

M(5) – 7 JUNE 2022

Ordinary Council Meeting

Agenda

Notice is hereby given that the next **Ordinary Meeting** of the **Alpine Shire Council** will be held in the Council Chambers, Great Alpine Road, Bright on **7 June 2022** commencing at **5:00pm**.

Agenda

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1. Recording and livestreaming of Council meetings

The Acting CEO will read the following statement:

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

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

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

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

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

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

The Mayor will read the following statement:

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

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

3. Confirmation of minutes

3.1 ORDINARY COUNCIL MEETING – M(4) – 3 MAY 2022

RECOMMENDATION

That the minutes of Ordinary Council Meeting M(4) held on 3 May 2022 as circulated be confirmed.

4. Apologies

5. Obituaries / congratulations

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

6. Declarations by Councillors of conflict of interest

7. Public questions

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

Questions on Notice can be written or from the floor.

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

8. Presentation of reports by officers

8.1 ACTING CHIEF EXECUTIVE OFFICER – ALAN CLARK

8.1.1 Contracts approved by outgoing CEO and Acting CEO

RECOMMENDATION

That the Contracts approved by outgoing Chief Executive Officer and Acting Chief Executive Officer be noted.

<i>Contract No:</i>	<i>CQ22026</i>	<i>Process:</i>	<i>RFQ</i>
<i>Title:</i>	<i>Supply and delivery of one new Wide Area Mower</i>		
<i>Tenderer:</i>	<i>Agpower & Transport Pty Ltd</i>		
<i>\$ (excl. GST):</i>	<i>\$104,000</i>		

<i>Contract No:</i>	<i>Security Access Control</i>	<i>Process:</i>	<i>RFQ</i>
<i>Title:</i>	<i>Dargo High Plains Road - Installation of seasonal road closure gating</i>		
<i>Tenderer:</i>	<i>Metweld</i>		
<i>\$ (excl. GST):</i>	<i>\$104,591.16</i>		

<i>Contract No:</i>	<i>Dinner Plain Marketing</i>	<i>Process:</i>	<i>RFQ</i>
<i>Title:</i>	<i>Promotional campaign for Dinner Plain</i>		
<i>Tenderer:</i>	<i>Dutch Media</i>		
<i>\$ (excl. GST):</i>	<i>\$68,000</i>		

8.2 DIRECTOR ASSETS – WILLIAM JEREMY

8.2.1 Petition - Alpine Better Places Harrietville

INTRODUCTION

The purpose of this report is to inform Council and provide a response to a petition relating to the Alpine Better Places Harrietville project.

RECOMMENDATION

That Council:

- 1. Notes the petition to 'stop the plans for the Alpine Better Places Harrietville projects';*
- 2. Acknowledges the extensive community engagement and consultation undertaken on the project to date;*
- 3. Conducts a community survey with the survey results being used to refine the design and reconfirm the scope of work for the detailed design of all three precincts (being the Tronoh Dredgehole Precinct, Pioneer and Tavare Parks, and the Community Hall);*
- 4. Proceeds with the development of the detailed design and subsequent construction of the Tronoh Dredgehole Precinct in accordance with the terms of the funding agreement; and*
- 5. Advises the main proponent of the petition of Council's decision.*

BACKGROUND

The Alpine Better Places Harrietville project commenced in March 2020.

The key items in the design brief included:

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

The original project plan included two rounds of formal community engagement, consistent with the approach taken in the delivery of the Alpine Better Places Myrtleford, Porepunkah and Bright projects. A third formal round of community engagement was delivered at the request of the Harrietville community, prior to Council endorsing the draft concept designs for a 28-day period of public exhibition. The final concept designs were subsequently adopted by Council at the December 2021 Council meeting. At each stage in the engagement process, the plans were updated to accommodate input provided by the community.

In March 2022, Council was notified that it had successfully secured Australian Government funding under the Black Summer Bushfire Recovery Fund (BSBR) for the detailed design and construction of the Tronoh Dredgehole Precinct.

A petition was received on 2 May 2022 and noted at the May 2022 Ordinary Council Meeting. The petition with 105 signatures contains the wording:

To stop the plans for the Alpine Better Places Harrietville projects and start proper community consultation for new plans.

We, the undersigned residents of Harrietville, do not support the current Alpine Better Places plans for Bungalow Spur carpark, Pioneer Park carpark and Tavare Park removal and replacement of rotundas.

We ask that Alpine Shire Council reverse the decision to accept the current plans and pursue proper community consultation for new plans.

ISSUES

Community Consultation

Council has conducted extensive community consultation, including a letter drop to more than 400 registered addresses of all Harrietville ratepayers in May 2021, in order to inform the development of the concept designs and to establish the priority order in which to deliver components of the project. Following each stage in the engagement process, including the public exhibition, the plans were updated to accommodate input provided by the community. The project team has engaged throughout this process with transparency, in good faith, and with genuine willingness and desire to establish concept designs which best meet the needs and aspirations of the Harrietville community.

Funding

Through signing a funding agreement with the Australian Government, Council has committed to the delivery of works in the Tronoh Dredgehole Precinct as described in the concept designs adopted by Council in December 2021.

Detailed Design

The next phase of the project is the detailed design, and this presents a further opportunity for the community to provide their input into the design process. Changes made at the detailed design stage are typically more granular than at the concept design stage, and as the design is developed it becomes increasingly challenging to accommodate significant change.

Community Survey

Council proposes to conduct a survey of the Harrietville community, and the results will be used to refine and reconfirm the scope of works for the detailed design packages across all three precincts.

The survey will be broadcast through a variety of platforms, including a further letter drop to the registered addresses of all Harrietville ratepayers.

Community members will have fourteen (14) days to provide feedback to Council, in order not to jeopardise the project delivery schedule which has been committed to the Australian Government.

POLICY IMPLICATIONS

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

- 4.5 Assets for our current and future needs

FINANCIAL AND RESOURCE IMPLICATIONS

Since project commencement in March 2020, Council has spent approximately \$100,000 of Council funds on the development of the detailed concept designs for the Alpine Better Places Harrietville project.

Council has secured \$1,090,712 through the Australian Government's Black Summer Bushfire Fund in order to develop the Tronoh Dredgehole Precinct, with no co-contribution from Council.

Council is awaiting the outcome of a funding application to the Australian Government's Building Better Regions Fund to secure \$2.3 million of funding to support delivery of the remaining phases of the Alpine Better Places Harrietville project.

CONSULTATION

Consultation with residents and ratepayers, community organisations and State Government agencies has been conducted throughout the development of the concept designs as follows:

Face to face consultation

Three rounds of consultation occurred with the community to develop the final draft concept designs, followed by the public exhibition for 28 days, including:

Consultation 1: July 2020

A Zoom webinar was conducted due to COVID restriction on public gatherings. The community provided feedback on the preliminary plans and areas of focus. Precinct areas were identified based on community input to create a heatmap.

Consultation 2: February 2021

Lunch and evening sessions were held at the Harrietville Community Hall. The community was invited to provide comment on the draft detailed designs and proposed project priority list. The presentation and plans were made available online and the feedback period was open for two weeks.

Consultation 3: July 2021

Round three included lunch and evening sessions at the Harrietville Community Hall. The community was invited to view and provide feedback on the third revision of the plans.

The presentation and plans were made available online. The feedback period was open for five (5) weeks.

28 Day Public Exhibition Period: 14 October - 12 November 2021

The plans were made available online, in Harrietteville township, Bright Library and Bright Council Offices. Media notices included Facebook, radio, and newspaper notices. Emails were sent to all contacts recorded during the consultation process and community group email contacts. Links to the project website were provided in all correspondence where all plans and submission contact details could be accessed by the public.

Detailed Communication Program

Date	Platform	Content
March 2020	Meeting	Council and design consultant met with the Harrietteville Community Forum
24 March 2020	Facebook	Post detailing the commencement of the project
1 July 2020	Facebook	Post regarding online webinar sessions
6 July 2020	Media Release	Inviting Harrietteville to have their say on draft concept designs
11 July 2020	Facebook	Post reminder of webinar session
16 July 2020	Zoom	Webinar of Harrietteville draft plan
21 August 2020	Media Release	Here's what you told us! Community feedback detailed on a 'hotspot' map
18 January 2021	Facebook	Community invited to community sessions on Alpine Better Places
29 January 2021	Facebook	Learn more about the plans - community session advertisement
1 February 2021	Media Release	Reminder of community sessions
8 February 2021	Facebook	Community session on 11 February and two-week consultation phase following this to review plans
10 February 2021	Radio Advert	Community invited to community information sessions on ABP
11 February 2021	Community Session	The community was invited to provide comment on the draft detailed designs and proposed project priority list.

Date	Platform	Content
25 February 2021	Facebook	Residents invited to have their say on the ABP plans available online
1 March 2021	Facebook	What do you think? Draft plans available
1 March 2021	Media Release	Calling for comments on ABP plans
6 March 2021	Facebook	Still time to have your say!
25 May 2021	Media Release	Residents invited to have their say in community sessions regarding latest ABP plans in June at Harrieville Hall followed by two-week public consultation period
26 May 2021	Facebook	Calling all Harrieville residents to review latest concept designs for ABP plans on 9 June 2021
mid May 2021	Mail Out	Poster mailed to 400+ addresses in relation to the community session
25 May 2021	Media Release	Residents invited to have their say in community session
4 June 2021	Facebook	Consultation postponed due to COVID
27 June 2021	Facebook	Residents invited to new community session in July to review designs followed by two-week public consultation period
July 2021	Community Session	The community was invited to view and provide feedback on the third revision of the plans.
6 August 2021	Facebook	Updated design posted (recordings delayed so community consultation extended)
14 October 2021	as per below	Final concept designs available for community feedback prior to council endorsement advertised on website and posters around Harrieville and Bright
14 October 2021	Email / Newspaper	Email / Newspaper - formal notice to all registered during consultation process regarding public exhibition
31 October 2021	Facebook	Share your views!

Date	Platform	Content
21 October 2021	Radio Advert	Final concept plans available on public exhibition from 14 October to 12 November
22 October 2021	Media Release	Residents are invited to have their say on the final concept designs
7 November 2021	Facebook	Still time to have your say!
14 December 2021	Council Meeting	ABP Harrietville plans adopted by Council at Ordinary Council meeting
16 December 2021	Facebook	Plans adopted on 14 December 2021
16 December 2021	Media Release	Plans adopted on 14 December 2021
8 February 2022	Facebook	Funding application submitted to BSBR for the Tronoh Dredgehole Precinct upgrades
8 February 2022	Media Release	Funding application submitted to BSBR for the Tronoh Dredgehole Precinct upgrades
28 February 2022	Facebook	\$1,090,712 of funding received for the Tronoh Dredgehole Precinct upgrades
28 February 2022	Media Release	\$1,090,712 of funding received for the Tronoh Dredgehole Precinct upgrades

CONCLUSION

A petition with 105 signatures has been received to 'stop the plans for the Alpine Better Places Harrietville project and start proper community consultation for new plans'.

Council has consulted extensively with the community during the development of the Alpine Better Places Harrietville concept designs. During the consultation process, precincts within Harrietville were prioritised by the community with the Tronoh Dredgehole Precinct identified as the highest priority.

Council has secured funding for the detailed design and construction of the Tronoh Dredge Precinct. Council will conduct a final community survey seeking feedback to refine the designs and reconfirm the concept of works for the detailed design of all three precincts (being the Tronoh Dredgehole Precinct, Pioneer and Tavare parks and the Community Hall. Community members will have fourteen (14) days to provide feedback, in order not to jeopardise the project delivery schedule which has been committed to the Australian Government.

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)

8.2.1 Petition, May 2022

8.2.2 Proposed fish passage structure at Bright weir

File Number: 563.09

INTRODUCTION

This report relates to a project being led by the North East Catchment Management Authority (NECMA) to establish a fish passage structure at the Bright weir, in doing so removing one of the remaining artificial barriers preventing fish from migrating into the upper reaches of the Ovens catchment.

RECOMMENDATIONS

That Council:

- 1. Notes and commends the collaboration which has taken place through the development of the detailed design for the fish passage structure at the Bright weir;*
- 2. Notes the conclusion of a design safety review that all reasonably practicable precautions have been identified to manage safety associated with the operation and maintenance of the proposed fish passage structure, and that with the identified controls and barriers in place, its operation is not considered likely to result in a situation which is prohibitively dangerous for members of the public or staff involved in the operation or maintenance of the structure;*
- 3. Engages Life Saving Victoria to reassess the operations at the seasonal swimming pool based on current information, in order to establish that all appropriate barriers and controls have been identified;*
- 4. Supports the North East Catchment Management Authority in the broad engagement of the local community and interested stakeholder groups before construction commences; and*
- 5. Continues to work closely with the North East Catchment Management Authority during the implementation of the fish passage structure.*

BACKGROUND

Council is the asset owner and operator of the existing weirs on the Ovens River, located in the Bright and Porepunkah townships. The primary purpose of the weirs is the creation of a seasonal swimming pool in the river, which is a significant asset for both residents of and visitors to these towns.

The Ovens River has been identified as a high priority waterway in NECMA's Regional Waterway Strategy. The weir structures located at Bright and Porepunkah are two of the three remaining artificial barriers preventing fish from migrating into the upper reaches of the Ovens catchment, and have been identified as a high priority to address through the State Fishway Program.

At the August 2016 Council Meeting, Council adopted the following recommendations:

That Council:

a. Support North East Catchment Management Authority's application to secure funding to construct a fish passage structure at the Bright and Porepunkah recreational weirs, providing:

- 1. i. There is sufficient budget to ensure any introduced structures are sensitive to the surrounding environment, especially from a functional and aesthetic perspective; and*
- 2. ii. North East Catchment Management Authority can demonstrate that any proposed in-stream infrastructure would not result in increased public safety or flooding risk within the townships.*

b. Agree to take on the asset ownership of the fish passage structures at Bright and Porepunkah and associated operational and renewal responsibilities, subject to Council's current and future financial capacity to maintain its assets, should the North East Catchment Management Authority secure funding and construct the fish passage structures; and

c. Officers work closely with the North East Catchment Management Authority during the implementation of the fish passage structures.

In May 2020, NECMA secured \$2.6 million of funding through the State Government's 'Building Works' program to construct a fishway at the Bright weir.

A Project Steering Group of key stakeholders has provided project oversight and review as the detailed design has been developed. The detailed design is currently 80% complete and NECMA is now seeking Council's support to enable it to move forward with completing the detailed design and progressing into construction.

ISSUES

Benefit to waterway health

The Ovens River is home to one of the most significant populations of native fish in the Murray-Darling Basin, including several threatened species including Silver Perch, Flatheaded Galaxias, Trout Cod, Macquarie Perch and Murray Cod. It is one of only two rivers in the Basin with a near-natural flow regime. Providing fish passage at Bright Weir is identified in the North East Catchment Management Authority Regional Waterway Strategy (2104) as a lead action (UOV LA 1.5). This will allow an increase in movement from Bright Weir to the headwaters of the Ovens River of 42km and an additional 120km of tributaries.

Flood Risk

Through flood modelling, NECMA has demonstrated that there will be negligible impact on flood risk to the Bright township through the proposed construction of a fish passage structure at the Bright weir.

Public Safety Risk

In the hierarchy of control, eliminating a risk completely is the preferred option where this is available and practicable. In the case of the fishway, removing the weir, returning the river to its natural habitat and therefore eliminating the need for a fishway and associated risks is the most robust way in which to address public safety risk relating to the fishway. Additionally, doing so would also eliminate the requirement for the seasonal installation and removal of the weir boards, recognised to be one of the highest risk activities carried out by Council's maintenance team. It would also lower the risk of drowning in the seasonal pool.

However, removing the weir would also remove the seasonal swimming pool, and would render the Rotary Slide inoperable as this slide relies on the water surface being elevated through installation of the weir boards.

The detailed design is approximately 80% complete. NECMA commissioned an external specialist to facilitate a design safety review of the proposed fish passage structure at the Bright weir. Council officers participated in this review. Through this review, credible threats were identified as well as the groups of people most likely to be exposed to these threats. Existing and planned mitigation and controls were considered, and a number of new mitigation methods and controls.

