately inform decisions about prioritisation of the footpath extension.

## **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**

Vegetation removal and pruning will be funded from existing operational budgets.

The estimated cost to deliver the scoping, design and costing of the proposed footpath extension is \$10,000 (exclusive of GST). An internal submission to the draft budget will be made to capture these additional costs for adoption in the 2022/23 budget. The works will be outsourced to an external engineering consultant, with oversight provided by a nominated project officer in the Asset Development team.

The cost to construct a footpath along Mummery Road from Bird Avenue to Tarrengower Court is anticipated to fall in the range \$350,000 to \$500,000.

## **CONSULTATION**

Council recently met with residents living on or in streets adjoining Mummery Road and discussed their safety concerns. Subsequent to this meeting, a petition with 83 signatures has been received for a proposed footpath extension on Mummery Road.

Potentially impacted residents will be engaged in advance of vegetation removal or pruning works commencing.

Engagement with the community will be carried out during the scoping and design of the footpath extension.

## **CONCLUSION**

A petition with 83 signatures has been received for a proposed footpath extension on Mummery Road, Myrtleford, to improve safety for users of the road including pedestrians and cyclists. The project is listed on the Project Pipeline for tentative delivery between 2025 and 2029.

Short-term measures have been identified to improve sight lines for users of the road, and recommendations provided in this report will better enable prioritisation of the project against other projects in Council's Project Pipeline, as well as preparing the project for tendering and construction, subject to funding.

## **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
- Manager Asset Maintenance
- Project Officer

## **ATTACHMENT**

8.3.2 Petition - Mummery Road footpath extension, 5 April 2022

## 8.3 Director Corporate Performance – Helen Havercroft

### 8.3.1 Planning Application P.2021.142 -19 Tawonga Crescent, Mount Beauty

<b>Application number:</b>	<i>P.2021.142</i>
<b>Proposal:</b>	<i>Buildings and Works in association with a Golf Course (Clubhouse redevelopment and shedding) and Use and Buildings and Works for a Place of Assembly</i>
<b>Applicant's name:</b>	<i>Mountain Planning</i>
<b>Owner's name:</b>	<i>Mount Beauty Golf Club Inc.</i>
<b>Address:</b>	<i>19 Tawonga Crescent, Mount Beauty, Victoria 3699 (Crown Allotment 2D Section 4 Parish of Wermatong)</i>
<b>Land size:</b>	<i>39.04ha</i>
<b>Current use and development:</b>	<i>Mount Beauty Golf Course and Clubhouse</i>
<b>Site features:</b>	<i>The site is of an irregular shape and slopes up towards the south and south-eastern lot boundary. There is an existing vehicle access point to the site near the intersection of Tawonga Crescent and Mountain Avenue. The site contains an existing clubhouse sited near Tawonga Crescent, associated shedding, vegetation, and 18 grassed golf course holes.</i>
<b>Why is a permit required?</b>	<i>Clause 37.01-1 Use (SUZ6) Clause 37.01-4 Buildings and Works (SUZ6) Clause 44.06-2 Buildings and Works (BMO)</i>
<b>Zoning:</b>	<i>Special Use Zone - Schedule 6 (SUZ6)</i>
<b>Overlays:</b>	<i>Bushfire Management Overlay (BMO)</i>
<b>Restrictive covenants on the title?</b>	<i>None</i>
<b>Date received:</b>	<i>3 December 2021 (amended application form)</i>
<b>Statutory days:</b>	<i>146 days</i>
<b>Planner:</b>	<i>James Trimble</i>

**RECOMMENDATION**

*That a Notice of Decision to grant a planning permit be issued for Buildings and Works in association with a Golf Course (Clubhouse redevelopment and shedding) and Use and Buildings and Works for a Place of Assembly in accordance with the conditions outlined in Appendix 8.3.1.(a). and the following summarised reasons:*

- 1. The proposal generally meets the relevant provisions of the:
 
  - a. State and Local Planning Policy Framework;*
  - b. Special Use Zone - Schedule 6;*
  - c. Bushfire Management Overlay;*
  - d. Particular provisions including clause 52.06 Car parking, clause 52.34 Bicycle facilities, clause 53.02 Bushfire planning and clause 53.18 Stormwater management in Urban Development;*
  - e. Decision Guidelines at Clauses 65.01.**

**PROPOSAL**

The proposal involves Buildings and Works in association with a Golf Course (Clubhouse redevelopment and shedding) and Use and Buildings and Works for a Place of Assembly

The proposed Clubhouse redevelopment is setback 6.195 metres from Tawonga Crescent, approximately 15.8 metres from 2 Mountain Avenue, and more than 30 metres from every other lot boundary.

Following initial assessment of the application concerns were raised regarding the use of the proposed community pavilion forming part of the clubhouse redevelopment not being used in an ancillary manner to the existing golf course. In response to this, the application was amended to include a new use of place of assembly.

The proposed Clubhouse redevelopment is double storey and includes a 7 and 11 degree pitched skillion roof. The ground floor includes male and female change rooms with accessible toilets, kitchen store with goods lift and plant room, golf shop and management office, golf equipment hire and store, bin storage, and community space storage. The upper floor includes a club lounge, food and beverage with a commercial kitchen, cool room, toilets, and a community pavilion. The upper floor includes decking surrounding all buildings where seating is proposed. Acoustic insulation to ceilings and sound buffering planter boxes are proposed. The proposed Clubhouse redevelopment has a maximum building height of 8.2 metres above natural ground level. External materials and colours include Glenrowan granite on the ground floor, Colorbond Custom Orb Roofing in colour Wallaby, Spotted gum timber cladding in colour natural to the upper level and galvanised steel handrails and balustrading.

63 car spaces are proposed onsite including a loading bay and T head turning bay. These car spaces are proposed to be accessed via an existing vehicle access from Mountain Avenue and are sited in close proximity of the proposed Clubhouse redevelopment. Soft landscaping is proposed surrounding the carparking spaces and accessway. A 10,000-litre capacity water supply tank is proposed to the east of the proposed clubhouse redevelopment.



Within the Tawonga Crescent verge abutting the site 20 car spaces are proposed including 2 disabled car spaces and a shared space. Bicycle racks for the parking of 6 bicycles, soft landscaping, and footpaths are also proposed in this verge.

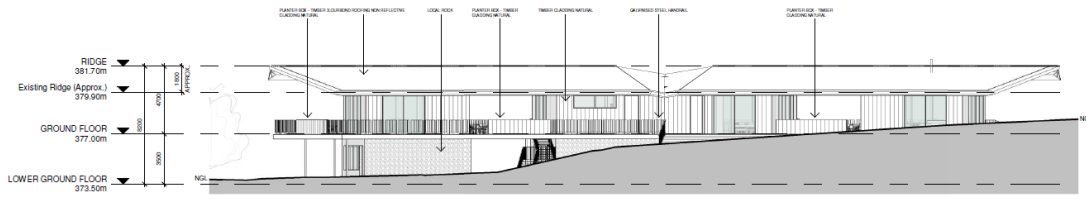
The proposed shedding (machinery shed) is setback one (1) metre from the common lot boundary with 31 Valley Avenue, 30.5 metres from Rock Pool Road, and more than 30 metres from every other lot boundary.

