

M(10) – 7 SEPTEMBER 2021

Ordinary Council Meeting

Agenda

Notice is hereby given that the next **Ordinary Meeting** of the **Alpine Shire Council** will be held on **7 September 2021** commencing at **5:00pm**.

Agenda

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1. Recording and livestreaming of Council meetings

The CEO will read the following statement:

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

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

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

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

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

The Mayor will read the following statement:

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

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

3. Confirmation of minutes

3.1 ORDINARY COUNCIL MEETING – M(9) – 3 AUGUST 2021

RECOMMENDATION

That the minutes of Ordinary Council Meeting M(9) held on 3 August 2021 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.

6. Declarations by Councillors of conflict of interest

7. Public questions

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

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 – CHARLIE BIRD

8.1.1 Nil

8.2 ACTING DIRECTOR ASSETS – ELAINE BURRIDGE

8.2.1 Buckland Valley Road Sealing Tender Award

File Number: CT21089

INTRODUCTION

This report relates to the award of a contract for road reconstruction and sealing works along a 3.3km section of the Buckland Valley Road, past the newly constructed Buckland Bridge. The works include road pavement construction, sealing and drainage works.

RECOMMENDATION

That Council awards Contract No. 2108901 for the "Buckland Valley Road Sealing" to Stadelmann Enterprises Pty Ltd for the lump sum price of \$585,008.86 + GST.

BACKGROUND

In November 2020 a petition was received which contained 35 signatures. The petition request of Council being:

A reduction of the speed limit along Buckland Valley Rd south of McCormack's Lane / Devils Creek crossing.

The petition noted a significant increase in traffic and several accidents on the unsealed section of road south of the Buckland Bridge over recent years.

A report was tabled at the December 2020 Council Meeting. At this meeting Council committed to engaging with Regional Roads Victoria (RRV), Victoria Police and the broader community to establish the degree of support for a speed limit change.

In addition to the petition, Council has received a number of customer requests to address the hazardous conditions which are frequently present on the unsealed section of road as a result of dust.

Prompted by this feedback, Council carried out traffic counts over a six week period from 21 December 2020 to 1 January 2021, establishing that there were an average of 273 individual vehicle movements per day along the road, significantly exceeding the threshold of 100 vehicles-per-day above which Council will give consideration to sealing an unsealed road, subject to the availability of funding.

With the Buckland Bridge Project being completed under budget in March 2021, an opportunity was identified to utilise unspent external funding on other qualifying works. Our funding partners for the Buckland Bridge Project, Department of Environment, Land, Water and Planning (DELWP) and RRV, are supportive of these unspent funds being used to reconstruct and seal a 3.3km length of the Buckland Valley Road immediately South of the Buckland Bridge in order to improve safety for users of the road. This 3.3km section begins at the end of the current sealed road south of the bridge and links up to the next sealed section of the road beginning at Cemetery Road.

A tender for the construction works was advertised in the Herald Sun on 4 August 2021, as well as on tenders.net and the Alpine Shire Council website.

The tender documents were downloaded by 24 prospective tenderers and six responses were received by the closing date.

ISSUES

DELWP is a major user of the Buckland Valley Road, which they use to access 320,000ha of state forest to undertake fire management activities. With funding available to them last financial year, they had identified upgrades to the Buckland Valley Road as a priority. DELWP originally planned to construct the sub-base layer of the road pavement, with Council then to construct the base layer and the seal.

DELWP was unable to procure and deliver their planned works with their available budget last financial year.

Due to the savings on the bridge project, there is available budget from the RRV and DELWP contributions that can be used by Council to conduct the construction of the proposed DELWP scope under this contract. This will also allow the works to be delivered under the optimal weather conditions in spring.

Access to properties along the road will be maintained at all times with appropriate traffic management and control, with some minor delays expected.

Evaluation

The evaluation panel consisted of the Manager Asset Development and Project Officers. The tenders were evaluated according to the key selection criteria listed in the Invitation to Tender:

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

Following the assessment of the tenders, it was determined that the tender from Stadelmann Enterprises best met all the requirements of the selection criteria. This evaluation resulted in Stadelmann being the recommended tenderer.

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 2017-2021:

- Incredible places for our community and visitors

FINANCIAL AND RESOURCE IMPLICATIONS

The original budget for the Buckland Bridge project was \$2,250,000. RRV contributed \$1,500,000 through their Fixing Country Roads program, with DELWP contributing \$600,000. With the bridge project being delivered under budget, there is sufficient allocation remaining within the project budget to deliver the road reconstruction and sealing works through award of this Contract.

The adopted budget for this financial year for these works is \$385,000. This does not include the scope DELWP were planning to deliver. The total value of the DELWP scope and Council's scope is \$585,000. There is sufficient external funding to deliver this project without using Council funds.

CONSULTATION

Taungurung Land and Waters Council (TLaWC) was notified through an advisory notice regarding the proposed works and agreed that the activity is a minor public road work within the definition of the Land Use Activity Agreement. TLaWC has provided their consent for the works to proceed.

Funding partners DELWP and RRV are supportive of works in addition to the bridge replacement project that add to the safe operation of the bridge and adjacent road infrastructure.

The broader community has been informed of the intent to seal the road through social media updates and a media release/newspaper article in early May. All residents and property owners south of the Buckland Bridge were notified of the proposed works via letter in early June. Further updates will be provided to the community and residents before works commence to ensure all are kept informed.

CONCLUSION

Following a comprehensive assessment, the Tender from Stadelmann Enterprises 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.

- Acting Director Assets
- Manager Asset Development
- Project Officers

ATTACHMENT(S)

Nil

8.2.2 Dargo High Plains Road, Preliminary Site Establishment

File Number: CT21074

INTRODUCTION

This report relates to the award of a contract for the Preliminary Site Establishment of the Dargo High Plains Road to enable the seasonal opening. Works will include tree clearing, grading and drain cleaning of 39.25km of road.

RECOMMENDATION

That Council awards Contract No. CT21074 for "Dargo High Plains Road - Preliminary Site Establishment" to North East Civil Construction based on the tendered schedule of rates and subject to an agreed maximum cost of \$180,000 + GST.

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.

The works relating to this report are required to enable the seasonal opening of the road and will be Phase 1 of a 3 Phase project involving:

- Phase 1: Preliminary Site Establishment;
- Phase 2: Security Access Control at each entrance to the National Park; and
- Phase 3: Drainage Upgrade works to prioritised sections of the road.

ISSUES

The works involve a large crew and heavy vehicle and plant movements within the Alpine National Park; therefore, a high awareness of environmental factors and site safety is required by the contractor.

Works will be closely monitored by the Project Officer to ensure compliance with all policies and procedures.

EVALUATION

The Tender was advertised in the Herald Sun on 4 August 2021, as well as on tenders.net and Alpine Shire Council websites.

The Tender documents were downloaded by 18 prospective tenderers and six (6) responses were received by the closing date.