At the end of the workshop it was concluded by the workshop participants that all reasonably practicable precautions have been identified to manage safety associated with the operation of the proposed fish passage structure, and that the operation of the proposed fish passage structure will not result in a situation that is prohibitively dangerous for members of the public or for staff involved in the operation and maintenance of the structures.

In the August 2016 Council Meeting, Council provided support to NECMA's proposed funding application providing 'that any proposed instream infrastructure would not result in increased public safety risk'. Council officers believe that the proposed fishway does result in increased public safety risk, however it is challenging to establish definitively how much additional risk this imposes and how this risk compares to the risks which already exist for users of the seasonal pool.

Legal advice has been sought regarding Council's liability associated with the operation of the fishway. A recommendation that has been accepted is for Council officers to re-engage Life Saving Victoria (LSV) to reassess the seasonal pool based on the current information which is available, including the modelling of flow velocities into the trash rack under different river conditions. LSV is familiar with the operations at the Bright seasonal pool. They were engaged by Council to carry out an assessment of the Bright and Porepunkah seasonal pools in 2021 and have also been engaged by NECMA to support the detailed design process.

Renewal of Weir Infrastructure

Whilst the Bright weir is considered to have a remaining useful life of at least 20 years, if Council carried out any work on the weir structure other than minor maintenance, a permit condition could potentially trigger a requirement for Council to construct a fish

passage structure as part of these repair/renewal works. In the event that Council does not support the delivery of a fish passage structure by NECMA using the funding it has currently secured, there is a high risk that Council could be required to pay 100% of the cost to construct a fish passage structure when repairing/renewing the existing weir.

Visual Amenity Impact

Fish passage structures are typically large concrete and galvanised steel structures that may not necessarily blend into the surrounding environment of the existing weir in Bright. Throughout the design process, Council officers have stressed the aesthetic, recreational and economic importance of the area around the Bright weir and the need for the fish passage structure to be sympathetic to the existing environment to the extent that is reasonably practicable.

Operational Seasonal Pool

The seasonal swimming pool is a popular attraction both for residents and for visitors to Bright. The Rotary Slide is also a popular attraction and provides one of the key sources of income for the Rotary Club of Bright. A proposal to remove the weir board and return the Ovens River to its natural state has not been tested broadly with the community at this point, however feedback received from individuals in the community has indicated that such a proposal would receive strong opposition. This report proposes no changes to normal annual operations of the seasonal pool.

Funding Agreement

The original deadline for delivery of the project under the funding agreement was June 2022. NECMA has negotiated an extension to the funding agreement, however in order to lock in this extension NECMA requires Council's support to move forward with finalising the detailed design, re-estimating the cost of the project and going to tender with the aim to construct.

POLICY IMPLICATIONS

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

- 4.5 Assets for our current and future needs

FINANCIAL AND RESOURCE IMPLICATIONS

NECMA has secured \$2.6 million of State Government funding to deliver the fishway at the Bright weir and has confirmed based on the latest cost estimates that there is sufficient funding to deliver the project. The cost estimates include provision for reasonable measures to ensure the introduced structures are sensitive to the surrounding environment. There is no co-contribution required from Council towards the project cost.

Council has committed and will continue to commit internal resources to participate in the Project Steering Group in order to ensure the outcome is aligned with the interests of the community.

Taking on the ownership and operational responsibility of the proposed fishway would increase Council's asset base (and hence renewal requirement) and ongoing maintenance costs. Cost estimates are approximately:

- \$52,000 annual asset renewal provision
- \$10,000 annual asset maintenance cost in addition to the current weir maintenance costs

CONSULTATION

NECMA is leading the delivery of this project, including the consultation processes.

A Project Steering Group was established to provide project oversight and review as the detailed design was developed. The Project Steering Group comprises representatives of the following organisations:

- North East Catchment Management Authority (NECMA)
- Department of Environment, Land, Water and Planning (DELWP)
- Taungurung Land and Waters Aboriginal Council
- Upper Ovens Landcare Group
- Bright Chamber of Commerce
- Alpine Shire Council

Council Officers will continue to work closely with NECMA through representation on the Project Steering Group.

It is recommended that NECMA carries out broad engagement of the local community and interested stakeholder groups (for example sport fishing clubs) before proceeding into construction, and that open lines of communication are maintained with interested stakeholders throughout the remaining stages of the project.

CONCLUSION

Concept and detailed design for a fishway at the Bright weir has been progressed on the basis that the resulting benefits to waterway health are significant.

Detailed design of the fish passage structure for the Bright weir is now 80% complete, and NECMA is seeking Council's support to enable it to move forward with completing the detailed design and progressing into construction.

It has been established that the installation of the instream structure will result in negligible impact on flood risk, and that with the controls and barriers which have been identified, the operation of the structure will not present a situation that is prohibitively dangerous to members of the public or operations/maintenance staff.

Ongoing close collaboration between NECMA and Council will be important to deliver a successful outcome to the 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 Facilities

ATTACHMENT(S)

Nil

8.2.3 Asset Plan 2022-2032

INTRODUCTION

This report relates to the adoption of the Asset Plan 2022-2032, prepared in accordance with requirements of the *Local Government Act 2020*.

RECOMMENDATIONS

That Council:

1. *Notes that one formal submission was received regarding the Draft Asset Plan which did not result in changes to the document, and that feedback has been provided to the submitter;*
2. *Adopts the Asset Plan 2022-2032; and*
3. *Signs and seals the Asset Plan 2022-2032 at the appropriate stage of this meeting.*

BACKGROUND-

Section 92 of the *Local Government Act 2020* (LGA 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 Council. These asset classes include roads and car parks, buildings, pathways and shared trails, open space assets, drainage and bridges.

ISSUES

None to report.

POLICY IMPLICATIONS

The 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 additional 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, adopted by Council at its 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.

The draft Asset Plan was released for a 28-day public exhibition period following the April Council Meeting, with submissions closing on Thursday 12 May 2022.

One submission was received regarding the Asset Plan, summarised as follows:

Summary	Comments
Request that airfields are identified as a discrete asset class and not categorised under the roads asset class. Request that the Porepunkah Airfield is identified in the Plan as an important Council asset and that a long-term asset development plan is developed.	Feedback was sought from other councils to understand how they categorise their airfield infrastructure. On receipt of this feedback and following engagement with the submitter on behalf of the Porepunkah Airfield Association, it has been agreed to leave the categorisation of airfield assets unchanged.

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 of Council.

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.

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)

8.2.3 Asset Plan 2022-2032

8.3 DIRECTOR CORPORATE PERFORMANCE – HELEN HAVERCROFT

8.3.1 Budget Report - Quarterly Review

INTRODUCTION

The purpose of this report is to note the Budget Report - Quarterly Review for the period ending 31 March 2022.

RECOMMENDATION

That Council receives and notes the Budget Report - Quarterly Review for the period ending 31 March 2022.

BACKGROUND

The purpose of the Budget Report - Quarterly Review (the "Report") is to provide Council with an overview of the quarter three results and an update on the forecast financial position against the full year budget.

Explanations are provided for variances to budget greater than \$100,000.

ISSUES

Council is forecasting a full year surplus of \$11.7m, which is \$5.1m higher than the budgeted surplus of \$6.6m.

The main driver of the increase in the surplus is unanticipated and unbudgeted additional grant income including early receipt of a significant part (75%) of 2022/23 Commonwealth Financial Assistance Grants.

Over 2021/22 the most significant of these are:

- Early receipt of 75% of the 2022/23 Financial Assistance Grants \$3m
- Additional unbudgeted funding for the Bogong High Plains Road Blackspot project \$1.3m
- Additional Bushfire Recovery Funding of \$1m
- Reduction in the Dargo High Plains Road Upgrade Phase 1 expenditure of \$0.9m
- Restatement of Capital Works Grants by an additional \$0.7m
- Great Valley Trail Income of \$0.4m
- Additional funding opportunities for community events projects of \$0.3m
- Unbudgeted funding for new employees from Apprenticeship Support Australia \$0.2m

This increased income together with a decrease in employee costs (\$0.4m) and increased materials and services expenditure of (\$0.2m) are the key drivers in the variance between the budgeted and forecasted position.

The materials and services items that have varied from budget include increased insurance premiums, IT subscription services costs, expenses from COVID related

activities, higher than anticipated level of activity for infrastructure asset maintenance and several unbudgeted programs that are fully or partially funded by grants.

Major forecast variances to capital works incomes and expenditures are as follows:

- Great Valley Trail – \$370k additional income and \$700k additional expenditure because of capital works being carried over from 2020/21
- Dargo High Plains Road Upgrade Phase 1 – forecast income and expenditure has been reduced by \$800k and \$880k due to works being deferred until 2022/23
- Dinner Plain Activation Phase 2 – \$150k additional income and \$50k additional expenditure due to additional grant funding received
- Bogong High Plains Road Blackspot – \$1.3m additional grant funding income and expenditure due to additional grant funding received
- Snowy Creek Road Upgrade – forecast income has been reduced by \$110k as no further funds are expected to be received for this project
- Dinner Plain Activation Phase 1 and Dinner Plain Snowmaking – forecast expenditure has been reduced by \$720k due to the restricted availability of suitable contractors and a delayed component of the scope of the Dinner Plain projects
- Buckland Valley Road Upgrade – additional expenditure of \$282k for road works that were originally planned to be delivered by DELWP.
- Mount Beauty Airport Upgrade - Pavement works unable to be completed by winter due to latent conditions deferring \$760k in expenditure
- Tawonga Caravan Park Upgrade - increased scope of work following December 2021 council meeting results in additional expenditure of \$200k
- Energy Efficient Street Lighting - Contract for works awarded at April 2022 Council meeting. This work and expenditure of \$420k is deferred until 2022/23
- Porepunkah Landfill Rehabilitation Stage 2 - Design currently under EPA review which will delay planned completion in 2021/22 and carry over \$463k in expenditure
- Myrtleford Memorial Hall Renewal - Work paused pending council decision at April 2022 Council meeting regarding relocation of Visitor Information Centre. Expenditure of \$259k deferred until 2022/23.

Revised budget

The *Local Government Act 2020* (LGA 2020) requires that an assessment be made as to whether a revised budget is required after the quarter three finance report is completed.

A revised budget is required under the LGA 2020 before any of the following can occur:

- a variation to the declared rates or charges
- undertake any borrowings that have not been approved in the budget
- a change to the budget that the Council considers should be the subject of community engagement.

As none of these three items is forecast to occur Council is not required to complete a revised budget for 2021/22.

POLICY IMPLICATIONS

The Report has been prepared in line with the requirements of the *Local Government Act 2020* (LGA 2020).

Section 97(1) of the LGA 2020 (Quarterly budget report) commenced on 24 October 2020 and states that, "As soon as practicable after the end of each quarter of the financial year, the CEO must ensure that a quarterly budget report is presented to the Council at a Council meeting which is open to the public".

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

- 5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

Financial performance to date indicates a full year surplus of \$11.7m, which is \$5.1m higher than the budgeted surplus of \$6.6m.

CONSULTATION

The Report has been prepared through a rigorous process which includes each department reviewing their budget and providing explanations for variances at the master account level.

The Report has been presented to the Finance Committee and the Audit and Risk Committee for noting.

CONCLUSION

The Budget Report - Quarterly Review for the period ending 31 March 2022 is presented for noting.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate Performance
- Manager Corporate
- Financial Accountant

ATTACHMENT(S)

8.3.1 Budget Report - Quarterly Review for the period ending 31 March 2022.

8.3.2 Quarterly Performance Report – Council Plan

File Number: SU600.03

INTRODUCTION

The Alpine Shire Council Plan 2021-2025 was adopted by Council in October 2021 and sets out Council's direction for the next four years. Council has committed to providing quarterly updates to the community on the progress against the plan and presents this Quarterly Performance Report as the end of quarter three update in 2021/22.

RECOMMENDATION

That the Alpine Shire Council Plan Quarterly Performance Report ending 31 March 2022 be received and noted.

BACKGROUND

Following an extensive community and deliberative engagement process, Council adopted the Alpine Shire Council Plan 2021-2025 in October 2021, with the plan taking effect from 1 July 2021.

The Council Plan lists strategic drivers, strategic objectives, strategies, strategic indicators, major initiatives, guiding legislation, and plans, that collectively provide direction to Council's endeavours during its term.

While there is no legislative requirement to report on progress against the Council Plan, a commitment to report quarterly to the community was included as part of the document. The Governance and Management Checklist that forms part of the Local Government Performance Reporting Framework (LGPRF) also suggests that it is best practice to report on Council Plan progress at least on a six-monthly basis.

By reporting quarterly, Council maintains scrutiny that progress against the Council Plan is on schedule, and that objectives and major initiatives are maintained as priorities year on year.

Where quarterly or half-yearly reporting of objectives does not generate meaningful results, these are reported at end of the financial year as part of the annual report.

HIGHLIGHTS

The Council Plan 2021-2025 is split into five strategic drivers, that mirror the Community Vision 2040. Within each of these drivers, there are strategic objectives, strategies, and major initiatives that provide the means to report on Council's progress against the Council Plan.

High level highlights are summarised on the following pages – refer to the attachment for detailed information.

Strategic Driver 1: For those who live and visit

- A draft Reflect Reconciliation Action Plan (RAP) was developed in conjunction with the Reflect RAP Designated Working Group. The draft document opened for public input and consultation from First Nations peoples of the Alpine Shire, with feedback closing 29 April 2022. There will be an opportunity for non-First Nations people to provide feedback later in the year.
- Draft Affordable Housing Analysis and Action Plan received. This is being internally reviewed and finalised for presentation to Council in due course. In addition, Council officers continue to undertake advocacy with relevant state departments at every opportunity presented.

Strategic Driver 2: For a thriving economy

- The Spartan and GOAT events were successfully completed. Participation numbers in the Spartan event were reduced compared to previous years as a result of Covid-19 restrictions and participant hesitancy. Another 55 events (varying from small to large scale events) facilitated on Council land were delivered since January 2022, including the Bright Paragliding Open, Markets, Alpine Classis, Brighter Days, Myrtleford Bush Market and Dederang Picnic Races

Strategic Driver 3: For the bold protection of our future

- Climate Action Plan initiatives have been delivered through the development of:
 - 1. ESD Design Guidelines and specifications and currently being trialled on two (2) major renovations.
 - 2. Council has applied for funding for 8 charging stations to be installed at the Bright office for future Council EV fleet.
 - 3. Solar PV and batteries switched on at six (6) of Councils buildings.
 - 4. Streetlight replacement with LED progressing.
- FOGO Implementation will be delivered in July 2023. Implementation plan adjusted and educational collateral is being finalised with Sustainability Victoria. Council is still discussing the final funding model with DEWLP which is due for response at the end of April.

Strategic Driver 4: For the enjoyment and opportunities of our lifestyle

- The annual Elm Leaf Beetle has been completed including updating the GIS location and relevant diameter measurements for each tree surveyed. The Upper canopy works were undertaken based on risk and location.
- The Alpine Sport and Active Recreation Plan adopted by Council.

Strategic Driver 5: For strong and informed leadership

- A draft of Council's Gender Equality Action Plan was prepared and circulated to councillors, employees, and employee representatives in March 2022. A final Gender Equality Action Plan will be submitted to the Gender Equality Commission by 29 April 2022, in line with an extension granted by the Commission.

POLICY IMPLICATIONS

The development of a Council Plan is a requirement of the *Local Government Act 2020* and is a guiding document for Council until 30 June 2025.

Quarterly reporting aligns with the Alpine Shire Council Plan 2021-2025 Strategic Objective:

5.2: A responsible, transparent, and responsive organisation.

FINANCIAL AND RESOURCE IMPLICATIONS

The Council Plan is a key document informing the financial and human resources required to achieve Council's objectives. Resources to support the Council Plan are detailed in the long-term Financial Plan, and annual Budget.