The proposed shedding is single storey and includes a 5-degree pitched skillion roof. The floor plan includes a workshop /store, shed and accessible toilet. Two (2) 10,000 litre capacity water storage tanks are proposed on the southern side of the proposed shedding. The proposed shedding has a maximum building height of 3.005 metres above natural ground level. External materials and colours include Lysaght customer orb corrugated steel colorbond in colour Cove.

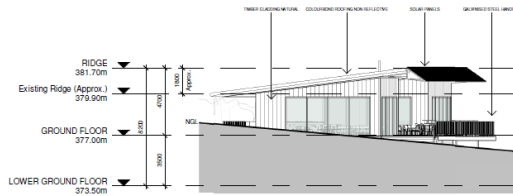




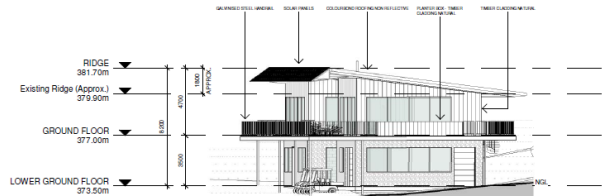




1 South  
1:200



2 East  
1:200



3 West  
1:200

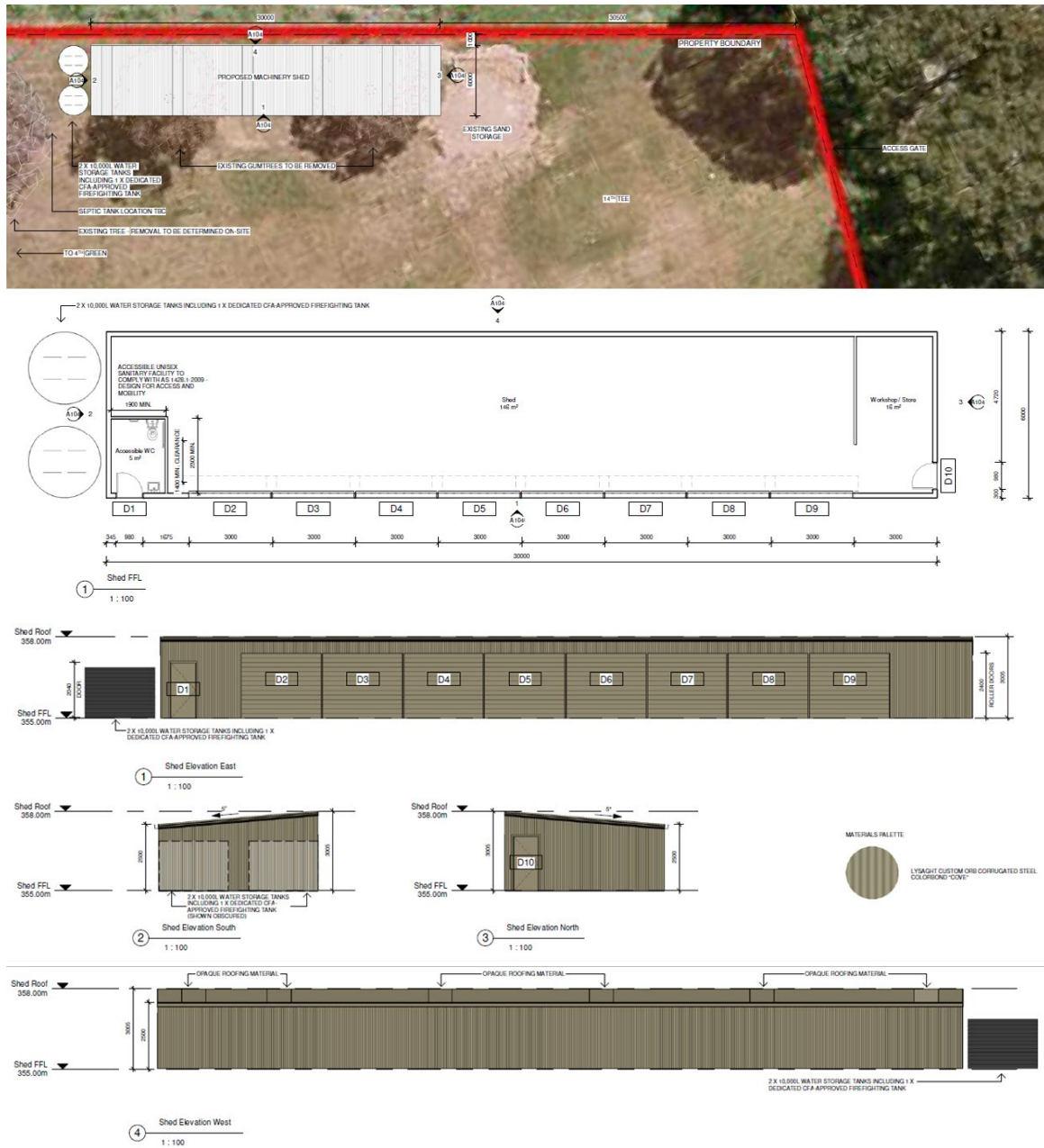


4 North  
1:200



MATERIALS

Ref.	Material	Colour	Ref.	Material	Colour	Ref.	Material	Colour			
	GG	Glenrowan Granite	Natural		TC	Timber Cladding Spotted Gum	Natural		GAL	Galvanized Steel	Natural
	MSC	Custom Orb Metal Sheet Cladding	Walley		PV	PV Solar Screen	As manufactured				



Figures 1: Shows the proposed buildings and works on site.

It is recognised that clause 52.27 Licensed premises within the Alpine Planning Scheme requires planning permit approval from Alpine Shire Council for the use of the site to sell or consume liquor if any of the following apply:

- A licence is required under the Liquor Control Reform Act 1998.
- A different licence or category of licence is required from that which is in force.
- The hours of trading allowed under a licence are to be extended.
- The number of patrons allowed under a licence is to be increased.
- The area that liquor is allowed to be consumed or supplied under a licence is to be increased.

The application does not include any change in relation to the sale or consumption of liquor on the site. Should the application be supported a suitable note has been included advising that further planning permit approval would be required from Alpine Shire Council for a change in relation to the sale or consumption of liquor on the site.

## **SUBJECT LAND AND SURROUNDS**

The site has a total area of 39.04 hectares, is irregular in shape and slopes up toward the south and south-western lot boundaries. There is an existing vehicle access point to the site near the intersection of Tawonga Crescent and Mountain Avenue. The site contains an existing clubhouse sited near Tawonga Crescent, associated shedding, vegetation, and 18 grassed golf course holes.