All six (6) tenders received were conforming and were evaluated in accordance with the key selection criteria listed in the Invitation to Tender

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

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

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

Following the assessment of the tenders, it was determined that the tender from North East Civil Construction best met all the requirements of the selection criteria. This evaluation resulted in North East Civil Construction being the recommended tenderer.

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 2017-2021:

- Incredible places for our community and visitors

FINANCIAL AND RESOURCE IMPLICATIONS

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

The annual scope of work required to enable the Dargo High Plains Road to be reopened after winter can only be determined once access can be gained post the snow melt in spring. Historical records have thus been used to estimate the cost of these works for this contract.

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 & Planning (DELWP), Parks Victoria, Wellington Shire Council, Mount Hotham Resort Management Board, Bushfire Recovery Victoria, Regional Roads Victoria, both 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). Letters of support have been provided by state government land managers, DELWP and Parks Victoria.

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.

- Acting Director Assets
- Manager Asset Development
- Project Officer

ATTACHMENT(S)

Nil

8.2.3 Proposed Discontinuance of Government Road - Mount Beauty Airport

File Number: 1500.02

INTRODUCTION

In accordance with the Mount Beauty Airport Upgrade project, Council is in the process of finalising all matters to enable the extension of the airport runway. This requires the existing unused government road traversing the property to be transferred to Council in the first instance. However, prior to the transfer being able to proceed, the government road must first be discontinued pursuant to Schedule 10, Clause 3(a) of the *Local Government Act 1989*.

RECOMMENDATION

That Council:

1. *Advertises its intention to undertake a discontinuance of 7,451m² of road in accordance with Schedule 10, Clause 3(a) of the Local Government Act 1989 shown as crosshatched on the plan below (Figure 1);*
2. *Authorises the Chief Executive Officer to place this proposal on exhibition, inviting submissions in accordance with Section 223 of the Local Government Act 1989, as required by Section 207A of the Local Government Act 1989; and*
3. *Forms a committee consisting of Councillors according to Section 223 (1)(b) of the Local Government Act 1989, if required, for the purpose of hearing submissions in relation to the proposed discontinuance.*

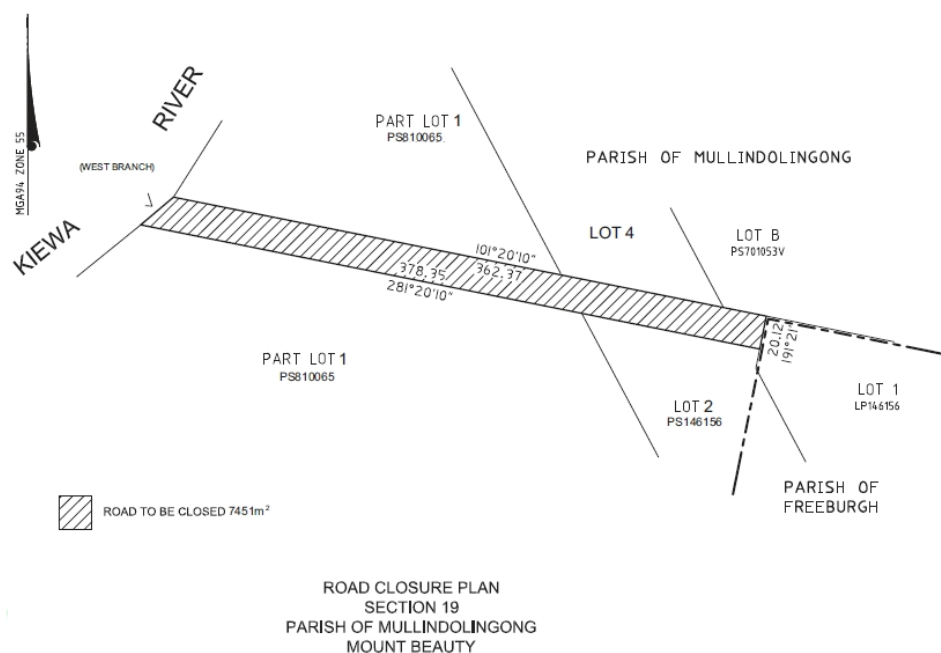


Figure 1: Area of road to be discontinued (shown as crosshatched)

BACKGROUND

The Mount Beauty Airport Upgrade project has been underway since the Mount Beauty Aerodrome Master Plan (Master Plan) was adopted by Council at the Ordinary Council meeting held on 1 March 2011.

At the Ordinary Council Meeting held on 6 March 2012 Council resolved to sign and seal the Heads of Agreement between Alpine Shire Council and the then surrounding landowners dated February 2012 (Heads of Agreement).

As noted in the Minutes of the meeting held on 6 March 2012:

“A Heads of Agreement between Council and the adjoining owners of the Mount Beauty Aerodrome is required to allow the progression of, Council’s river walk, the extension of the runway and the private development of an airpark. This Agreement will not bind Council to a planning permit or a rezoning both of which will still be subject to Council’s normal planning process.”

As part of the Master Plan the airport runway was required to be extended to be better able to serve the community for aviation recreation, commerce, tourism and emergency response.

In order for the runway to be extended, that part of the land currently comprising an unused government road must be acquired by Council. However, the government road first needs to be discontinued.

Council has the ability to undertake this discontinuance in accordance with Schedule 10, clause 3 of the *Local Government Act 1989* which provides as follows:

Power to discontinue roads

A Council may, in addition to any power given to it by sections 43 and 44 of the Planning and Environment Act 1987—

- a. discontinue a road, or part of a road, by a notice published in the Government Gazette; and*
- b. sell the land from that road (if it is not Crown land), transfer the land to the Crown or itself or retain the land.*

Before the discontinuance can occur, section 207A of the *Local Government Act 1989* requires that Council undertake a public submissions process (pursuant to section 223 of the *Local Government Act 1989*) to allow for the public to comment on the proposal.

ISSUES

DELWP approval

The unused government road is administered by the Department of Environment, Land, Water and Planning (DELWP) which has granted "Approval in Principle" for the sale of the Crown land subject to final Ministerial approval.

In the first instance, DELWP has requested that Council arrange the discontinuance of the road in accordance with Schedule 10 of the *Local Government Act 1989*.

The discontinuance of the road will also involve publication of such in the Government Gazette which DELWP needs to see evidence of. Council must also pay an administration fee of \$1,755 (incl. GST) to DELWP before it proceeds to seek final approval of the Minister for Finance.

Following the discontinuance of the road and subject to approval of the Minister for Finance, DELWP has indicated that the total value of the land inclusive of all Departmental costs is in the vicinity of \$45,000 (to allow Council to obtain title to the closed road). However, the Department reserves the right to review its decision at any time before delivery of the Crown Grant to Council.

Upon completion of road discontinuance and receipt of deposit, DELWP will proceed to seek final approval of the Minister for Finance. Once the necessary approvals have been obtained the balance of funds to obtain a Crown Grant will be requested.