CONSULTATION

The Council Plan was subject to public exhibition prior to being adopted by Council. Annual major initiatives are detailed in Council's Budget, which is also subject to public exhibition prior to adoption.

Many of the individual initiatives and activities included in the Council Plan are subject to their own community participation and consultation processes.

CONCLUSION

This quarterly report shows that progress is being made on the delivery of key Council Plan actions.

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:

- Directors
- Managers
- Governance Officer

ATTACHMENT(S)

8.3.2 Alpine Shire Council Quarterly Performance Report – ending 31 March 2022

8.3.3 Submissions to the Draft 2022/23 Budget

File Number: 2022/23 Budget

INTRODUCTION

The purpose of this report is to respond to the submissions received that relate to the draft Budget 2022/23 for the Alpine Shire Council.

RECOMMENDATION

That Council:

1. *Considers written and verbal submissions received pursuant to Council's Community Engagement Policy, in relation to the Alpine Shire Council Budget 2022/23.*
2. *Makes the following amendments to the Alpine Shire Council Budget 2022/23:*

<i>Submission #</i>	<i>Budget section</i>	<i>Submission / Amendment</i>	<i>Value in Draft Budget</i>	<i>Amount to be Adopted</i>
<i>Carry forward expenditure for the following 2021/22 capital projects:</i>				
#16	5.4.3	<i>Tawonga Community Memorial Hall</i>	<i>\$300,000</i>	<i>\$500,000</i>
		<i>Myrtleford Memorial Hall</i>	<i>\$100,000</i>	<i>\$150,000</i>
		<i>Mount Beauty Airport</i>	<i>\$0</i>	<i>\$370,000</i>
		<i>Big Hill Car Park Sealing</i>	<i>\$0</i>	<i>\$260,000</i>
		<i>Myrtleford Landfill Rehabilitation</i>	<i>\$1,060,000</i>	<i>\$980,000</i>
		<i>Porepunkah Drainage Strategy</i>	<i>\$0</i>	<i>\$10,000</i>
		<i>Dinner Plain Pump Track Design</i>	<i>\$0</i>	<i>\$40,000</i>
		<i>Bakers Gully Drainage Renewal</i>	<i>\$0</i>	<i>\$150,000</i>
		<i>Great Valley Trail Revegetation</i>	<i>\$0</i>	<i>\$30,000</i>
<i>Allocate budget to the following capital projects:</i>				

<i>Submission #</i>	<i>Budget section</i>	<i>Submission / Amendment</i>	<i>Value in Draft Budget</i>	<i>Amount to be Adopted</i>
#16	5.4.2	<i>Porepunkah and Myrtleford Transfer Station Office Upgrade</i>	\$0	\$200,000
		<i>Tawonga Scout Hall Demolition</i>	\$0	\$65,000
		<i>Mummery Road Footpath Design</i>	\$0	\$10,000
		<i>Transfer Station Upgrades</i>	\$220,000	\$0
		<i>Porepunkah Landfill Rehabilitation Stage 2</i>	\$1,195,000	\$1,560,000
		<i>Small Plant and Equipment Renewal</i>	\$335,000	\$105,000
		<i>L2P Vehicle Renewal</i>	\$31,000	\$0
<i>Carry forward expenditure for the following operational items:</i>				
#16	4.1	<i>Asset Management System Improvement</i>	\$90,000	\$160,000
		<i>Telecommunications Strategy - Bushfire recovery</i>	\$0	\$15,500
		<i>Key Worker Housing Pilot Program</i>	\$25,000	\$50,000
		<i>L2P</i>	\$19,500	\$33,500
		<i>FreeZa Youth Series</i>	\$24,000	\$36,000
		<i>Engage!</i>	\$24,000	\$25,500
<i>Amend expenditure related to the following operational items:</i>				
#16	4.1	<i>Tree Maintenance</i>	\$160,000	\$210,000
		<i>Footpath Maintenance</i>	\$20,000	\$50,000
		<i>Playground Maintenance</i>	\$25,000	\$50,000

<i>Submission #</i>	<i>Budget section</i>	<i>Submission / Amendment</i>	<i>Value in Draft Budget</i>	<i>Amount to be Adopted</i>
		<i>Overheads - Bushfire Recovery</i>	<i>\$45,000</i>	<i>\$30,000</i>
		<i>Freedom of Information</i>	<i>\$5,000</i>	<i>\$20,000</i>
		<i>Corporate Business Systems</i>	<i>\$0</i>	<i>\$10,000</i>
		<i>Library Discretionary Purchases</i>	<i>\$0</i>	<i>\$10,000</i>
		<i>Tourism North East - Annual Campaign</i>	<i>\$137,000</i>	<i>\$102,000</i>
		<i>Dinner Play Snow Play Slope Management</i>	<i>\$0</i>	<i>\$25,000</i>
		<i>Kerbside Collection</i>	<i>\$1,022,713</i>	<i>\$955,140</i>
		<i>Facility Cleaning</i>	<i>\$75,000</i>	<i>\$80,000</i>
		<i>Harrietville Green Waste</i>	<i>\$0</i>	<i>\$834</i>
		<i>Other Buildings</i>	<i>\$31,000</i>	<i>\$59,000</i>
		<i>Planning Scheme Amendments</i>	<i>\$0</i>	<i>\$50,000</i>
		<i>Bright Western Gateway Precinct Structure Plan</i>	<i>\$50,000</i>	<i>\$600,000</i>
<i>Allocate budget to the following operational items:</i>				
<i>#16</i>	<i>4.1</i>	<i>Systems Integration Architecture Consultant</i>	<i>\$0</i>	<i>\$40,000</i>
		<i>Data Engineer</i>	<i>\$0</i>	<i>\$60,000</i>
<i>Amend the following Grant Income:</i>				
<i>#16</i>	<i>5.2</i>	<i>Victorian Grants Commission Administration Income</i>	<i>\$4,198,000</i>	<i>\$3,138,000</i>

<i>Submission #</i>	<i>Budget section</i>	<i>Submission / Amendment</i>	<i>Value in Draft Budget</i>	<i>Amount to be Adopted</i>
<i>Amend the following Rates and Charges Income:</i>				
#16	5.1	<i>Rates and Charges</i>	<i>\$16,099,538</i>	<i>\$16,083,509</i>
		<i>Kerbside Collection Income</i>	<i>\$2,596,850</i>	<i>\$2,608,872</i>
<i>Amend the following Fee and Other Income:</i>				
#16	4.15,	<i>Porepunkah Bridge Caravan Park</i>	<i>\$0</i>	<i>\$122,400</i>
		<i>Tawonga Holiday Park</i>	<i>\$50,000</i>	<i>\$20,000</i>
		<i>Food Safety Income - Premise Registration</i>	<i>\$135,000</i>	<i>\$130,000</i>

3. *The following submissions may be further assessed or managed by the Alpine Shire Council as per comment detail, however, do not result in Changes to the Alpine Shire Council Budget 2022/23 for the stated reasons:*

<i>Submission #</i>	<i>Submission proposal</i>	<i>Value</i>	<i>Rationale and Approach</i>
1	<i>Kiewa Valley Historical Society storage</i>	<i>Not stated</i>	<i>Council will complete a condition assessment of the existing storage area to identify opportunities for cost-effective improvements to better meet the user requirements. Development of the site of the former Tawonga Scout Hall will be informed through community consultation and subject to a Council decision.</i>
2	<i>Asset development plan for airfield assets</i>	<i>Not stated</i>	<i>Council recommends that the Porepunkah Airfield Association drafts the Asset Development Plan for the airfield.</i>

<i>Submission #</i>	<i>Submission proposal</i>	<i>Value</i>	<i>Rationale and Approach</i>
<i>3</i>	<i>Redevelopment of the Bright Skate Park</i>	<i>Not stated</i>	<i>Council recommends consideration for the 2023/24 budget for concept design and costing, subject to community fundraising being secured to demonstrate support.</i>
<i>4</i>	<i>Upgrade of the toilet block at the Dederang Recreation Reserve</i>	<i>Not stated</i>	<i>Council will complete a condition assessment of the existing amenities to identify opportunities for upgrading to provide amenities accessible 24/7 and serviced by Council.</i>
<i>5</i>	<i>Repairs and upgrade of Alex McCullough Hall</i>	<i>Not stated</i>	<i>Council will complete a condition inspection of the Hall to establish a proposed maintenance and renewal plan.</i>
<i>6</i>	<i>Community input into the Gundowring Hall and Recreation Reserve</i>	<i>Not stated</i>	<i>Council will complete a condition inspection of the Hall to establish maintenance and renewal requirements.</i>
<i>7</i>	<i>Ireland Street (Bright) Fairy Lights maintenance</i>	<i>\$1,500 per annum</i>	<i>Council recommends adherence to the existing MOU.</i>
<i>8</i>	<i>Commentary on seven (7) items in the Budget</i>	<i>Not stated</i>	<i>Council will provide a written response to the submitter's questions.</i>
<i>9</i>	<i>Mount Beauty Scout Hall maintenance</i>	<i>Not stated</i>	<i>Council will deliver these works from existing maintenance budgets.</i>

<i>Submission #</i>	<i>Submission proposal</i>	<i>Value</i>	<i>Rationale and Approach</i>
10	<i>Improvements to road and trail infrastructure along Fredas Lane, Tawonga</i>	<i>Not stated</i>	<i>Council will reassess the unsealed section of Fredas Lane for sealing. Council will engage with the community to establish support to close the unformed section of Fredas Lane to vehicular traffic. Council is seeking opportunities for funding to establish a tracks and trails masterplan for the Shire.</i>
11	<i>Electric Vehicle charging station – Mount Beauty</i>	<i>Not stated</i>	<i>Council will commit staff resources to the analysis phase of the project to determine viability.</i>
12	<i>Design of an extension to the Tawonga to Mount Beauty Shared Trail, and footpath network in Tawonga.</i>	<i>Not stated</i>	<i>These projects will be added to the project pipeline for prioritisation in a future year.</i>
13	<i>Community Battery - Mount Beauty and Bright</i>	<i>Not stated</i>	<i>Council will commit staff resources to participate in the consultative committee.</i>
14	<i>Sustainable Housing model</i>	<i>Not stated</i>	<i>Council is currently assessing potential solutions to the affordable and key worker housing challenges, and the next steps will be informed through this assessment.</i>
15	<i>Cycling precinct in Jump / Pump Track Bright</i>	<i>Not stated</i>	<i>Will be added to the project pipeline for prioritisation in a future year, informed by development of the revised Pioneer Park Masterplan.</i>

4. *Notifies in writing each person or persons who made a submission of the decision and the reasons for that decision.*

BACKGROUND

Budget Overview

Based on ongoing community consultation, Council has prepared a Budget for 2022/23 which is aligned to the vision in the Council Plan 2021-2025.

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

Key budget information is provided in the Budget 2022/23 including details of the rate increase, the strategic objectives of the Council, the operating result, ongoing service provision, capital works projects and the Council's financial position.

Submission Process

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

Council elected to mirror the public submissions process for the Budget to that required for the Dinner Plain Special Rate, under s223 of the *Local Government Act 1989*. This included a minimum 28-day public submissions process, with the draft 2022/23 Budget available for inspection at the Council office and website.

Council Officers have also made internal submissions. The purpose of an internal submission is to ensure that relevant information arising after the Budget has been placed on exhibition for public comment is considered by Council for inclusion in the final Budget. Internal submissions must be endorsed by Council under the same process as external submissions.

Submissions 1-15 are submissions from the public. Submission 16 is Council's internal submission. All submissions were treated in accordance with Section 223 requirements and Council's Community Engagement Policy.

POLICY IMPLICATIONS

The Budget is prepared in accordance with the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020*. Submissions have been governed by Council's Community Engagement Policy, effectively mirroring the s223 *Local Government Act 1989* process. The following requirements are set out:

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

- 5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

The net impact of the submissions which are recommended for incorporation into the Budget 2022/23 is as follows:

- Carried forward capital works - \$1,030,000
- New and refined capital work expenditure - \$159,000
- Carried forward operational expenditure - \$138,000
- Additional operating expenditure - \$781,261
- Reduced rates, charges and other income - (\$976,607)
- Overall, the projected surplus is \$5,234m compared to the draft Budget surplus of \$7,090m.

CONSULTATION

Council was required to provide an opportunity for the public to make submissions regarding any proposal contained within the draft Budget. This was conducted through a formal process in accordance with Council's Community Engagement Policy and mirroring the s223 of the *Local Government Act 1989*, which included a 28-day period where the public could provide Budget submissions and request to be heard by a committee of Councillors in support of their submission.

The draft Budget 2022/23 was released for public comment following the April Ordinary Council Meeting. Public submissions formally closed on Thursday 12 May.

Those that formally requested to be heard in support of their written submission attended a committee of Council on Tuesday 17 May which was formed for the purpose of hearing 2022/23 Budget submissions.

CONCLUSION

All submissions received have been considered by Council. This report reflects the Officers' recommendations to Council following a review of the cost and scope of each submission, and overall deliverability of the full scope of 2022/23 work.

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
- Manager Corporate
- Governance Officer
- Financial Accountant

ATTACHMENT(S)

Nil

8.3.4 Adoption of 2022/23 Rates and Charges

File Number: Budget 2022/23

INTRODUCTION

The purpose of this report is to adopt the rates and charges of Alpine Shire Council for the 2022/23 financial year for the period 1 July 2022 to 30 June 2023.

RECOMMENDATION

That Council:

1. *Declares rates and charges of \$19,898,563 be raised in the 2022/23 financial year and featuring a 1.75% rate increase, for the purpose of section 94(1) of the Local Government Act 2020, based on setting the 'rate in the dollar' and 'charges' as follows:*
 - a. *General (residential) rate (0.002750)*
 - b. *General (residential) rate Dinner Plain (0.002750)*
 - c. *Commercial/Industrial differential rate (0.003933)*
 - d. *Farm differential rate (0.002008)*
 - e. *Dinner Plain Special rate (0.001183)*
 - f. *Waste – 80 litre bin (weekly) \$231.30*
 - g. *Waste – 240 litre bin (weekly) \$512.24*
 - h. *Waste – 240 litre bin (fortnightly) \$231.30*
 - i. *Recycling – 140 litre bin (fortnightly) \$101.49*
 - j. *Recycling – 240 litre bin (fortnightly) \$107.00*
 - k. *Recycling – 360 litre bin (fortnightly) \$113.07*
 - l. *Recycling – 240 litre bin (weekly) \$214.13*
 - m. *Recycling – 360 litre bin (weekly) \$226.27*
 - n. *Dinner Plain standard waste service \$709.80*
 - o. *Dinner Plain commercial waste service \$1613.12*
 - p. *Waste Management Charge \$95.00*
2. *Declares that rates and charges must be paid by four instalments on or before 30 September 2022, 30 November 2022, 28 February 2023 and 31 May 2023 in accordance with Section 167 of the Local Government Act 1989.*

BACKGROUND

Based on ongoing community consultation, Council has prepared a Budget for 2022/23 which is aligned to the Community Vision 2040 and the Council Plan 2021-2025.

Through continued strong cost management, the rates and charges to be levied and which form part of the 2022/23 Budget provides a prudent financial position which enables Council to continue to deliver critical services and projects as conditions evolve.

ISSUES

The Budget 2022/23 projects a surplus of \$5.5m which is influenced by:

- A Rate increase of 1.75%, in line with the Fair Go Rates System which caps Victorian Council rate increases in line with inflation.
- A capital works program totalling \$18.84m in FY2022/23, a significant Capital Works Program, reflecting a steady pipeline of asset renewal and increased development activity from successful Grant applications totalling \$8.1m.
- A temporary increase in the capacity of the workforce to support delivery of the large 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 accordance with Section 94(1) of the *Local Government Act 2020*, Council is required to declare rates and charges it intends to raise by 30 June for the following financial year.

The total quantum of rates and charges raised complies with the State Government rate cap which limits the total increase in the average rates assessment revenue to 1.75%.

Council recognises community concern about the affordability of Council Services with rates and other essential services forming an increasing share of average household expenditure. The community's expectation for continuous improvement in service delivery is central to Council decision making.