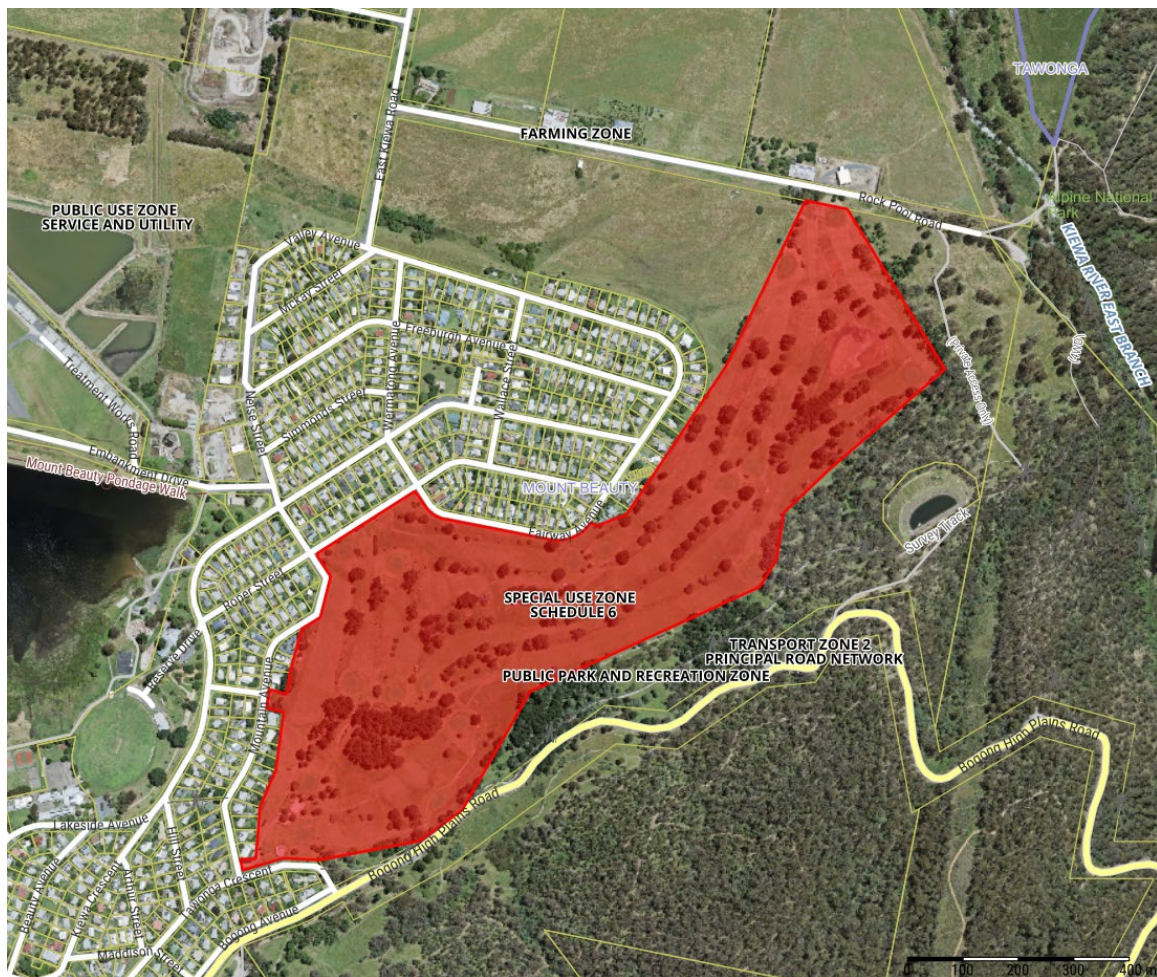
The site has an existing renewable limited liquor license (License No. 36098459). This license authorises the supply of liquor:

- on the licensed premises to a member of the club or a guest of a member for consumption on the licensed premises;
- on a part or parts of the licensed premises to a person attending a pre-booked function for consumption in the area where the function is being conducted;
- to a person from a specified point/s of sale during a sporting event.

Land to the north is zoned Farming and is affected by the Bushfire Management Overlay and Significant Landscape overlay - Schedule 1.

Land to the east is zoned Public Park and Recreation Zone and is affected by the Bushfire Management Overlay. This land contains substantial native vegetation.

Land to the south and west is predominately zoned General Residential Zone and is affected by the Bushfire Management Overlay. This land predominantly contains a single dwelling on each lot.



**Figure 1: 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. Eight (8) objections were received and maintained. The matters raised in the objections have been summarised as follows:

1. Negative illumination impacts associated with electric vehicle car charging, car parking and the buildings and works.
2. Excessive Noise impacts associated with patrons, staff, car parking, music, additional vehicles. EPA Act noise requirements may not be met.
3. Loss of views of Mt Emu.
4. There is no need for the proposal to occur and it will be underutilised.
5. Constitutes a major change to the existing use of the site.
6. Negative visual impact of car parking
7. Loss of privacy associated with car parking.
8. Do not want property dug up to replace sewer lines.
9. Negative overlooking impacts
10. Potential Property Devaluation

11. Inappropriate building height
12. Traffic congestion concerns
13. Traffic safety concerns
14. Air pollution concerns with additional vehicles
15. Associated Signage not addressed
16. Lack of landscaping
17. Concerns with increased operating hours
18. Concerns with increased patron numbers
19. Proposal does not fit with the existing neighbourhood character of the area. Does not fit into landscape due to size and visual bulk impacts. Proposed roof colour not in keeping with the surroundings.
20. Electric vehicle charging should be provided on private land.
21. Bicycle parking should be provided on private land.
22. Street setback concerns
23. Concerns with disabled access to the building from the street and lower car park level.

The applicant provided a response and amended plans in response to the submissions received. A petition of support with 241 signatures was submitted by the applicant. 20 letters of support were also submitted by the applicant.

A summary of the written response provided by the applicant is as follows.

2. Noise - An existing use has the ability to intensify the use without planning permission. Therefore, matters such as noise cannot be taken into consideration. The noise protocol will continue to apply (Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues). This is incorporated into the Environment Protection Regulations and therefore it is inappropriate to refer to this protocol as a condition of a permit as it fits under legislation outside of the *Planning and Environment Act 1987*. It is the responsibility of VicPol and the EPA to enforce these protocols.
23. Disabled Access - Details of the accessibility construction requirements in accordance with the Building Code of Australia (BCA) have been notated on the amended plans submitted.

The assessing officer's response is provided as follows:

1. Illumination impacts - Australian Standard AS 4282-1977 Control of the obtrusive effects of outdoor lighting, includes controls around outdoor lighting. Should the application be supported suitable conditions and notes would be included to manage lighting impacts. In addition should the application be supported are car parking spaces including electric vehicle charging spaces will need to be re-sited so as to be contained wholly within the lot boundaries of the site.
2. Noise impacts associated with patrons, staff, car parking, music, additional vehicles. EPA Act noise requirements may not be met. – This is a relevant planning consideration pursuant to policy 13.05-1S Noise Abatement. Noise from Industry in Regional Victoria and State Environment Protection Policy (Control of Music Noise from Public Premises) No N-2, provides recommended maximum noise levels from



Commerce/Industry. Should the application be supported, suitable conditions and notes would be included to give legal effect to the relevant legislation and the recommended noise levels. It is understood the proposal may be able to be undertaken in accordance with the relevant legislation. Should the application be supported a suitable condition has been included to require the preparation, assessment, submission and approval of an acoustic assessment prepared by a suitably qualified and experienced acoustical engineer. In addition, should the application be supported a suitable condition has been included to require the preparation, submission and approval of a venue management plan. This plan will be required to cover the following matters:

- details of the hours of operation of all buildings and works authorised by this permit;
- details of any proposed special events and specific management strategies for dealing with such special events;
- security arrangements;
- management of aggressive or unruly patrons;
- details of the maximum number of patrons to be permitted on the premises;
- security lighting outside the premises;
- general rubbish storage and removal arrangements including hours of pick up;
- processes in place for limiting noise such as music, emptying bins, generators and from patrons in and around the venue;
- processes for managing litter in and around the venue;
- a complaint handling process to be put in place to effectively manage complaints received from neighbouring and nearby businesses and local residents. Including details of a complaints register to be kept at the premises. The register must include details of the complaint received (who, when, where, what), any action taken and the response provided to the complainant;
- details of the management methods to be employed to minimise queuing outside the venue;
- details of patron and resident management regarding outdoor areas to minimise impacts on the amenity of nearby properties;
- requirement for staff to read the management plan.