Sections of road to be discontinued

The road is approximately 370m long by 20.13m wide. As well as traversing Council's land, it also runs through adjoining private property at either end as shown in Figure 2.

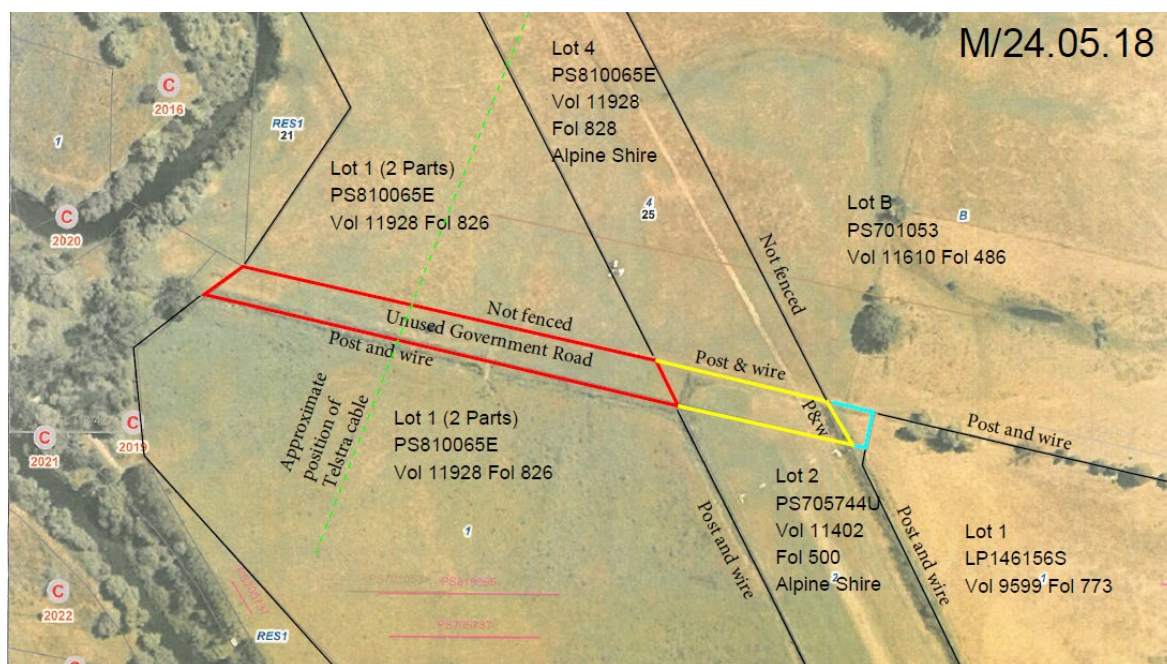


Figure 2: Unused Government Road proposed to be discontinued

Staged Process

The process to complete the runway extension and proceed as intended pursuant to the Master Plan and Heads of Agreement involves multiple steps.

This Council Report and the proposed resolution relates only to the first stage, being the process is to complete the road discontinuance and acquire the land from DELWP.

The second stage will be to undertake a subdivision of the land into the red, yellow and blue parcels shown on Figure 2. Once the subdivision has been completed, that part of the land highlighted yellow will be retained by Council.

Prior to the third and final stage being completed, a further report will be submitted to Council for consideration and resolution following compliance with relevant sections of the *Local Government Act 1989* and *Local Government Act 2020* (including the requirement to obtain a valuation).

Subject to a subsequent Council resolution, the third stage will be for the land to be dealt with as follows:

The land outlined red is intended to be sold to the registered proprietor of Lot 1 in PS810065E (being the land comprised in Volume 11928 Folio 826) as this part of the unused road traverses that property. That portion of the unused road will be consolidated with that parcel.

The land outlined blue is intended to be sold to the registered proprietor of Lot 1 in LP146156S (being the land comprised in Volume 9599 Folio 773) as they occupy the land. That portion of the unused road will be consolidated with that parcel. After consolidation, this part of the unused road can be included in the Farming Zone (FZ) as part of the next routine Planning Scheme amendment. To ensure that the consolidation occurs as planned an agreement should be entered into with the purchaser to ensure that the consolidation takes place at the time of the sale noting that the rezoning is to take place within a certain period of time.

POLICY IMPLICATIONS

To complete the process of discontinuance in accordance with Schedule 10 of the *Local Government Act 1989*, Council must allow for submissions under section 223 of the *Local Government Act 1989* to be made.

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2017-2021:

- Incredible places for our community and visitors

FINANCIAL AND RESOURCE IMPLICATIONS

There is sufficient budget allocation to cover the costs associated with the proposed discontinuance and the ultimate transfer to Council by way of purchase. The anticipated amount payable to DELWP is in the vicinity of \$45,000, subject to final confirmation.

Following the acquisition by Council and subject to:

- a resolution of Council;
- valuations being obtained; and
- compliance with all other requirements under the *Local Government Act 1989* and *Local Government Act 2020*,
- the intention is to then sell the remaining parts of the discontinued road (shown outlined red and blue in Figure 2) to the respective adjoining owners.

CONSULTATION

The respective adjoining owners of the land upon which this government road encroaches have been consulted on the proposed intentions and have no objection to the proposed road discontinuance.

Additionally, the owners are supportive of the ultimate transfer of the relevant parts to them.

CONCLUSION

In order for the runway to be extended, part of the land currently comprising an unused government road must be acquired by Council. To enable this to occur, the government road needs to be discontinued.

It is recommended that Council by resolution authorises the process to finalise matters to enable the extension of the airport runway pursuant to Schedule 10, Clause 3(a) of the *Local Government Act 1989*, and to advertise for any submissions in accordance with S223.

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

8.2.4 Draft Tree Management Plan

INTRODUCTION

Council is carrying out a holistic review of its policies and procedures. A review of draft Tree Management Plan has been completed. This report relates to adoption of the draft Tree Management Plan, following a comprehensive community consultation and public exhibition period.

RECOMMENDATION

That Council:

- 1. adopts the Draft Tree Management Plan; and*
- 2. signs and seals the Draft Tree Management Plan at the appropriate stage of the meeting.*

BACKGROUND

Council's Tree Management Policy No. 82 was adopted in March 2011. A review of this policy has been carried out as part of an ongoing holistic review of Council's policies and procedures. The approach taken by other Local Government Authorities has been considered to identify the most appropriate way communicate Council's approach to tree management to the community.

Council endorsed that the Draft Tree Management Plan be placed on public exhibition at the July Ordinary Council Meeting.

ISSUES

Based on the review that has been carried out and changes which have occurred in the regulatory environment since the previous version of the policy was adopted in 2011, a stronger focus on risk management has been incorporated. Consistent with many councils where tree management documentation can be readily accessed by the public, a draft Tree Management Plan has been prepared. This is aligned with the Road Management Plan approach, where minimum performance standards are clearly documented.

