

M(8) – 2 AUGUST 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 **2 August 2022** commencing at **5:00pm**.

Agenda

| | | |
|-------|---|----|
| 1. | Recording and livestreaming of Council meetings | 3 |
| 2. | Acknowledgement of traditional custodians, and recognition of all people | 3 |
| 3. | Confirmation of minutes | 3 |
| 3.1 | Ordinary Council Meeting – M(6) – 5 July 2022 and Special Council Meeting - SPM(7) - 15 July 2022 | 3 |
| 4. | Apologies | 3 |
| 5. | Obituaries / congratulations..... | 4 |
| 6. | Declarations by Councillors of conflict of interest..... | 4 |
| 7. | Public questions..... | 4 |
| 8. | Presentation of reports by officers | 5 |
| 8.1 | Chief Executive Officer – Will Jeremy | 5 |
| 8.1.1 | Contracts approved by the Acting CEO..... | 5 |
| 8.2 | A/Director Assets – Elaine Burridge..... | 6 |
| 8.2.1 | Draft Alpine Shire Youth Strategy..... | 6 |
| 8.2.2 | Event Funding Program 2022-23 | 8 |
| 8.2.3 | Community Grants Program 2022-23 | 15 |
| 8.2.4 | Dargo High Plains Road Upgrade..... | 22 |
| 8.2.5 | Dinner Plain Contracted Services | 24 |
| 8.2.6 | Funding Applications | 27 |
| 8.3 | Director Corporate Performance - Helen Havercroft..... | 31 |
| 8.3.1 | Governance Rules..... | 31 |
| 8.3.2 | Revenue and Debtors Management Policy..... | 35 |
| 8.3.3 | Instruments of Delegation | 38 |
| 8.3.4 | Planning Application P.2021.206 - 24 Toorak Road, Bright..... | 41 |
| 8.3.5 | Planning Application P.2021.136 - 5 Westons Lane Eurobin | 69 |
| 9. | Informal meetings of Councillors | 79 |
| 10. | Presentation of reports by delegates..... | 80 |
| 11. | General business | 80 |
| 12. | Motions for which notice has previously been given..... | 80 |
| 13. | Reception and reading of petitions..... | 80 |

14. Documents for sealing.....81

1. Recording and livestreaming of Council meetings

The CEO will read the following statement:

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

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

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

In common with all narrative during council meetings verbal responses to congratulations, obituaries and question time will not be recorded in the written minutes. 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 Taungurung Traditional Owners and their ancestors as 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(6) – 5 JULY 2022 AND SPECIAL COUNCIL MEETING - SPM(7) - 15 JULY 2022

RECOMMENDATION

That Council adopts:

- 1. The minutes of Ordinary Council Meeting M(6) held on 5 July 2022; and*
- 2. The minutes of Special Council Meeting SPM(7) held on 15 July 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

Item 8.2.3 Community Grants

Cr Ron Janas declared a general conflict of interest as he is a member of the Myrtleford and District Landcare, and his wife is the secretary of the same group and was not present while this item was being considered.

Cr Kelli Prime declared a general conflict of interest with the application for Alpine Children's Services as her child attends Lake View Children's Centre in Mount Beauty and was not present while this item was being considered.

Cr Kelli Prime declared a material conflict of interest with the application for the Bright Food Co-Op as a family member provided a quote for this grant and was not present while this item was being considered.

Item 8.2.4 Events Funding

Deputy Mayor Cr Katarina Hughes declared a material conflict of interest for two event applications being "Bright Make it, Bake it, Grow it Market" and Porepunkah Primary School's 150th Celebration applications and was not present while this items were considered.

Cr Keeble declared a general conflict of interest with the funding application for Porepunkah Primary School's 150th Celebration and was not present while this item was considered.

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 CHIEF EXECUTIVE OFFICER – WILL JEREMY

8.1.1 Contracts approved by Acting CEO

RECOMMENDATION

That the Contract approved by Acting CEO be noted.

| | | | |
|------------------------|--|--------------------------|------------|
| Contract No: | <i>State Purchasing Contract</i> | <i>Process: VicFleet</i> | <i>RFQ</i> |
| Title: | <i>Supply and delivery of two new dual cab chassis fitted with tray and one single cab chassis fitted with tray,</i> | | |
| Tenderer: | <i>Wangaratta Mitsubishi - purchase one Mitsubishi Triton MY22 Single Cab CC 4x4 (\$82,579.30) and Ovens Ford for \$46,301.09 - purchase of one Ranger XL Dual Cab C/C 4x4</i> | | |
| \$ (excl. GST): | <i>\$128,880.39</i> | | |

8.2 A/DIRECTOR ASSETS – ELAINE BURRIDGE

8.2.1 Draft Alpine Shire Youth Strategy

INTRODUCTION

This report relates to the public exhibition of the Draft Alpine Shire Youth Strategy.

RECOMMENDATION

That Council:

- 1. Endorses the Draft Alpine Shire Youth Strategy to be placed on public exhibition for a period of 28 days;*
- 2. Invites public submissions regarding the Draft Alpine Shire Youth Strategy;*
- 3. Reviews and considers any submissions received; and*
- 4. Considers a recommendation to adopt the Draft Alpine Shire Youth Strategy at a future meeting.*

BACKGROUND

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

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

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

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

ISSUES

Council is not aware of any issues at this time.

POLICY IMPLICATIONS

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

- 1.1 A community that is active, connected and supported

FINANCIAL AND RESOURCE IMPLICATIONS

There are no financial or resource implications associated with the public exhibition of the Draft Alpine Shire Youth Strategy.

CONSULTATION

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

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

In addition, data has been drawn from:

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

CONCLUSION

It is recommended that Council endorses the Draft Alpine Shire Youth Strategy for public exhibition. Feedback from the public exhibition period will be considered for inclusion in the final Strategy, prior to the Strategy being presented to Council for adoption at a future Council meeting.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Acting Manager Community Development

ATTACHMENT(S)

8.2.1 Draft Alpine Shire Youth Strategy

8.2.2 Event Funding Program 2022-23

INTRODUCTION

This report relates to the allocation of funding through Council's 2022-23 Event Funding Program.

RECOMMENDATION

That Council:

1. *Allocates funding as follows, with the funding amounts being the combined total of financial sponsorship and logistics support:*

| <i>Event Name</i> | <i>Applicant</i> | <i>Grant Recommended</i> |
|--|--|--------------------------|
| <i>Alpine Classic</i> | <i>O2 Events</i> | <i>\$10,000</i> |
| <i>Alpe de Buffalo</i> | <i>Alpine Cycling Club</i> | <i>\$2,000</i> |
| <i>Alpine Cutting 2023</i> | <i>Alpine Regional Horseman's Association</i> | <i>\$2,000</i> |
| <i>Alpine Cycling Club - Gravity Enduro</i> | <i>Alpine Cycling Club</i> | <i>\$5,000</i> |
| <i>Alpine MANE Event</i> | <i>Alpine Regional Horseman's Association</i> | <i>\$2,000</i> |
| <i>Alpine Super Sorting**</i> | <i>Alpine Regional Horseman's Association</i> | <i>\$2,000</i> |
| <i>Bright Alpine Climb - 4 Peaks</i> | <i>Bright Alpine 4 Peaks - Thought Sports</i> | <i>\$2,000</i> |
| <i>Bright Autumn Festival</i> | <i>Bright Autumn Festival</i> | <i>\$10,000</i> |
| <i>Bright Make it Bake it Grow It Market</i> | <i>Bright and district chamber of commerce</i> | <i>\$2,000</i> |
| <i>Bright Open 2023</i> | <i>Northeast Victoria Hang Gliding Club</i> | <i>\$2,000</i> |
| <i>Bright Rotary Markets</i> | <i>Rotary of Bright</i> | <i>\$5,000</i> |
| <i>Bright Centenary 2023 Celebrations**</i> | <i>Bright RSL Subbranch</i> | <i>\$5,000</i> |

| <i>Event Name</i> | <i>Applicant</i> | <i>Grant Recommended</i> |
|--|--|--------------------------|
| <i>Bright Spring Festival Drive-in</i> | <i>Bright Spring Festival</i> | <i>\$2,000</i> |
| <i>Brighter Days Festival 2023</i> | <i>Brighter Days Foundation</i> | <i>\$10,000</i> |
| <i>Buffalo Stampede</i> | <i>SingleTrack Events</i> | <i>\$5,000</i> |
| <i>Christmas Market</i> | <i>Community Christmas Lights</i> | <i>\$2,000</i> |
| <i>Dederang Picnic Races</i> | <i>Dederang Picnic Race Club</i> | <i>\$5,000</i> |
| <i>Get A Grip of the Grind Festival</i> | <i>Get A Grip of the Grind</i> | <i>\$2,000</i> |
| <i>Great Southern Endurance Run</i> | <i>Ultra-Endurance</i> | <i>\$2,000</i> |
| <i>High Country Charity Ride</i> | <i>Bright Velo Events</i> | <i>\$2,000</i> |
| <i>La Fiera Italian Festival Myrtleford</i> | <i>Myrtleford Chamber of Commerce & Industry Inc</i> | <i>\$10,000</i> |
| <i>Mount Beauty Music Festival 2023</i> | <i>Mount Beauty Music Festival</i> | <i>\$5,000</i> |
| <i>Mount Beauty Writers Festival**</i> | <i>Upper Kiewa Valley Regional Arts Inc</i> | <i>\$5,000</i> |
| <i>Myrtleford Bush Market</i> | <i>Myrtleford Chamber of Commerce & Industry Inc</i> | <i>\$5,000</i> |
| <i>Myrtleford Lawn Tennis Club Easter Tournament</i> | <i>Myrtleford lawn Tennis Club</i> | <i>\$2,000</i> |
| <i>Porepunkah Primary School Celebrating 150 Years**</i> | <i>Porepunkah Primary School</i> | <i>\$2,000</i> |
| <i>Shifty Fifty Mount Beauty & True Beauty Flow Duro**</i> | <i>Big Hill Events</i> | <i>\$5,000</i> |
| <i>The Bright Fun Run</i> | <i>Bright Fun Run</i> | <i>\$5,000</i> |
| <i>The Myrtleford Farmers Market</i> | <i>Myrtleford Farmers Market</i> | <i>\$2,000</i> |

| <i>Event Name</i> | <i>Applicant</i> | <i>Grant Recommended</i> |
|---------------------------------|--|--------------------------|
| <i>Voices of the Valley</i> | <i>Freeburgh Hall and Recreation Reserve</i> | <i>\$2,000</i> |
| <i>Wandi Cross</i> | <i>Wandi Trail Runners Inc.</i> | <i>\$5,000</i> |
| <i>Wandiligong Nut Festival</i> | <i>Wandiligong Nut Festival</i> | <i>\$5,000</i> |
| <i>Total</i> | | <i>\$132,000</i> |

New Events **

- 2. Provides feedback and assistance to unsuccessful applicants.*
- 3. Allocates funding to support the following events, which were unable to be delivered during the 2020-21 and 2021-22 financial years as a result of the COVID19 pandemic. These amounts are as previously endorsed by Council through the 2020-21 and 2021-22 event funding programs:*

| <i>Event Name</i> | <i>Applicant</i> | <i>Total \$ Allocated</i> |
|--|---|---------------------------|
| <i>5Zero</i> | <i>Bright Brewery Australia Pty Ltd</i> | <i>\$1,500</i> |
| <i>Alpine Cycling Club Cyclocross</i> | <i>Alpine Cycling Club</i> | <i>\$1,500</i> |
| <i>Alpine Cycling Club Gravity Enduro</i> | <i>Alpine Cycling Club</i> | <i>\$3,500</i> |
| <i>Bright Cabaret & Comedy Festival</i> | <i>Bright Cabaret & Comedy Festival Inc.</i> | <i>\$1,500</i> |
| <i>Bright Festival of Photography</i> | <i>Bright Festival of Photography Ltd</i> | <i>\$2,000</i> |
| <i>Bright Running Festival 2021</i> | <i>Perseverance Events Pty Ltd</i> | <i>\$1,500</i> |
| <i>Bright Spring Festival Carnival and Fireworks</i> | <i>Bright Spring Festival - part of the Bright and District Chamber of Commerce</i> | <i>\$2,500</i> |
| <i>Bright's Iconic Rod Run</i> | <i>Bright's Rod & Kustom Club Inc</i> | <i>\$32,500</i> |
| <i>Carols & Music in the Park</i> | <i>Rotary Club of Bright</i> | <i>\$1,500</i> |

| <i>Event Name</i> | <i>Applicant</i> | <i>Total \$ Allocated</i> |
|--|---|---------------------------|
| <i>Harrietville Half (HH)</i> | <i>No data</i> | <i>\$1,750</i> |
| <i>High Country Women's Cycling Festival</i> | <i>High Country Women's Cycling Pty Ltd</i> | <i>\$2,000</i> |
| <i>Myrtleford 67th Golden Spurs Rodeo</i> | <i>Myrtleford Golden Spurs Rodeo Inc</i> | <i>\$2,600</i> |
| <i>Myrtleford Alpine Rally</i> | <i>No data</i> | <i>\$2,500</i> |
| <i>Myrtleford Rotary Annual Show'n'Shine and Swap Meet</i> | <i>The Rotary Club of Myrtleford</i> | <i>\$1,000</i> |
| <i>Porepunkah Community Christmas Party</i> | <i>No data</i> | <i>\$1,200</i> |
| <i>RACV Alpine Trial Centenary**</i> | <i>The Vintage Drivers' Club/RACV</i> | <i>\$1,500</i> |
| <i>The Myrtleford Festival</i> | <i>The Myrtleford Festival</i> | <i>\$32,500</i> |
| <i>The Myrtleford Show</i> | <i>Myrtleford & District Agricultural and Pastoral Show Society</i> | <i>\$5,000</i> |
| <i>Tour of Bright</i> | <i>Alpine Cycling Club Inc</i> | <i>\$7,300</i> |
| <i>Women's Gravity Enduro**</i> | <i>Alpine Cycling Club</i> | <i>\$1,000</i> |
| <i>Total</i> | | <i>\$106,350</i> |

4. *Delegates authority to the Chief Executive Officer to distribute residual or unspent funds of \$66,650 to events that may apply for funding outside of the Event Funding round.*
5. *Investigates options for new town entry signage to promote events in Bright, Myrtleford and Mount Beauty, replacing the existing over-the-road banner infrastructure; and*
6. *Carries forward unspent 2022-23 funding into the event funding budget for 2023-24.*

BACKGROUND

Alpine Shire Council's 2022-23 Event Funding Program was open for applications between 16 May and 30 June 2022. 36 applications were received with a cumulative request of \$169,974 in financial sponsorship.

At the November 2021 Council meeting, Council adopted the Alpine Shire Events Strategy, including the new Events Permitting and Funding Framework. The Events Permitting and Funding Framework came into effect on 1 July 2022.

Council Officers carried out preliminary scoring of each application against the event eligibility criteria listed in the framework, including consideration of the anticipated social, environmental, and economic impact of the event.

Guided by the preliminary scoring and eligibility, the applications and Council Officer preliminary assessments were then reviewed by an assessment panel comprising:

- One member of the Bright and District Chamber of Commerce;
- One member of the Myrtleford Chamber of Commerce;
- Three Councillors (Cr Tony Keeble, Cr John Forsyth and Cr Katarina Hughes);
- Council's Director Assets; and
- Council's Manager Economic Development

The panel recommends that 32 applicants receive support through the Event Funding Program totalling \$102,250 in financial sponsorship and an estimated value of \$29,750 in logistical support, totalling \$132,000.