The EPA can issue notices that can require a business to

- stop an activity that is making noise
- reduce the noise
- install or maintain equipment
- tell EPA how they will control the noise
- monitor and report on the noise.

#### 1. Loss of views of Mt Emu

Local Planning Policy 15.01-2S Building design includes an objective and strategies. The objective is 'To achieve building design outcomes that contribute positively to the local context and enhance the public realm.' The proposal is considered to meet this objective subject to conditions.

- a. Local Planning Policy 21.04-3 Landscapes includes objectives and strategies. The relevant objectives of this policy are:
    - i. *Protect the Shire’s significant valley and alpine landscapes from inappropriate development.*
    - ii. *Minimise visual impacts on natural landscapes, especially from major viewing areas.*
    - iii. *Support development that maintains scenic qualities and demonstrates high levels of visual management where appropriate.*
    - iv. *Ensure that development is sensitive to the landscape values of the area.*
    - v. *Protect natural landscapes, with special emphasis on areas of greatest scenic quality and viewer interest.*
    - vi. *Protect and maintain the environmental, scenic and natural attributes of the approaches to the Alpine areas.*
  - b. The site is not covered by the any significant landscape overlay.
  - c. The proposal is not considered to result in the substantial loss of significant views from existing dwellings and other public areas.
2. Need for the proposal to occur – There is considered to be a need for the proposed development.
  3. Constitutes a major change to the existing use of the site. – The applicant has applied for use and building and works for a place of assembly, with the remainder of the proposed buildings and works being used for ancillary purposes to the existing golf course. VCAT has determined that planning permit approval is not required for an ancillary land use. Various decisions of the Courts and Tribunal have identified what would constitute an ancillary activity. In *Lizzio v Ryde MC* the High Court approved the statement of Glass JA in *Foodbarn Pty Ltd v Solicitor-General*:
    - *Where a part of land is used for the purpose which is subordinate to the purpose for which another part is used, the whole of the land is regarded as being used for the dominant purpose. The subordinate purpose is merely incidental or ancillary to the dominant purpose.*
    - *Where the whole of the land is used for more than one purpose, but the other purposes are subordinate, the whole of the land is regarded as being used for the dominant purpose.*
    - *Where the whole of the land is used for more than one purpose, non of which subserves the others, it is irrelevant to ask which of the purposes is dominant. If any one of the purposes is operating in a way which is independent and not merely incidental to others and it is prohibited, it is “immaterial that it is overshadowed by others”.*

#### In *Alphonso v Casey City Council*

- *Ancillary activities are correctly regarded as part of the primary use.*
- *It is not particularly relevant whether the ancillary activities are similar or quite distinct from the primary use.*

- *Ancillary activities must be an adjunct, but not a necessary adjunct to the primary use. The ancillary activities can be “optional extras”.*
- *The planning merits of the activities [whether a permit would be granted for them if they were a separate use] are not relevant in determining whether the activities are a separate use or not.*
- *A preference or desire for the Responsible Authority to control or restrict activities is not relevant to the assessment.*

Considering the above the proposed food and beverage, club lounge, golf equipment hire and store, management office, and golf shop are considered to be ancillary to the existing golf club, subject to the inclusion of suitable conditions should the application be supported.

1. Visual impact of car parking – The application has been assessed against clause 18.02-4S Car parking and clause 52.06 Car parking within the Alpine Planning Scheme. The application proposes landscaping between the side and rear of 2, 4, and 6 Mountain Ave and the onsite vehicular accessway and car parking spaces. Suitable conditions have included should the application be supported. There is existing rear lot boundary fencing at 2 Mountain Ave, Mount Beauty.
2. Privacy associated with car parking. – Clause 52.06 Car parking within the Alpine Planning Scheme includes the following decision guideline '*The amenity of the locality and any increased noise or disturbance to dwellings and the amenity of pedestrians.*' The application proposes landscaping between the side and rear of 2, 4, and 6 Mountain Ave and the onsite vehicular accessway and car parking spaces. There is existing rear lot boundary fencing at 2 Mountain Ave, Mount Beauty. Suitable conditions included should the application be supported.
3. Property dug up to replace sewer lines – Should the application be supported suitable conditions have been included to manage and minimise constriction impacts on the public and adjoining property owners. Further legislation exists beyond the *Planning and Environment Act 1987* which includes controls around construction activities.
4. Overlooking – The proposed buildings and works are setback more than 9 metres from the nearest adjoining dwelling. 9 metres is prescribed within the Victorian Rescode planning provisions as an acceptable separation distance between habitable rooms and secluded private open without requiring screening to a specific level. The proposal is not considered to result in an unacceptable level of overlooking.
5. Potential Property Devaluation – VCAT have determined that property values are not a relevant planning consideration.
6. Building height – The maximum building height proposed is 8.2 metres above natural ground level. Clause 32.08-10 within the Alpine Planning Scheme which applies to surrounding land zoned 'General Residential Zone' allows for a building height of up to 11 metres, and a building not containing more than 3 stories at any point. There are circumstances where a higher building may be considered. The proposal building height is considered suitable in the context of the surrounding planning controls relating to maximum building height.