Council will continue to raise, collect, and pass on the Fire Services Property Levy to the State Government in accordance with the *Fire Services Property Levy Act 2012*. This process is an outcome from the 2009 Bushfires Royal Commission recommendations.

The Annual Rate Notice will be issued to all rateable and non-rateable properties in early August 2022, together with the annual Council Rates and Valuations information (including registration for electronic notices).

The adoption of the Budget 2022/23 will be considered as a separate report at this Ordinary Council Meeting.

POLICY IMPLICATIONS

The 2022/23 Budget is prepared in accordance with the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020*.

The Budget covers a four-year period, including the budget year 2022/23, 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 Budget 2022/23 is aligned to the 5 Strategic Drivers and 22 Strategic Objectives identified in the Council Plan 2021-2025. Major Initiatives are identified that will contribute to the delivery of the Strategic Objectives.

Council's progress in the delivery of these major initiatives will be reported in the corresponding Annual Report

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

- 5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

Council prepares its Budgets with the objective of balancing long-term financial sustainability and prioritised delivery against community needs.

The 2022/23 Budget forecasts an operating surplus of \$5.5million and a working capital ratio of 4.73.

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 was considered prudent that Council mirror 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

Council Officers recommend the adoption of the proposed rates and charges noting their alignment with Council's Budget 2022/23 and Council's Revenue and Rating Plan.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate Performance
- Manager Corporate
- Financial Accountant

ATTACHMENT(S)

Nil

8.3.5 Declaration of the Dinner Plain Special Rate (2022/23)

File Number: 600.03

INTRODUCTION

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 declare a special rate for the Dinner Plain village (the "Dinner Plain Special Rate") applicable to Commercial / Industrial land only for the period 1 July 2022 to 30 June 2023.

RECOMMENDATION

That Council:

1. *Notes that no submissions were received regarding the proposed declaration of the Dinner Plain Special Rate (2022/23)*
2. *Declares the Dinner Plain Special Rate (2022/23) 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 Budget Report 2022/23;*
 - f. *the amount of the Dinner Plain Special Rate to be levied is estimated to be \$168,289 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*

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 Council's Budget Report 2022/23, 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

Proposed Rating Approach

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.

Submissions Received

At the April 2022 Ordinary Council Meeting, Council resolved to give notice of its intention to declare a special rate for the provision of services of special benefit to the Dinner Plain village for the period 1 July 2022 to 30 June 2023.

No submissions were received throughout the public exhibition period.

Dinner Plain Financial Commitments

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 Special Rate 2022/23 is in accordance with the:

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

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

- 5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

Based on current property valuations across the Alpine Shire, the Dinner Plain Special Rate for 2022/23 is proposing to raise an estimated \$168,289 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.

The Dinner Plain reserve is forecast to be \$204,000 as at 30 June 2023.

CONSULTATION

Under Section 163 of the *Local Government Act 1989*, Council must give public notice of its intention to make a special rate declaration. This is conducted through a formal process in accordance with s223 of the *Local Government Act 1989*, which includes a 28-day period where the public can provide submissions regarding the proposed declaration and can request to be heard by a committee of Councillors in support of their submission.

The Dinner Plain Special Rate 2022/23 was released for public comment following the April Ordinary Council Meeting. A copy of the public notice was issued to each person liable to pay the special rate. Public submissions formally closed on Thursday 12 May 2022. No submissions were received.

CONCLUSION

Council can now declare the Dinner Plain Special Rate (2022/23) in line with the requirements of the *Local Government Act 1989*.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate Performance
- Manager Corporate
- Rates Coordinator

ATTACHMENT(S)

8.3.5 Dinner Plain Village Rate Map

8.3.6 Adoption of 2022/23 Budget

File Number: Budget 2022/23

INTRODUCTION

The purpose of this report is to adopt the Budget 2022/23 for the Alpine Shire Council, incorporating the rates and charges for the 2022/23 financial year.

RECOMMENDATION

That Council:

- 1. Adopts Alpine Shire Council Budget 2022/23 incorporating the amendments adopted by Council in the submissions report (agenda item 8.3.3 of this Council Meeting),*
- 2. Authorise the Acting Chief Executive Officer to give public notice of adoption of the Budget 2022/23; and*
- 3. Delegates authority to the Acting Chief Executive Officer to reflect any changes made by Council at this tonight's which are not reflected in the Budget document as attachment 8.3.6 and to amend minor typographical corrections.*

BACKGROUND

Based on ongoing community consultation, Council has prepared a Budget for 2022/23 which is aligned to the vision in the Council Plan 2021-2025.

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

ISSUES

The budget projects a surplus of \$5.5m which is influenced by:

1. A Rate increase of 1.75%, in line with the Fair Go Rates System which caps Victorian Council rate increases in line with inflation.
2. A capital works program totalling \$18.84m in FY2022/23, a significant Capital Works Program, reflecting a steady pipeline of asset renewal and increased development activity from successful Grant applications totalling \$8.1m.
3. A decreased material and services budget arising from a reduction in spending on bushfire recovery.
4. 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 full 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, initiatives, services, cash and investments, capital works, financial sustainability, and rates, charges and fees can be found as per attachment 8.3.6 - 2022/23 Budget.

POLICY IMPLICATIONS

The 2022/23 Budget is prepared in accordance with the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020*.

The Budget covers a four-year period, including the budget year 2022/23, 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 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 Objectives. Council's progress in the delivery of these major initiatives will be reported in the corresponding Annual Report

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

- 5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

Council prepares its Budgets with the objective of balancing long-term financial sustainability and prioritised delivery against community needs.

The 2022/23 Budget forecasts an operating surplus of \$5.5 million and a working capital ratio of 4.73.

Materials and services expenditure has decreased due to a reduction in bushfire recovery expenditure despite the increased capital works program. 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 was considered prudent that Council mirror 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

All submissions received have been considered by Council. This report reflects the Officers' recommendations to Council following a review of the cost and scope of each submission, and overall deliverability of the full scope of 2022/23 work.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate Performance
- Manager Corporate
- Financial Accountant

ATTACHMENT(S)

8.3.6 Alpine Shire Council Budget 2022/23

8.3.7 Instruments of Delegation

File Number: Delegations Register

INTRODUCTION

Instruments of Delegation are an important means of Council ensuring its officers hold the appropriate legislative powers for the various Acts and Regulations that Council administers. This report refreshes the delegation to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, and the delegation to members of Council staff.

RECOMMENDATION

That Council:

1. *Exercise the powers conferred by section 11(1)(b) of the Local Government Act 2020, so that:*
 - a. *There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in attachment 8.3.7(a) "S5 - Instrument of Delegation from Council to the Chief Executive Officer" (instrument S5), subject to the conditions and limitations specified in that instrument;*
 - b. *Instrument S5 be signed and sealed at the appropriate stage of this meeting;*
 - c. *Instrument S5 comes into force immediately the common seal of Council is affixed to the instrument;*
 - d. *On the coming into force of instrument S5, all previous delegations to the Chief Executive Officer are revoked;*
 - e. *The duties and functions set out in instrument S5 must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*
2. *Exercise the powers conferred by the legislation referred to in attachment (8.3.7(b) "S6 - Instrument of Delegation from Council to Members of Council Staff "(instrument S6), so that:*
 - f. *There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in instrument S6, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that instrument;*
 - g. *Instrument S6 be signed and sealed at the appropriate stage of this meeting;*
 - h. *Instrument S6 comes into force immediately the common seal of Council is affixed to the instrument;*
 - i. *On the coming into force of instrument S6, all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked; and*

- j. The duties and functions set out in instrument S6 must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*

BACKGROUND

Many legislative Acts and Regulations provide Council with specific powers, duties or functions. To enable Council as an organisation to run smoothly, many of these powers, duties and functions are delegated to the Chief Executive Officer (CEO), who can then further sub-delegate these duties to staff. This ensures that decisions are made on a timely basis, without the need for every legislative decision being presented to a Council meeting.

Council's S5 Instrument of Delegation to the CEO passes on Council's powers directly to the CEO. For instances where decisions are required that are not within the CEO's delegation, these must be presented directly to Council - for example, where a purchase exceeds the CEO's financial delegation.

Where legislation allows it, the CEO then sub-delegates specific legislative duties to staff, via a separate Instrument.

Some legislation does not allow sub-delegation via the CEO, so Council must delegate these powers directly to staff using the S6 Instrument of Delegation to Council Staff.

The S5 Instrument of Delegation to the CEO was most recently updated in December 2021, while the S6 Instrument of Delegation to Members of Council Staff was most recently updated in October 2021.

ISSUES

Commencement of Acting Chief Executive Officer

Following Council's appointment of an Acting Chief Executive Officer (Acting CEO) in May 2022, updating the delegated powers to the Chief Executive Officer (CEO) is considered prudent. The S5 Instrument of Delegation is made to the position of CEO, or any member of staff holding, acting, or performing the position. This covers the position of Acting CEO, without the need for a specific delegation on the change of duties or appointment of an ongoing CEO.

S5 Legislative updates

By updating the S5 Instrument of Delegation to CEO at this time, this ensures that the CEO or any person holding, acting, or performing the position, can delegate the relevant powers, duties and functions available at the time of signing. This ensures that any legislative changes that have occurred since the S5 Instrument was last signed in December 2021, are now able to be passed on to the CEO. No changes to the content of the Instrument of Delegation to the CEO has been made since it was last adopted.

S6 Legislative updates

By updating the S6 Instrument of Delegation to Members of Council Staff, this ensures that legislative changes that have occurred since the S6 Instrument was last signed in

October 2021 can be passed on to Council staff. It also means that any newly created or amended staff titles can be reflected in the delegations. Minor updates to several pieces of legislation, including the *Planning and Environment Act 1987* have been made.

POLICY IMPLICATIONS

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

- 5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

Council has an annual subscription for Maddocks delegations and authorisations service that is allowed for in Council's annual budget. Appropriate delegations and authorisations allow Council and Council staff to operate effectively within legislative frameworks.

CONSULTATION

No external consultation is required. Council to CEO delegations have been discussed with the relevant Manager, Director and CEO.

CONCLUSION

A review and update of the S5 Instrument of Delegation to the CEO and S6 Instrument of Delegation to Members of Council Staff will ensure that the delegations include all relevant legislative updates since the delegation was last updated in December 2021 and October 2021 respectively.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate Performance
- Manager Corporate
- Governance Officer

ATTACHMENT(S)

8.3.7.a. S5 - Instrument of Delegation from Council to the Chief Executive Officer

8.3.7.b. S6 - Instrument of Delegation from Council to Members of Council Staff

8.3.8 Instruments of Appointment and Authorisation - *Planning and Environment Act 1987*

File Number: Delegations register

INTRODUCTION

Instruments of appointment and authorisation are an important means of Council ensuring that its officers are appropriately authorised under the relevant Acts that Council administers. This report provides for a newly created position and the departure of an officer in Council's Planning department.

RECOMMENDATION

That Council exercise the powers conferred by section 147(4) of the Planning and Environment Act 1987, so that:

1. *The following member of Council staff referred to in attachment 8.3.8 "S11A – Instrument of Appointment and Authorisation – Planning & Environment Act 1987" (the instrument) be appointed and authorised as set out in the instrument;*
 - a. *Strategic Planning Coordinator.*
2. *The instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it;*
3. *On the coming into force of the instrument, the previous "S11A – Instrument of Appointment and Authorisation – Planning and Environment Act 1987" for the following member of Council staff, as dated, be revoked;*
 - b. *Planning Coordinator, dated 1 September 2020.*
4. *The instrument be signed and sealed at the appropriate stage of this meeting.*

BACKGROUND

Council staff involved in planning roles require current and accurate authorisations to fulfil their duties. Council has appointed a new Strategic Planning Coordinator, requiring a new Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987*. The position of Planning Coordinator in the Statutory Planning team is currently vacant, so the Instrument of Appointment and Authorisation must be revoked.

ISSUES

Authorised Officers

Authorised officers have statutory powers under relevant legislation. In the case of Council's staff in the Planning department, the attached Instruments of Appointment and

Authorisation under the *Planning and Environment Act 1987* mean that they are authorised officers for the purposes of that Act.

While Council may delegate its powers, duties or functions to staff, so that a delegate acts on behalf of the Council, staff appointed as authorised officers have their own statutory powers under the relevant Act.

Planning and Environment Act 1987

Section 188(1)(b) of the *Planning and Environment Act 1987* specifies that “a planning authority ... may by instrument delegate any of its powers, discretions or functions under this Act to an officer of the authority”. However, Section 188(2)(c) specifically prevents an officer from further sub-delegating any duty, function or power. Therefore, as the responsible authority, Council must authorise staff directly using the “S11A – Instrument of Appointment and Authorisation – *Planning and Environment Act 1987*”, rather than via the Chief Executive Officer.

Maddocks Delegations and Authorisations Service

Council utilises the delegations and authorisations service provided by law firm Maddocks. This is a template system used by many councils and provides a detailed way of ensuring that appropriate delegations and authorisations are given to Council staff. All relevant legislation affecting local government, including Acts and regulations and the sections that relate to the powers, duties and functions of Council are outlined within the template and the relevant officer is allocated accordingly.

POLICY IMPLICATIONS

Ensuring authorisations are kept up to date ensures that Council's planning staff can undertake their statutory roles.

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

- 5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

Council has an annual subscription to the Maddocks delegation and authorisation service that is provided for in Council's annual budget. There are no other financial implications associated with these instruments of appointment and authorisation.

Appropriate authorisations allow Council and Council staff to operate effectively and within legislative frameworks.

CONSULTATION

The relevant staff and Director have been consulted during the preparation of the IoAAs. There is no requirement to consult the community in the preparation of these instruments.

CONCLUSION

The appropriate appointment of authorised officers to enforce the *Planning and Environment Act 1987* is required to ensure that Council officers can undertake their statutory roles.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate Performance
- Manager Corporate
- Governance Officer

ATTACHMENT(S)

8.3.8 S11A – Instrument of Appointment and Authorisation – *Planning & Environment Act 1987* – Strategic Planning Coordinator

8.3.9 Brights Iconic Rod Run - Designation of restriction

INTRODUCTION

The purpose of this report is to recommend that Council approves restrictions on the consumption of liquor on Council land under Clause 2.2.1 of the Community Local Law 2019, during Bright's Iconic Rod Run 2022.

RECOMMENDATION

That Council:

1. *Approves the designation of an area (as shown on the attached maps 8.3.9a. and 8.3.9.b) to be an area designated by Council for the purposes of Clause 2.2.1 of the Community Local Law 2019, to be an alcohol restricted area during the period from 10pm, Thursday 3 November 2022 to 7am, Monday 7 November 2022.*
2. *Notes that the Bright Rod and Kustom Club Inc will continue to plan the event in further detail, including activities to be held at Pioneer Park and in the Bright Central Business District during the event.*
3. *Notes Council Officers will work with licensed operators in the designated area about operating responsibly within their red line area of operation for consumption of alcohol.*

BACKGROUND

For the Rod Run event of 2019, Council introduced restrictions on the consumption of liquor on Council land for the duration of the event under Clause 2.2.1 of the Community Local Law 2019. These restrictions were based on the recommendation of the Events Risk Assessment Panel consisting of Council officers, Victoria Police, Ambulance Victoria, Alpine Health and other emergency service agencies.

The 2020 official Rod Run event was cancelled in the lead up to the event due to the uncertainty of travel restrictions that may be in place for the weekend as a result of the Covid-19 pandemic, however, Council endorsed at the 7 April 2020 ordinary Council meeting a recommendation of the Events Risk Assessment Panel that consumption of alcohol restrictions be implemented as per 2019. The restrictions were implemented in 2020 as endorsed by Council at the April meeting. The 2021 official Rod Run event was cancelled for the same reason as 2020.

ISSUES

In planning for the 2021 event, the Bright Rod and Kustom Club made a request for the footprint of the consumption of alcohol restricted area (as applied for 2019 and 2020) be considered by the Event Risk Assessment Panel to be reduced to a smaller area.