ISSUES

1. The four events in the table below have not been recommended for funding through the Event Funding Program, for the reasons as outlined.

| Event Name | Applicant | Amount Requested | Reason |
|----------------------------------|-----------------------|------------------|--|
| Inside Out Ecstatic Dance** | Inside Out Experience | \$2,000 | This application seeks to start up a business venture. |
| Picnic in the Paddock 2023 | Bright Brewery | \$2,000 | Event planned to take place on business premises. |
| Peaks Challenge Falls Creek 2023 | Bicycle Network | \$2,000 | This event takes place outside of Alpine Shire. |
| Darker Days | Bright Brewery | \$10,000 | Event planned to take place on business premises. |

2. Over the road banner infrastructure is currently located at the town entries of Bright and Myrtleford. This infrastructure is available to event organisers to promote their events, however, is limited to promoting one event at any time. Installation and removal of the banners pre and post events draws on Council resources and has

become a costly and time-consuming activity. It is recommended that Council officers investigate an alternative solution:

- a. To be located at the town entries of Bright, Myrtleford and Mount Beauty;
 - b. That is capable of promoting multiple events simultaneously; and
 - c. Where the signage can be installed and removed by event organisers, with the approval of Council officers.
3. Under the requirements of the Event Permitting and Funding Framework, the Alpine Classic will not be permitted to be delivered from Howitt Park for future events. Funding for the 2023 event has been recommended on the basis that Council Officers work with the event organiser to achieve the following
- a. The event may be delivered from Howitt Park, Bright on a date other than the Australia Day long weekend and Victorian school holidays, or
 - b. The event may be delivered over the Australia Day long weekend, however, at an alternative location to Howitt Park, Bright.

POLICY IMPLICATIONS

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

- 2.1 Diverse reasons to visit

FINANCIAL AND RESOURCE IMPLICATIONS

Council's 2022-23 budget includes provision of \$305,000 to support the annual Event Funding program and funding to support events unable to proceed during the 2020-21 and 2021-22 financial years as a result of COVID19 restrictions, totalling \$106,350.

A total of \$132,000 is recommended to support the delivery of events through the 2022-23 Event Funding Program. This amount plus the amount of \$106,350 to support events from the 2020-21 and 2021-22 event funding programs equates to \$238,350 which is within the available budget of \$305,000.

CONSULTATION

The Event Funding Program was advertised in the local media, on Council's website and Facebook page and details were emailed directly to all existing event organisers. Event organisers were engaged by Council's events team through the application period.

An assessment panel including three Councillors, two senior Council Officers and two representatives from the community assessed the applications received under the Event Funding Program, and provided the recommendations contained in the report.

Attempts were made to engage a community representative from the Kiewa Valley on the assessment panel, however, were unsuccessful.

CONCLUSION

Events are important to the Alpine Shire, providing economic injection and cultural enrichment.

The recommendations put forward by the funding assessment panel support events that align with the regional brand, align with Council's Events Strategy, encourage repeat visitation, contribute to the events calendar, have a positive economic impact for the community and may be sustainable over a long period of time.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Economic Development
- Development Officer (Event Operations)
- Development Officer (Event Development)

Declarations of Conflict of Interest were made by assessment panel members. Panel members removed themselves from assessment of the relevant event funding applications and any panel discussions relevant to the applications.

Deputy Mayor, Katarina Hughes declared a general conflict of interest with two event funding applications being:

- Bright Make it Bake it Grow it Market, and
- Porepunkah Primary School Celebrating 150 Years.

Cr Tony Keeble declared a general conflict of interest with respect to the event funding application for Porepunkah Primary School Celebrating 150 Years.

A Member of the Bright and District Chamber of Commerce declared a general conflict of interest in relation to

- Spring Festival Drive In,
- Bright Make It Bake It Grow It markets, and
- Bright Autumn Festival.

A Member of the Myrtleford and District Chamber of Commerce declared a general conflict of interest in relation to:

- La Fiera Italian Festival Myrtleford,
- Myrtleford Bush Market, and
- Myrtleford Farmers Market.

ATTACHMENT(S)

Nil

8.2.3 Community Grants Program 2022-23

INTRODUCTION

This report relates to the allocation of funding through Council's 2022-23 Community Grants Program.

RECOMMENDATION

That Council:

1. Allocates funding as follows:

| <i>Name of Applicant</i> | <i>Project Title</i> | <i>Total Cost of Project</i> | <i>Grant Requested</i> | <i>Grant Recommended</i> |
|------------------------------------|---|------------------------------|------------------------|--------------------------|
| <i>Alpine Children's Services</i> | <i>Lake View Children's Centre playground</i> | <i>\$8,365</i> | <i>\$4,095</i> | <i>\$4,095</i> |
| <i>Alpine Cycling Club</i> | <i>Purchase of Timing Equipment for training and events</i> | <i>\$7,189</i> | <i>\$5,149</i> | <i>\$2,574</i> |
| <i>Alpine Move Group</i> | <i>Training of Group Leaders and replacement of equipment</i> | <i>\$2,000</i> | <i>\$1,600</i> | <i>\$1,500</i> |
| <i>Alpine Park Committee</i> | <i>Installation of AFL Goal Posts</i> | <i>\$7,823</i> | <i>\$5,823</i> | <i>\$5,823</i> |
| <i>Bright Croquet Club</i> | <i>Recarpeting the club house</i> | <i>\$4,500</i> | <i>\$3,375</i> | <i>\$3,375</i> |
| <i>Bright Food Coop Ltd</i> | <i>Raising the community profile of Bright Food Coop</i> | <i>\$13,489</i> | <i>\$9,064</i> | <i>\$3,800</i> |
| <i>Happy Valley Hall Committee</i> | <i>Improving Assets & Making Our Volunteers' Job Easier</i> | <i>\$1,380</i> | <i>\$1,025</i> | <i>\$1,025</i> |
| <i>Kangaroo Hoppet</i> | <i>Traffic Management Equipment</i> | <i>\$8,135</i> | <i>\$5,635</i> | <i>\$5,635</i> |

| <i>Name of Applicant</i> | <i>Project Title</i> | <i>Total Cost of Project</i> | <i>Grant Requested</i> | <i>Grant Recommended</i> |
|---|--|------------------------------|------------------------|--------------------------|
| <i>Kiewa Valley Historical Society Inc</i> | <i>Upgrade display cabinet in Mt Beauty VIC</i> | <i>\$2,125</i> | <i>\$1,575</i> | <i>\$1,575</i> |
| <i>Kiewa Valley Modellers</i> | <i>Airport line marker</i> | <i>\$1,753</i> | <i>\$1,315</i> | <i>\$1,315</i> |
| <i>Mount Beauty Clay Target Club Inc</i> | <i>Clay Target Trap Upgrade</i> | <i>\$11,105</i> | <i>\$8,329</i> | <i>\$5,000</i> |
| <i>Mount Beauty Neighbourhood Centre Inc</i> | <i>Steps to Help</i> | <i>\$8,678</i> | <i>\$5,978</i> | <i>\$5,978</i> |
| <i>Myrtleford & District Historical Society</i> | <i>Replacement of Laptop</i> | <i>\$1,457</i> | <i>\$557</i> | <i>\$557</i> |
| <i>Myrtleford & District Landcare</i> | <i>More to Explore on Reform Hill</i> | <i>\$2,680</i> | <i>\$1,675</i> | <i>\$1,675</i> |
| <i>Myrtleford Bowls Club Inc.</i> | <i>Unisex Disabled Toilet</i> | <i>\$29,315</i> | <i>\$21,940</i> | <i>\$10,000</i> |
| <i>Myrtleford Community Garden</i> | <i>Greenhouse Supply and Installation</i> | <i>\$7,324</i> | <i>\$4,900</i> | <i>\$2,450</i> |
| <i>North East Canoe Club</i> | <i>Beginner Whitewater Kayaking Skills Development Program</i> | <i>\$6,173</i> | <i>\$1,850</i> | <i>\$1,850</i> |
| <i>North East Victoria Hang Gliding Club</i> | <i>Tawonga Gap Paraglider Launch Site Upgrade</i> | <i>\$61,749</i> | <i>\$10,000</i> | <i>\$5,000</i> |
| <i>Ovens Valley Horse Riders Association</i> | <i>Operation Chuck Wagon</i> | <i>\$4,957</i> | <i>\$2,477</i> | <i>\$2,477</i> |
| <i>Sustainable Upper Ovens</i> | <i>Composting event food waste and weeds</i> | <i>\$789</i> | <i>\$592</i> | <i>\$591</i> |
| <i>Upper Kiewa Valley Regional Arts Inc</i> | <i>Mount Beauty Writers Festival</i> | <i>\$31,100</i> | <i>\$10,000</i> | <i>\$4,980</i> |
| <i>Total</i> | | <i>\$222,086</i> | <i>\$106,954</i> | <i>\$71,275</i> |

2. *Provides delegation to the Chief Executive Officer to distribute residual or unspent funds of \$8,725; and*
3. *Provides feedback and assistance to unsuccessful applicants in highlighting other potential funding opportunities that may be available for their projects.*

BACKGROUND

Council's Community Grants Program is a long-established funding program assisting community groups and organisations to deliver community focussed projects, programs and initiatives in the Alpine Shire.

The 2022-23 Community Grants Program was open for applications between 13 May and 30 June 2022. 40 eligible applications were received, with a cumulative funding request of \$292,363.

The Applications were reviewed by an eight member assessment panel comprising four community members, Director Assets, Manager Economic Development, Councillor Janas and Councillor Prime.

Council's Acting Manager Community Development was also present to support the assessment panel.

Applications were assessed against the following criteria:

- the degree of benefit to the community;
- the contribution and support from the community toward the project;
- the degree to which projects can be maintained and are sustainable;
- the impact on environmental, economic, social, built, recreational and wellbeing criteria; and
- the geographical spread of funding allocation across the Shire.

Applications were also assessed for their alignment to Council Plan and Municipal Public Health and Wellbeing Plan.

The assessment panel has recommended that 21 applicants receive funding, with 12 to receive the full amount of funding requested and nine to receive funding at a reduced level.

Community Bank Bright have committed to contribute \$37,253 towards 11 projects submitted as part of the Alpine Shire Council Community Grants Program as follows:

| Name of Applicant | Project Title | Community Bank Bright Contribution |
|------------------------|--|------------------------------------|
| 1st Bright Scout Group | Bright Scouts, Abseiling Equipment | \$4,734 |
| Alpine Cycling Club | Purchase of Timing Equipment for training and events | \$2,574 |
| Bright Bowls Club | Improved playing surface on bowling greens | \$1,989 |

| Name of Applicant | Project Title | Community Bank Bright Contribution |
|---------------------------------------|--|------------------------------------|
| Bright Courthouse | Outdoor Power Supply to 152 year old Dutch Elm tree. | \$6,457 |
| Bright Food Coop Ltd | Raising the community profile of Bright Food Coop | \$3,800 |
| Community Christmas Lights | Christmas Lights | \$3,400 |
| Myrtleford & District Landcare | Look, Listen and Learn. Engaging our community in our landscape. | \$1,400 |
| Myrtleford Bowls Club Inc. | Unisex Disabled Toilet | \$2,500 |
| Myrtleford Community Garden | Greenhouse Supply and Installation | \$2,450 |
| North East Victoria Hang Gliding Club | Tawonga Gap Paraglider Launch Site Upgrade | \$5,000 |
| Sustainable Upper Ovens | Sustainable Upper Ovens Inc communication upgrade and additional promotional resources | \$2,949 |

ISSUES

19 applications have not been recommended for funding through the Community Grants Program, for the reasons outlined below:

| Name of Applicant | Project Title | Grant Request | |
|------------------------|--|---------------|--|
| 1st Bright Scout Group | Bright Scouts, Abseiling Equipment | \$4,734 | Fully funded by Community Bank Bright |
| Alpine Cycling Club | Alpine Cycling Club Master Plan - Pioneer Park | \$12,116 | Duplication of Project undertaken by Council |
| Alpine Park Committee | Installation of picnic Shelter near play equipment | \$11,706 | Outstanding maintenance on existing infrastructure |
| Alpine Park Committee | Installation of Outdoor Exercise Equipment | \$38,541 | Outside scope of funding program |
| Alpine Radio | Carpet Replacement Project | \$5,000 | Limited benefits to broader community |

| Name of Applicant | Project Title | Grant Request | |
|---|--|---------------|---|
| Birkebeiner Nordic Ski Club | Hybrid meeting room in Mt Beauty | \$4,934 | Hybrid meeting room recently established at Mount Beauty Community Centre |
| Bright Bowls Club | Improved playing surface on bowling greens | \$1,990 | Fully funded by Community Bank Bright |
| Bright Country Golf Club Inc | Extension of electrical cabling in cart shed | \$2,625 | Limited benefits to broader community |
| Bright Courthouse | Outdoor Power Supply to 152 year old Dutch Elm tree | \$6,457 | Fully funded by Community Bank Bright |
| Community Christmas Lights | Christmas Lights | \$3,400 | Fully funded by Community Bank Bright |
| Mount Beauty Airport Management Association Inc | Upgrade of Tractor and Mower | \$10,000 | Council will work with applicant on a solution to this project. |
| Mount Beauty Dragon Boat Club Inc | Mount Beauty Dragon Boat Club Boat Shed | \$30,491 | Site for project not identified |
| Myrtleford & District Landcare | Look, Listen and Learn. Engaging our community in our landscape. | \$1,910 | Fully funded by Community Bank Bright |
| Myrtleford Football Netball Club | Chairs to cater for increase in participation | \$5,000 | Encourage applicant to include this project in upgrade of facility |
| Myrtleford Golf Club | Replacing our old drainage system for safer facilities | \$8,951 | Limited benefit to broader community |
| Myrtleford Public Cemetery | Memorial Garden Beautification | \$8,202 | Limited benefit to broader community |
| Porepunkah Airfield Association | Porepunkah Airfield Entrance Project | \$24,900 | Outside scope of funding program |

| Name of Applicant | Project Title | Grant Request | |
|--------------------------------------|--|---------------|---------------------------------------|
| Sustainable Upper Ovens | Communication upgrade and additional promotional resources | \$2,949 | Fully funded by Community Bank Bright |
| Upper Kiewa Valley Regional Arts Inc | Single Performance from the Melbourne Chamber Orchestra | \$1,505 | Transferred to Events Funding Program |

POLICY IMPLICATIONS

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

- 1.1 A community that is active, connected and supported

FINANCIAL AND RESOURCE IMPLICATIONS

Council's 2022/23 budget includes provision of \$80,000 to support community projects through the Community Grants Program.

The recommended allocation of \$71,275 through community grants fits within the allocated budget.

Any unspent grants may be considered for distribution to other community initiatives, programs or projects arising throughout the financial year.

CONSULTATION

The Community Grants Program was advertised through local media, on Council's website and Facebook page and emailed directly to community groups.

Applications were reviewed by an assessment panel comprising: one member of the Kiewa Valley community; one member of the Myrtleford Chamber of Commerce; one member of the Bright and District Chamber of Commerce; one young person; Director Assets, Manager Economic Development and two Councillors.