The draft Tree Management Plan includes minimum timeframes for the inspection of trees according to the risk that they present, and for subsequently addressing defects which are identified as a result of these inspections.

A number of significant tree avenues exist across the Alpine Shire and these make a large contribution to the character of the Alpine Shire and its towns.

The trees which make up these avenues are typically single species and all planted at the same time. The risk is acknowledged that these tree avenues will reach maturity and approach the end of their useful life within similar timeframes. If left unmanaged, this will likely result in whole avenues requiring removal and replacement over a relatively short period, with a significant impact on the character of these locations.

Council will develop a Tree Avenue Management and Replacement Plan. The purpose of this Plan will be to ensure that avenue trees are managed effectively through their remaining useful life and replaced at a suitable time in order to achieve maximum benefit for the community from trees both individually and when considered collectively as part of an established avenue. The Tree Avenue Management and Replacement Plan will be finalised before 30 June 2023.

POLICY IMPLICATIONS

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2017-2021:

- Infrastructure and open space that our community is proud of

FINANCIAL AND RESOURCE IMPLICATIONS

There are no financial or resource implications as a result of the adoption of the draft Tree Management Plan.

CONSULTATION

In preparing the draft Tree Management Plan, extensive engagement has been carried out with internal staff, including members of Council's Tree Crew and Opens Spaces Team, the Civil Works Coordinator, Assets Coordinator and Safety and Risk Officer.

In accordance with Council's Community Engagement Policy the draft Tree Management Plan was placed on public exhibition for a period of 28 days and was promoted through Council's website and social media pages, and advertised in the local paper.

No comments or formal submissions were received from the public during the exhibition period. As a result, no changes to the draft Tree Management Plan have been made.

CONCLUSION

A best-practice approach has been taken in drafting a Tree Management Plan with an increased focus on risk management. The preparation of the plan has included broad community engagement, including the 28-day public exhibition period. No comments or submissions to the plan were received during the exhibition period.

The draft Tree Management Plan has now been referred to Council with a recommendation to adopt.

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
- Acting Manager Asset Maintenance
- Tree Crew Team Leader

ATTACHMENT(S)

8.2.4 Draft Tree Management Plan

8.2.5 Street Sweeper Procurement

INTRODUCTION

This report relates to the pre-approval to evaluate and purchase a second-hand street sweeper.

RECOMMENDATION

1. *That Council delegates authority to the CEO until 30 June 2022 to bid on a second hand Street Sweeper that may become available at auction with a maximum purchase price of \$220,000 + GST, including any sales commission.*
2. *In the event that a successful bid is placed, the agreed purchase price will be disclosed at a future Council meeting.*
3. *If a Street Sweeper becomes available through a direct sale process other than auction, a report will be presented to a future Council Meeting for consideration.*

BACKGROUND

Through a competitive tendering process carried out annually, Council currently dry hires a street sweeper for a 12-week period to support the autumn leaf pick up, with the vehicle being operated by Council staff. The hire cost over recent years has been \$47,000 per annum.

Outside of the leaf pick up period, there are additional tasks which could be more effectively and efficiently carried out if a street sweeper was available to the team year-round. It is not cost-effective to hire a street sweeper on each additional occasion due to the mobilisation and demobilisation time and costs. These tasks include cleaning litter from the CBD following major events, clean-up after storm events, regular scheduled cleaning of drainage pits and gross pollutant traps, clean-up following oil and fuel spills.

Purchase of a new street sweeper has been evaluated, and based on a purchase price of \$370,000 and use through the 12-week leaf pick-up period only, the payback period has been assessed to be in the range of 6-8 years compared to continuing to dry hire the vehicle. Purchase of a well-maintained second-hand machine at a competitive price is estimated to bring the payback period down to 4-6 years. An amount of \$220,000 has been adopted in the 2021/22 financial year capital plant budget.

ISSUES

The timeframe of which a good quality, second-hand street sweeper comes on the market for purchase is short and competitive. Availability of suitable plant may be through either an online auction or notification from other Councils with a set price point.

Any suitable machine identified will be assessed for its condition for its age, have a full-service history, and be fit for purpose.

The machine will be fully assessed by Council's Depot Operations Officer to demonstrate value for money for Council up to the value of \$220,000 (+ GST) and inclusive of any sales commission.

Council was unsuccessful with its previous attempt to purchase this piece of plant.

POLICY IMPLICATIONS

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2017-2021:

- Incredible places for our community and visitors

FINANCIAL AND RESOURCE IMPLICATIONS

An amount of \$220,000 (+ GST) has been adopted through the budget process for the purchase of this plant.

CONSULTATION

Evaluation of any suitable second-hand street sweeper will be undertaken by the appropriate Council staff. The process will be reviewed by the Manager and Director Assets with final approval from the CEO before the purchase takes place.

CONCLUSION

Purchase of a street sweeper through an auction opportunity and at a competitive price will present value for Council relative to purchase of a new machine. It is recommended that authority be delegated to the CEO to bid for purchase of the machine.

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 Maintenance
- Depot Operations Manager
- Open Spaces Coordinator
- Civil Works Coordinator

ATTACHMENT(S)

Nil

8.3 ACTING DIRECTOR CORPORATE PERFORMANCE – WILLIAM JEREMY

8.3.1 Draft Annual Financial Statements and Performance Statement - Approval in Principle

File Number: 900.01

INTRODUCTION

The purpose of the report is to present the draft Annual Financial Statements and Performance Statement for the year ended 30 June 2021 for review and approval in principle.

RECOMMENDATION

That Council:

1. *approves in principle the Financial Statements and the Performance Statement for the year ended 30 June 2021; and*
2. *authorise Cr _____ and Cr _____ to certify the Financial Statements and Performance Statement for the year ended 30 June 2021 on behalf of Council, once any amendments or changes are made as requested by the Victorian Auditor General.*

BACKGROUND

Transitional provisions in s329(7)(b) of the *Local Government Act 2020*, mean that the 2020/21 Annual Report must be prepared in accordance with the *Local Government Act 1989*. From next year onwards the development of an Annual Report, Financial Statements and Performance Statements will be governed by the *Local Government Act 2020*.

Section 131 of the *Local Government Act 1989* requires Council to prepare an Annual Report for each financial year that contains a report on the operations of the Council, an audited performance statement and audited financial statements.

Section 132 of the *Local Government Act 1989* requires Council to pass a resolution giving its approval in principle to the draft Financial Statements and draft Performance Statement prior to submitting the statements to the auditor so that they may prepare their reports.

This report provides an overview of the results in Council's draft Financial Statements and draft Performance Statement which are provided in full in the attachments.

Once approval in principle has been provided and Council has incorporated any changes recommended or agreed by the auditor, the Financial Statements and Performance Statement must be certified by two Councillors authorised by Council prior to the auditors signing their reports.

ISSUES

Financial Statements

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

In summary, Council ended the 2020/21 year with a surplus of \$5.0m, which was \$2.7m higher than the \$2.3m surplus projected in the 2020/21 Annual Budget (the Budget).