This request was considered by the Events Risk Assessment Panel and a recommendation presented to Council at the 3 August 2021 ordinary Council meeting. At this meeting

Council endorsed the recommendation as made to reduce the restricted area for the consumption of alcohol (as shown in the attached maps).

While the official Rod Run event was cancelled, the restrictions as endorsed by Council were implemented.

In pre-planning for the 2022 event, the Bright Rod and Kustom Club have not requested any change to the alcohol consumption restricted area as endorsed and implemented for 2021.

POLICY IMPLICATIONS

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

- 1.3 A caring community

FINANCIAL AND RESOURCE IMPLICATIONS

Additional consultation, signage and advertising will be required to ensure that the designation is well communicated to event attendees. Costs are expected to be minimal, given that internal staff resources will be predominantly used (e.g. for placement of signage).

CONSULTATION

Consultation and pre-planning for the 2022 event between Council officers and members of the Bright Rod and Kustom Club has commenced in order to discuss early plans for the event, event funding and the declaration of consumption of alcohol restrictions for 2022.

The Events Risk Assessment Panel consisting of Council officers, Victoria Police, Ambulance Victoria, Country Fire Authority, State Emergency Services and Alpine Health have also been consulted on the plans for the 2022 event, including the designation of the restricted area for alcohol consumption being implemented as per the 2021 event.

As has occurred in 2021, Council will offer exemptions to the restrictions to licensed premises that hold the appropriate licence to sell alcohol outside their premises (i.e., within a current red line area) with the understanding that the premises must manage patrons within their venue and red line area appropriately with the exception of the Alpine Hotel. Should management of the Alpine Hotel wish to utilise Council land in front of the Alpine Hotel over the duration of the event restrictions, that an Event Permit application will need to be made to Council which adequately demonstrates how this area will be managed.

CONCLUSION

The proposed designation of restrictions as part of Bright's Iconic Rod Run in 2022 will ensure that the event is managed safely to minimise risks to event patrons, the public and emergency services.

The Bright Rod and Kustom Club Inc. will continue to plan the event in detail, including activities to be held in the Bright Central Business District as well as at Pioneer Park.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate Performance
- Manager Planning and Amenity
- Manager Economic Development

ATTACHMENT(S)

8.3.9.a. Map Pioneer Park

8.3.9.b. Map Bright Town Centre

8.3.10 Airport Services Lease for Aircraft Hangar at Porepunkah Aerodrome

INTRODUCTION

This report seeks approval to execute a lease for an aircraft hangar at the Porepunkah Aerodrome on land contained in Lot 1 Plan of Subdivision PS612929, 266 Buckland Valley Road Porepunkah for a 10-year term, with option for additional 10 years.

RECOMMENDATION

That Council:

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

BACKGROUND

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

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

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

Lease documentation has been developed for the purpose of entering into long term hangar leases on this land. The length of the leases are 10 years, plus an option for a further 10 years. Commencement rent for the attached lease will be \$1,153.80 (GST exclusive) per annum calculated based on the square meterage of the sites.

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

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

ISSUES

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

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

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

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

POLICY IMPLICATIONS

The process adopted by Council for the awarding of future leases at the Porepunkah Aerodrome was in accordance with obligations under the *Local Government Act 1989* and the Local Government Best Practice Guidelines for the Sale, Exchange and Transfer of Land at that time. This lease is to be awarded as a result of these processes. The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 4.5 Assets for our current and future needs

FINANCIAL AND RESOURCE IMPLICATIONS

The annual lease income for the airport hangar at the commencement will be \$1,153.80 (GST exclusive). Forward lease charges are indexed to CPI annually and subject to a market review after the first 10 years of the lease. Income collected from hangar rentals at the airfield is paid to the Porepunkah Aerodrome Association to assist it in fulfilling its responsibilities to operations and day to day maintenance of the airfield.

CONSULTATION

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

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

CONCLUSION

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

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate Performance
- Manager Facilities
- Commercial Officer
- Community and Recreation Coordinator

ATTACHMENT(S)

Nil

8.3.11 Planning Scheme Amendment C62alpi

INTRODUCTION

The purpose of the report is to advise Council that C62alpi was gazetted on 26 May 2022.

RECOMMENDATION

That Council notes C62alpi Planning Scheme Amendment was gazetted on 26 May 2022.

BACKGROUND

At the Ordinary Council Meeting in December 2021, Council endorsed support for a Ministerial Amendment under s20(4) of the *Planning and Environment Act 1987* referred to as C62alpi. The Amendment dealt with a policy-neutral transition from the previous Local Planning Policy Framework to the new Planning Policy Framework.

Council has received notification that the C62alpi Planning Scheme Amendment was approved and gazetted on 26 May 2022. The Amendment makes the following changes to the Alpine Planning Scheme:

- Replaces the Local Planning Policy Framework of the Alpine Planning Scheme with a new Municipal Planning Strategy
- Replaces local policies with the Planning Policy Framework
- Replaces selected local schedules consistent with changes to the Victoria Planning Provisions.

ISSUES

The planning reports listed below were prepared prior to the gazettal of C62alpi.

- 8.3.13 - P2021.157 – Lot 2 PS 092638 Old Ovens Highway, Myrtleford and
- 8.3.14 - 2021.247 – 3 Hough Lane, Bright

As stated, the transition from the previous Local Planning Policy Framework to the new Planning Policy Framework was a policy neutral translation. This means there has been no material change to the outcome of the applications being presented to Council nor the recommendations being presented. However, it should be noted that clause reference numbers referring to the Alpine Planning Scheme in these reports refer to those in force in the Alpine Planning Scheme prior to 26 May 2022.

POLICY IMPLICATIONS

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

- 4.2 Planning and development that reflects the aspirations of the community

FINANCIAL AND RESOURCE IMPLICATIONS

Nil

CONSULTATION

Under delegated authority from the Minister for Planning Director, State Planning Service, Department Environment Land Water and Planning they exercised their power to exempt the Minister from all the requirements of sections 17, 18 and 19 of the *Planning and Environment Act 1987* and the Regulations in respect to Amendment C62alpi to the Alpine Planning Scheme on 30 March 2022.

Having additionally considered the Community Engagement Policy no further consultation or engagement with the wider community is proposed.

CONCLUSION

Council has received notification that the C62alpi Planning Scheme Amendment was approved and gazetted on 26 May 2022. The Amendment makes the following changes to the Alpine Planning Scheme:

- Replaces the Local Planning Policy Framework of the Alpine Planning Scheme with a new Municipal Planning Strategy
- Replaces local policies with the Planning Policy Framework
- Replaces selected local schedules consistent with changes to the Victoria Planning Provisions.

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

ATTACHMENT(S)

8.3.11 Alpine C62alpi Approval Explanatory Report Approval

8.3.12 Planning Application P.2021.157 -Lot 2 PS 092638 Old Ovens Highway, Myrtleford

<i>Application number:</i>	<i>P.2021.157</i>
<i>Proposal:</i>	<i>Use and Buildings and Works for the Construction of a Dwelling and an Outbuilding</i>
<i>Applicant's name:</i>	<i>Dean Suckling (Enprove Pty Ltd)</i>
<i>Owner's name:</i>	<i>Ellen Therese Moore and Brendon James Moore.</i>
<i>Address:</i>	<i>Old Ovens Highway, Myrtleford, Victoria 3737 (Lot 2 Plan of Subdivision 092638)</i>
<i>Land size:</i>	<i>Approximately 10.21ha</i>
<i>Current use and development:</i>	<i>Shedding</i>
<i>Site features:</i>	<i>The site is of an irregular shape and slopes up towards the eastern lot boundary. There is an existing shared vehicle access point to the site from Old Ovens Highway. The site contains a dam, shedding, native vegetation, and rural type boundary fencing.</i>
<i>Why is a permit required?</i>	<i>Clause 35.07-1 Use (FZ) Clause 35.07-4 Buildings and Works (FZ) Clause 44.06-2 Buildings and Works (BMO)</i>
<i>Zoning:</i>	<i>Farming Zone (FZ)</i>
<i>Overlays:</i>	<i>Bushfire Management Overlay (BMO)</i>
<i>Restrictive covenants on the title?</i>	<i>None</i>
<i>Date received:</i>	<i>7 December 2021 (amended plans)</i>
<i>Statutory days:</i>	<i>182 days</i>
<i>Planner:</i>	<i>James Trimble</i>

RECOMMENDATION

That a refusal be issued for the proposed Use and Buildings and Works for the Construction of a Dwelling and an Outbuilding for the reasons outlined in Appendix 8.3.12.a and on the following summarised reasons:

1. *The proposal does not meet the relevant planning policy framework of the Alpine Planning Scheme including relevant State and Local Policies, and the purposes and decision guidelines of the Farming Zone; and*
2. *The proposal does not provide for the orderly planning of the area.*

PROPOSAL

The proposal involves the Use and Buildings and Works for the Construction of a Dwelling and an Outbuilding.

The proposed dwelling has two (2) bedrooms, two (2) bathrooms, separate laundry, and an open plan family/kitchen/meal. A deck area is proposed on two (2) sides of the dwelling. An associated onsite wastewater disposal area has been indicated to the west of the proposed dwelling. The minimum setbacks of the dwelling include 70.9 metres to the northern (side) lot boundary, approximately 105.5 metres to the lot boundary abutting 94 Old Ovens Highway, 257.3 metres from the lot boundary abutting Old Ovens Highway and 138.7 metres from adjoining 92 Old Ovens Highway. The proposed maximum building height is 3.791 metres. The proposed external materials and colours include zincalume roofing and selected horizontal weatherboard wall cladding.

The plans also indicate a proposed 12 metre by 14 metre outbuilding sited to the east of the proposed dwelling. The proposed outbuilding has a maximum pitched roof height of 4.41 metres. The proposed external materials and colours include colorbond dune colour roofing and colorbond colour Surfmist walls.