CONCLUSION

The recommendations put forward by the assessment panel support strategic objectives of the Council Plan 2021-25 incorporating Municipal Public Health and Wellbeing Plan, community participation, contribute to the building of healthy and strong communities and represent a diversity of projects from across the Shire.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Economic Development
- Acting Manager Community Development

Acting Manager Community Development declared a general conflict of interest with respect to the two Alpine Cycling Club Community Grant applications and removed herself from any panel discussion relevant to these two applications.

Declarations of Conflict of Interest were made by two independent assessment panel members. Panel members removed themselves from the relevant community funding applications and any panel discussions relevant to the applications.

Cr Ron Janas declared a general conflict of interest with on the Myrtleford & District Landcare funding application.

Cr Kelli Prime declared a general conflict of interest with respect to the community funding application for the Alpine Children's Services Lake View Children's Centre in Mount Beauty.

Cr Kelli Prime declared a material conflict of interest with respect to the community funding application for the Bright Food Coop.

ATTACHMENT(S)

Nil

8.2.4 Dargo High Plains Road Upgrade

File Number: CT21153

INTRODUCTION

This report relates to the award of a contract for the Dargo High Plains Road Upgrade.

RECOMMENDATION

That Council awards Contract No. 2115301 for "Dargo High Plains Road Upgrade" to North East Civil Construction based on the tendered lump sum price and schedule of rates and subject to an agreed maximum cost of \$2,090,070 (GST Exclusive).

BACKGROUND

In June 2021, Council was awarded grant funding of \$2,600,000 from Regional Development Victoria for the upgrading of the Dargo High Plains Road between the Great Alpine Road, Hotham Heights and the Alpine Shire Council municipal boundary.

Phase 1 - Preliminary Site Establishment was carried out in 2021-22 and included the initial opening and clearing of the road, grading and road formation works.

Phase 2 - Security Access Control gates are currently under construction and will be installed in Spring 2022. Security cameras and signage to be procured prior to opening 2022.

Phase 3 - Dargo High Plains Road Upgrade will include the initial clearing and grading of the road, importation of rock to raise the road level to allow for drainage, gravel re-sheeting and the installation of culverts along the length of the road.

The Tender was advertised in the Herald Sun on 18 March 2021, as well as on tenders.net and Alpine Shire Council websites.

The Tender documents were downloaded by 19 prospective tenderers and six responses were received by the closing date.

EVALUATION

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

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

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

Through this evaluation process it was determined that the tender from North East Civil Construction best met the selection criteria.

POLICY IMPLICATIONS

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

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

4.5 Assets for our current and future needs

FINANCIAL AND RESOURCE IMPLICATIONS

The total budget for the Dargo High Plains Road project is \$2,600,000, with no financial commitment from Council.

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

CONSULTATION

Extensive consultation has been conducted with a wide range of stakeholders who all support the project, including: Department of Environment Land, Water and Planning (DELWP), Parks Victoria, Wellington Shire Council, Mount Hotham Resort Management Board, Bushfire Recovery Victoria, Regional Roads Victoria, Federal and State Government representatives, Alpine Community Recovery Committee, Bright and District Chamber of Commerce, Four Wheel Drive Victoria and businesses in Dargo (The Dargo River Inn, Dargo Hotel and Dargo General Store).

CONCLUSION

Following a comprehensive assessment, the Tender from North East Civil Construction is considered to present the best value option for Council.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Asset Development
- Project Officer

ATTACHMENT(S)

Nil

8.2.5 Dinner Plain Contracted Services

File Number: 01821.00

INTRODUCTION

This report relates to the extension of two existing contracts for the provision of maintenance, waste management, snow grooming and snow clearing services at Dinner Plain Village.

RECOMMENDATION

That Council:

1. *Exercises its option to extend Contract No. 1707401 "Provision of Contracted Services at Dinner Plain Village" to GF and AM Peterson for maintenance, waste management and snow grooming services for a five year term with a year one lump sum price of \$391,734.37 (GST Exclusive);*
2. *Exercises its option to extend Contract No. 1707402 "Provision of Contracted Services at Dinner Plain Village" to GF and AM Peterson for snow clearing services for a five year term with a year one lump sum price of \$177,309.18 (GST Exclusive); and*
3. *Signs and seals Contract Nos. 1707401 and 1707402 at a future Council Meeting.*

BACKGROUND

At the October 2017 Ordinary Council meeting, Council awarded Contract 1707401 for the provision of maintenance, waste management and snow grooming services at Dinner Plain to GF and AM Peterson. The contract was awarded for an initial five-year term through to 30 November 2022 with an option for one five-year extension and a year one lump sum price of \$334,620.

Council accepted an annual peppercorn lease payment of \$4,320 for the use of Council's Office and storage shed at Scrubbers End.

At the December 2017 Ordinary Council meeting, Council awarded Contract 1707402 for the provision of snow clearing services at Dinner Plain to GF and AM Peterson. The contract was awarded for an initial five-year term through to 30 November 2022 with an option for one five-year extension and a year one lump sum price of \$149,500.

Both contracts incorporate a CPI adjustment which has been applied annually on the anniversary of the contracts.

In May 2022 Council staff conducted a contract review meeting with GF and AM Peterson and discussed the position of the contractors to take up the five-year extension.

ISSUES

Over the initial five year period of these two contracts the following changes have been implemented to the contract scope of works:

Snow Grooming

Additional snow grooming works of 384 lineal meters of trail are being delivered in the following locations:

- At the entrance and exit to Dinner Plain Village.
- At Scrubbers End providing skiing and walking access to the ski lift and the toboggan run.

Snowmobile grooming allows for grooming to occur at minimal snow depths, therefore providing the opportunity for cross country trails to open when the snow cover is minimal and providing earlier access to snow facilities.

The annual lump-sum cost of 'maintenance services - snow grooming' has increased by \$6,000 per annum to cover this additional scope.

Waste Management

Visitation to Dinner Plain has increased over the initial five year term of the contract, resulting in an increase in the volumes of materials for collecting, sorting and disposal. The annual lump-sum cost of waste management under the contract has increased by \$10,480 per annum.

Snow Clearing

Additional snow clearing works are being undertaken due to the increase of parking spaces in Cattlepen Drive, Scrubbers End and Horseyard Carpark (formally Tsubo / Onsen). Additional snow clearing is also required for the new bus stop and bus standing area. The annual lump-sum cost of snow clearing has increased by \$9,574.40 per annum.

POLICY IMPLICATIONS

The recommendations in this report have been assessed against the requirements of Council's Procurement Policy.

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

- 3.3 Responsible management of waste

FINANCIAL AND RESOURCE IMPLICATIONS

Increased contract scope across these two contracts translates into an increased year one cost of \$26,054.40 per annum compared to the current contract prices.

There is sufficient allocation within the applicable 2022/2023 budgets to deliver the planned scope through execution of the two optional contract extensions.

These contracts incorporate a CPI adjustment to be applied annually on the anniversary of the contracts.

CONSULTATION

The standards of service to be delivered through this contract have been established considering feedback received from the Dinner Plain community throughout the period in which the current contracted services have been delivered. Extensive engagement has taken place with the existing provider of these services in Dinner Plain to ensure that the current method of delivering these services is understood, and that opportunities to either improve service delivery or reduce the cost of the service have been explored and captured appropriately within the contract documentation.

Consultation with internal staff was undertaken to collect and analyse data arising from delivery of the current services under the existing contract, to determine the capabilities of potential alternative suppliers.

CONCLUSION

Following a comprehensive evaluation, executing the optional five year extensions in the two existing contracts with GF and AM Peterson for the provision of maintenance, waste management, snow clearing and snow grooming is considered to present the best value for Council.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Director Corporate Performance
- Manager Asset Maintenance
- Manager Facilities
- Waste Officer

ATTACHMENT(S)

Nil

8.2.6 Funding Applications

INTRODUCTION

An opportunity exists for Council to seek funding from various State Government grant funding programs. This report outlines the projects, provides details of the proposed funding applications and seeks Council's financial commitment to the nominated projects. All financial values in the report are GST Exclusive.

RECOMMENDATION

That Council authorises applications to State Government grant funding programs as follows:

1. *Investment Fast-Track Fund:*
 - a. *Development of a Shire-wide tracks and trails masterplan with a Council commitment of no more than \$125,000;*
 - b. *Development of a masterplan for public facilities within the Dederang Recreation Reserve with a Council commitment of no more than \$15,000;*
2. *Regional Infrastructure Fund:*
 - a. *Construction of an extension to the Kiewa River Trail with a Council commitment of no more than \$212,500 to the capital project, and an estimated \$30,000 increase to the annual maintenance budget; and*
3. *Universal Design - Small Grants Fund*
 - a. *Accessibility upgrades to the Myrtleford Memorial Hall, with no requirement for a Council commitment of funds.*

BACKGROUND

The State Government has recently announced new grant funding programs which provide an opportunity for Council to accelerate the delivery of projects listed in the Project Pipeline, supported by external funding. Following an assessment of projects in Council's Project Pipeline which meet the grant funding criteria and discussions with Regional Development Victoria, it is recommended that applications are made for funding to deliver these projects as follows.

Investment Fast-Track Fund

The objective of the Investment Fast-Track Fund program is to accelerate and expand investment in projects of importance for rural and regional communities. This will boost employment, improve liveability, and drive economic growth and prosperity.

The Alpine Shire Tracks and Trails Masterplan project will:

- Identify and prioritise for delivery the missing strategic elements in our tracks and trails offering, including missing links in the existing network, opportunities to

expand the network, improved access to amenities for users of the network, and opportunities to leverage increased business activation.

- Develop the design, scope, consents required and cost estimates that will enable funding applications for the delivery of these missing components.

This project will deliver a masterplan for an integrated and connected network of tracks and trails and associated amenities. Delivery of this masterplan will place Council in a position to enable funding applications to be submitted for construction when funding opportunities are identified.

1. The Dederang Recreational Reserve Masterplan project will develop a masterplan for a specific area of the Dederang Recreation Reserve, incorporating public amenities, parking, and picnic facilities. It will also deliver cost estimates that can be used to source funding for construction.

Regional Infrastructure Fund

The Regional Infrastructure Fund will support enabling and transformative infrastructure projects that are strategic and align with the relevant Regional Economic Development Strategy.

The Kiewa River Trail Extension project will deliver shared trail from the current end point of the Kiewa River Trail back to Embankment Drive via Damms Road. The scoping and design works were completed last financial year and this project is ready for construction.

The Universal Design Grants Program:

The objective of this grant is to improve access to existing buildings.

The Myrtleford Memorial Hall Accessibility Upgrade project will deliver new ramps and accessibility upgrades, including accessible amenities. This will ensure the hall provides universal access and complies with the relevant building standards.

ISSUES

The timeframe for preparing and submitting funding applications is relatively short, and an additional consideration in determining how to respond to these funding opportunities has been the maturity of the documentation available to support robust applications.

POLICY IMPLICATIONS

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

- 4.5 Assets for our current and future needs

FINANCIAL AND RESOURCE IMPLICATIONS

The Investment Fast Track Fund:

A requirement of the fund is that Council commits to a co-contribution to the projects at a ratio of 4:1.

1. The Alpine Shire Tracks and Trails Masterplan project is estimated to be \$625,000, with \$500,000 to be sought from grant funding, and the remaining project costs of \$125,000 being met by Council. It is anticipated that the expenditure would be incurred over the 2022/23 financial year.
2. The Dederang Recreation Reserve Masterplan project is estimated to be \$75,000, with \$60,000 to be sought from grant funding, and the remaining project costs of \$15,000 being met by Council. It is anticipated that the expenditure would be incurred over the 2022/23 financial year.

The Regional Infrastructure Fund:

A requirement of the funds is that Council commits to a co-contribution to the project at a ratio of 4:1.

The Kiewa River Trail Extension project is estimated to be \$1,062,500 with \$850,000 to be sought from grant funding, and the remaining project costs of \$212,500 being met by Council.

The ongoing annual cost to Council for the maintenance of this trail is estimated to be \$30,000 which includes 0.2 FTE Council resource.

The Universal Design Grants Fund:

The Myrtleford Memorial Hall Accessibility and Inclusion Upgrade project is estimated to cost \$100,000 and there is no co-contribution required of Council.

The capital works program budgeted for delivery in 2022/23 is significant, and success with one or more of these funding applications would increase pressure on the delivery team. Council Officers are assessing the projects committed in the 2022/23 budget and preparing to flag opportunities to defer projects which are fully-funded by Council and are not considered time-critical, in order to free up capacity to take advantage of these external funding opportunities.

CONSULTATION

The projects have been assessed in accordance with projects currently on Council's Project Pipeline for delivery in future years and against the grant funding criteria in consultation with representatives of Regional Development Victoria.

There is strong community support for each of the projects for which a funding application is proposed. In the event that funding is successfully secured, an early activity in the delivery of each project would be the development of a community engagement plan, outlining the methods and timeframes at which engagement will be carried out to ensure alignment between project outcomes and community expectations.

CONCLUSION

Significant opportunities exist to secure grant funding to support Council's commitment to deliver new and upgraded infrastructure for those who live in and visit the region. There is strong community support for all projects proposed. It is recommended that Council approves nominated project applications as recommended.

DECLARATION OF CONFLICT OF INTEREST

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

- Acting Director Assets
- Manager Asset Development

ATTACHMENT(S)

Nil

8.3 DIRECTOR CORPORATE PERFORMANCE - HELEN HAVERCROFT

8.3.1 Governance Rules

INTRODUCTION

In May 2020, temporary measures were introduced into the *Local Government Act 2020* to allow electronic attendance at Council meetings, as a way of dealing with the COVID-19 pandemic restrictions. However, those temporary measures will be repealed on 2 September 2022, after which, each Council must amend its Governance Rules to allow Council to hold meetings by electronic means.

This report presents the proposed amendments to Council's Governance Rules for the purposes of public consultation.

RECOMMENDATION

That Council:

- 1. Endorses the draft amendments to the Governance Rules (version 2);*
- 2. Releases the draft amendments to the Governance Rules (version 2) for a period of public consultation, with submissions closing on 19 August 2022; and*
- 3. Presents the Governance Rules (version 2) and the results of any submissions to Council for adoption at the Ordinary Council Meeting on 6 September 2022.*

BACKGROUND

Council adopted its Governance Rules in August 2020, in accordance with section 60 of the *Local Government Act 2020* (LGA 2020). The Governance rules set out the requirements for not only the conduct of Council meetings, but many other processes including the Election of Mayor and Deputy Mayor, declarations of conflict of interest, and an election period policy.

COVID-19 temporary measures

At the time that the Governance Rules were developed, the LGA 2020 required attendance at council meetings to be 'in person'. Temporary measures were introduced into the LGA 2020 (sections 392-396) in May 2020 to allow council meeting attendance to occur by 'electronic means of communication'. This allowed councils to meet the requirements of the COVID-19 restrictions, while keeping council meetings operating. These provisions allowed councils to close the meeting to an in-person public gallery as long as the meeting was being livestreamed on the Council's website.

The provisions were originally due to be repealed in April 2021, but were extended to April 2022, and further to 1 September 2022. However, councils were advised that the provisions would not be extended past 1 September 2022.

ISSUES

Legislative change

The *Regulatory Legislation Amendment (Reform) Act 2022* will amend sections 60, 61, and 66 of the LGA 2020 to include attendance at council meetings by electronic means of communication, and also note that council meetings will be considered to be 'open to the public' as long as they are being livestreamed on council's website. These amendments will commence on 2 September 2022.