The higher result was primarily due to the receipt of \$3.7m in additional grant income; additional non-monetary contributions of \$1.0m arising from completed subdivision developments; a re-valuation of the Bright and Myrtleford Holiday Parks by \$0.5m; as well as lower than anticipated material and services expenditure of \$1.1m.

This was in part offset by additional employee costs of \$0.8m, primarily due to additional Working for Victoria employee costs of \$0.7m, and an adjustment to Council's Land under Roads Asset Register of \$3.0m.

It is noted that the financial impact of COVID-19 was minimal as most staff stood down from closed services were redeployed, and the impact on Council revenue streams was not material.

1. Income

Altogether Council received \$35.6m in income which was \$5.6m favourable to the Budget projection of \$30.0m. Key variances to budget were as follows:

1.1 Grants - operating

Council received total operating grant income of \$8.3m which was \$3.3m favourable to budget, primarily due to the receipt of additional Working for Victoria funding of \$1.2m, 2019/20 Bushfire Recovery and Relief funding of \$0.8m; additional COVID-19 funding of \$0.5m; collection of previously unreconciled Fire Services Levy Administration funding of \$0.3m and \$0.2m funding to undertake a key worker housing pilot.

1.2 Grants - capital

Council received total capital grant income of \$3.0m which was \$0.4m higher than anticipated, primarily due to additional funds received for the Local Roads and Community Infrastructure Program

1.3 Contributions – non-monetary

Council received total non-monetary contributions of \$1.2m which was \$1.0m higher than anticipated arising from completed subdivision developments.

1.4 Fair value adjustments for investment property

An external valuation of Council's investment properties resulted in the Bright and Myrtleford Holiday Parks being adjusted by \$0.5m.

2. Expenses

Overall expenses were \$30.6m which was \$2.8m higher than Budget. Key areas of variance to budget were as follows:

2.1 Employee costs

Employee costs were \$10.1m, \$0.8m higher than budgeted at \$9.3m, primarily due to additional Working for Victoria employee costs of \$0.7m.

2.2 Materials and services

Materials and services were \$11.5m, \$1.1m lower than the budgeted \$12.6m. Primary reasons for the decrease versus budget include:

- The reclassification of \$0.2m of operating expenses as capital expenses
- \$0.4m below budget expenditure on Bushfire Recovery related expenses due to the impact of COVID-19 restrictions
- \$0.2m below budget expenditure on the Dinner Plain bus service due to the impact of COVID-19 restrictions
- \$0.1m below budget expenditure due to delays in strategic planning projects
- \$0.2m below expenditure on kerbside collections and delays in waste management projects.

2.3 Land under Roads

A 2021 review of land under roads by Council's valuers discovered that the original valuation in June 2018 had erroneously included roads not controlled by Council. These have been removed from Council's asset register resulting in an adjustment of \$3.0m.

Performance Statement

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

A number of performance indicators were impacted due to COVID-19 restrictions and extended closures. Most notably:

- Utilisation of aquatic facilities has fallen as compared to the previous year, from 2.24 to 1.94 to visits per capita
- Active library members were slightly lower than in previous years, dropping from 18.4% to 16.2%, with limited "Click and Collect" services being permitted to operate throughout parts of the year.

The percentage of critical and major non-compliance food safety notifications followed-up has fallen slightly compared to the previous year from 95.8% to 87.5%, with COVID-19 restrictions impacting on the inspection schedule. However, food safety compliance has improved overall, with fewer total notifications received as compared with the previous year.

Against the trend, Maternal and Child Health services saw an increase in participation to 81.8% as compared to the previous year of 74.3%, as Council continued to support the community, whilst working within the COVID-19 restrictions. As such, participation rates returned to the historical averages, following a drop last year due to bushfires and COVID-19 restrictions.

Council continues to make very few decisions in closed Council meetings, with a strong preference for transparent decision making in an open Council meeting.

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

POLICY IMPLICATIONS

Council has prepared draft Financial Statements and a draft Performance Statement for Council Approval in Principle, in line with the requirements Section 131 and Section 132 of the *Local Government Act 1989*, and the *Local Government (Planning and Reporting) Regulations 2014*.

The authorised Councillors are required to certify the final Financial Statements and Performance Statement after any amendments or changes requested by the Victorian Auditor General have been made, and prior to adoption by Council.

The Annual Report must be submitted to the Minister by 30 September as required by Section 133 of the *Local Government Act 1989*. Public notice must then be given that the Report has been prepared and can be inspected at the Council office and on the Council's website. The Report must then be considered at a meeting of the Council as soon as practicable after the Council has sent the Annual Report to the Minister as required by Section 134 of the *Local Government Act 1989*.

It is noted that from next year onwards the development of an Annual Report, Financial Statements and Performance Statements will be governed by the *Local Government Act 2020*.

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2017-2021:

- A responsible and sustainable organisation

FINANCIAL AND RESOURCE IMPLICATIONS

The draft Financial Statements and Performance Statement for the year ended 30 June 2021 show that Council is financially sustainable and that Council services are being delivered within expected parameters. COVID-19 had minimal financial impact as a number of staff stood down from closed facilities were redeployed elsewhere.

CONSULTATION

The Audit Committee Charter states that the Committee is required to review the Annual Financial Report and consider whether it is complete, consistent with information known to Audit Committee members and reflects appropriate accounting principles. At the time of submitting this paper the key contents of the Annual Financial Report, comprising the Financial Statements and Performance Statement, have been submitted to the Audit Committee for review.

CONCLUSION

Council ended the 2020/21 year with a surplus of \$5.0 million, which was higher than that predicted in the 2020/21 Annual Budget. The higher surplus result is largely attributed to the receipt of unanticipated grant income, additional non-monetary contributions arising from three large sub-division developments and re-valuations for the Bright and Myrtleford Holiday Parks, as well as lower than anticipated materials and services expenditure. This was in part offset by additional employee costs, primarily due to additional Working for Victoria employee costs, and an adjustment to Councils Land under Roads Asset Register. There was reduced take-up of selected services during the COVID-19 restrictions, impacting on selected performance indicators.

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 Corporate Performance
- Manager Corporate
- Accountant
- Governance Officer

ATTACHMENT(S)

8.3.1.a. 2020/21 Financial Statements (Draft)

8.3.1.b. 2020/21 Performance Statement (Draft)

8.3.2 Draft Alpine Shire Council Climate Action Plan and Position Statement

INTRODUCTION

The purpose of the report is to present to Council the Draft Alpine Shire Council Climate Action Plan 2021-2024 and Climate Action Position Statement 2021-2024. During the development of this Climate Action Plan, Council signed on to the Victorian Energy Collaboration renewable Power Purchase Agreement (VECO PPA) which will provide all of Council's electricity usage from 100% renewable energy, thus reducing Council corporate emissions by approximately 60% from the beginning of the 2021-2022 financial year, at the same time as reducing cost. Through this Climate Action Plan, Council commits to the further actions necessary to reduce Greenhouse Gas emissions from Council's own operations to net zero by July 2023.