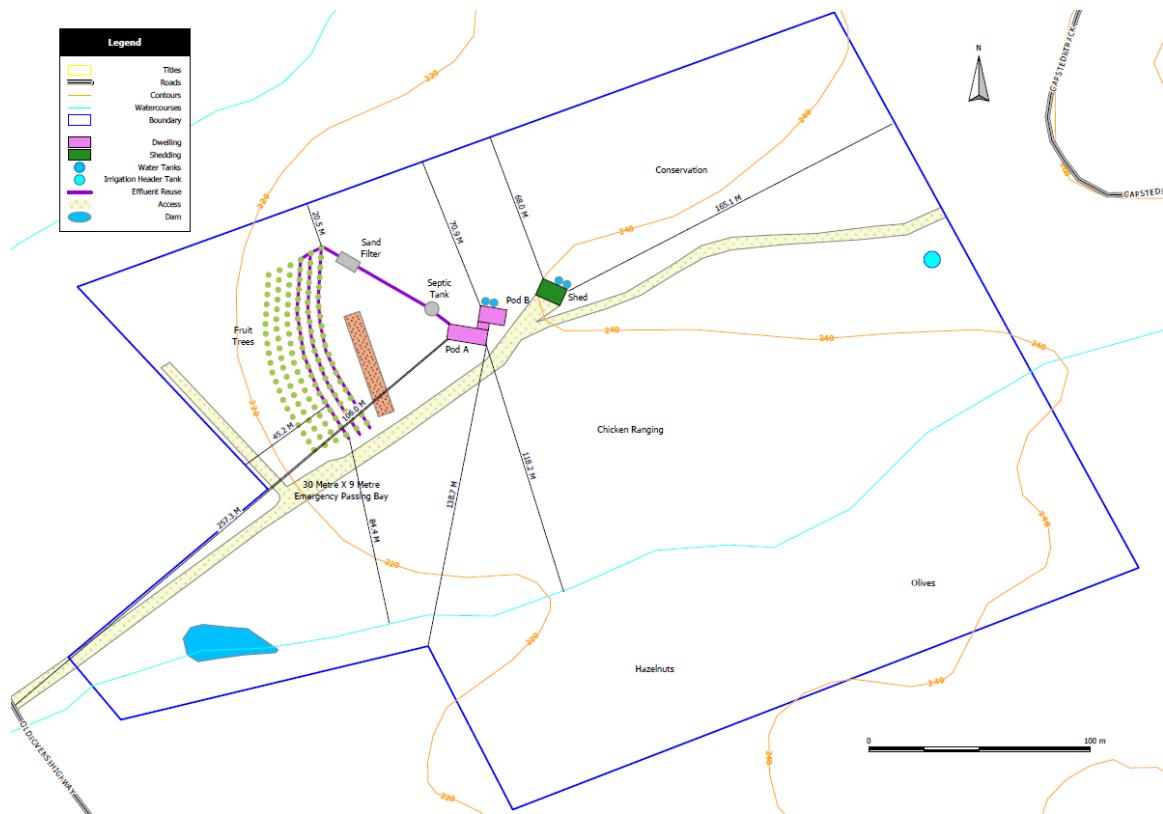


Figure 1: Proposed site layout

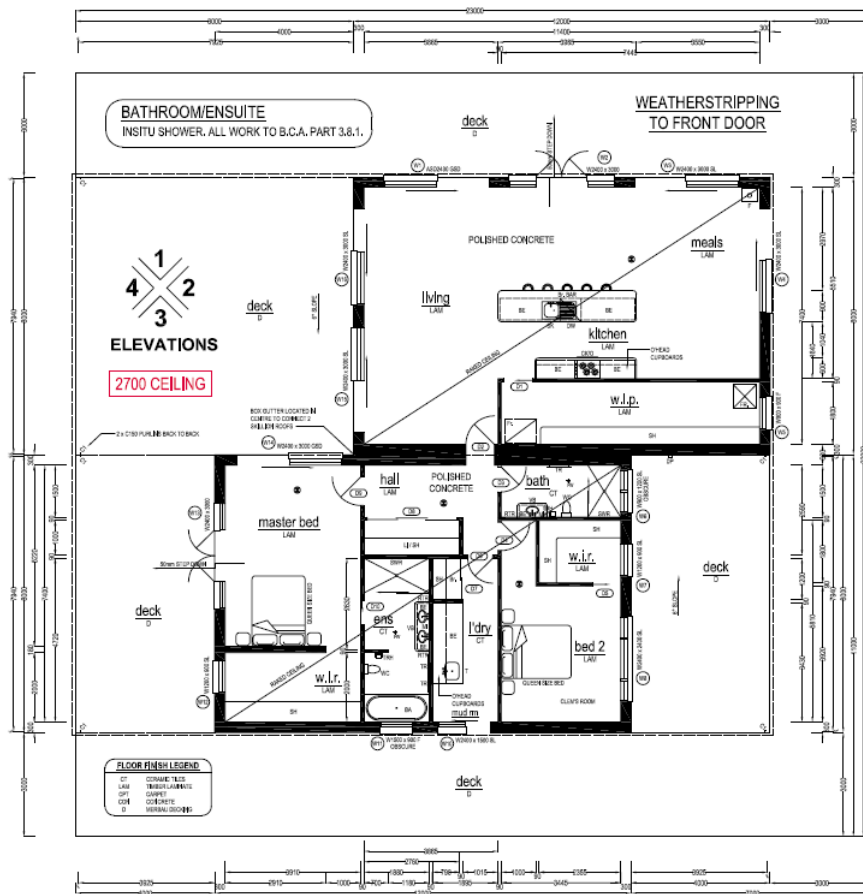


Figure 2: Internal dwelling diagram

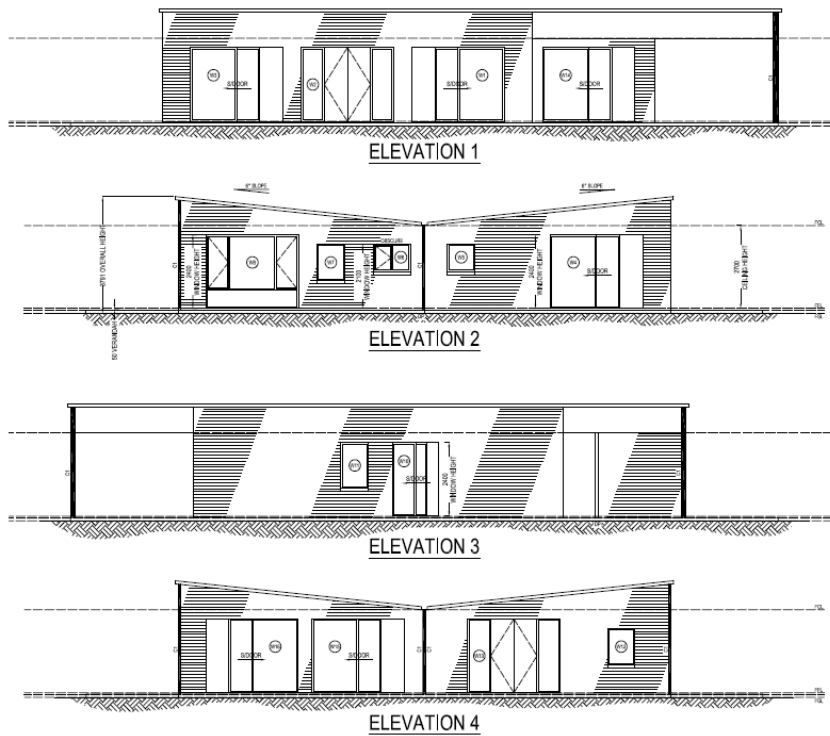
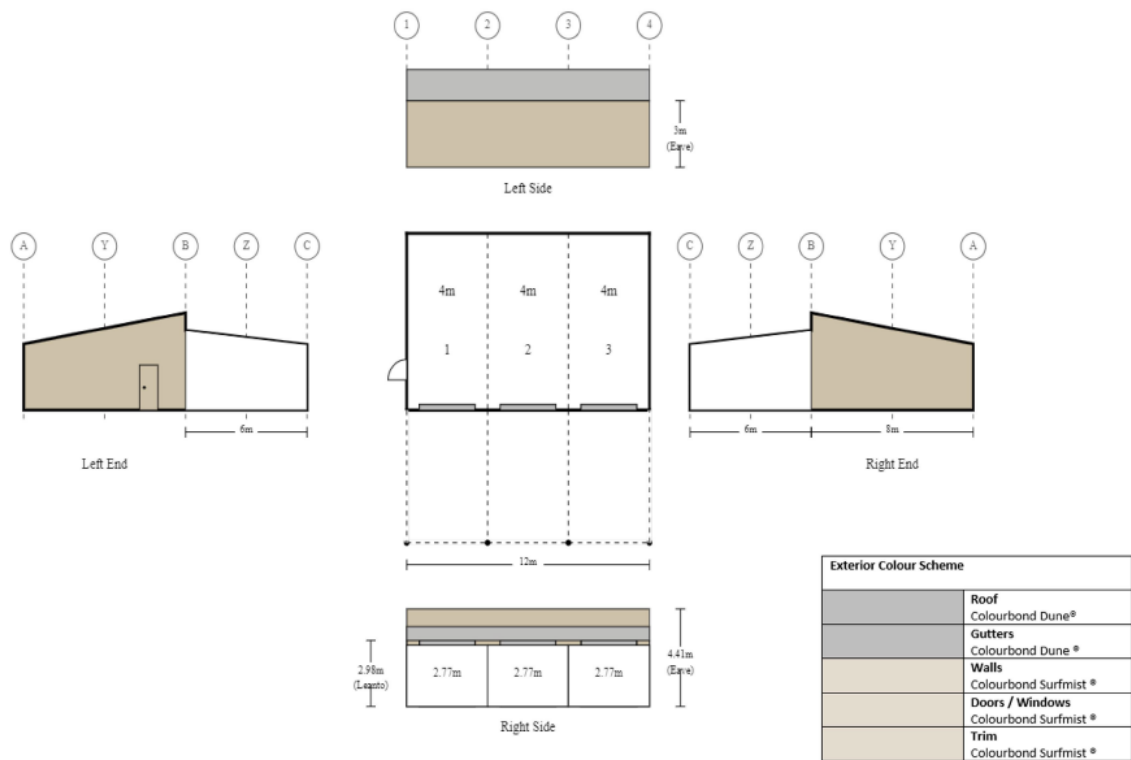
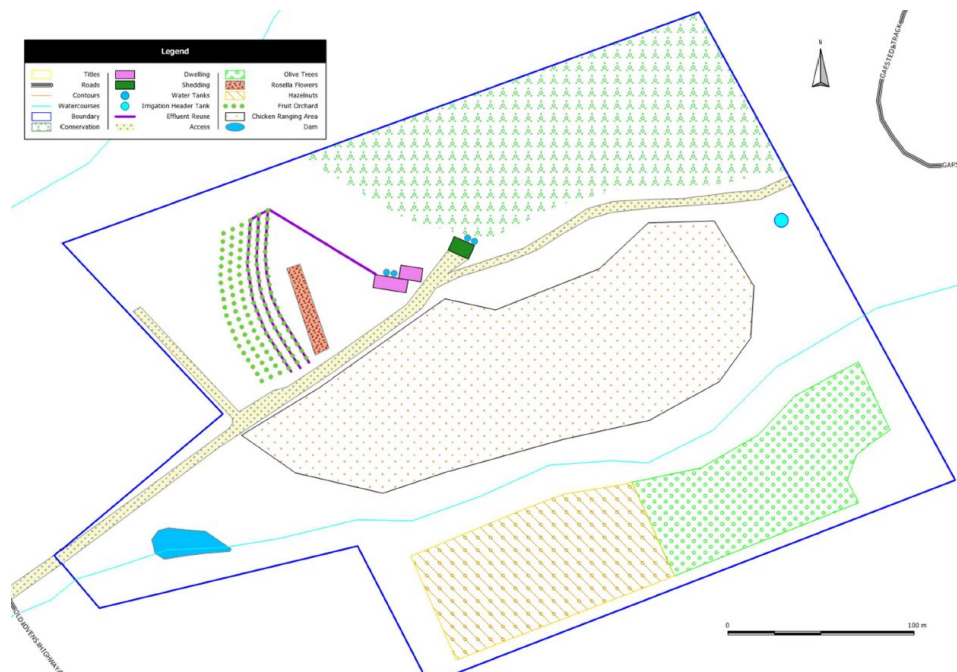


Figure 3: External elevations



Figures 4: Exterior colour scheme

The proposed agricultural activities on the site include 90 chickens to produce 29,000 eggs each year, 120 fruit trees to produce 10.8 tonnes of fruit for sale, 300 truffler inoculated hazelnut trees for the production of 1.2 tonnes of hazelnuts, 300 olive trees for the production of olive oil, rosella flowers and rainwater tanks with 100,000 litres of capacity.



Figures 5: Shows the proposed agricultural/farming activities on site.

SUBJECT LAND AND SURROUNDS

The site has a total area of approximately 10.21ha, is irregular in shape and slopes up towards to the eastern lot boundary. There is an existing shared vehicle access to the site from Old Ovens Highway. The site contains a dam, shedding, native vegetation, and rural type boundary fencing.

Land to the north and south of the site is zoned farming and affected by the Bushfire Management Overlay. The site to the north has an area of approximately 16.47 hectares and contains a dwelling. The planning permit issued for the dwelling on the site to the north was on the basis that the dwelling was required to support a horticulture and beef production enterprise. The site to the south has an area of approximately 18.22 hectares and contains a dwelling and substantial native vegetation. Other surrounding sites zoned farming include 92, 94 and 108 Old Ovens Highway. Each of these sites contain a dwelling and have lot sizes ranging from approximately 6600sqm to 11,710sqm (1.17 hectares).

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

Further to the west of the site on the opposite side of Old Ovens Highway the land is zoned Public Use Zone - Service and Utility and contains the Myrtleford wastewater treatment ponds.



Figure 6: 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. Four (4) objections were received and maintained. The matters raised in the objections have been summarised as follows:

1. Concerns with the proposed agricultural/farming activities on the site as identified in the submitted farm plan:
 - a. Fruit trees, Rosella flowers and truffles will be unviable
 - b. There will be a lack of onsite water supply for the proposed agricultural/farming activities
 - c. There will be negative waste and smell impacts associated with chickens
 - d. Concerns with over-spraying impacts
 - e. Implementation concerns
 - f. Financial projections are inaccurate and do not take into account capital set up cost such as netting, chicken coops, fencing and connecting electricity.
2. Septic system siting concerns. Tree roots may impact on the proposed effluent lines
3. Traffic impact concerns on Munro Lane and the current shared accessway
4. Negative visual impact on the landscape
5. Concerns with overlooking into existing Dwellings
6. Potential property devaluation impacts
7. Potential for buildings to be put onsite without permits

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

1. Farm Plan - The planning application is for a dwelling and the proponent has the right to farm with or without a permit, and the agricultural component can occur regardless. Farming activities are not subject to planning controls.
 - a. The production of Rosella Flowers is not without risk, and the key, like any warm weather translocation, is protecting young leaves from extreme cold. This is done by germinating the plants in a warm environment and transferring them when the soil is warm. This is a relatively common practice but not practical for any large scale farming due to the high labour
 - b. Myrtleford has successfully been used to produce truffles in trials, and the production of truffles is a function of cation ratios more than soil type; this soil has the calcium dominance required for truffle production. Alkaline soils or high pH are not required to be successful. The major hindrance to the truffles will be the slower development of the hazelnuts.
 - c. No response
 - d. Keeping chickens on pastured land and rotating their enclosures is not considered odorous, and in the context of the location, it is certainly less so than a wastewater treatment plant.
 - e. Farmers do not spray when there is a risk of loss of chemicals, and it is too expensive to be that wasteful. Regardless, chemical use is acceptable in the farming zone, and there are EPA guidelines on acceptable use. As specified in the farm plan, my clients intend to be low to no chemical use, any chemical that might be used will be preferentially organic type, but they retain the right to use

any chemical required. They will follow best practice procedures and suitable spraying times and weather are available on any weather website

- f. No response
 - g. Netting should be less than \$2000 from Alibaba, pullets are \$4.50 each, a small relocatable chicken trailer would cost \$3000 to construct (\$4500 to buy), electric chicken mesh is about \$700 for 100 meters and farm fencing is \$7.50 per metre (but none required). The costings are indicative and exclude equipment that can be financed in many different ways. There are even government grants available for this type of artisan farming.
2. Effluent lines are buried in the ground, and effluent will never be sitting on the ground to run off. This is a Municipal Association of Victoria developed assessment applied to thousands of houses around Victoria each year. EPA guidelines and Australian Standards also guide it. The assessment and effluent application area sizing also has built-in redundancy in the advent of high rainfall. The use of 450 litres per day is set by EPA Wastewater guidelines developed in response to undersized effluent systems. The NE Victoria water used is based on the township of Wodonga, which does not rely on rainwater tanks and wastewater systems. For orchard irrigation, the dispersal lines are run in the space below the feeder roots and away from the taproots to ensure integrity. This area is still grassed, and the MAV model adjusts plant water uptake seasonally to compensate for lower growth and evaporation. Grassed orchards can be expected to use more wastewater than a standard grass-only effluent area, reducing risk again. The risk of nitrogen run-off is very low unless applied during run-off times, which would be pointless. The nitrogen component of fertiliser is generally leached from its calcium-based casing into the soil in less than 24 hours after application.
 3. It is unlikely that there will be any major change to traffic movement due to the enterprise, perhaps 10-12 additional movements per day. My clients are amenable to a good neighbour discussion about the maintenance of the driveway if the council isn't maintaining it. As pointed out in this objection, the ground here is prone to run-off during flash events; the addition of rock and structure will slow run-off and reduce the risk of washout on the lower part of the driveway.
 4. Unfortunately, views and aspects are not protected in planning, although we don't believe the dwelling and farming will be overly intrusive on the landscape. The design of the house was altered during the planning process from three bedrooms to two
 5. My clients offer to plant a shelterbelt along the shared fence line to address privacy concerns. My clients don't want trees along this boundary, but this compromise is offered in response to the objections.
 6. No response
 7. No response

The assessing officer's response is provided as follows:

1. The whole farm plan submitted by the applicant has been peer reviewed by Councils independent expert. Several concerns have been identified with the viability of the proposed agricultural/farming activities.
 - a. The peer review of the whole farm plan has identified that the proposed truffles and rosella flowers are not considered to be productively viable on the site, due to the as yet unproven performance of these enterprises in the climate and soil type
 - b. The whole farm plan indicates that the proposed agricultural/farming activities will be irrigated via greywater from the dwelling, rainfall and onsite rainfall collection in water tanks with capacity to hold 100,000 litres of water. The peer review of the whole farm plan did not identify any concerns in relation to water supply for the proposed agricultural/farming activities
 - c. As the site is zoned farming certain agricultural/farming activities may occur on the site without requiring planning permit approval from Council. The proposed keeping of 90 chickens on the site does not require planning permit approval from Council. The application was referred to Goulburn Murray Water and the Alpine Shire Council Environmental Health Team. No objections were received
 - d. As the site is zoned farming certain agricultural/farming activities may occur on the site without requiring planning permit approval from Council. The proposed olive, hazelnut and fruit trees may be planted on the site without requiring planning permit approval from Council. Separate legislation exists in relation to the control of spray drift within Victoria. An agricultural chemical issue can be reported to Agriculture Victoria.
 - e. Should the application be supported suitable conditions would be included to require the part implementation of the proposed agricultural/farming activities on the site to ensure that the dwelling is not constructed and used on the site, without being necessary to support to the proposed agricultural/farming activities.
 - f. The peer review of the whole farm plan has identified that the proposed agricultural/farming activities are not commercially workable or plausible.
2. The application was referred to Alpine Shire Council Environmental Health Team and Goulburn Murray Water. Conditional consent was provided by both. Councils Environmental Health officer has advised that generally roots are lower and subsurface lines sit higher. Root barriers may also be designed into the piping. The onsite wastewater system could be resited within the site and is subject to further permit approval from Council.
3. The application was referred to Alpine Shire Council Engineering team and conditional consent was provided. Should the application be supported the existing crossover is required to be upgraded. Suitable conditions would be included to manage traffic impact concerns should the application be supported
4. The site is not covered by any Significant Landscape Overlay. The proposed buildings and works although sited on a relatively high elevation on the site, are single storey and may nestle into the landscape considering the existing higher vegetation behind

the proposed buildings and works. Suitable conditions would be included to minimise the visual impacts of the proposed buildings and works on the landscape should the application be supported.

5. The proposed dwelling is not sited within close proximity (9 metres) of any existing adjacent dwelling and therefore there is considered be an acceptable level of overlooking, without causing significant material detriment
6. VCAT has determined that potential property devaluation impacts are not a relevant planning consideration.
7. Council must consider the proposal as put forward in the planning application submitted to Council. Buildings put onsite without the relevant permits may be subject to further compliance action.

An online planning forum was held on 5 May 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, subject to conditions
Section 52 referrals	North East Water - No objection, subject to conditions

Referrals / Notice	Advice / Response / Conditions
Internal referrals:	<p>Alpine Shire Council Environmental Health Team - No objection subject to conditions.</p> <p>Alpine Shire Council Engineering Team - No objection subject to conditions.</p> <ol style="list-style-type: none"> 1. Alpine Shire Council Independent Farm Plan Consultant: 2. The proposed activities are considered environmentally sustainable for the site. 3. The Olive, Hazelnut, Fruit Tree and Egg enterprises are productively viable for the site. Their growing requirements suit the site, soil type and climate. However, the Truffles and Rosella Flowers are not considered productively viable due to the as yet unproven performance of these enterprises in this climate and soil type. 4. The proposed activities have been evaluated not to be commercially workable or plausible. 5. The enterprises proposed require regular monitoring to mitigate potential production loss and to manage animal welfare issues with the poultry. However, since the proposal doesn't meet the 'commercially workable and plausible' criteria, a dwelling isn't required.

PLANNING ASSESSMENT

All applicable policy and decision guidelines can be found in Attachment 8.3.12.b.