Amendment of Governance Rules

Council's Governance Rules have been reviewed in accordance with guidance from both Local Government Victoria (LGV) and from templates developed by Maddocks.

The proposed amendments are shown in attachment 8.3.1 as tracked changes. Changes are detailed below.

Election of Mayor

Section 25 of the LGA 2020 specifies that the Mayor must be elected by an absolute majority of Councillors. Chapter 2 "Procedure for the election of Mayor and Deputy Mayor" has been updated to make this requirement clear, and to provide further clarification for occasions where more than two nominees for the position of Mayor or Deputy Mayor occur.

Electronic Attendance

Chapter 3 "Meeting procedure for Council meetings" has been updated to allow for attendance by electronic means of communication. This includes clarifying the means of voting so that it can be in a manner either visible or audible to the Chairperson, and providing for a Councillor to request attendance by electronic means.

Mode of attendance at Council meetings will be amended to:

- Wholly in person;
- Wholly by electronic means; or
- Partially in person and partially by electronic means.

Council does not currently have capacity to hold partial (hybrid) meetings, however the ability to hold Council meetings in this manner has been included so that once Council's systems allow this in the future, a further change in Governance Rules is not required.

Conflict of Interest

Chapter 7 "Disclosure of Conflicts of Interest" has been updated to require declarations to include whether they are 'general' or 'material' in accordance with definitions in the LGA 2020.

Petitions

Petitions have been amended to include the ability for electronic / online petitions to be lodged. Previously, Council required petitions to be in hard copy.

Question time

Where Council meetings are advertised as being held electronically, questions on notice must be submitted ahead of the meeting and will be read out by the Chairperson.

Miscellaneous

Several miscellaneous amendments have been made to Chapter 3 “Meeting procedure for Council meetings”, including clarification when the Mayor is speaking to a motion, and clarification for minutes of confidential Council Meetings.

Impact on September Council meeting

The temporary COVID-19 measures in the *Local Government Act 2020* are in force until 1 September 2022 and will be formally repealed on 2 September 2022.

Council’s Ordinary Council meeting is scheduled for 6 September 2022, meaning that the COVID-19 temporary measures will no longer be in operation. This means that the September Council meeting must be held in person. Once the Governance Rules are adopted, electronic meetings will be able to resume.

Council has been livestreaming its Council meetings since February 2016, so the change in legislation and amendments to Governance Rules do not impact on Council being able to provide access to the Council meetings via livestream in September.

POLICY IMPLICATIONS

Once the amendments to Governance Rules are adopted, they will provide guidance for the conduct of Council meetings, including attendance by electronic means.

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 purchased the Maddocks template for the Governance Rules, with officers incorporating amendments to Council’s Governance Rules. Costs of template purchase were provided for within Council’s budget.

CONSULTATION

Officers have consulted with the Executive in the development of the draft Governance Rules. Councillors have also been briefed to ensure that any new provisions are understood.

Section 60(4) of the LGA 2020 requires that Council must ensure that a process of community engagement is followed in developing or amending the Governance Rules.

Council will seek public comment on the amendments to the Governance Rules (tracked changes), rather than the entire document. Submissions will close on Friday 19 August 2022. These submissions will be taken into account prior to the adoption of the Governance Rules at the Ordinary Council Meeting on 6 September 2022.

CONCLUSION

Amendment of the Governance Rules is necessary following changes to the *Local Government Act 2020*. Amendments will clarify the process for election of the Mayor and Deputy Mayor, and importantly, allow for Council meetings to be held electronically into the future. Public submissions will be sought on the proposed amendments and considered prior to adoption of the Governance Rules at the September Ordinary Council meeting.

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)

8.3.1 Draft amendments to Alpine Shire Council Governance Rules (version 2)

8.3.2 Revenue and Debtors Management Policy

INTRODUCTION

In 2021 the Victorian Ombudsman released a report following her investigation into the approaches taken by Victorian Councils in dealing with Financial Hardship experienced by Ratepayers.

The report found that there was much room for improvement and consistency in how Councils dealt with community members in these stressful situations.

RECOMMENDATION

That Council:

- 1. Notes that a review of the Revenue and Debtors Management Policy has been completed in accordance with a change in the Local Government Legislation Amendment Bill 2022;*
- 2. Revokes Revenue and Debtors Management Policy No. 102 version 2;*
- 3. Adopts Revenue and Debtors Management Policy No. 102 version 3; and*
- 4. Signs and seals Policy No. 102 - Revenue and Debtors Management Policy at the appropriate stage of this meeting.*

BACKGROUND

The Victorian Government recently introduced the Local Government Legislation Amendment (Rating and Other Matters) Bill 2022. The Bill delivers the first phase of reforms arising from the 2020 Local Government Rating System Review and recommendations of the Victorian Ombudsman's report.

The Bill will amongst other measures:

- Prescribe payment plans as a means by which councils can recover unpaid rates and charges in addition to the four instalments for payment currently mandated.
- Require the Minister for Local Government to set the maximum interest rate that may be levied by councils on unpaid rates and charges.
- Empower the Minister for Local Government to make Ministerial Guidelines on unpaid rates and charges and hardship to ensure greater consistency across councils in how they deal with ratepayers experiencing financial hardship.

This report presents the amended Policy reviewed in the context of the recent legislative change and the Ombudsman report into Financial Hardship practices.

It is expected that further prescription from the State Government in this domain is likely in the future.

Council last updated this policy in February 2019.

Council relies on income from rates, grants, leases, fees, and charges to fund its operations. Good revenue and debtor management practises are essential in enabling Council's income to be collected effectively.

The collection of debts should be undertaken equitably (that is, fairly and impartially), consistently, efficiently, effectively and in accordance with good governance.

ISSUES

Legislative change

The Victorian Government recently introduced the Local Government Legislation Amendment (Rating and Other Matters) Bill 2022. The Bill delivers the first phase of reforms arising from the 2020 Local Government Rating System Review and recommendations of the Victorian Ombudsman's report.

While most of the Bill will take effect as soon as the Bill receives Royal Assent through Parliament, the proposed changes to the *Local Government Act 1989* (ie impact on rates and charges) are likely to come into effect in June 2023.

Ombudsman Report

In May 2021 the Ombudsman released a report on the investigation carried out into how councils respond to ratepayers in financial hardship.

A key finding notwithstanding many Councils performing adequately in this area was that "As a whole council hardship practices compare poorly with sectors such as energy and water. Councils have fallen behind best practice."

It is expected that the State Government will continue to consult with councils in further implementing many of the recommendations in the Ombudsman's report.

Financial Hardship Options

The options available to ratepayers experiencing financial hardship include payment plans, deferral of rates and waiver of rates.

The latter two options are only provided to ratepayers experiencing financial hardship regarding the rates on their primary residence.

POLICY IMPLICATIONS

Once the Policy is adopted, it will provide guidance to Officers and the community on the support available to those ratepayers experiencing financial hardship.

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 does not envisage any additional impact on its financial position or the need for additional resources in the application of the processes detailed in the Policy.

CONSULTATION

Officers have consulted with the Executive in the development of the amended Policy. Councillors have also been briefed to ensure that any material changes are understood.

CONCLUSION

The Policy has been reviewed as per cycle and in the context of recent legislative change and the recommendations contained within the Ombudsman report.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate Performance
- Manager Corporate
- Rates Coordinator

ATTACHMENT(S)

8.3.2.a Alpine Shire Council Revenue and Debtors Management Policy No.102 version 3.

8.3.2.b Ombudsman Report [Investigation into how local councils respond to ratepayers \(ombudsman.vic.gov.au\)](https://www.ombudsman.vic.gov.au)

8.3.3 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 (CEO), following the formal appointment of the CEO.

RECOMMENDATION

That Council exercises 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 8.3.3a "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.*

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.

The S5 Instrument of Delegation to the CEO was most recently updated in June 2022, following Council's appointment of an Acting CEO.

ISSUES

Commencement of Chief Executive Officer

Following Council's formal appointment of the Chief Executive Officer at the Special Council Meeting on 15 July 2022, an update to the delegated powers to the Chief Executive Officer (CEO) is considered prudent.

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 June 2022, 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.

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 June 2022.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate Performance
- Manager Corporate
- Governance Officer

ATTACHMENT(S)

8.3.3 S5 - Instrument of Delegation from Council to the Chief Executive Officer

8.3.4 Planning Application P.2021.206 - 24 Toorak Road, Bright

| | |
|--|---|
| <i>Application number:</i> | <i>P.2021.206</i> |
| <i>Proposal:</i> | <i>Buildings and Works for the construction of Two (2) Dwellings and a Two (2) Lot Subdivision with Common Property</i> |
| <i>Applicant's name:</i> | <i>Mr Nick Vlahandreas (Mountain Planning)</i> |
| <i>Owner's name:</i> | <i>C & D Turner</i> |
| <i>Address:</i> | <i>24 Toorak Road, VIC 3741 (Lot 1 PS083862)</i> |
| <i>Land size:</i> | <i>651sqm</i> |
| <i>Current use and development:</i> | <i>Single Dwelling</i> |
| <i>Site features:</i> | <i>The site is of an irregular rectangular shape and slopes down from north to south. The site has a single storey single dwelling and an associated outbuilding sited towards to the rear of the site.</i> |
| <i>Why is a permit required?</i> | <i>Clause 32.08-3 Subdivision (GRZ) Clause 32.08-6 Construction of Two Dwellings (GRZ) Clause 44.06-2 Subdivision and Buildings and Works (BMO)</i> |
| <i>Zoning:</i> | <i>General Residential Zone (GRZ)</i> |
| <i>Overlays:</i> | <i>Bushfire Management Overlay - Schedule 1 (BMO1)</i> |
| <i>Restrictive covenants on the title?</i> | <i>None</i> |
| <i>Date received:</i> | <i>14 July 2022 (amended plans)</i> |
| <i>Statutory days:</i> | <i>19 days</i> |
| <i>Planner:</i> | <i>James Trimble</i> |

RECOMMENDATION

That a Notice of Decision to grant a planning permit be issued for Buildings and Works for the construction of Two (2) Dwellings and a Two (2) Lot Subdivision with Common Property in accordance with the conditions outlined in Appendix 8.3.4 and the following summarised reasons:

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

- i. Planning Policy Framework;*
- ii. General Residential Zone;*
- iii. Bushfire Management Overlay*
- iv. Particular provisions including clause 52.06 Car Parking, 53.02 Bushfire Planning, 55 Two or more Dwellings on a lot and Residential Buildings and 56 Residential Subdivision;*
- v. Decision Guidelines at Clauses 65.01.*

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

PROPOSAL

The proposal involves Buildings and Works for the construction of Two (2) Dwellings and Two (2) Lot Subdivision with common property.

The proposed Two (2) Dwellings includes the following:

- Minimum setbacks of 5 metres from Toorak Road, 2.1 metres from the side (eastern) lot boundary (excluding proposed outbuildings), less than 1 metre from the rear (southern) lot boundary, and a nil setback to the side (western) lot boundary.
- Two (2) storeys with a maximum height of 9 metres.
- Dwelling 1 (unit 1) contains a front porch, 3 bedrooms, 2 bathrooms and separate laundry on the lower storey and 2 decks, games room, and open plan kitchen/living room on the upper storey. 1 car space is proposed at the rear of dwelling 1 underneath the upper storey deck and 1 car space is proposed in front of dwelling 1.
- Dwelling 2 (unit 2) contains a front porch, double garage, 3 bedrooms, and 2 bathrooms on the lower storey and 2 decks, games rooms, and open plan kitchen/living room on the upper storey.
- A 6sqm outbuilding is proposed for each dwelling, sited in the middle of the site near the eastern lot boundary.
- A 2,500-litre water tank is proposed for each dwelling.
- Vehicle access is proposed via an existing crossover from Toorak Road.
- External materials and colours for each dwelling include Colorbond Monument colour roofing, Colorbond Basalt and Monument colour wall cladding, Scyon Linea Weatherboards colour Shale Grey wall cladding, and natural stone as feature elements.

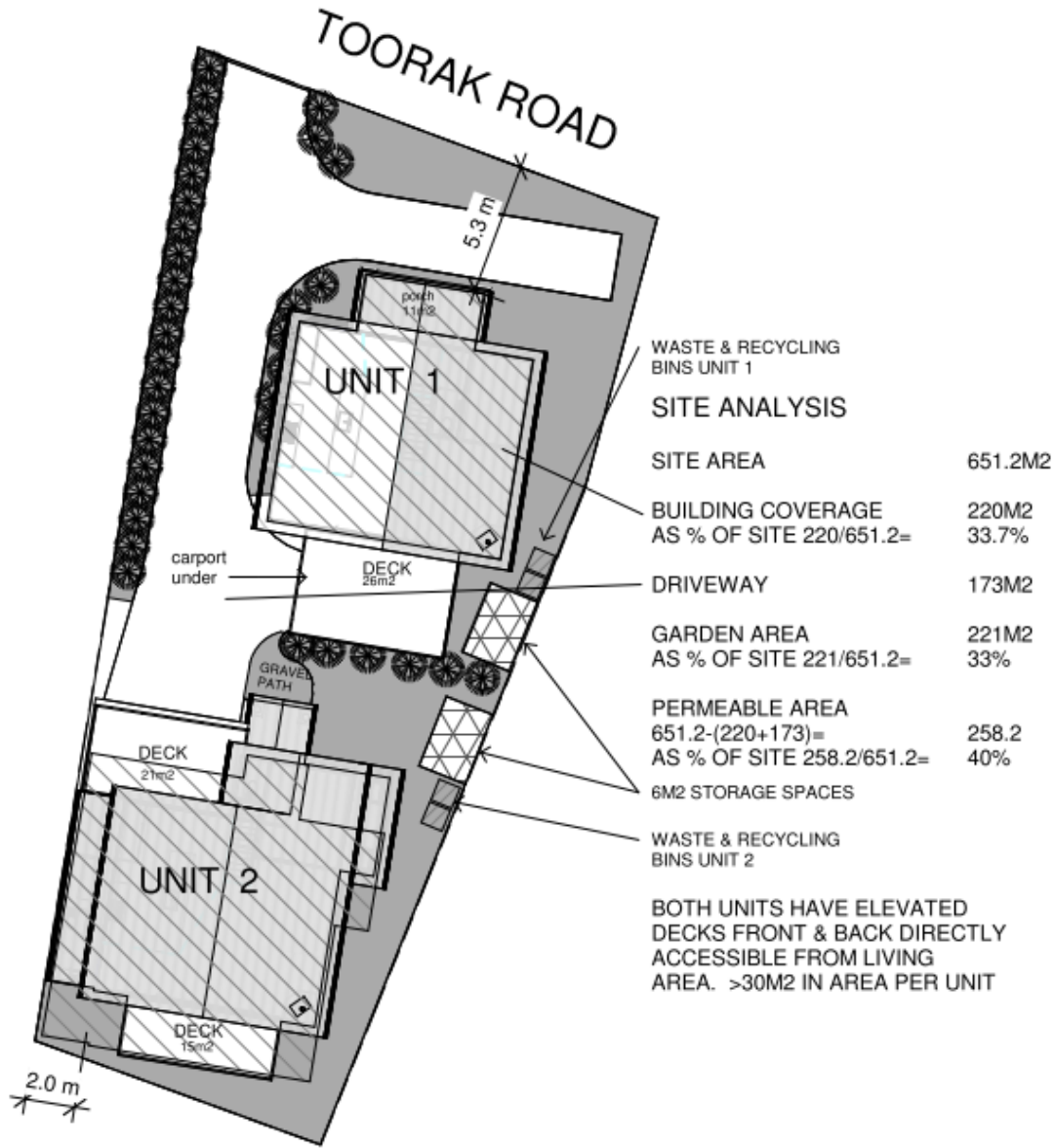


Figure 1: Shows the development layout on site including garden area, site coverage and permeability area figures.