7. Traffic congestion concerns - The application was referred to Alpine Shire Council Engineering Team for consideration of traffic impacts. Conditional consent was provided. There is considered to be capacity with the existing street network to accommodate the proposal. Should the application be supported a traffic impact assessment prepared by a suitably qualified and experienced engineer would be required. All car parking, bicycle parking and electric vehicle parking must be contained wholly within the site lot boundaries.
8. Traffic safety concerns – The application was referred to Alpine Shire Council Engineering Team for consideration of traffic impacts. Conditional consent was provided. Should the application be supported a traffic impact assessment prepared by a suitably qualified and experienced engineer would be required. Clause 52.06 Car parking within the Alpine Planning Scheme includes specific provisions and decision guidelines associated with traffic safety, such as lighting, natural surveillance, pedestrian visibility from adjacent buildings, and pedestrian routes through car parking area. Should the application be supported suitable conditions would be included to ensure that the relevant considerations have been met.
9. Air pollution concerns with additional vehicles - The *Environment Protection Act 2017* covers air pollution. The proposal could be undertaken in accordance with this legislation.
10. Associated signage not addressed – The application does not include any details of associated proposed signage. Signage on the site is subject to requirements of clause 52.05 Signs within the Alpine Planning Scheme. Category 3 provisions apply to the site. Further planning permit approval may be required from Alpine Shire Council for the construction and display of signage on the site.
11. Lack of landscaping – This a relevant planning consideration pursuant to the relevant planning policy framework, particular provisions, and general decision guidelines within the Alpine Planning Scheme. Soft landscaped areas are proposed however specific details have not been provided. Landscaping is proposed to provide screening to the vehicle accessway and onsite carparking spaces from 2, 4 and 6 Mountain Ave, Mount Beauty. Suitable conditions have been included should the application be supported. The subject site is covered entirely by the Bushfire Management Overlay, therefore landscaping will not provide total screening in accordance with the associated defensible space and vegetation management requirements, should the application be supported.
12. Concerns with increased operating hours – The application proposes Buildings and Works in association with a Golf Course (Clubhouse redevelopment and shedding); and Use and Buildings and Works for a Place of Assembly. As the Golf Course use is existing, Council is unable to restrict its operating hours through this planning permit. In regards to the place of assembly use suitable conditions have been included to ensure that it operates in accordance with the relevant noise legislation, which are interrelated with operating hours (i.e., during certain hours a lesser decibel rating applies), and prevent operating from 11pm to 7am which is associated with likely future liquor service.

13. Concerns with increased patron numbers - A suitable condition has been included should the application be supported. For the proposed internal building areas this a relevant occupancy permit consideration.
14. Proposal does not fit with the existing neighbourhood character of the area. Does not fit into landscape due to size and visual bulk impacts. Proposed roof colour not in keeping with the surroundings. The existing character of the area is considered to be influenced by the five (5) adjoining sites in all directions.
- *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'.*
  - *A minimum 6.195 metre street setback is proposed to solid walls forming part of the proposed development. This setback is similar to existing development in the neighbourhood character area, and existing dwellings fronting Tawonga Crescent.*
  - *The building is separated into 3 modules on the upper floor and 2 modules on the lower level. Each module is connected with a single roof. The largest module is the upper level food and beverage which has a floor area of 101sqm. This floor area is similar to existing dwelling floor areas in the neighbourhood character area, and existing dwellings fronting Tawonga Crescent.*
  - *The roof colour proposed is Wallaby. This is a mid-grey colour, and considered to be appropriate in the context of the neighbourhood character area which includes mid grey colour roofs. The proposed roof colour is considered appropriate.*
  - *Surrounding land zoned 'General Residential Zone' allows for development up to 11 metres and no more than 3 stories. The subject application proposes a building height from the lower ground floor of 8.2 metres. The slope of the area of the proposed buildings and works means that a significant portion of the proposed development is viewed as single storey from Tawonga Crescent.*

The proposed is considered to fit into the streetscape and neighbourhood character of the area.

1. Electric vehicle charging should be provided on private land. – An electric vehicle charging station is exempt from requiring planning permit approval from Alpine Shire Council on the site and in the Tawonga Crescent and Mountain Avenue Road reserves, pursuant to clauses 62.01 and 62.02-2 within the Alpine Planning Scheme. Alpine Shire Council Engineering team have advised that electric vehicle charging must be provided entirely within the lot boundaries of the site and not in any road reserve. A suitable condition has been included should the application be supported.
2. Bicycle parking – The application has been assessed against the provisions of clause 52.34 Bicycle Facilities within the Alpine Planning Scheme. Pursuant to requirements of table 1, 4 employee and 4 visitor bicycle spaces should be provided on the site. The application proposes the provision of 9 bicycle spaces at bike racks in the Tawonga Crescent verge directly abutting the site, and in close proximity of the

- entrances to the proposed buildings and works. Alpine Shire Council Engineering Team have advised that all bicycles spaces must be provided within the lot boundaries of the site. The application has been assessed against the decision guidelines of clause 52.34 Bicycle facilities within the Alpine Planning Scheme and is considered appropriate subject to conditions, should the application be supported.
3. Tawonga Crescent Lot Boundary Setback – The application proposes a minimum setback to the Tawonga Crescent lot boundary of 3.615 metres. This proposed setback is greater than the existing building on the site and considered appropriate. This 3.615 metre setback is to the roof of the proposed buildings and works. A 6.195 metre setback is proposed to the wall of the buildings and works.
  4. Disabled Access - Disabled access requirements apply via the relevant building legislation should this application be approved. The plans indicate the provision of 2 on street disabled accessible car spaces, in close proximity to the upper-level entry points, and access paths to the upper and lower levels to be provided in accordance with AS1426.1. The plans also indicate a disabled W/C on both levels. Alpine Shire Council Engineering Team have advised that all car parking associated with the proposal must be contained wholly within the lot boundaries of the site. Therefore onsite disabled accessible parking including associated shared spaces are required. Suitable conditions and notes have been included should the application be supported.

An online planning forum was held on 24 February 2022 with Councillors, relevant Council Staff, objectors and the applicants including their representatives.

## REFERRALS

Referrals / Notice	Advice / Response / Conditions
Section 55 referrals	Country Fire Authority - No objection, subject to conditions. Goulburn Murray Water - No objection and no concerns
Internal referrals:	Alpine Shire Council Health Team - No objection subject to conditions. Alpine Shire Council Engineering Team - No objection subject to conditions. Alpine Shire Council Sustainability Coordinator - No response within the required timeframe.

## PLANNING ASSESSMENT

All applicable policy and decision guidelines can be found in Attachment 8.3.1(b).

### State Planning Policy Framework

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

15.01-4S Healthy Neighbourhoods - *To achieve neighbourhoods that foster healthy and active living and community wellbeing.*

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

### **Local Planning Policy Framework**

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

21.03-1 Townships and villages - *Make provision for the distribution of social infrastructure across townships to meet local needs and ensure a higher level of accessibility.*

21.03-4 Built form and heritage - *Facilitate the timely provision of a range of community and recreation facilities to meet the needs of local residents, and to promote accessibility, community health and cohesion.*

### **Zoning**

The subject land is zoned Special Use Zone - Schedule 6. The proposal is consistent with the purposes and decision guidelines of the Special Use Zone - Schedule 6 for the following reasons:

- The proposal provides for the use and development of land as a golf course and associated land uses.

### **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 included should the application be supported.

### **Particular Provisions**

#### **Clause 52.06 – Car parking**

In accordance with the requirements of table 1 within this clause a golf course requires 4 car spaces to each hole, plus 50% of the relevant requirement of any ancillary uses. No new holes are proposed and the proposal does not result in the reduction of any existing onsite car parking spaces. The proposed ancillary uses include shop, food and drinks premise and restricted recreation facility. In accordance with the requirements of table 1 within this clause a place of assembly use requires 0.3 car spaces to each patron permitted. The applicant has not stated how many patrons are associated with the proposed place of assembly. 20 on street car spaces and 42 onsite car spaces are proposed. This is considered adequate subject to the inclusion of suitable conditions and the provision of all car spaces within the lot boundaries of the site. A detailed assessment of the proposal against the provisions of Clauses 52.06 is contained on the planning file – reference no. P.2021.142.