State Planning Policy Framework

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

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

- Prevent inappropriately dispersed urban activities in rural areas.
- Limit new housing in rural areas.

Clause 16.01-1S Housing Supply as it does not facilitate well located housing, as it does not reduce the share of new dwellings in greenfield, fringe and dispersed development areas.

Clause 16.01-3S Rural Residential Development as the proposal encourages inappropriate rural residential development.

Local Planning Policy Framework

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

Clause 21.03-2 Rural residential living as the proposal does not ensure that rural residential development is appropriately located.

Clause 21.03-3 Rural lifestyle, subdivision and dwellings as the proposal does not:

- Ensure that rural lifestyle use and development is directed to existing areas zoned for rural lifestyle
- Meet the policy guidelines for rural lifestyle development
- Protect rural land from inappropriate development, as it has not been demonstrated that the dwelling is required to support a legitimate, established agricultural or rural activity.
- Ensure that dwellings in rural areas maintain agricultural production.

Clause 21.05-3 Agriculture as the proposal does not recognise the agricultural importance of the highly productive valley floors and protect such land from inappropriate development and land use especially residential expansion, as it does not:

- Reinforce agricultural production as the primary purpose of the Farming Zone.
- Ensure that agricultural land is maintained for the production of agricultural food and raw materials.
- Ensure that rural land is used and developed in a way that will support agricultural production.

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

Clause 21.07-11 Rural Precincts as the proposed use and development is not generally consistent with the relevant recommendations of the Alpine Rural Land Strategy (2015). Dwellings in rural areas must protect and complement the agricultural land resource and maintain productive agriculture. The land must be retained for agricultural production.

Clause 22.03-2 Agriculture as the proposal does not

- protect agricultural land as an economic and environmentally valuable resource
- complement the agricultural production base of the shire.

Farming Zone

The proposal is inconsistent with the purposes and decision guidelines of the Farming Zone for the following reasons:

- It does not implement the relevant Planning Policy Framework.
- The proposed use and development will not support and enhance agricultural production as the proposed agricultural production on the site has not been identified as being commercially workable or plausible.

- The proposed use and development will permanently remove land from agricultural production as the proposed agricultural production on the site has not been identified as being commercially workable or plausible.
- The proposed integrated land management plan for the site and proposed agricultural production on the site is not commercially workable or plausible.

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 53.02 – Bushfire Planning

The application was referred to the Country Fire Association 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.2021.157.

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.2021.157. The proposal does not provide for the orderly planning of the area.

CONCLUSION

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

- The proposal does not comply with the relevant State and Local Planning Policy Framework.
- The proposal is inconsistent with the purposes and decision guidelines of the Farming Zone.
- The proposal does not provide for the orderly planning of the area.

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

8.3.12.a Reasons for Refusal

8.3.12.b Policy and decision guidelines

Appendix 8.3.12.a Appendix Reasons for Refusal

1. The proposal does not comply with Policy 14.01.1S – Protection of Agricultural Land, as it does not:
 - a. Prevent inappropriately dispersed urban activities in rural areas.
 - b. Limit new housing in rural areas.
2. The proposal does not comply with the objective of Policy 16.01.1S – Housing Supply, as it does not facilitate well located housing, as it does not reduce the share of new dwellings in greenfield, fringe and dispersed development areas.
3. The proposal does not comply with the objective of Policy 16.01-3S – Rural Residential Development as it encourages inappropriate rural residential development.
4. The proposal does not comply with Policy 21.03-2 Rural residential living as it does not ensure that rural residential development is appropriately located.
5. The proposal does not comply with Policy 21.03-3 Rural lifestyle, subdivision and dwellings as the proposal does not:
 - a. Ensure that rural lifestyle use and development is directed to existing areas zoned for rural lifestyle
 - b. Meet the policy guidelines for rural lifestyle development
 - c. Protect rural land from inappropriate development, as it has not been demonstrated that the dwelling is required to support a legitimate, established agricultural or rural activity.
 - d. Ensure that dwellings in rural areas maintain agricultural production.
6. The proposal does not comply with Policy 21.05-3 Agriculture as the proposal does not recognise the agricultural importance of the highly productive valley floors and protect such land from inappropriate development and land use especially residential expansion, as it does not:
 - a. Reinforce agricultural production as the primary purpose of the Farming Zone.
 - b. Ensure that agricultural land is maintained for the production of agricultural food and raw materials.
 - c. Ensure that rural land is used and developed in a way that will support agricultural production.
7. The proposal does not comply with Policy 21.06-1 Infrastructure as the proposal does not reduce the loss of agricultural land for the purposes of urban/residential development.
8. The proposal does not comply with Policy 21.07-11 Rural Precincts as the proposed use and development is not generally consistent with the relevant recommendations of the Alpine Rural Land Strategy (2015). Dwellings in rural areas must protect and complement the agricultural land resource and maintain productive agriculture. The land must be retained for agricultural production.
9. The proposal does not comply with Policy 22.03-2 Agriculture as the proposal does not
 - a. protect agricultural land as an economic and environmentally valuable resource

- b. complement the agricultural production base of the shire.
10. The proposal does not meet the purposes and decision guidelines of the Farming Zone as it does not:
- a. implement the relevant Planning Policy Framework.
 - b. support and enhance agricultural production as the proposed agricultural production on the site has not been identified as being commercially workable or plausible.
 - c. protect land from being permanently removed from agricultural production as the proposed agricultural production on the site has not been identified as being commercially workable or plausible.
11. The proposal does not provide for the orderly planning of the area.

Appendix 8.3.12.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:

- 12.03-1S River corridors, waterways, lakes and wetlands
- 13.01-1S Natural hazards and climate change
- 13.02-1S Bushfire planning
- 13.07-1S Land use compatibility
- 14.01-1S Protection of agricultural land
- 14.01-2S Sustainable agricultural land use
- 14.02-1S Catchment planning and management
- 14.02-2S Water quality
- 15.01-2S Building design
- 15.01-6S Design for rural areas
- 16.01-1S Housing Supply
- 16.01-3S Rural residential development

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
- 21.03-2 Rural residential living
- 21.03-3 Rural lifestyle, subdivision and dwellings
- 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
- 21.05-3 Agriculture
- 21.06-1 Infrastructure
- 21.07-11 Rural Precincts
- 22.02-1 Native vegetation and biodiversity
- 22.03-2 Agriculture

Zone

The land is zoned Farming Zone.

Overlays

The land is covered by the Bushfire Management Overlay.

Particular Provisions

53.02 Bushfire Planning

General Provisions

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

8.3.13 Planning Application P.2021.247 - 3 Houghs Lane Bright

<i>Application number:</i>	<i>P.2021.247</i>
<i>Proposal:</i>	<i>Two (2) lot subdivision and removal of native vegetation</i>
<i>Applicant's name:</i>	<i>Oxley and Company Pty Ltd</i>
<i>Owner's name:</i>	<i>Margaret Anne Riches</i>
<i>Address:</i>	<i>3 Houghs Lane Bright (Lot 4 LP 118528)</i>
<i>Land size:</i>	<i>4,077 sqm</i>
<i>Current use and development:</i>	<i>Vacant</i>
<i>Site features:</i>	<i>The subject site is a roughly trapezoidal block of 4077m², currently vacant land zoned Low Density Residential. The entire site is covered by the Bushfire Management Overlay. The site is within Bright. The surrounding blocks are generally around 2000m² or over in area. Most of the surrounding lots are occupied by single dwelling houses.</i>
<i>Why is a permit required?</i>	<i>Clause 32.03-3 (LDRZ) - A permit is required to subdivide land. Clause 44.06-2 (BMO) - A permit is required to subdivide land. Clause 52.17 (Native vegetation) - A permit is required remove, destroy or lop native vegetation, including dead native vegetation</i>
<i>Zoning:</i>	<i>Low Density Residential Zone (LDRZ)</i>
<i>Overlays:</i>	<i>Bushfire Management Overlay (BMO)</i>
<i>Restrictive covenants on the title?</i>	<i>None</i>
<i>Date received:</i>	<i>7 January 2022</i>
<i>Statutory days:</i>	<i>148 days</i>
<i>Planner:</i>	<i>Rhiannon Biezen</i>

RECOMMENDATION

That a Notice of Decision to grant a planning permit be issued for Two (2) lot subdivision and removal of native vegetation in accordance with the conditions outlined in Appendix 8.3.13.a. and the following summarised reasons:

1. *The proposal generally meets the relevant provisions of the:*
 - a. *State and Local Planning Policy Framework;*
 - b. *Low Density Residential Zone;*
 - c. *Bushfire Management Overlay;*
 - d. *Particular provisions including Clause 52.17 Native vegetation and Clause 53.01 Public Open Space Contributions;*
 - e. *Decision Guidelines of Clause 65.02.*
 - f. *Clause 65*
2. *The proposal is compatible with adjoining and nearby land uses.*

PROPOSAL

The proposal involves a two (2) lot subdivision and removal of native vegetation. Details of the proposal are as follows:

Subdivision

Lot 1 will be irregular in shape, with a maximum road frontage of 32.06 metres, a maximum depth of 66.45 on the northern boundary and a total area of 2,000 sqm. Proposed access will be located on the eastern boundary of the site. A building envelope will be located within the approximate centre of the site and will be setback a minimum of 10 metres from the northern boundary and 15 metres from the eastern boundary. Any future dwelling will be required to be constructed to a BAL rating of 29.

Lot 2 will be irregular in shape, with a maximum road frontage of 39.94 metres, a maximum depth of 58.46 on the northern boundary and a total area of 2,081 sqm. Proposed access will be located on the north-eastern boundary of the site. A building envelope will be located within the approximate centre of the site and will be setback a minimum of 11 metres from the northern boundary and 15 metres from the eastern boundary. Any future dwelling will be required to be constructed to a BAL rating of 29.

Vegetation removal

The application proposes the removal of four (4) small trees located within lot 2. The total amount of vegetation proposed to be removed is 0.120 hectares. This has a minimum strategic biodiversity value of 0.176, over the four (4) small trees proposed for removal within the site.



Figure 1: Proposed subdivision and building envelope

SUBJECT LAND AND SURROUNDS

The subject site is a roughly trapezoidal block of 4077m², currently vacant land zoned Low Density Residential Zone (LDRZ). The entire site is covered by the Bushfire Management Overlay (BMO). The site is within Bright.

The surrounding blocks are generally just over 2000m². Most of the surrounding lots are occupied by single dwelling houses.

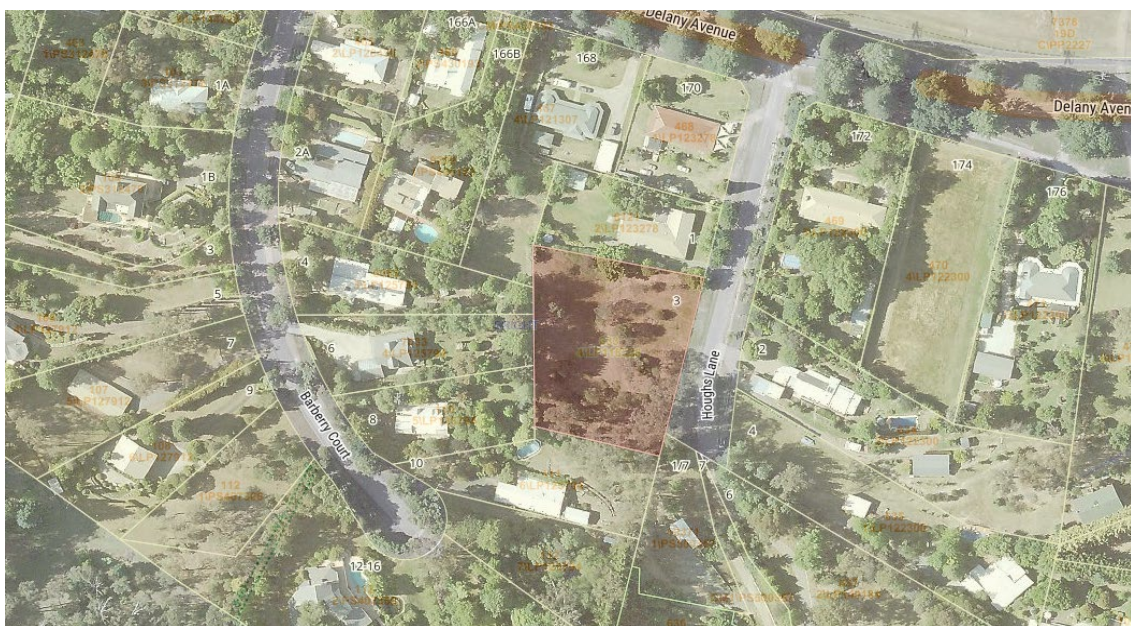


Figure 3: Aerial image of the subject site and surrounds.

PUBLIC NOTIFICATION

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

- Increased density.
- Increased traffic, noise pollution and safety of residents.
- Cars parking within the road reserve of Houghs Lane
- Increase of holiday rental accommodation and the negative amenity impacts upon the area.
- Drainage concerns.
- Width of Houghs Lane and its ability to accommodate more dwellings.
- Ingress and egress from Delany Avenue to Houghs Lane.

The applicant did not provide a written response.

The assessing officer's response is provided as follows:

Increases in traffic, noise pollution and safety of residents - The impact will be minimal from two (2) additional dwellings. It is unlikely to cause any detrimental impacts to the existing residents of Houghs Lane due to the residential nature of the area.

Carparking - Whilst it is recognised that the application is for a subdivision only and does not include a development component it is considered both sites are more than capable of accommodating a single dwelling each with appropriate landscaping. The applicant has submitted a Bushfire Management Plan that highlights that the setbacks and space to park cars within it.

Drainage concerns - Any drainage concerns have been assessed and will be alleviated by drainage conditions imposed by Alpine Shire Councils Engineering Department.

Ingress and egress from Delany Avenue - This is an existing issue that will not be increased by two (2) dwellings. The Council and VicRoads are both aware of the existing issue.

REFERRALS

Referrals / Notice	Advice / Response / Conditions
Section 55 referrals	Country Fire Authority (CFA) - No objection, subject to conditions. Department of Environment, Land, Water and Planning (DELWP) - No objection, subject to conditions
Internal referrals:	Alpine Shire Council Engineering Department - No objection, subject to conditions.

PLANNING ASSESSMENT

All applicable policy and decision guidelines can be found in Attachment 8.3.13.b.

Planning Policy Framework

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

Clause 12.01-1S (Protection of biodiversity) aims to assist the protection and conservation of Victoria's biodiversity and Clause 12.01-2S (Native vegetation management) has the objective to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation, with the strategy to achieve this being applying the three-step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017).

Clause 13.01-1S - Natural hazards and climate change the objective of this Clause is to 'minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.'

Clause 13.02-1S - Bushfire planning of the PPF states that when assessing a planning permit application, this policy requires planning to:

- Consider the risk of bushfire to people, property and community infrastructure;
- Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk; and
- Ensure new development can implement bushfire protection measures without unacceptable biodiversity impact
- Clause 15.01-3S Subdivision Design aims to ensure design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods
- Lot sizes provide diversity and housing affordability for the Shire's residents.
- The subdivision design ensures the lots will be orientated onto two (2) roads.
- The design and layout is consistent with lots located to the south.
- The proposed subdivision is similar in size with lots size located directly to the east which abut the Kiewa Valley Highway and will also facilitate subdivision of the land in an orderly manner.
- The site has direct access to an existing road network, town water, reticulated sewerage and telecommunications infrastructure.

Clause 16 Housing contains a number of policies relating to residential development, integrated housing, location of residential development, and housing diversity and affordability.

Local Planning Policy Framework

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

Clause 21.03-1-Townships and villages seeks to direct urban growth to established towns that have the infrastructure and services to provide for the increase in density of development including the Township of Bright.