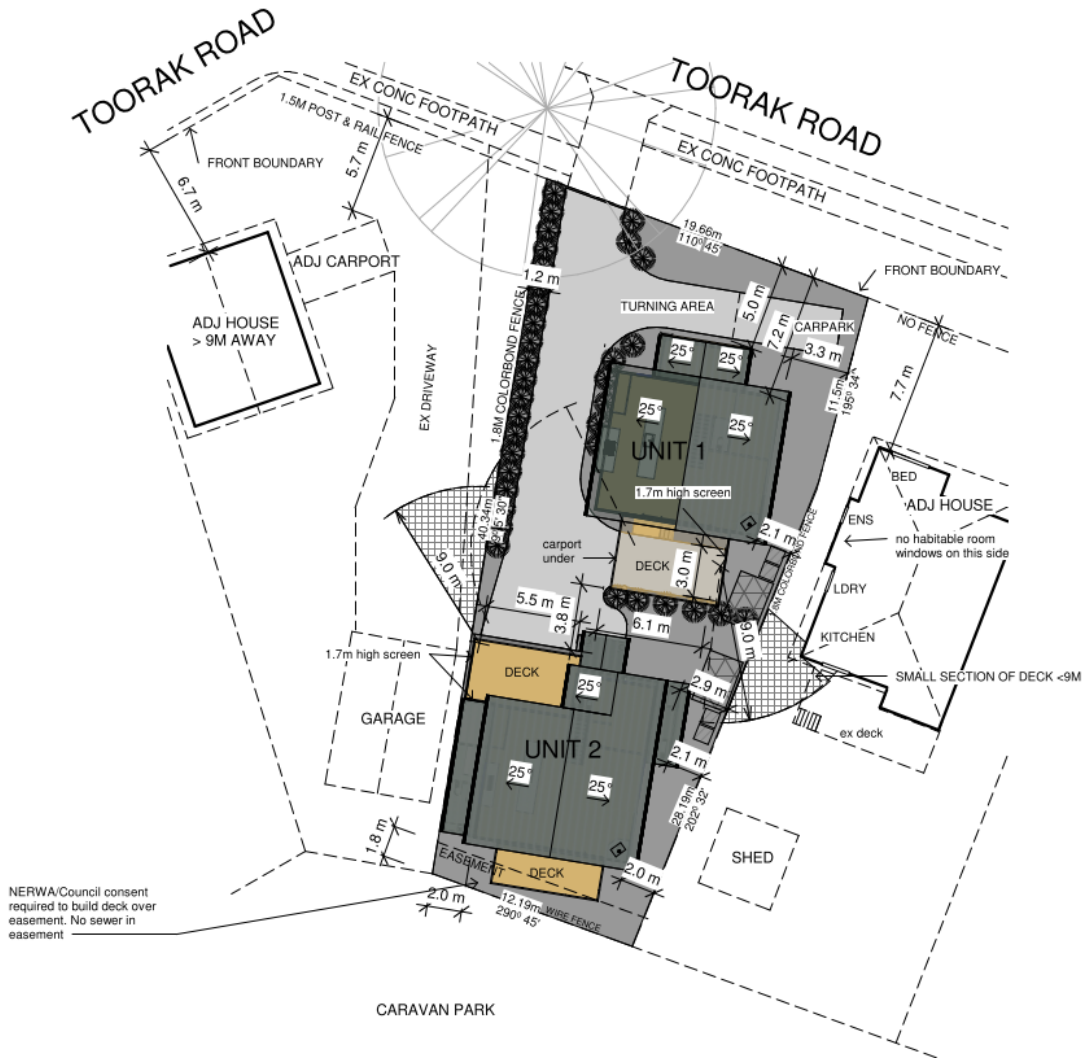


Figure 2: Shows the development layout on site including setbacks and overlooking arcs.

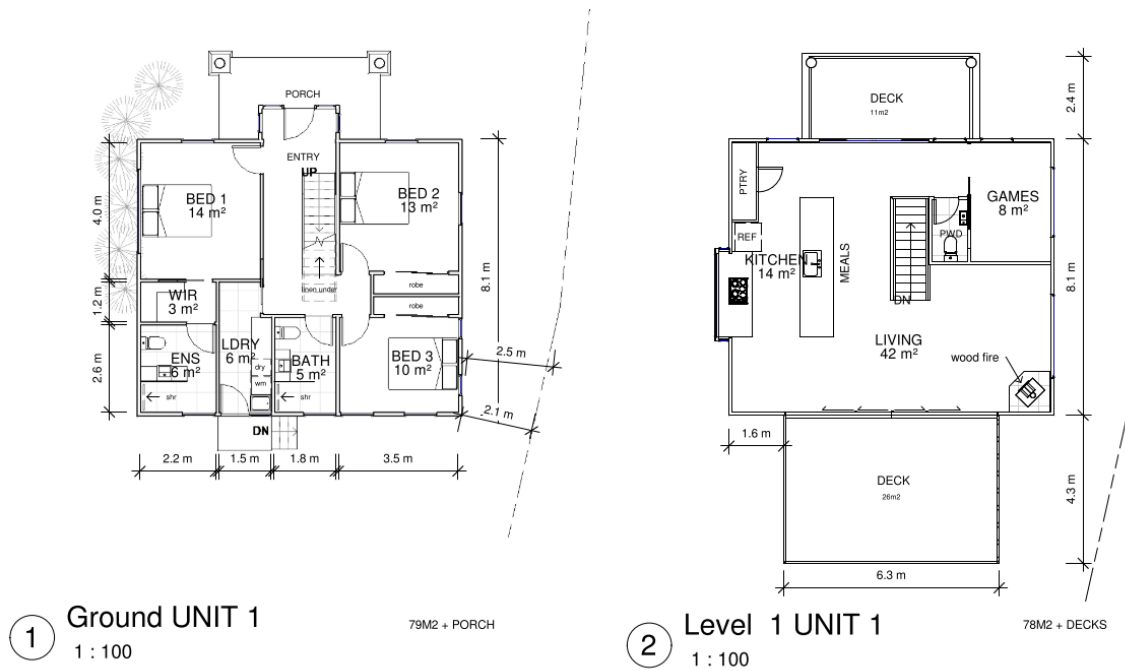


Figure 3: Shows the dwelling 1 (unit 1) floor plans.

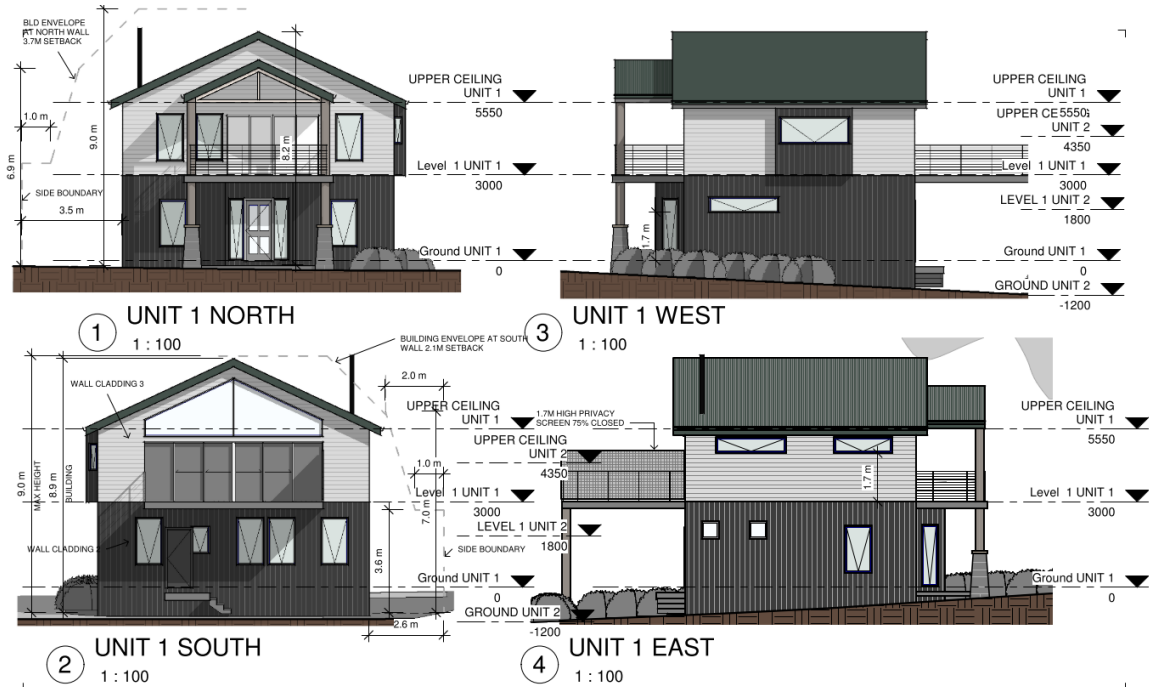


Figure 4: Shows the dwelling 1 (unit 1) elevations.

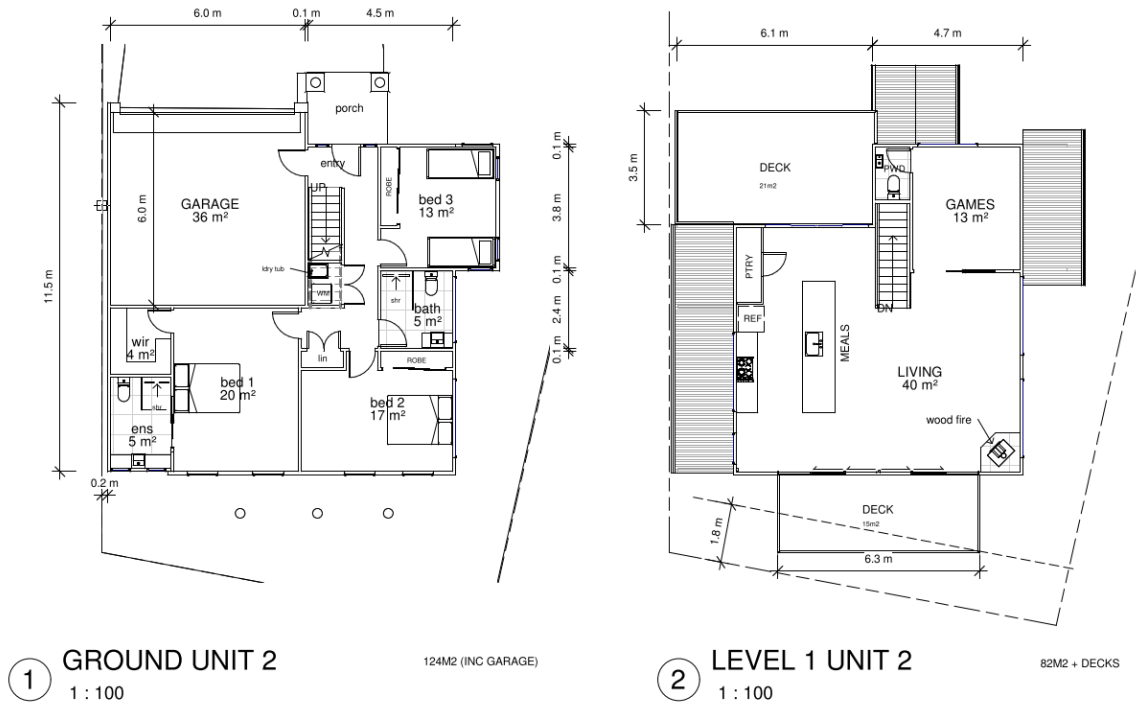


Figure 5: Shows the dwelling 2 (unit 2) floor plans.

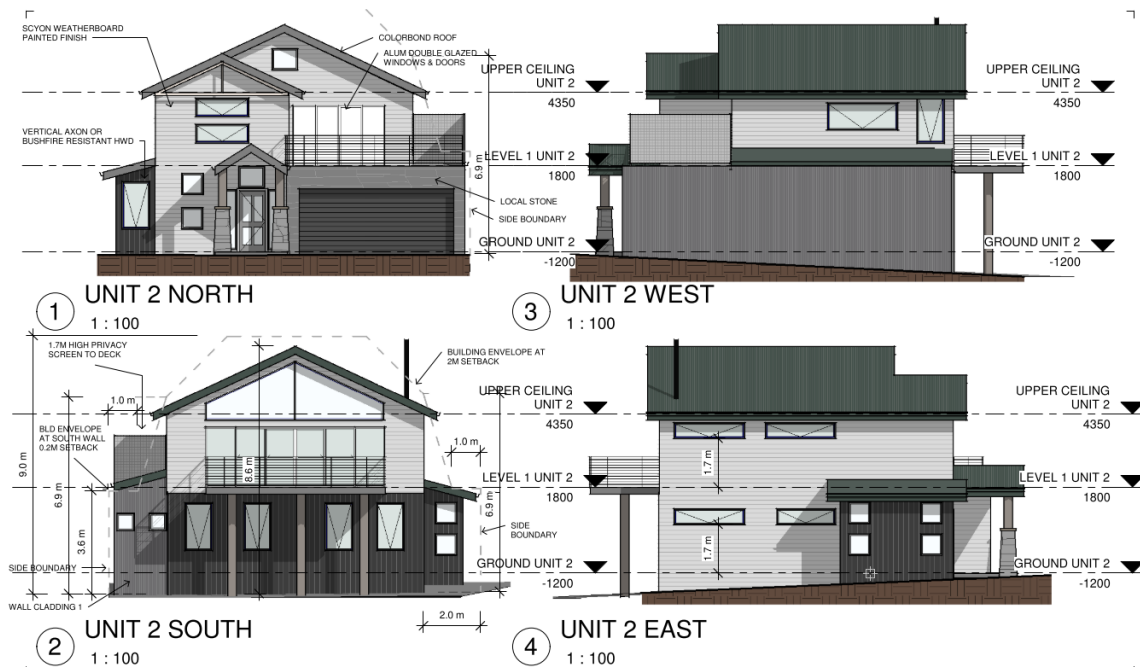


Figure 6: Shows the dwelling 2 (unit 2) elevations.









| COLOURS & MATERIALS | | | |
|----------------------|--|------------------------|---|
| ITEM | MATERIAL | COLOUR/FINISH | EXAMPLE |
| ROOFING | CORRUGATED (CUSTOM ORB) COLORBOND | MONUMENT |  |
| ROOF CAPPING/FASCIAS | COLORBOND | MONUMENT |  |
| WALL CLADDING 1 | VERTICAL COLORBOND CUSTOM ORB | BASALT |  |
| WALL CLADDING 2 | VERTICAL COLORBOND ENSEAM | MONUMENT |  |
| WALL CLADDING 3 | HORIZONTAL SCYON LINEA WEATHERBOARDS | SHALE GREY |  |
| STONE WALLING | RANDOM LOCAL (BENAMBRA OR GLENROWAN) STONE | NATURAL |  |
| ROLLER DOORS | COLORBOND | SHALE GREY |  |
| VERANDAH POSTS | BUSHFIRE RESISTANT HARDWOOD | WEATHERED NATURAL GREY |  |

Figure 7: Shows the external materials and colours.