### **Clause 52.34 – Bicycle facilities**

In accordance with the requirements of table 1 within this clause a minor sports and recreation facility requires 1 bicycle space per 4 employees, plus 1 visitor bicycle space to each 200sqm of nett floor area. 15 employees are proposed. 9 on street bicycle parking spaces are proposed. This is considered adequate subject to the inclusion of suitable conditions and the provision of all bicycle spaces within the lot boundaries of the site. A detailed assessment of the proposal against the provisions of Clause 52.34 is contained on the planning file – reference no. P.2021.142.

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

The application was referred to the Country Fire Association (CFA) for comment. Conditional consent was provided. The application is considered to meet the relevant requirements of this clause, subject to conditions. A detailed assessment of the proposal against the provisions of Clause 53.02 is contained on the planning file – reference no. P.2021.142.

### **Clause 53.18 – Stormwater management in urban development**

Clause 53.18 of the Alpine Planning Scheme provides the stormwater management provisions that apply to proposal. The application was referred to Alpine Shire Council Engineering team for consideration of stormwater impacts. Conditional consent was provided. A detailed assessment of the proposal against the provisions of Clause 53.18 is contained on the planning file – reference no. P.2021.142. The proposal is generally in accordance with the considerations of this clause, subject to the inclusion of suitable 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.2021.142. 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. Bushfire Management Overlay
  - c. Particular provisions including clause 52.06 Car parking, clause 52.34 Bicycle facilities, clause 53.02 Bushfire planning and clause 53.18 Stormwater management in Urban Development.
  - d. Decision Guidelines at Clause 65.01.



## **DECLARATION OF CONFLICT OF INTEREST**

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

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

## **APPENDICIES**

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

### **Appendix 8.3.1.a. - Conditions**

#### **Additional Information/Plans Required**

1. Before the use and buildings and works authorised by this permit starts, additional plan(s) and information must be submitted to and approved by the responsible authority. When approved, the plan(s) will be endorsed and will then form part of the permit. The plan(s) must be drawn to scale with dimensions. The additional plan(s) must show
  - a. Landscaping:
    - i. A survey (including botanical names) of all existing vegetation to be retained and/or removed.
    - ii. The planting of soft landscaping in all areas surrounding car parking spaces, vehicle accessways and the clubhouse redevelopment in order to soften its presence from both surrounding properties, roadways and the broader public realm.
    - iii. The planting of established (minimum 2 metre high) evergreen bushes and/or trees on the site between the common lot boundaries with existing dwellings to the east of the site and the proposed onsite car parking spaces and onsite vehicle accessways.
    - iv. A landscaping and planting schedule of all proposed trees, shrubs and ground cover, including the botanical name, common name, siting, quantity, size at time of planting, and size at maturity.
    - v. Details of weed and invasive plant species management.
    - vi. Landscaping consistent with the vegetation management requirements of clause 53.02 Bushfire Planning within the Alpine Planning Scheme, where defensible space is proposed.
    - vii. Details of all surface finishes of pathways, accessways, and car parking spaces.
    - viii. The means of watering/irrigation proposed to be used.
    - ix. All species selected must be to the satisfaction of the responsible authority.
  - b. The size, siting and design of all external lighting, which complies with the requirements of condition 7. within this permit.
  - c. A Traffic Impact Assessment report in accordance with the requirements of condition 37. within this permit.
  - d. An acoustic assessment report prepared by an appropriately qualified and experienced acoustical engineering demonstrating that the proposal can be undertaken in accordance with the relevant EPA legislation and demonstrating compliance with the requirements of conditions 12, 13, 14 and 15. within this permit.
  - e. A venue management plan which includes details of the following:
    - i. details of the hours of operation of all buildings and works authorised by this permit;
    - ii. details of any proposed special events and specific management strategies for dealing with such special events;

- iii. security arrangements;
- iv. management of aggressive or unruly patrons;
- v. details of the maximum number of patrons to be permitted on the premises;
- vi. security lighting outside the premises;
- vii. general rubbish storage and removal arrangements including hours of pick up;
- viii. processes in place for limiting noise such as music, emptying bins, generators and from patrons in and around the venue;
- ix. processes for managing litter in and around the venue;
- x. a complaint handling process to be put in place to effectively manage complaints received from neighbouring and nearby businesses and local residents. Including details of a complaints register to be kept at the premises. The register must include details of the complaint received (who, when, where, what), any action taken and the response provided to the complainant;
- xi. details of the management methods to be employed to minimise queuing outside the venue;
- xii. details of patron and resident management regarding outdoor areas to minimise impacts on the amenity of nearby properties;
- xiii. requirement for staff to read the management plan.

#### **Amended Plans Required**

2. Before the use and buildings and works authorised by this permit start(s), amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a. Compliance with the Country Fire Authority condition 49. in this permit.
  - b. All proposed car and bicycle parking spaces being provided within the lot boundaries of the site.
  - c. Carparking spaces and vehicle access areas designed, constructed and delineated in accordance with clause 52.06-9 Design standards for Car Parking within the Alpine Planning Scheme.
  - d. The provision of a vehicle passing area at the entrance off Mountain Avenue at least 6.1 metres wide and 7 metres long.
  - e. The design of the bicycle spaces complying with the requirements of clause 52.34-6 Design of Bicycle Spaces within the Alpine Planning Scheme. Each bicycle space must provide a space for a bicycle of minimum dimensions of 1.7 metres in length, 1.2 metres in height and 0.7 metres in width at the handlebars.
  - f. Compliance with the recommendations of the acoustic assessment report endorsed in accordance with the requirements of condition 1. within this permit.
  - g. Compliance the recommendations of the Traffic Impact Assessment report endorsed in accordance with the requirements of condition 1. within this permit

**Endorsed Plans**

3. 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.

**Hours of Operation**

4. The place of assembly use authorised by this permit may operate only between the hours of 7am to 11pm, 7 days a week unless otherwise approved in writing by the responsible authority.

**Patrons**

5. Not more than 28 patrons may be present within the place of assembly (community pavilion) at any one time without the prior written consent of the responsible authority.
6. Not more than 80 patrons may be present on the level 1 decking area surrounding the clubhouse development at any one time without the prior written consent of the responsible authority.

**External Lighting**

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

**Construction management**

8. Prior to the commencement of construction, a construction management plan shall be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must outline how issues such as access disruption, car parking, noise, mud on roads, dust generation and erosion and sediment control measures will be employed throughout the construction stage of the development to the satisfaction of the responsible authority. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise.
9. An area for the storage of construction materials must be designated prior to the arrival of equipment and materials onsite.
10. The owner/developer must ensure that all construction activity complies with the following.
  - 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 buildings and works all excess materials must be removed.
- d. Parking must be contained within the construction area as identified within the endorsed construction plan.
- e. The construction area must be securely fenced at all times during the buildings and works.
- f. All disturbed surfaces on the land resulting from the development must be stabilised.
- g. Surrounding residents must be advised of any possible disruption to utility services or access with at least 48hrs notice to be given.