Clause 21.04-4 - Environmental Risk. The objectives of the Clause are to:

- Identify, recognise and plan for environmental risks and constraints in planning for the use and development of land.
- Manage the risks of environmental hazards, including bush fire, flooding and land slip, to avoid adverse consequences on the natural and man-made environment.
- Ensure that land use and development addresses relevant site context and natural features of the area including the potential for bush fire, flooding and landslip risk.
- Facilitate a risk-based approach to land use planning in areas subject to environmental risk and require land use planning to integrate with and support other risk management and mitigation strategies.
- Implement bushfire risk assessment and mitigation in land use planning

Clause 21.07-1 Bright seeks to ensure minimum lots sizes for residential subdivision are characteristic to the neighbourhood character in regards to lot size and density. To ensure future residential development supports township character and promotes appropriate design and connectivity outcomes and to ensure future development takes into account risk of bushfire and provides reasonable levels of safety through the accessibility to roads, water, telecommunications and other reasonable infrastructure.

Clause 22.04-1 Infrastructure seeks to ensure all new residential subdivision all forms of residential subdivision which are connected to reticulated sewerage, water, power and stormwater facilities., to ensure that urban development does not adversely impact on the environment and on downstream water quality and to ensure that all roads that service a residential development are fully constructed and sealed.

- The proposal is within an existing residential area of Bright.
- The proposal will ensure the protection of the densification of the rural areas on within the Shire.
- The proposed subdivision is similar in size with the surrounding allotments and will also facilitate subdivision of the land in an orderly manner.
- Each lot is considered to meet the safety requirements associated with the risk of bushfire for the future residents with the site being assessed with a BAL rating of 29 and being provided with a 10,000-litre water tank for each.
- The site has direct access to an existing road network, town water, reticulated sewerage and telecommunications infrastructure.

Zoning

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

- The site is located within the Low Density Residential Zone and proposal meets the purpose of the zone which is to provide low density development on lots which are either serviced or can treat and retain waste water on site.
- The proposal is generally in accordance with the purpose of the zone and support is given due to the context and location of the site where the lots will be situated within an area of Bright where utilities, services and facilities are established.
- The site is capable of accommodating the proposed subdivision.
- The proposed lot sizes are consistent with the density and lot pattern of the surrounding 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. As required by clause 44.06-6 the application was referred to the CFA for comment who had no objection subject to conditions.

Particular Provisions

Clause 52.17 - Native vegetation removal

The application proposes the removal of four (4) small trees within Lot 2. The application has been assessed against the relevant decision guidelines and is considered an acceptable outcome. In order to develop the site in accordance with the densities envisaged under the zone, avoidance of vegetation removal altogether is not possible. The extent of removal has been avoided as far as practicable and no significant adverse environmental and biodiversity impacts are envisaged as a result of the proposal. The application was referred to DELWP for comment and consent was provided subject to conditions. Therefore, the application is considered to meet the relevant requirements of the Clause 52.17.

General Provisions

Clause 65.02 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 65.02 is contained on the planning file – reference no. P.2021.247. 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. Low Density Residential Zone;
 - c. Bushfire Management Overlay;

- d. Particular provisions including Clause 52.17 Native vegetation removal;
- e. Decision Guidelines at Clause 65.02.

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

8.3.13.a Conditions

8.3.13.b. Policy and decision guidelines

8.3.13.a. Conditions

Endorsed Plans

1. Amended plans required

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 then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application/other specified plans but modified to show:

- a. In accordance with Condition 3.
- b. A tree removal plan and retention plan.

2. Layout not altered

The layout of the of the subdivision and vegetation removal 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 consent of the responsible authority.

CFA Conditions

Amended Bushfire Management Plan Required:

3. Before certification under the Subdivision Act 1988, an amended bushfire management plan (BMP) must be submitted to and endorsed by the Responsible Authority. When approved, the BMP will be endorsed by the Responsible Authority and be included as an annexure to the section 173 agreement. The BMP must be substantially in accordance with the plan submitted prepared by Oxley and Co, ref S8795 Version 1, dated 10/01/2022 and must show the following bushfire protection measures, unless otherwise agreed in writing by the CFA and the Responsible Authority:
 - a. Defendable space
 - i. Grass must be short cropped and maintained during the declared fire danger period.
 - ii. All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
 - iii. Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
 - iv. Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
 - v. Shrubs must not be located under the canopy of trees.
 - vi. Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
 - vii. Trees must not overhang or touch any elements of the building.
 - viii. The canopy of trees must be separated by at least 5 metres.

- ix. There must be a clearance of at least 2 metres between the lowest tree branches and ground level.
- b. Construction standards for each Lot
 - i. Nominate a minimum Bushfire Attack Level of BAL – 29 that the future buildings on the lots 1 and 2 will be designed and constructed.
- c. Water supply for each Lot
 - i. Show 10,000 litres of effective water supply for fire fighting purposes which meets the following requirements:
 - A. Be stored in an above ground water tank constructed of concrete or metal.
 - B. Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal. Include a separate outlet for occupant use.
 - C. Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.
 - D. Be located within 60 metres of the outer edge of the approved building.
 - E. The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.
 - F. Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling (64 millimetre CFA 3 thread per inch male fitting).
 - G. Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling).
- d. Access for each Lot
 - i. Show the access for fire fighting purposes which meets the following requirements:
 - 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.

Agreements for Services

- 4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and

telecommunications services to each lot shown on the endorsed plan in accordance with that authority's requirements and relevant legislation at the time.

Section 173 Agreement

5. 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 Shire 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.

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

End of CFA Conditions

DELWP Conditions

Notification of permit conditions

6. Before works start, the permit holder must advise all persons undertaking the vegetation removal works on site of all permit conditions pertaining to native vegetation protection.

Protection of native vegetation to be retained

7. Before works start, a native vegetation protection fence must be erected around all native vegetation to be retained within 15 metres of the works area. This fence must be erected at:
 - a. A radius of 12 times the diameter of the tree trunk at a height of 1.4 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree; and
 - b. Around the patch(es) of native vegetation at a minimum distance of 2 metres from retained native vegetation.

The fence must be constructed of star pickets and paraweb or similar to the satisfaction of the responsible authority and the Department of Environment, Land, Water and Planning. The protection fence must remain in place until all works are completed to the satisfaction of the department.

8. Except with the written consent of the department, within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
 - a. vehicular or pedestrian access;

- b. trenching or soil excavation;
- c. storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;
- d. construction of entry and exit pits for underground services; or
- e. any other actions or activities that may result in adverse impacts to retained native vegetation.

Native vegetation offsets

9. The total area of native vegetation permitted to be removed is 0.120 hectares, comprised of four small scattered trees.
 - f. To offset the removal of 0.120 hectares of native vegetation the permit holder must secure a native vegetation offset(s) that meets all the following:
 - i. A general offset of 0.023 general habitat units located within the North East Catchment Management Authority boundary or Alpine Shire Council municipal district;
 - ii. have a Strategic Biodiversity Value score of at least 0.176;
 - iii. must be in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017).

Offset evidence

10. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence must be an established first party offset site. This must include:
 - a. a security agreement signed by both parties, and
 - b. a management plan detailing the 10-year management actions and ongoing management of the site

to the satisfaction of the Department of Environment, Land, Water and Planning and approved by the Responsible Authority.

Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification of the management actions undertaken towards implementing the offset management plan, to the department. An offset site condition statement, including photographs must be included in this notification;

and/or

- a. credit extract(s) allocated to meet the requirements of the permit from the Native Vegetation Credit Register.

A copy of the offset evidence must be endorsed by the responsible authority and form part of this permit.

11. Within 30 days of endorsement of the offset evidence by the responsible authority, the permit holder must provide a copy of the endorsed offset evidence to the

Department of Environment, Land, Water and Planning at
p&a.north@delwp.vic.gov.au.

End of DELWP Conditions -

ASC Engineering Conditions

Urban Drainage Works

12. Prior to commencement of use, all stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge by underground pipe to the satisfaction of the Alpine Shire Council. No effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system. The legal point of discharge for this site is an open drain on Houghs lane. 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.

Drainage Discharge Plan

13. Prior to certification, 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. connection points for drainage for each lot
 - c. underground pipe drains conveying stormwater to the legal point of discharge for each allotment
 - d. a maximum discharge rate from the site is to be determined by computation to the satisfaction of Council to pre-development flow.
 - e. incorporation of water sensitive urban design in accordance with Clause 20 of the Infrastructure Design Manual or as otherwise approved in writing by the Responsible Authority;

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

Fringe urban residential vehicle crossing location

14. Prior to issue of Statement of Compliance/commencement of use, vehicular crossings shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the Alpine Shire Council, and shall comply with the following:
- a. standard vehicular crossings shall be constructed at right angles to the road to suit the proposed driveways, and any existing redundant crossing shall be removed and replaced with concrete kerb and channel to match into the surrounding profile.

- 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 may be concrete or have a bituminous seal applied over an appropriately constructed pavement. Dimensions and roadside drainage treatments are to be generally in accordance with IDM drawing SD260

Easements to be Created

- 15. 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.
- 16. Prior to Commencement of Construction Before any road/drainage works associated with the subdivision/development start, the following items must be satisfied:
 - a. Issue of the certified Plan of Subdivision.
 - b. Approval of the construction plans

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 Plan

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

No Mud on Roads

- 18. 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 or footpaths from the subject land to the satisfaction of the Alpine Shire Council.

End of ASC Engineering Conditions -

Agreements for Services

- 19. 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.

Services

- 20. The subdivision must be fully provided with services, including reticulated water, sewerage and underground electricity to the satisfaction of Council.

Stabilisation of Earthworks

21. All disturbed surfaces on the land resulting from the subdivision must be revegetated and stabilised to the satisfaction of Council.

Sediment Control

22. Construction must be in accordance with sediment control principles as outlined in "Construction Techniques for Sediment Pollution Control" EPA 1991.
 - a. The contractor is to convey soil, earth, sand, loose debris and like loose materials to or from the site in a manner that will prevent dropping of materials on streets.
 - b. The contractor is to ensure that the wheels, tracks and body surfaces of all vehicles and plant leaving the site are free of mud and that mud is not carried onto adjacent paved streets or other areas.
 - c. The contractor will promptly remove any materials, which are deposited on streets or adjacent areas.

Stockpiling of Top Soil

23. Top soil from the construction site 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 all to the satisfaction of the responsible authority.

Drainage

24. Each lot shown on the endorsed plans must be drained to the point of discharge as approved by the responsible authority.

Easements

25. All existing and proposed easements and sites for existing or required utility services and road on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

Practical Road Access

26. Each lot shown on the endorsed plan must have legal and practical road access to the satisfaction of the Responsible Authority.

Street Numbering

27. A street number of 100mm minimum height and contrasting colour to its background, must be fixed at the front of the property or as near as practical to.

Construction Plans Required

28. Prior to the certification of the plan, detailed construction 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 and three copies must be provided. The plans must have regard to the Alpine Shire's 'Development Approval Check Sheet for Submission of Construction Plans' and include:

- a. Fully sealed pavement with (insert type) kerb and channel (insert distance) metres back to back.
- b. Concrete footpaths.
- c. Underground drains.

All works constructed or carried out must be in accordance with these plans and all such works must be completed to the satisfaction of the Responsible Authority before the issue of a Statement of Compliance.

As Constructed Drawings

29. Prior to the Statement of Compliance, the applicant shall provide "As Constructed" drawings and schedule of quantities detailing infrastructure assets that Council will be inheriting from this development in a format and detail to the satisfaction of the Responsible Authority.

Implied Easements

30. Section 12(2) of the *Subdivision Act 1988* shall apply to this subdivision in respect of implied easements.

Time for starting and completion

31. This permit will expire if:

- a. the vegetation removal has not been completed within two (2) years of the date of this permit; or
- b. the plan of subdivision is not certified within two years of the date of this permit; or
- c. the registration of the subdivision is not completed within four years of the certification of the plan of subdivision.

The responsible authority may extend the time if a request is made in writing before the permit expires or within six months afterwards.

- End of Conditions -

Planning Notes:

Road Opening/Non-Utility Minor Works on Municipal Road Reserve/Consent for Works on Road Reserves Permit Required 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 via the following link [Work on Council land permit](#), or from the Alpine Shire Council website.

DELWP Permit Notes

The department advises that works or other activities on public land, which may affect protected native plants, will require a Protected Flora Licence or Permit under the *Flora and Fauna Guarantee Act 1988* (FFG). All native vegetation likely to be affected should be checked against the Protected Flora List (DELWP 2017) to determine whether FFG approvals are required. Protected Flora Permits can be obtained from the Hume regional DELWP office 0409 859 875.

Offset requirements are determined in accordance with DELWP (2017) Guidelines for the removal, destruction or lopping of native vegetation. Proposed offset sites must meet eligibility requirements including land use, bushfire risk, quality of vegetation and size of revegetation site. Please visit <https://www.environment.vic.gov.au/native-vegetation/native-vegetation> for further information.

8.3.13.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:

- Clause 11 Settlement
- Clause 12.01-1S Protection of biodiversity
- Clause 12.01-2S Native vegetation management
- Clause 13.01-1S Natural Hazards and Climate change
- Clause 13.02-1S Bushfire Planning
- Clause 15.01-3S Subdivision design
- Clause 16.01-1S Housing supply

Local Planning Policy Framework

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

- Clause 21.01 Alpine Shire profile
- Clause 21.02-1 Strategic Vision
- Clause 21.03-1 Townships and Villages
- Clause 21.03-4 Built form and heritage
- Clause 21.04-4 Environmental risk
- Clause 21.07-1 - Bright
- Clause 22.01-2 Rural residential living

Clause 22.02-1 Native vegetation and biodiversity

Zone

The land is zoned Low Density Residential Zone.

Overlays

The land is covered by the Bushfire Management Overlay.

Particular Provisions

- Clause 52.17 Native vegetation removal
- Clause 53.01 Public Open Space Contributions

General Provisions

Clause 65.02 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 A/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 April / May 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
26 April	Briefing Session
3 May	Briefing Session
5 May	Planning Forum
11 May	Meeting with residents regarding development
12 May	Onsite meeting with developers
17 May	Briefing Session
24 May	Briefing Session

Attachment(s)

- 9.0 Informal meetings of Councillors – April / May 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

That Council notes and receives the petition pertaining to "safety issues related to Mountain Bike traffic on Mystic Lane since the installation of the Hero Trail and the formation of the Alpine Community Plantation Group in 2013".

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

14. Documents for sealing

RECOMMENDATIONS

That the following documents be signed and sealed.

- 1. Section 173 Agreement – Tandi and Samuel Keith McIntosh. The Section 173 Agreement relates to Planning Permit 2021.63 for Use and Buildings and Works for the Construction of a Host Farm at 25 Harpers Lane, Bright (CA 1 SEC Q Parish of Bright). Volume 10123 Folio 293.*
- 2. Lease of Hangar at Porepunkah Aerodrome in favour of Mike Watling Lot 1 on PS 612929 being part of the land contained in Certificate of Title Volume 10529 Folio 040 to 041.*
- 3. Asset Plan 2022-2032.*
- 4. S5 - Instrument of Delegation Council to Chief Executive Officer.*
- 5. S6 - Instrument of Delegation to Members of Council Staff*
- 6. S11A - Instrument of Appointment and Authorisation*
- 7. Section 173 Agreement between Alpine Shire Council and Prime Pastoral Company Pty Ltd. The Section 173 Agreement is in relation to the location of boundary fencing with a reduced boundary fencing of fifteen metres in width along the entire length of parch number 18369 on Certificate of Title Volume 10585 Folio 279 located at 140 Toms Road, Tawonga, Parish of Mullindolongong.*
- 8. Section 173 Agreement – Kate Eugenie Palmer. The Section 173 Agreement relates to Planning Permit 2021.8 for Re-subdivision of three (3) existing lots to create three (3) new lots, and use of Lots 2 and 3 for a dwelling at 844 Great Alpine Road, Freeburgh. Lots 2 & 3 on Plan of Subdivision 142440 (Volume 9534 Folio 132 and Volume 9534 Folio 133. Crown Allotment 11B Township of Freeburgh (Volume 10560 Folio 187) (844 Great Alpine Road, Freeburgh).*

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

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Chairperson