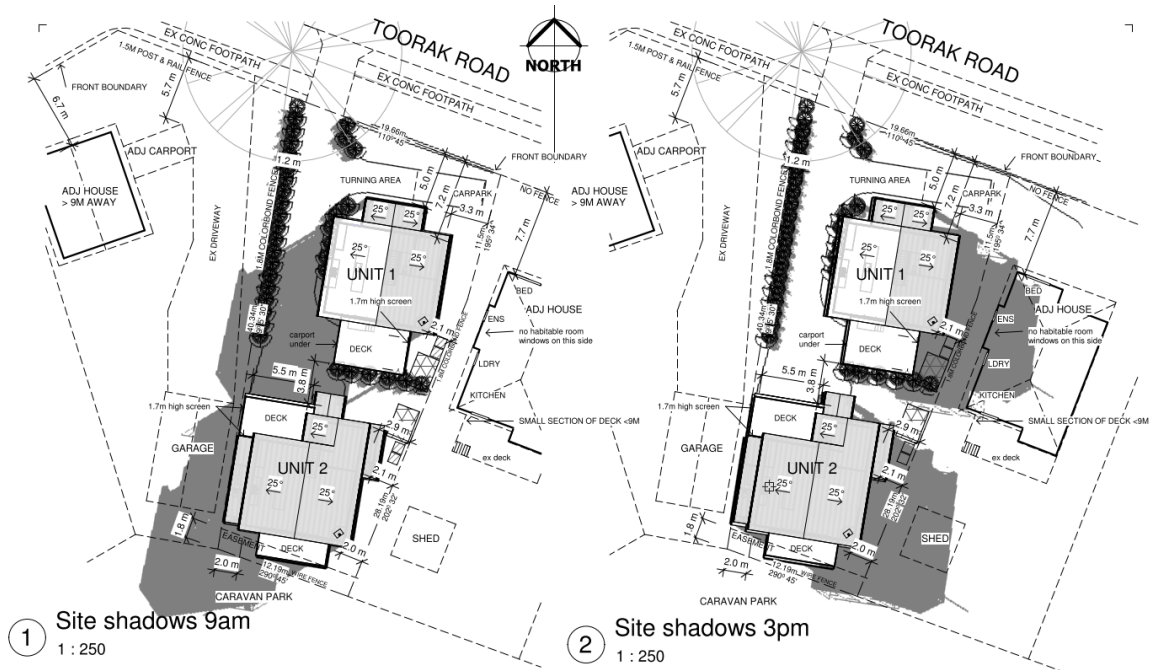


Figure 8: Shows the extent of overshadowing at 9am and 3pm based on clause 55 provisions.

Bushfire Protection Measures

The dwellings on lots 1 and 2 must be constructed to a BAL-12.5

Defendable space must be provided to the boundary and the vegetation will be managed in accordance with the following requirements:

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

A 2,500lt water tank must be provided for lots 1 and 2 and they must:

- Be stored in an above ground water tank constructed of concrete or metal.
- Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosion resistant metal.
- Include a separate outlet for occupant use.

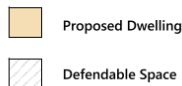


Figure 9: Shows the Bushfire Management Plan.

The proposed Two (2) lot subdivision with common property includes the following.

- Lot 1 has an area of 243.6sqm and will contain the proposed forward dwelling, including its associated car parking spaces, private open space and secluded private open space. Lot 1 is proposed to have a frontage of 14.3 metres to Toorak Road.
- Lot 2 has an area of 270.4sqm and will contain the proposed rear dwelling including its associated car parking spaces, private open space and secluded private open space. Lot 2 is proposed to have a minimum lot boundary dimension of 12.19 metres.
- Common property with an area of 137.2sqm and will contain the proposed vehicle access to service both proposed dwelling and includes space for vehicle manoeuvring. The common property is proposed to have a minimum width of 5.3 metres.

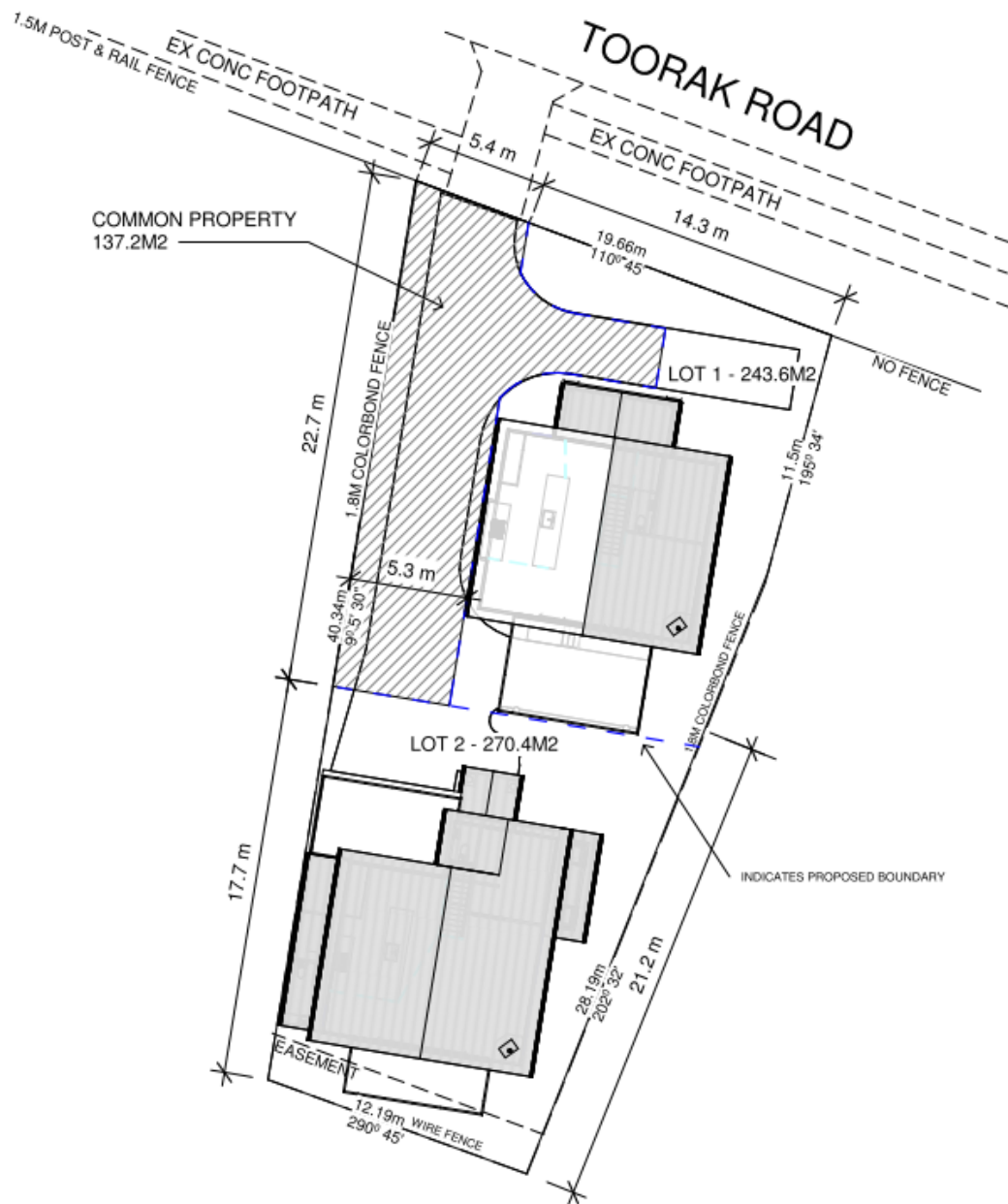


Figure 10: Shows the subdivision layout on site.

SUBJECT LAND AND SURROUNDS

The site has a total area of approximately 651sqm, is an irregular rectangular shape and slopes down from the north to south. The site contains a single storey single dwelling and associated outbuilding at the rear of the dwelling. Non-native vegetation exists along portion of the western lot boundary. There is a constructed footpath and large street tree in the verge abutting the site.

Land to the North, East, West is zoned General Residential Zone and is affected by the same overlays as the subject site. This land predominantly consists of parcels containing a single dwelling with heights ranging from single to double storey.

Land to the south of the site is zoned General Residential Zone and is affected by the same overlays as the subject site. This land contains a Caravan Park.



Figure 11: Subject land.

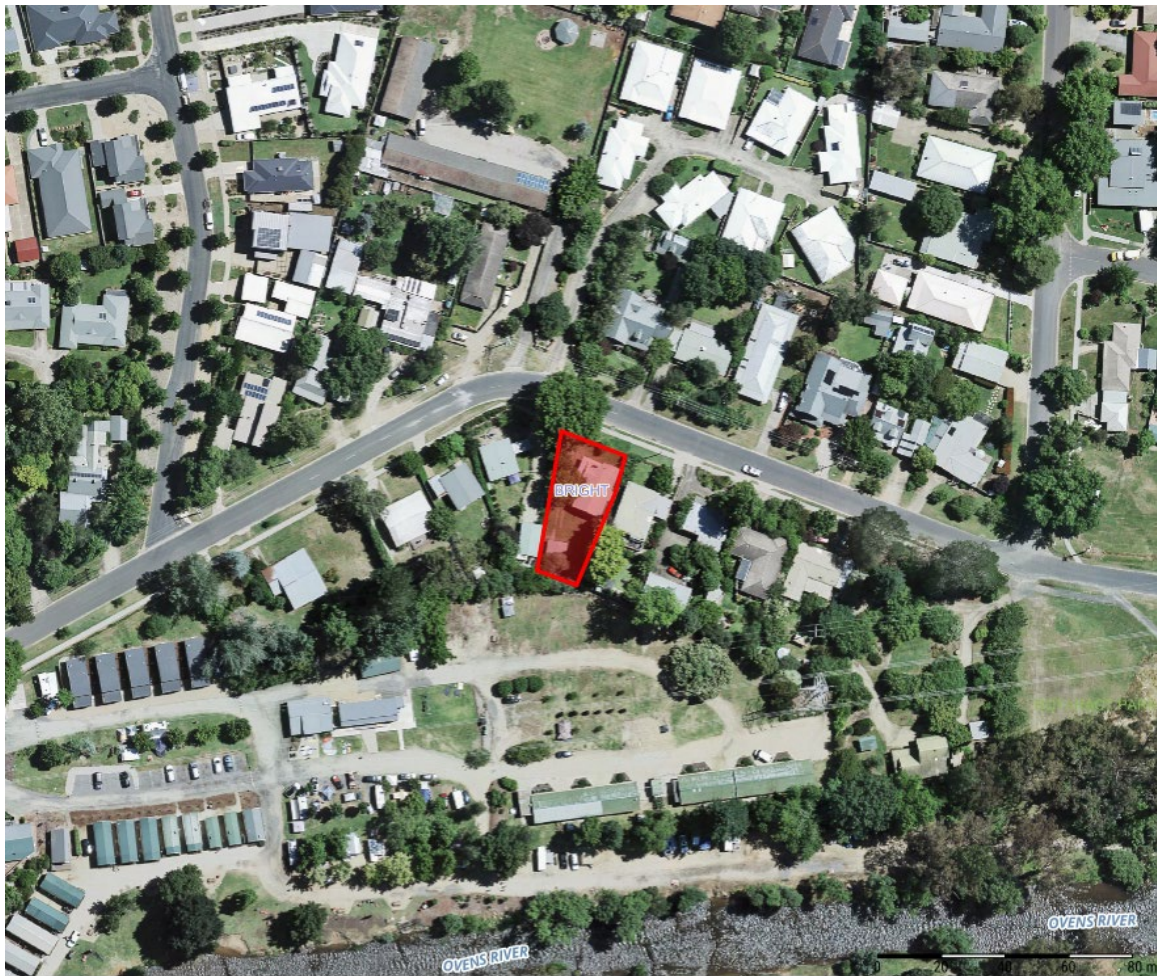


Figure 12: Subject land and surrounds.

PUBLIC NOTIFICATION

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

1. Inappropriate overshadowing
2. Negative overlooking impacts
3. Onsite car parking is inadequate
4. Noise impact concerns
5. Concerns with the removal of established onsite vegetation
6. The proposed two (2) storey dwellings do not meet the neighbourhood character of the area.
7. Negative impact on views

The applicant provided a response which is summarised below.

1. Overshadowing - The proposal will not detrimentally overshadow 26 Toorak Ave and the extent of overshadowing is permissible under Clause 55. The proposed buildings will be located to the east of 22 Toorak Ave and the overshadowing will be minimal in the mornings and within the limits of Clause 55.
2. Overlooking - The Unit 1 deck has a screen preventing overlooking to 26 Toorak Ave. The Unit 2 deck is located at the rear and the overlooking into the very rear part of 26 Toorak Avenue is not secluded private open space. Windows and decks are setback more than 9m from habitable room windows and secluded private open on 22 Toorak Ave.
3. Car parking - The development meets the car parking requirements.
4. Noise - The development is residential and we not envisage any noise greater than the surrounding residential area. Any additional noise would be the subject of compliance by VicPol.
5. Removal of established onsite vegetation - Exotic trees are proposed to be removed, however, there are no planning controls on these trees
6. Height and neighbourhood character - There is a no prescribed neighbourhood character for Bright. The proposed building respect the character of the area by being detached, using materials consistent with other buildings, broken up built form and articulated roof form
7. Views - No response

The assessing officer's response is provided as follows:

1. Overshadowing - The proposal does not result in the overshadowing of any existing north facing window habitable room window for the purposes of clause 55.04-4 North-facing windows within the Alpine Planning Scheme. Clause 55.04-5 Overshadowing open space within the Alpine Planning scheme includes an objective, standard and decision guidelines. A standard contains the requirements to meet the objective. A standard should normally be met. However, if the responsible authority is satisfied that an application for an alternative design solution meets the objective, the alternative design solution may be considered. The abovementioned standard states:
 2. *'Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September. If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.'*

The proposal complies with the abovementioned standard.
3. Overlooking - Clause 55.04-6 Overlooking within the Alpine Planning scheme includes an objective, standard and decision guidelines. The abovementioned standard states:

'A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing

dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.

A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:

Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.

Have sill heights of at least 1.7 metres above floor level.

Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level.

Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.

Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.

Screens used to obscure a view should be:

Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.

Permanent, fixed and durable.

Designed and coloured to blend in with the development.

This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.'

The proposal complies with the abovementioned standard, subject to conditions if approved.

3. Car parking - Clause 52.06 Car parking within the Alpine Planning scheme includes provisions relating to car parking. In accordance with the requirements of table 1 within clause 52.06 each dwelling is required to be provided with two (2) car spaces onsite. The proposal complies with this requirement. In accordance with the requirements of clause 52.06 the accessway must be design so that cars can enter and exit the site in a forward direction. The proposal complies with this requirement subject to condition if approved.
4. Noise - Noise is controlled by legislation outside of the *Planning and Environment act 1987*. Noise controls exist under the *Environment Protection Act 2017*. The proposal is not considered to result in a situation which would breach this legislation
5. Removal of established onsite vegetation - There are no specific planning controls that apply to the site in relation to non-native vegetation. In regard to native vegetation the site has an area of less than 0.4ha and there is an exemption for the removal of native vegetation from the site (if any) pursuant to clause 52.17 Native Vegetation within the Alpine Planning Scheme. It is also important to note that the site is covered entirely by the Bushfire Management Overlay.