RECOMMENDATION

That Council adopts the Draft Alpine Shire Council Climate Action Plan 2021-2024 and Climate Action Position Statement 2021-2024.

BACKGROUND

The draft Climate Action Plan has been developed to document Council's commitment to climate change mitigation by reducing greenhouse gas (GHG) emissions from Council's corporate operations to net zero by 2023. The draft Climate Action Position Statement contains a summary of the key information from the draft Climate Action Plan. The Draft Climate Action Plan and Position Statement contain actions for delivery through 2021-2024, and will be reviewed in 2024.

The strategy to achieve net zero GHG emissions follows the energy hierarchy and includes capital investments in energy efficiency improvements, amendments to internal processes and purchasing of offsets against residual emissions.

ISSUES

The *Victorian Climate Change Act 2017* sets a long-term GHG emissions reduction target for the State of net zero emissions by 2050. Through adoption of the Climate Action Plan as presented, Council will therefore be committing to a target which is more ambitious than that required to support the emissions reduction target of the Act.

Greenhouse gas emissions from Council owned buildings which are leased commercially to third party organisations, and emissions associated with the collection and disposal of municipal waste, are both excluded from the calculation of GHG emissions on which basis the action plan has been established to achieve net zero by 2023. Council does not operate any active landfill sites, and the emissions associated with municipal waste are accounted for at the receiving landfill site. However, emissions from Council's three main closed landfill sites at Porepunkah, Myrtleford and Mount Beauty, have been accounted for in the draft Climate Action Plan.

POLICY IMPLICATIONS

The recommendation is consistent with the requirements of the *Local Government Act 2020*, where it is stated that "councils are required to promote the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks".

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2017-2021:

- A responsible and sustainable organisation

FINANCIAL AND RESOURCE IMPLICATIONS

Adoption of the draft Climate Action Plan as presented does not commit Council to additional unbudgeted expenditure in the current financial year.

Commitment to expenditure in 2022/23 and beyond will follow Council's normal annual budget processes. However, in order to achieve the target of net zero GHG emissions from Council's corporate operations, it will likely be necessary for Council to budget in 2022/23 for the following capital projects:

- Completion of the streetlight replacement project (estimated at \$450,000),
- The further implementation of solar and battery infrastructure on Council-managed buildings (estimated at \$275,000)
- Purchase of a single electric vehicle for Council's fleet and the electric vehicle charging infrastructure necessary to support use of this vehicle (estimated at a total of \$60,000).

Opportunities will be explored to secure external grant funding to support delivery of these projects.

Adoption of the draft Climate Action Plan does not impact on Council resourcing. The projects and initiatives which are outlined in the Plan will be delivered by existing staff within the Sustainability and Asset Development teams.

CONSULTATION

Broad consultation has been carried out across Council staff and with Council in order to develop the Draft Climate Action Plan and Climate Action Position Statement.

The content of these documents has been assessed against the requirements of Council's Community Engagement Policy. The draft Climate Action Plan is focussed on reduction of greenhouse gas emissions that are generated through Council's own activities. The recommended level of engagement with the community is 'inform', in order to provide the public with balanced and objective information to assist in understanding the problem, the alternatives, opportunities and selected solutions.

CONCLUSION

The adoption of the Draft Climate Action Plan and Climate Action Position Statement will commit Council to an ambitious yet achievable target of net zero GHG emissions from its corporate operations by July 2023 and will provide Council with a pathway to achieving this target. It is therefore recommended that the Plan is adopted and implemented.

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 Corporate Performance
- Manager Facilities
- Sustainability Coordinator
- Environment Officer

ATTACHMENT(S)

8.3.2.a. Draft Climate Action Plan 2021-2024

8.3.2.b. Draft Climate Action Position Statement 2021-2024

8.3.3 Bright River Pool

File Number: 1500.01

INTRODUCTION

The purpose of this report is to present to Council the key findings and recommendations from a recent review of the Bright river pool operations.

RECOMMENDATION

That Council:

- 1. where reasonably practicable, implements the recommendations of Life Saving Victoria's 'Bright River Pool' report;*
- 2. takes reasonable measures to respond to other risks identified through the risk assessment process;*
- 3. removes the slide located at the Bright river pool prior to November 2021; and*
- 4. progresses the investigation into replacement of the slide with a compliant alternative, and reports back to the December 2021 Ordinary Council Meeting.*

BACKGROUND

The Bright river pool is located in the Ovens River at the junction of Morses Creek. Council installs weir boards seasonally for the period from November to April. At the time the weir boards are installed, Council also cleans out a section of the river to remove silt build up and foreign objects, achieving water depths up to 3.5m in places.

A jumping platform is located on the Centenary Park side of the river, and a metal slide is located on the opposite side of the river. Users of both the jumping platform and slide land in sections of the river which are cleaned out by Council. These pieces of equipment are open to the public whilst lifeguards are on duty.

Council has engaged lifeguards to patrol the Bright river pool from the first weekend of the summer school holidays until the end of the summer school holidays. The lifeguards are on duty from approximately 1pm to 6pm daily, with the timing dependent upon on weather and river conditions. The area is unsupervised at other times.

The Bright river pool is a high visitation recreation space both during and outside of periods of lifeguard supervision. It is common for over 100 people to be in the water in the area supervised by lifeguards. The river pool has a history of a high number of recorded assisted rescues during supervised periods. There has also been an increase in use of the Bright river pool by people from culturally and linguistically diverse (CALD) communities.

The Bright river pool is a key recreational amenity for visitors and local residents. It is also one of few inland waterways in Victoria that has lifeguard supervision.

In 2019 Council engaged an external consultant to undertake a risk assessment of the Bright river pool. As a result of the findings of the risk assessment, measures were adopted at that time to address identified risks.

During the 2020/21 summer season, a new tool was introduced that improved the reporting of incidents. Key insights from the first 31 days of lifeguard supervision were:

- 94 incidents were reported, an average rate of three per day. For comparison, a total of 16 incidents were reported across both the Mount Beauty and Myrtleford outdoor pools through the whole outdoor pool season of 141 days.
- Of the 94 reported incidents, 65 were assisted rescues, an average rate of two (2) per day. 60 of these assisted rescues occurred at the jumping platform or slide

Council has no quantitative data on the number of incidents and rescues during unsupervised periods.

During the 2020/21 season a further risk assessment was undertaken as part of Council's Health and Safety System review.

To manage the risks highlighted through the improved incident reporting process and risk assessment, Council commissioned an assessment of the river pool operations including an inspection of the site by a representative of Life Saving Victoria (LSV). LSV is considered to be an industry authority on public safety at inland waterways. Council also sought advice regarding Council's liability associated with the operation of the river pool.