All to the satisfaction of the responsible authority.

- 11. Construction must be carried out in accordance with sediment control principles as outlined in "Construction Techniques for Sediment Pollution Control" EPA 1991.

### **Noise**

- 12. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2 and EPA Guideline Noise from Industry in Rural Victoria.
- 13. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.
- 14. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
- 15. Any exhaust fans associated with the development must be fitted with silencers and sited as far away from existing dwellings as far as reasonably practical.

### **Use**

- 16. Any use of the land for any retail sales must remain ancillary to the existing golf course use to the satisfaction of the Responsible Authority and must at no time constitute a shop by having at least:
  - a. 75% of sales floor space used for golf related equipment, and;
  - b. 75% of all products offered for sale being golf related.
- 17. The sale of food and drink for immediate consumption on, or off the premises must remain ancillary to the existing golf course use to the satisfaction of the Responsible Authority.

### **External Materials and Colours**

- 18. 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.

**Garbage Storage**

19. 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**

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

**Mandatory Bushfire Conditions**

22. 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.

**Car parking**

23. No less than 63 car space(s) must be provided on the land for the use and buildings and works authorised by this permit, including spaces clearly marked for use by disabled persons (if required).
24. Areas set aside for car parking, the loading/unloading of goods, and movement of vehicles as shown on the endorsed plans must be made available for such use and must not be used for any other purpose.

**Un/loading of goods**

25. The un/loading of goods must only be carried out within designated onsite un/loading spaces, and must not substantially impede on vehicular, cyclist and pedestrian movements, to the satisfaction of the responsible authority.
26. Deliveries to and from the site must only take place between:
  - a. 7 am and 7 pm Monday to Friday.
  - b. 7 am and 5 pm Saturday
  - c. 10 am and 5 pm Sunday or public holiday

**Goods Storage**

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

**Bicycle Facilities**

28. No less than 9 bicycle space(s) must be provided at bicycle rails on the land for the use and buildings and works authorised by this permit
29. All bicycle facilities should be constructed in accordance with the requirements of Australian Standard AS 2890.3 1993 Parking facilities Part 3: Bicycle parking facilities to the satisfaction of the responsible authority.
30. Bicycle spaces should:
  - a. Provide a space for a bicycle of minimum dimensions of 1.7 metres in length, 1.2 metres in height and 0.7 metres in width at the handlebars.
  - b. Be located to allow a bicycle to be ridden to within 30 metres of the bicycle parking space.
  - c. Be located to provide convenient access from surrounding bicycle routes and main building entrances.
  - d. Not interfere with reasonable access to doorways, loading areas, access covers, furniture, services and infrastructure.
  - e. Not cause a hazard.
  - f. Be adequately lit during periods of use.
31. Bicycle rails should:
  - a. Be securely fixed to a wall or to the floor or ground.
  - b. Be sited in close proximity of the main pedestrian to the building.
  - c. Be in a highly visible location for bicycle security (when not in a compound).
  - d. Be of a shape that allows a cyclist to easily lock the bicycle frame and wheels.
  - e. Be located to allow easy access to park, lock and remove the bicycle.

**- Alpine Shire Council Environmental Health Team Conditions -**

32. The proposed food premises must be designed in accordance with the requirements of the FSANZ Food Standards Code and Australian Standard. An application must be made to Council's Environmental Health Unit to have the design assessed for compliance prior to any work commencing. All food premises as defined by the *Food Act 1984* must notify/register with Council's Environmental Health Unit prior to commencing operations.
33. As the proposed development is located within a sewer district, the applicant must connect to a reticulated sewerage system.
34. The premises must ensure 'No Smoking' signs are displayed and all outdoor dining areas comply with the requirements of the Tobacco Act 1987.

**- Alpine Shire Council Engineering Team Conditions -****Detailed Construction Plans**

35. Prior to commencement of construction, 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](http://www.designmanual.com.au)). When approved, the plans will be endorsed and will

then form part of the permit. The plans must be drawn to scale with dimensions, and shall include proposed construction detail, further information or modifications to:

- a. Internal driveway and car parking seal type
- b. Concrete footpaths, showing linkage of the clubhouse development to the existing footpath network in the Tawonga Crescent verge abutting the site to existing walking tracks.
- c. Underground drainage system
- d. Vehicular crossings
- e. Access and parking
- f. Loading and unloading zone
- g. Appropriate intersection and traffic control/mitigation measures
- h. Stormwater retention and quality treatments

#### **Defect identification - Council's Assets**

36. Prior to commencement of construction, the owner or developer must submit to the 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 with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to Alpine Shire Council's assets/public infrastructure caused as a result of the development permitted by this permit.

#### **Traffic Impact Assessment Report**

37. Prior to commencement of construction, the applicant shall provide a Traffic Impact Assessment Report in accordance with the requirements of the Infrastructure Design Manual to the satisfaction of Alpine Shire Council.

#### **Urban Drainage Works**

38. Prior to commencement of use of the buildings and works authorised by this permit, all stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge by underground pipe to the satisfaction of the Alpine Shire Council. No effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system. The legal point of discharge (LPOD) for this site is on-site detention and dispersal. 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**

39. Prior to commencement of construction, 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, retarded and dispersed.
- b. underground pipe drains conveying stormwater to the legal point of discharge
- c. measures to enhance stormwater discharge quality to protect downstream waterways. in accordance with "Urban Stormwater Best Practice Environmental Management Guidelines" 1999.
- d. Prior to commencement of use of the building and works authorised by this permit, all works constructed or carried out must be in accordance with those plans - to the satisfaction of Alpine Shire Council.

### **Urban Vehicle Crossing Requirements**

40. Prior to commencement of use of the buildings and works authorised by this permit, vehicular crossings shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the Alpine Shire Council, and shall comply with the following:
  - a. standard vehicular crossings shall be constructed at right angles to the road to suit the proposed driveways, and any existing redundant crossing shall be removed and 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. Any informal vehicle accesses currently in use are to be closed off and signage installed to encourage patrons to use the access from Mountain Ave and dedicated parking.

### **Car Park Construction Requirements**

41. Prior to commencement of construction, detailed layout plans demonstrating compliance with AustRoads Publication 'Guide to Traffic Engineering Practice : Part 11 Parking' and to the satisfaction of the relevant authority must be submitted to and approved by the Alpine Shire Council. The plans must be drawn to scale with dimensions.
42. Prior to commencement of use of the buildings and works authorised by this permit, the area(s) set aside for parking of vehicles and access lanes as shown on the endorsed plans must be:
  - a. Surfaced with an appropriate bituminous surface (asphalt or spray seal) applied over an appropriate standard crushed rock pavement. Details of bituminous

- surface and pavement construction detail must be submitted and approved by the Alpine Shire Council prior to work commencing
- b. drained in accordance with an approved drainage plan;
  - c. driveway is to be offset from boundary fence to allow for all required drainage and vegetation planting
  - d. line-marked to indicate each car space and all access lanes;
  - e. properly illuminated with lighting designed, baffled and located to the satisfaction of the Alpine Shire Council to prevent any adverse effect on adjoining land;
  - f. measures taken to prevent damage to fences or landscaped areas of adjoining properties and to prevent direct vehicle access to an adjoining road other than by a vehicle crossing;
  - g. Provision of traffic control signage and or structures as required;
  - h. Provision of signage directing drivers to the area(s) set aside for car parking. Such signs are to be located and maintained to the satisfaction of the Alpine Shire Council. This sign must not exceed 0.3 square metres.
  - i. All electric vehicle charging and parking lot to be provided inside the lot

#### **Employer and Employee Parking**

43. Employer & employee vehicles must be parked in the nominated car spaces at all times. Vehicles under the control of the operator or the operator's staff must not be parked on Mountain Avenue or Tawonga Crescent.