6. Height and neighbourhood character - The area considered to form the existing neighbourhood character was all lots with the same zoning, within 5 sites to the North, East and West of the site. There is an existing two (2) storey dwelling at 29 Toorak Road, 35 Toorak Road, 37 Toorak Road and 4 Mountain Mist Drive. Respecting character does not mean preventing change. The neighbourhood character standard is not intended to result in the replication of existing building stock or stop change. In simple terms, respect for the character of a neighbourhood means that the development should try to 'fit in'. The proposal is not considered to result in change in the neighbourhood characteristics.
7. Views - There are no specific planning controls that apply to the site and surrounding sites in relation to views.

An online planning forum was held on 14 July 2022.

REFERRALS

| Referrals / Notice | Advice / Response / Conditions |
|----------------------|---|
| Section 55 referrals | Country Fire Authority - No objection, subject to conditions. Ausnet - No objection, subject to conditions. |
| Internal referrals: | Alpine Shire Council Arborist Team - No response within the required timeframe. Alpine Shire Council Engineering Team - No objection, subject to conditions. |

PLANNING ASSESSMENT

All applicable policy and decision guidelines can be found in Appendix 8.3.4.b.

Planning Policy Framework

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

Policy 11.01-1S - Settlement as the proposal limits urban sprawl and directs growth into existing settlements.

Policy 11.01-1L-01 - Settlement as the proposal avoids the negative impacts of a dispersed population base.

Policy 11.01-1L-02 - Bright as the proposal avoids development outside the township boundary.

Policy 15.01-3S - Subdivision design as the proposal assists in providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people

Policy 15.01-5S - Neighbourhood character as the proposed respects the existing neighbourhood character.

Policy 16.01-1S - Housing supply as the proposal increases the proportion of housing in an established urban area, that is well located in relation to jobs and services and it facilities diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.

Zoning

The subject land is zoned General Residential Zone. The proposal is consistent with the purposes and decision guidelines of the General Residential Zone as it respects the neighbourhood character of the area and encourages a diversity of housing types and housing growth particularly in a location offering good access to services

Within the general Residential Zone there is a maximum prescribed height limit of 11 metres and limit of 3 storeys that apply to the site.

Bushfire Management Overlay

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

Particular Provisions

Clause 52.06 – Car Parking

Clause 52.06 of the Alpine Planning Scheme contains the state-wide car parking and access provisions. In accordance with the requirements of this clause at least two (2) car parking spaces are required on the site for each dwelling. The proposal complies with this requirement. Cars must be able to enter and exit the site in a forward gear. The proposal complies with this requirement subject to conditions A detailed assessment of the proposal against the provisions of Clauses 52.06 is contained on the planning file – reference no. P.2021.206. The proposal is considered to be generally in accordance with the decision guidelines subject to conditions.

Clause 53.02 – Bushfire Planning

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

Clause 55 Two or more Dwellings on a lot and Residential Buildings

Clause 55 of the Alpine Planning Scheme contains the state-wide provisions which apply to two or more Dwelling on a lot and Residential Buildings on particular zones. The proposal is considered to be generally in accordance with the provisions of clause 55 subject to conditions. A detailed assessment of the proposal against the provisions of Clauses 55 is contained on the planning file – reference no. P.2021.206.

Clause 56 Residential Subdivision

Clause 56 of the Alpine Planning Scheme contains the state-wide provisions which apply to Residential Subdivision on particular zones. The proposal is considered to be generally in accordance with the provisions of clause 56 subject to conditions. A detailed assessment of the proposal against the provisions of Clauses 56 is contained on the planning file – reference no. P.2021.206.

General Provisions

Clause 65.01 of the Alpine Planning Scheme provides the general decision guidelines that must be considered before deciding on an application. A detailed assessment of the proposal against the provisions of Clauses 65.01 is contained on the planning file – reference no. P.2021.206. The proposal is considered to be generally in accordance with the decision guidelines.

CONCLUSION

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

1. The proposal generally meets the relevant provisions of the:
 - i. Planning Policy Framework;
 - ii. General Residential Zone;
 - iii. Bushfire Management Overlay
 - iv. Particular provisions including 52.06 Car Parking; 53.02 Bushfire Planning; 55 Two or more Dwellings on a lot and Residential Buildings and 56 Residential Subdivision;
 - v. Decision Guidelines at Clause 65.01.
2. The proposal provides an appropriate design and respects the neighbourhood character.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate Performance
- A/Manager Planning and Amenity
- Senior Planning Officer

APPENDICIES

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

8.3.4.a. Conditions**Additional Plan(s) Required**

1. Before the plan of subdivision is certified under the Subdivision Act 1988, or the commencement of any buildings and works (whichever occurs first), additional plan(s) must be submitted to and approved by the responsible authority. When approved, the plan(s) will be endorsed and will then form part of the permit. The plan(s) must be drawn to scale with dimensions. The additional plan(s) must show
 - a. Landscaping:
 - i. A survey (including botanical names) of all existing vegetation to be retained and/or removed;
 - ii. Landscaping within all proposed permeable areas on the site. All species selected must be to the satisfaction of the responsible authority;
 - iii. A landscaping and planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - iv. Details of weed and invasive plant species management;
 - v. Landscaping consistent with the vegetation management requirements of clause 53.02 Bushfire Planning within the Alpine Planning Scheme;
 - vi. The means of watering/irrigation proposed to be used

Amended Plans

2. Before the plan of subdivision is certified under the Subdivision Act 1988, or the commencement of any buildings and works (whichever occurs first), amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. An updated Bushfire Management Plan which is consistent with the Carter Perspective: Subdivision Plan: A311: Dated 10/05/2022.
 - b. That all proposed new fencing complies with the requirements of condition 17. within this permit.
 - c. No new fencing higher than 1.5 metres within 3 metres of the Toorak Road lot boundary.
 - d. B85 vehicle swept paths demonstrating that all vehicles can enter and exit the site in a forward gear.

Endorsed Plans

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

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

Overlooking conditions

5. Prior to occupation of dwelling 1 (unit 1) authorised by this permit, the dwelling 1 (unit 1) rear upper-level deck privacy screen as indicated on the endorsed plans must be installed and permanently fixed to the satisfaction of the responsible authority. This privacy screen must be of colours that blend in with the development to the satisfaction of the responsible authority.

Boundary fencing

6. Prior to the occupation of any dwelling hereby approved boundary fences along the lot boundaries behind the front walls of the dwellings must be a minimum of 1.8 metres high above the finished ground level(s) within the site within the 9 metre cone of vision of any approved ground floor habitable room window which overlooks any existing habitable room window or secluded private open space.

External Materials and Colours

7. The external materials of the building(s) including the roof must be constructed in materials of muted colours, to the satisfaction of the responsible authority. No materials having a highly reflective surface shall be used. For the purposes of this condition 'highly reflective' includes but is not limited to unpainted zincalume.

Landscaping Works

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

Construction Requirements

10. The owner/developer must ensure that all construction activity complies with the following.
 - a. Construction hours are limited to between 7am to 5pm Monday to Friday and 8am to 1pm on Saturdays. No construction activities are to be undertaken on public holidays or Sundays
 - b. The site must always be maintained in a neat and tidy condition. Any excavated material not required must be immediately disposed of off-site.
 - c. At the completion of the works all excess materials must be removed.
 - d. Parking must be contained within the construction site and designated on street parking.

- e. The construction site must be securely fenced at all times during the works.
- f. Residents must be advised of any possible disruption to utility services or access with at least 48hrs notice to be given.
- g. Unobstructed pedestrian access must be maintained along verge in front of the site at all times.
- h. Top soil from the subdivision works is to be stockpiled in a location where it will not be eroded from the site, is not on the road reserve and where no adverse amenity affects would arise all to the satisfaction of the responsible authority.

All to the satisfaction of the responsible authority.

Street trees

- 11. Before the buildings and works starts, tree protection zone fencing must be erected around the existing street trees in the verge abutting the site, from the base of the trunk to define a Tree Protection Zone. The fence must be constructed of (star pickets and chain mesh or similar) to the satisfaction of the responsible authority. The tree protection fence must remain in place until construction is completed. The tree protection zone fencing is to be installed in accordance with Australian Standard AS 4970.
- 12. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Zone without the written consent of the responsible authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.
- 13. Any pruning that is required to be done to the canopy and/or root system of the street tree is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996.
- 14. The existing street tree(s) must not be removed or damaged without the prior written consent of the responsible authority.

Boundary Walls

- 15. Any walls on the boundary of an adjoining property shall be cleaned and finished to the satisfaction of the responsible authority.

Construction Site Storage Area

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

Truncation areas

- 17. A corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath of the frontage road must be provided to the satisfaction of the responsible authority. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.

Mandatory Bushfire Condition

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

Mailboxes

19. Mailboxes must be provided and located for convenient access as required by Australia Post. All mailboxes must be constructed of external material/s similar to the external walls of the dwellings authorised by this permit.

Garbage Storage

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

Disturbed Surfaces

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

Construction of Car Parking

22. Prior to occupation of any dwelling authorised by this permit the car parking spaces, access lanes, driveways and associated works and landscaping as shown on the endorsed plans must be:
- a. constructed and available for use in accordance with the plans approved by the responsible authority;
 - b. formed to such levels and drained so that they can be used in accordance with the plans;
 - c. treated with an all-weather seal or some other durable surface;

all to the satisfaction of the responsible authority.

Line Marking and Signage for onsite vehicle manoeuvring

23. Prior to the commencement of use of any dwelling authorised by this permit appropriate signage and line marking must be clearly displayed on the site to discourage the parking of vehicles in the areas indicated on the endorsed plans as being provided for the manoeuvring of vehicles directly behind all onsite car parking spaces, to the satisfaction of the responsible authority.

Subdivision Conditions**Common Property**

24. Prior to the issue of a statement of compliance, the submission and approval of a to scale and dimensioned plan and report identifying:

- a. The common area to be owned by the body corporate, including any streets and open space;
- b. The reasons why the area should be commonly held;
- c. Lots participating in the body corporate;
- d. The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.

Existing Structures

25. Prior to issue of a statement of compliance, existing buildings and works on all proposed lots must be demolished and removed from site to the satisfaction of the Responsible Authority.

Bushfire Management Overlay Condition

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

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

Covenant Condition

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

Telecommunications

28. The owner of the land must enter into an agreement with:
 - a. a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b. a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

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

General

30. 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.
31. 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
32. 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.

- Country Fire Association Conditions -

Endorsement of Bushfire Management Plan

33. Before the development starts, the Bushfire Management Plan prepared by Mountain Planning, Drawing ref. 24 Toorak Road, Bright, Rev: 0, dated 25/10/2021 be endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority.

- Ausnet Conditions –

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

- Alpine Shire Council Engineering Team Conditions –

Detailed Construction Plans

36. Before the plan of subdivision is certified under the Subdivision Act 1988, or the commencement of any buildings and works (whichever occurs first), detailed construction plans must be submitted to and approved by the Alpine Shire Council. Construction detail shall be generally in accordance with Council's Infrastructure Design Manual (www.designmanual.com.au). When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions, and shall include proposed construction detail, further information or modifications to:
- a. Common Property including pavement, drainage and turning template
 - b. Underground drainage system, with supporting computations
 - c. vehicular crossings

Defect identification - Council's Assets

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

Urban Drainage Works

38. Prior to the issue of Statement of Compliance under the Subdivision Act 1988, or the commencement of use of any of buildings and works authorised by this permit (whichever occurs first), 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 SEP on Toorak Road across the lot. A provision of pump system may be required. All roof water from buildings and surface water from paved areas must be collected and discharged to the legal point of discharge (LPOD) to avoid any nuisance discharge to adjacent land, to the satisfaction of the responsible authority.

Drainage Discharge Plan

39. Before the plan of subdivision is certified under the Subdivision Act 1988, or the commencement of any buildings and works (whichever occurs first), 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 37 lit/sec/ha.
- e. the details of the incorporation of water sensitive urban design designed in accordance either "Urban Stormwater Best Practice Environmental Management Guidelines" 1999.

Prior to the issue of Statement of Compliance under the *Subdivision Act 1988*, or the commencement of use of any of buildings and works authorised by this permit (whichever occurs first), all works constructed and carried out must be in accordance with the endorsed plans to the satisfaction of Alpine Shire Council.

Urban Vehicle Crossing Requirements

40. Prior to the issue of Statement of Compliance under the Subdivision Act 1988, or the commencement of use of any of buildings and works authorised by this permit (whichever occurs first), vehicular crossings shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the Alpine Shire Council, and shall comply with the following:
 - a. standard vehicular crossings shall be constructed at right angles to the road to suit the proposed driveways, and any existing redundant crossing shall be removed and replaced with concrete kerb and channel and landscaping to match into the surrounding profile. The vehicle crossing must be constructed of plain grey concrete.
 - b. Any proposed vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, and street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense;
 - c. crossings shall be constructed of concrete and be generally in accordance with IDM drawing SD240

Vehicle Turning

41. All car parking spaces and driveways must be designed to allow all vehicles to drive forwards both when entering and leaving the property

Driveway Construction Requirements

42. Prior to the issue of Statement of Compliance under the Subdivision Act 1988, or the commencement of use of any of buildings and works authorised by this permit (whichever occurs first), the driveway as shown on the approved plans must be:
 - a. constructed of concrete or surfaced with an all-weather seal coat;

- b. drained in accordance with an approved drainage plan;
- to the satisfaction of the responsibility authority.

Prior to Commencement of Construction

43. Before any road/drainage works associated with the development start, the following items must be satisfied:
- a. Approval of the construction plans
 - b. 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

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

No Mud on Roads

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

Expiry

46. This permit will expire if one of the following circumstances applies:
- a. The development is not started within two (2) years of the date of this permit.
 - b. The development is not completed within four (4) years of the date of this permit.
 - c. The plan of subdivision is not certified within two (2) years of the date of this permit.
 - d. The registration of the subdivision is not completed within five (5) years of the date of certification of the plan of subdivision.

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

- End of Conditions -

Planning Notes:

1. This permit does not authorise approval under the Building Act. It is the responsibility of the applicant to determine if a building permit is required for the proposed buildings and works.
2. A road opening/crossing permit must be obtained from the responsible authority prior to working in or occupying the road reserve with construction equipment or materials. Applications may be accessed from the Alpine Shire Council website.
3. It is recommended that, at an early date the applicant commences negotiations with AusNet Services for a supply of electricity in order that supply arrangements can be

worked out in detail, so prescribed information can be issued without delay (the release to the municipality enabling a Statement of Compliance with the conditions to be issued). Arrangements for the supply will be subject to obtaining the agreement of other Authorities and any landowners affected by routes of the electric power lines required to supply the lots and for any tree clearing. Prospective purchasers of lots on this plan should contact this office to determine the availability of a supply of electricity. Financial contributions may be required. For all enquiries please email: subdivisions@ausnetservices.com.au

8.3.4.b. POLICY AND DECISION GUIDELINES

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

Planning Policy Framework

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

- 11.01-1S - Settlement
- 11.01-1R - Settlement - Hume
- 11.01-1L-01 - Settlement
- 11.01-1L-02 - Bright
- 11.02-1S - Supply of urban land
- 13.02-1S – Bushfire Planning
- 13.02-1L - Bushfire
- 13.05-1S - Noise management
- 14.02-1S – Catchment Planning and Management
- 14.02-1L - Catchment Planning and Management
- 14.02-2S – Water Quality
- 14.02-2L - Water Quality
- 15.01-1S - Urban Design
- 15.01-1L - Urban Design
- 15.01-2S – Building Design
- 15.01-3S - Subdivision design
- 15.01-3L - Battle axe development
- 15.01-5S – Neighbourhood Character
- 16.01-1S - Housing supply
- 19.03-2S – Infrastructure Design and Provision

Zone

The land is zoned General Residential Zone.