ISSUES

Life Saving Victoria has assessed the river pool as being an inland waterway, and not a swimming pool. They have commended Council's approach to managing the site, and the commitment to safety that has been demonstrated. However, in their report, LSV has made a number of recommendations regarding operations, signage, staff training and infrastructure in line with Royal Life Saving Australia's 'Guidelines for Safe Pool Operations', the World Health Organisation's 'Guidelines for Safe Recreational Water Environments' and the International Life Saving Federation's 'Drowning Prevention Chain'. Council officers consider that most of the LSV recommendations can be achieved as noted, or suitable alternatives can be implemented which achieve the same or similar outcomes in mitigating risk.

However, in relation to the slide, LSV noted the following:

- The Australian Standard - AS3533 (2009) Amusement Rides and Devices, sets out the recognised best practice for features such as waterslides.
- The current version of this standard was released in 2009, and it is acknowledged that the Bright river pool pre-dates the document.
- The slide is not be considered to be consistent with some of the provisions set out in the standard. This includes items of design and construction, which are difficult to resolve.

Legal advice has been sought regarding Council's liability associated with the operation of the river pool. The key points from this advice which are specific to the operation of the slide are:

- Council owes a duty of care to those using the pool, and this duty of care extends to reasonable care.

- Liability occurs if Council fails to undertake reasonable care.
- Given that the slide is a source of risk of injury, it is almost certain that the Court would find a failure to meet contemporary standards as synonymous with a failure to take reasonable care.

Preliminary investigations have been progressed into replacement of the existing slide with a suitable compliant slide, however no conclusions have been reached or recommendations made.

POLICY IMPLICATIONS

This recommendation is consistent with the following Strategic Objective of the Council Plan 2017-2021:

- Highly utilised and well managed community facilities

FINANCIAL AND RESOURCE IMPLICATIONS

The recommendations of the Life Saving Victoria report, reasonable measures to address other risks identified through the risk assessment process, and removal of the slide will be implemented as unbudgeted expenses in 2021/22. The cost of this work has not been determined.

The costs associated with the potential replacement of the slide with a compliant alternative will only be established when a suitable technical solution has been identified.

CONSULTATION

Council has undertaken independent risk assessments, commissioned a report from an industry authority (Life Saving Victoria) and sought legal advice to inform the recommendations in this report.

CONCLUSION

Upon consideration of recommendations in the LSV report, the identified risks in Council's risk assessments and the legal advice regarding liability, it is recommended that Council implements where reasonably practicable the recommendations from the LSV report, implements reasonable measures to respond to other risks identified through Council's risk assessment, and removes the slide prior to the commencement of the 2021/22 season.

It is also recommended that Council investigates a suitable compliant replacement for the slide.

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 Corporate Performance
- Manager Facilities

ATTACHMENT(S)

Nil

8.3.4 14 McGeehan Crescent, Myrtleford

INTRODUCTION

This report relates to the purchase of 14 McGeehan Crescent, Myrtleford, for the purpose of relocating Council's Myrtleford works depot from the current site at 190 Standish Street, Myrtleford.

RECOMMENDATION

That Council:

1. *commits to the purchase of 14 McGeehan Crescent, Myrtleford, at the Valuer-General Victoria 'Restricted Community Use Value' of \$180,000 + GST; and*
2. *authorises the Chief Executive Officer to sign the Contract of Sale.*

BACKGROUND

GovMap is the authoritative source of information for surplus government land undergoing the First Right of Refusal (FROR) process. This process applies to Victorian Government land no longer required by an agency. It means other local, state and federal government agencies can consider the land for other uses, before any potential public sale.

On 15 February 2021, the former site of the Department Environment Land Water Planning (DELWP) Depot at 14 McGeehan Crescent in Myrtleford was listed on GovMap. The forecast estimated sale price was \$300,000, and the conclusion date for the FROR process was 17 April 2021.

On 23 February 2021, Council registered a potential interest in purchasing the land through the FROR process. This registration of interest did not commit Council to purchasing the land.

On 27 April 2021 following the expiry of the FROR process, Council was notified by the State Government Department of Treasury and Finance (DTF) that no other interest had been registered in the property through the FROR process. Council was requested to reconfirm interest in acquiring the land, and advise the proposed use that Council has for the land. Council reconfirmed its potential interest and noted that the proposed use for the land in the event that Council proceeded with the purchase was relocation of Council's Myrtleford works depot from its current location at 190 Standish Street, Myrtleford.

On 8 June 2021, DTF advised that the Valuer-General Victoria (VGV) has assessed the 'Restricted Community Use' value of the property to be \$180,000 + GST. Subject to necessary approvals, DTF sought Council's confirmation that it is interested in acquiring the land on an "as is" basis at the VGV valuation of \$180,000 + GST, noting that in the event of a sale to Council, 'Restricted Community Use' will be registered on the freehold land title. The VGV has certified the valuation as being valid until 7 September 2021.

A Preliminary Site Assessment has been completed by a qualified environmental consultant. The purpose of this assessment was to investigate the current environmental condition of the site with respect to contamination and hazardous building materials based on historical and current site activities, buildings and structures.

The site has been inspected by members of Council's Asset Maintenance Team, which operates the existing works depot at 190 Standish Street. Representatives of Council's Buildings Team have inspected the existing buildings on the site, and Council's Planning Team has provided advice relating to the proposed use of the site as a works depot.

ISSUES

14 McGeehan Crescent

Council's existing works depot is located at 190 Standish Street, Myrtleford. The land is zoned General Residential, and Council's depot operations are conducted under existing use rights with no planning permit required. Advice received from Council's Planning Team in relation to relocation of Council's depot operations to 14 McGeehan Crescent is as follows:

- Given that the property adjoins land to the south west which is zoned as residential, and existing use rights have lapsed, a planning permit will be required in order to establish depot operations on the site.
- The proposed use of the site as a Council works depot is consistent with the purpose of the Industrial 1 Zone which is *to provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities*.
- The issuing of a planning permit is considered likely. It is noted that there has recently been a planning permit issued for a warehouse at the adjoining site (12 McGeehan Crescent).
- Whilst there is residential land immediately to the south west, the permit issued for the subdivision of this land included a condition requiring the construction of a 3.5m high acoustic fence along the shared boundary. It is considered unlikely that there would be a need to include a condition relating to specific hours of operation for a depot at 14 McGeehan Crescent. It is noted that the permit recently approved at 12 McGeehan didn't include such a condition.
- As is common on industrial/warehouse permits, there will likely be general amenity-based planning permit conditions relating to transport of materials, goods or commodities to or from the land, and the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil.

Council's Building Inspector provided the following feedback following inspection of the existing buildings on site, in addition to recommending that an asbestos audit be carried out on the property:

- The main shed appears to be structurally in a good condition. The electrical system is dated but functional, and should be checked by a qualified electrician. Emergency

lights exit signs and fire extinguishers are missing and required prior to occupation. The downpipes are too sparse for the length of gutter, and stormwater discharge immediately adjacent the building presents a risk to the integrity of the footings and is making one end of the site boggy, impeding vehicle movement around the site.