#### **Vehicle Turning**

44. All car parking spaces must be designed to allow vehicles to drive forwards when entering and leaving the property. A turning template is to be shown on the approved drawing which clearly indicates a B85 vehicle is capable of achieving the required movements.

#### **Loading and Unloading**

45. The loading and unloading of goods from vehicles must only be carried out on the land subject to this permit (within the designated loading bay(s) and must not disrupt the circulation and parking of vehicles on the land).

#### **Bicycle Racks**

46. Bicycle racks shall be installed at the expense of the applicant. Bicycle racks shall be designed, constructed and located inside the lot to the satisfaction of the Alpine Shire Council.

#### **Construction Management Plan**

47. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Alpine Shire Council.

**No Mud on Roads**

48. 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.

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

49. Before the development starts, a Bushfire Management Plan must be submitted to and endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority. The plan must be generally in accordance with the plan prepared by Mountain Planning (Ref. 19 Tawonga Crescent, Mt Beauty BMP, Rev 0, dated 9th August 2021) but modified to replace the conditions for Access with:

- a. Clubhouse Access
  - i. Access for fire-fighting purposes must be provided to the clubhouse as follows:
  - ii. All weather construction.
  - iii. A load limit of at least 15 tonnes.
  - iv. Provide a minimum trafficable width of 3.5 metres
  - v. Be clear of encroachments for at least 0.5 metre on each side and at least 4 metres vertically.
  - vi. Curves must have a minimum inner radius of 10m.
  - vii. 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.
  - viii. Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.
- b. Machinery Shed Access
  - i. Access for fire-fighting purposes must be provided to the machinery shed as follows:
  - ii. All weather construction.
  - iii. A load limit of at least 15 tonnes.
  - iv. Provide a minimum trafficable width of 3.5 metres
  - v. Be clear of encroachments for at least 0.5 metre on each side and at least 4 metres vertically.
  - vi. Curves must have a minimum inner radius of 10m.
  - vii. 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.
  - viii. Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

- ix. Incorporate a turning area for fire fighting vehicles close to the building by one of the following:
  - A. A turning circle with a minimum radius of eight metres.
  - B. A driveway encircling the building
  - C. The provision of vehicle turning heads – such as a T or Y head – which meets the specification of Austroad Design for an 8.8 metre Service Vehicle.

### **Expiry**

50. 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. The facilities approved by this permit shall be constructed and maintained to accord with all relevant legislation (Federal or State), Australian Standards, or any other design requirements relating to access or other issues affecting people with disabilities to the satisfaction to the Alpine Shire Council.
4. Disabled car parking spaces must be clearly marked in accordance with the relevant Australian Standards and provided as close as practicable to pedestrian entrances of the clubhouse building.
5. Australian Standard AS 4282-1977 Control of the obtrusive effects of outdoor lighting, includes controls around outdoor lighting.
6. The *Environment Protection Act 1970* covers air pollution, including odour. Section 41 says that businesses must not pollute the air to make it unsafe or offensive to others. For further information it is recommended that you contact Alpine Shire Environmental Health Department and the Environmental Protection Authority.

7. Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.
8. Unless no permit is required under the planning scheme, any change in relation to the sale or consumption of liquor on the site requires further planning permit approval from Alpine Shire Council.

### **Appendix 8.3.1.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:

- 13.01-1S Natural hazards and climate change
- 13.02-1S Bushfire planning
- 13.05-1S Noise abatement
- 13.06-1S Air quality management
- 13.07-1S Land use compatibility
- 14.02-1S Catchment planning and management
- 15.01-2S Building design
- 15.01-4S Healthy neighbourhoods
- 15.01-5S Neighbourhood character
- 17.01-1S Diversified economy
- 17.02-1S Business
- 18.02-4S Car parking
- 19.02-4S Social and cultural infrastructure

#### **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
- 21.04-3 Landscapes
- 21.04-4 Environmental risk
- 21.04-6 Catchments and waterways
- 21.07-3 - Mt Beauty / Tawonga South
- 22.02-3 Landscapes

#### **Zone**

The land is zoned Special Use Zone - Schedule 6.

## **Overlays**

The land is covered by the Bushfire Management Overlay.

## **Particular Provisions**

52.06 Car Parking

52.34 Bicycle Facilities

53.02 Bushfire Planning

53.18 Stormwater Management in Urban Development

## **General Provisions**

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

## 9. Informal meetings of Councillors

### Introduction

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

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

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

### RECOMMENDATION

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

### Background

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

Date	Meeting
29 March	Briefing Session
5 April	Briefing Session
19 April	Briefing Session

### Attachment(s)

- 9.0 Informal meetings of Councillors – March / April 2022



**10. Presentation of reports by delegates**

**11. General business**

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

**13. Reception and reading of petitions**

## 14. Documents for sealing

### RECOMMENDATION

*That the following documents be signed and sealed.*

1. *Section 173 Agreement – Douglas Raymond Thorpe McConville and Margaret McConville. The Section 173 Agreement relates to Planning Permit 2021.164 for Two (2) Lot Re-Subdivision and Creation of Easements at 21-27 and 29 Myrtle Street, Myrtleford (Lot 3 on Plan of Subdivision LP86452 being the land in Certificate of Title Volume 8837 Folio 725 and Lot 2 on Plan of Subdivision TP124U being the land in Certificate of Title Volume 10060 Folio 630).  
The agreement includes wording which states 'The existing shed as indicated on the endorsed plans forming part of planning permit P.2021.164, on proposed Lot 1, must only be used in an ancillary manner to a dwelling on the lot, to the satisfaction of the responsible authority, unless the prior written consent of the responsible authority is obtained.*
2. *Melbon Pty Ltd ATF Strawhorn Family Trust  
The Section 173 Agreement relates to Planning Permit 2021.120 for Buildings and Works for the Construction of Two (2) Shops and Two (2) Dwellings, Car Parking Waiver, and Alterations to an Access in a Road Zone – Category 1 at 106B Gavan Street, Bright, (Lot 1 on Plan of Subdivision 812580B) being the land in Certificate of Title Volume 12283 Folio 303.  
The agreement includes wording which states 'The site is within a designated commercial area and may be subject to adverse noise, odour and amenity impacts.*
3. *Contract No CT21125 in favour of The Copy Collective Pty Ltd for Communication Services.*
4. *Contract No 2114701 in favour of North East Civil Construction Pty Ltd for Big Hill Carpark sealing.*

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

.....  
Chairperson