Overlays

The land is covered by the Bushfire Management Overlay - Schedule 2.

Particular Provisions

52.06 Car Parking

53.02 Bushfire Planning

55 Two or more Dwellings on a lot and Residential Buildings

56 Residential Subdivision

General Provisions

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

8.3.5 Planning Application P.2021.136 - 5 Westons Lane Eurobin

| | |
|--|--|
| <i>Application number:</i> | <i>P.2021.136</i> |
| <i>Proposal:</i> | <i>Three (3) lot subdivision</i> |
| <i>Applicant's name:</i> | <i>Oxley and Company Pty Ltd</i> |
| <i>Owner's name:</i> | <i>Lot 1 - H Weston and P Hemsworth Lot 2 - H Weston</i> |
| <i>Address:</i> | <i>5 Westons Lane, Eurobin (Lots 1 and 2 on Plan of Subdivision 419136P)</i> |
| <i>Land size:</i> | <i>140.555 hectares</i> |
| <i>Current use and development:</i> | <i>Lot 1 contains a dwelling and associated outbuildings Lot 2 contains a dwelling and associated outbuildings The occupier uses both sites for agricultural purposes - nut cultivation.</i> |
| <i>Site features:</i> | <i>The subject sites are located at 5 Westons Lane Eurobin on the eastern side of the Great Alpine Road and the south of Monshings Lane and the north of Westons Lane. The site is located to the south of the village of Eurobin and is abounded by Farming Zone to the north, south and west of the site and National Park to the east. The sites are currently used for nut production throughout with a dwelling located abutting the north-western boundary (lot 1) and another dwelling located on the southern boundary abutting Westons Lane (lot 2) with access being afforded by access to the Great Alpine Road. The site contains remanent vegetation along the eastern boundary abutting the National Park.</i> |
| <i>Why is a permit required?</i> | <i>A permit is required to subdivide land by virtue of: Clause 35.07-3 (Farming Zone), and Clause 44.06 (Bushfire Management Overlay)</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>29 July 2021</i> |
| <i>Statutory days:</i> | <i>323 days</i> |

| | |
|-----------------|----------------------|
| <i>Planner:</i> | <i>James Trimble</i> |
|-----------------|----------------------|

RECOMMENDATION

That a Notice of Decision to Refuse a planning permit be issued for Three (3) lot subdivision in accordance with the Grounds for Refusal outlined in Appendix 8.3.4.a. and the following summarised reasons:

- 1. The proposal does not meet the relevant provisions of the:

 - a. Planning Policy Framework;*
 - b. Farming Zone;*
 - c. Decision Guidelines of Clause 65.01 and 65.02.**
- 2. The proposal does not provide for the orderly planning of the area.*

PROPOSAL

The proposal is for a re-subdivision of two (2) existing lots in to three (3) lots with details of each lot as follows:

- Lot 1 will be located on the southern end of the lots abutting Westons Lane to the south and the Great Alpine Road to the west. It will be irregular in shape, have a maximum road frontage of 533.43 metres abutting the Great Alpine Road and 429.69 metres abutting Westons Lane. The site will have a total area of 45.32 hectares and will contain the existing dwelling and two (2) mobile phone towers.
- Lot 2 will be located between Lots 1 and 3, will have a total area of 41.65 hectares, will be irregular in shape, have a maximum road frontage of 569.87 metres abutting the Great Alpine Road. This proposed lot includes building envelope of 40 x 44 metres a defendable space of 35 meters defendable space and is located within an area currently used for cultivation.
- Lot 3 will be located on the northern end of the lots abutting Monshings Lane to the north and the Great Alpine Road to the west. It will be irregular in shape, contain existing dwelling and have a total area of 53.1 hectares. Access is afforded via the Great Alpine Road.

All sites are currently used for the production of chestnuts, hazelnuts and walnuts by the tenant.

No native vegetation is proposed to be removed as part of this application.



Figure 1: Proposed subdivision layout



Figure 2: Bushfire Management Plan showing proposed lot 2

SUBJECT LAND AND SURROUNDS

The subject site, made up of 2 adjoining allotments (Lot 1 on Plan of Subdivision 419136P and Lot 2 on Plan of Subdivision 419136P) located at 5 Westons Lane Eurobin on the eastern side of the Great Alpine Road, the south of Monshing Lane and the north of Westons Lane. The settlement of Eurobin is located to the north of the site with Farming Zone to the north, south and west of the site and National Park to the east. The sites are currently used for nut production throughout with a dwelling located abutting the north-western boundary (current lot 1) and another dwelling located on the southern boundary abutting Westons Lane (current lot 2) with access being afforded by access to the Great Alpine Road. The site contains remanent vegetation along the eastern boundary abutting the National Park.



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

The immediate locality around the site is zoned Farming Zone and majority of the adjoining and surrounding lots are also located within this zone. The surrounding area is used mainly for horticulture, viticulture, cropping and some grazing activities throughout the valley floor. The area contains detached dwellings and associated outbuildings scattered throughout but typically associated with an agricultural activity.

PUBLIC NOTIFICATION

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

- Land Productivity
 - The site is highly productive, and the agricultural use occurs throughout both lots.
 - Lot 2 will decrease the occupier's ability to cultivate and increase production of the nut farm due to the building envelope detailed on the BMP resulting in a net loss of agricultural activity.
 - If Lot 2 is on sold not only will it impact the viable agricultural activity, it will be a net loss in land that is highly productive.

REFERRALS

| Referrals / Notice | Advice / Response / Conditions |
|----------------------|--|
| Section 55 referrals | Department of Transport – Consent subject to conditions AusNet Services – Consent subject to conditions Country Fire Authority – Consent with No Conditions. Goulbourn Murray Water - Consent with No Condition |
| Internal referrals: | Alpine Shire Council Engineering Department - Consent subject to conditions |

PLANNING ASSESSMENT

Zoning

The subject site is located within the Farming Zone in which pursuant to Clause 35.07-3 a permit is required for the subdivision of land. The applicant has proposed the subdivision of active viable productive agricultural land which would create the potential of a dwelling to be constructed within proposed Lot 2. This dwelling would be an as of use right due to the proposed lot exceeding the 40 hectares required by Clause 35.07-1.

An assessment was undertaken against the purpose and decision guidelines of the zone.

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

- The site is located within the Farming Zone and the purpose of the zone is to provide for agricultural activities. The proposal would lead to the fragmentation of productive agricultural land.
- The subdivision does not support or enhance the existing agricultural activity.
- The proposal would lead to the fragmentation of productive agricultural land.
- The subdivision would allow the proliferation of dwellings on viable productive agricultural land.

The proposed subdivision would allow for a further dwelling on the middle lot. The Farming Zone seeks to ensure that new dwellings are only approved in instances where they are considered to support or enhance agriculture. In making such a determination, consideration should be given to why there is a need to live on site and how that would

support or enhance agricultural use/production, whether agriculture would remain the primary land use, whether it is likely that the land would remain in agricultural use into the future following development of the dwelling, and so on.

Planning Policy Framework

The following Planning Policy Framework does not provide support for the proposal.

Clause 11.01-1S – Settlement - the proposal does not limit urban sprawl and direct growth into existing settlements.

Clause 11.01-1L-01 - Settlement - the proposal does not:

- direct the majority of urban growth to the large townships
- avoid the negative impacts of a dispersed population base

Clause 14.01-1S - Protection of agricultural land - the proposal does not protect the states agricultural base by preserving productive farmland, as it does not:

- avoid permanent removal of productive agricultural land from the states agricultural base
- prevent inappropriately dispersed urban activities in the rural areas
- limit new housing in rural areas
- avoid the subdivision of productive agricultural land from diminishing the long term productive capacity of the land

Clause 14.01-1L - Protection of agricultural land - the proposal does not:

- avoid conversion of land away from soil based use and development
- encourage the consolidation of rural lots
- minimise the loss of broad acre commercial farming through subdivision
- ensure that dwellings are linked to and necessary to enable to the daily management of agricultural activity conducted on the land
- prevent the further fragmentation of productive agricultural land

Clause 16.01-3S - Rural residential development - the proposal does not encourage the consolidation of new housing into existing settlements where investment in physical and community infrastructure and services has already been made.

In response to the above policies, it is recognised that rural lifestyle developments poses an ongoing risk to agricultural land with Planning Schemes in rural municipalities usually seeking to address these challenges through directing 'rural lifestyle' development to appropriately zoned land.

It is evident that the overall aim of the planning policy framework seeks to ensure that agricultural land is carefully managed in order to prevent adverse impacts on agricultural production, prevent the fragmentation of rural land and to ensure an orderly development of residential development in rural areas so that agricultural production of these areas is not disadvantaged or prejudiced by ad hoc and unplanned residential development.

Council has undertaken Land Capability Assessment of agricultural land within the Shire's boundaries. The mapping indicates that the subject sites are located within an area that has been assessed as an area of medium agricultural capability. The sites are currently used for horticultural purposes and the occupier currently operates a viable nut farm. Removing the land from agricultural production will result in the fragmentation of productive agricultural land which is contrary to the Planning Policy Framework within the Alpine Planning Scheme.

It is noted that the land has consistently been used for agricultural uses and the refusal of this application would ensure that the land would continue to be used for agriculture.

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 Authority (CFA) for comment. Consent was provided. Therefore, the application is considered to meet the relevant requirements of the Bushfire Management Overlay.

Particular Provisions

Clause 53.02 - Bushfire Planning

The application meets the criteria set out in Clause 53.02 and therefore is generally in accordance with the provisions.

General Provisions

Clause 65.01 and 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 65.01 and 65.02 is contained on the planning file – reference no. P.2021.136. The proposal is not generally in accordance with the decision guidelines.

CONCLUSION

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

- The proposal does not present an acceptable planning outcome with regards to the purposes of the Farming Zone and the relevant planning policy for the protection and enhancement of viable agricultural land.
- The subdivision does not support or enhance the existing viable agricultural activity.
- The subdivision would cause the fragmentation of viable agricultural land.
- The subdivision will allow further proliferation of dwellings on viable productive agricultural land.

DECLARATION OF CONFLICT OF INTEREST

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

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

APPENDICIES

- 8.3.5.a Grounds for refusal
- 8.3.5.b Policy and decision guidelines

8.3.5.a Grounds for Refusal

1. The proposal does not comply with policy 11.01-1S – Settlement - as the proposal does not limit urban sprawl and direct growth into existing settlements.
2. The proposal does not comply with policy 11.01-1L-01 - Settlement - as the proposal does not:
 - a. direct the majority of urban growth to the large townships
 - b. avoid the negative impacts of a dispersed population base
3. The proposal does not comply with policy 14.01-1S - Protection of agricultural land - as the proposal does not protect the states agricultural base by preserving productive farmland, as it does not:
 - a. avoid permanent removal of productive agricultural land from the states agricultural base
 - b. prevent inappropriately dispersed urban activities in the rural areas
 - c. limit new housing in rural areas
 - d. avoid the subdivision of productive agricultural land from diminishing the long term productive capacity of the land
4. The proposal does not comply with policy 14.01-1L - Protection of agricultural land - as the proposal does not:
 - a. avoid conversion of land away from soil based use and development
 - b. encourage the consolidation of rural lots
 - c. minimise the loss of broad acre commercial farming through subdivision
 - d. ensure that dwellings are linked to and necessary to enable to the daily management of agricultural activity conducted on the land
 - e. prevent the further fragmentation of productive agricultural land
5. The proposal does not comply with policy 16.01-3S - Rural residential development - as the proposal does not encourage the consolidation of new housing into existing settlements where investment in physical and community infrastructure and services has already been made.
6. The proposal is inconsistent with the purposes and decision guidelines of the Farming Zone for the following reasons:
 - a. The proposal would lead to the fragmentation of productive agricultural land.
 - b. The subdivision does not support or enhance the existing agricultural activity.
 - c. The subdivision would allow the proliferation of dwellings on viable productive agricultural land.
7. The proposal does not provide for the orderly planning of the area.

8.3.5.b Policy and Decision Guidelines

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

Planning Policy Framework

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

- Clause 11.01-1S – Settlement
- Clause 11.01-1L-01 - Settlement
- Clause 12.05-2S - landscapes
- Clause 12.05-2L - Landscapes
- Clause 13.01-1S - Natural Hazards and Climate change
- Clause 13.02-1S - Bushfire Planning
- Clause 13.02-1L - Bushfire
- Clause 13.07-1S - Land use compatibility
- Clause 14.01-1S - Protection of agricultural land
- Clause 14.01-1L - Protection of agricultural land
- Clause 14.01-2S - Sustainable agricultural land use
- Clause 14.01-2L - Sustainable agricultural land use
- Clause 15.01-3S - Subdivision Design
- Clause 16.01-3S - Rural residential development
- Clause 17.1-1S and 1R (Hume) – Diversified Economy
- Clause 18.02-4S - Roads
- Clause 18.02-4L - Roads
- Clause 19.03-2S - Infrastructure design and provision
- Clause 19.03-2L - Infrastructure design and provision

Zone

The land is zoned Farming Zone.

Overlays

The land is covered by the Bushfire Management Overlay.

Particular Provisions

Clause 53.02 Bushfire Planning

General Provisions

Clause 65.01 and 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 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 June / July 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 |
|---------|---|
| 28 June | Briefing Session |
| 5 July | Briefing Session |
| 12 July | Community Assessment Panel Meeting |
| 12 July | Events Funding Assessment Panel Meeting |
| 14 July | Planning Forum |
| 19 July | Briefing Session |

Attachment(s)

- 9.0 Informal meetings of Councillors – June / July 2022

10. Presentation of reports by delegates

11. General business

12. Motions for which notice has previously been given

13. Reception and reading of petitions

14. Documents for sealing

RECOMMENDATION

That the following documents be signed and sealed.

- 1. Section 173 Agreement – N Mirt Pty Ltd. The Deed of Variation of a Section 173 Agreement is in relation to amend the Section 173 Agreement (AQ357446E) to remove a Covenant for Crown Allotment 5, Section N Volume 9396 Folio 318. The Covenant relates to Planning Permit 2017.7 (Lot 1 on Title Plan 320780W; Volume 8499 Folio 106). Condition 8 of Planning Permit 2017.7 for a two-lot re-subdivision and creation of easement at 245-263 Myrtle Street, Myrtleford. The Covenant to be removed: – Lot 2 must not be developed for a dwelling or any other buildings that have a human habitation component.*
- 2. Revenue and Debtors Management Policy No 102 version 3*
- 3. Instrument S5 Instrument of Delegation from Council to the Chief Executive Officer.*
- 4. Contract No CT22015 in favour of Schreder Australia Pty Ltd for Energy Efficient Street Lighting Hardware.*

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

.....

Chairperson