- With the exception of a small brick-built building which is in good condition, all other buildings on site (5 in total) are recommended for demolition. Refurbishment and reuse of these buildings is possible, however the cost of addressing the range of issues which has been highlighted is very unlikely to be cost effective compared to demolition and rebuilding.

The key conclusions of the Preliminary Site Assessment are:

- Soil testing at eight (8) locations across the site found concentrations of contaminants to be within acceptable levels for assessment of risk to human health or the environment under conditions associated with commercial / industrial use.
- Fuel / petroleum hydrocarbons impacts were not identified in soil or groundwater testing at the location of two former underground storage tanks and associated bowsers on the site.
- Asbestos containing materials were identified as fixed materials in a number of the buildings on the site, as well as amongst building debris at one location. An Asbestos and Hazardous Materials Register has been prepared for the site.

190 Standish Street

Council's existing Myrtleford works depot is located on land which is zoned 'General Residential', and it is surrounded on all sides by land which is also zoned 'General Residential'. Subdivision and development of the surrounding land is gradually bringing more dwellings into proximity of the Depot, and it is anticipated that there will be increasing conflicts in the future between the adjacent land uses, predominantly related to noise from the depot site which commences operations at 7am, but also potentially from dust.

The Council-owned land is bisected by Nil Gully Creek, and is flood-prone. The site is 14,163m² in area, of which the depot currently occupies approximately 7,700m². The property boundaries are irregular which do not lend themselves well to efficient utilisation of the available land.

A number of options exist for the redevelopment of the existing depot site at 190 Standish Street. A preliminary assessment carried out in 2018 established the feasibility of establishing a stormwater retention basin on the site, which has the potential to reduce flood risk to downstream properties and infrastructure. The site is also recognised to have some potential for development of affordable housing, although this option has not been assessed in detail.

POLICY IMPLICATIONS

Community engagement has been carried out in relation to the purchase of the land in compliance with the requirements of the *Local Government Act 2020*.

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2017-2021:

- Incredible places for our community and visitors

FINANCIAL AND RESOURCE IMPLICATIONS

The Valuer-General 'Restricted Community Use Value' at which the property has been offered for sale to Council is \$180,000 + GST.

Based on feedback received from a local real estate agent, in the event that there was no restriction on the title, the current market value for the freehold property would likely be significantly higher than the current sale price. The 'Restricted Community Use' title restriction results in a Valuer-General valuation which is much lower than the market value of the property without this title restriction in place, making it cost-effective for Council to purchase the property.

Purchase of 14 McGeehan Crescent would be unbudgeted in the current financial year. Based on Council's Financial Plan, Council has the financial capacity to commit to this purchase without impacting significantly on its working capital ratio.

The project to relocate Council's depot operations would be scoped and prepared for a submission to a future draft capitals works budget.

Potential uses for the vacated 190 Standish Street site have not been investigated in detail, and the costs associated with these potential uses have not been established.

CONSULTATION

At the July Council Meeting, Council authorised the Chief Executive Officer to give public notice of a proposal for Council to purchase land at 14 McGeehan Crescent, Myrtleford, and invite public submissions on the proposal, with submissions closing at 3pm on 12 August 2021. The proposal was subsequently advertised on social media and the Alpine Shire Council website on 16 July 2021, and an article was printed in the local newspapers on 21 July 2021. No submissions were received by Council.

Key members of Council's Asset Maintenance Team have inspected 14 McGeehan Crescent and confirmed that they are supportive of the proposal to relocate the works depot. Whilst 14 McGeehan Crescent is smaller than the existing depot site, the proportions of the site will likely result on better utilisation of the available space than can be achieved at 190 Standish Street.

Council's Building and Planning Teams have been engaged to provide input into the due diligence process.

CONCLUSION

Council has an opportunity to purchase a property which has the appropriate zoning to enable depot operations to be established on the site. Relocation of Council's existing works depot onto this site would address the shortcomings of the existing site and would make the existing site available for a number of potential alternative uses.

A thorough due diligence process has been conducted, and with consideration to the information gained through this process it is recommended that Council commits to the purchase of 14 McGeehan Crescent, Myrtleford, and authorises the CEO to sign the Contract of Sale.

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 Corporate Performance

ATTACHMENT(S)

Nil.

8.3.5 Draft Planning Compliance Policy

INTRODUCTION

The purpose of this report is to present the draft Planning Compliance Policy to Council prior to a period of public consultation.

RECOMMENDATION

That Council:

- 1. endorses the draft Planning Compliance Policy;*
- 2. invites public submissions on the draft Planning Compliance Policy, with submissions closing on 13 October 2021; and*
- 3. considers a recommendation to adopt the Planning Compliance Policy at a future Council Meeting.*

BACKGROUND

Planning compliance is legislated under the *Planning and Environment Act 1987*. Section 14 (a) of the Act places an obligation on Council to enforce the Act and the Planning Scheme.

Council does not currently have a policy that outlines to the public its approach to planning compliance. The draft Planning Compliance Policy addresses this gap and provides information on Council's consistent approach to planning compliance which is accessible to members of the public.

ISSUES

Council is not aware of any issues.

POLICY IMPLICATIONS

The recommendation is in accordance with the Strategic Objective of the Council Plan 2017-2021:

- A well planned and safe community

FINANCIAL AND RESOURCE IMPLICATIONS

The Policy documents the approach to planning compliance which is already being implemented by Council, and therefore there are no financial or resource implications associated with the adoption of the draft Planning Compliance Policy for public exhibition.

If adopted, the Planning Compliance Policy could be enforced with existing resource levels.

CONSULTATION

The content of the draft Planning Compliance Policy has been assessed against the provisions of Council's Community Engagement Policy. There may be a high level of public interest in the draft Planning Compliance Policy as this describes a service being provided to the community. On this basis, it is recommended that the draft policy be placed on public exhibition and submissions sought from the community.

CONCLUSION

The adoption of a Planning Compliance Policy will improve the information on Council's approach to planning compliance which is available to members of the public. Due to the potential for public interest in the subject, it is recommended that the draft Planning Compliance Policy is placed on public exhibition.

DECLARATION OF CONFLICT OF INTEREST

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

- Acting Director Corporate Performance
- Manager Building and Amenity
- Compliance Coordinator

ATTACHMENT(S)

8.3.5 Draft Planning Compliance Policy

8.3.6 Planning Application P.2019.12.1. 32-36 Coronation Avenue, Bright

<i>Application number:</i>	<i>P.2019.12.1</i>
<i>Proposal:</i>	<i>Eight (8) lot staged subdivision</i>
<i>Applicant's name:</i>	<i>Walpole Surveying Pty Ltd</i>
<i>Owner's name:</i>	<i>Anne Elizabeth Browne</i>
<i>Address:</i>	<i>32-36 Coronation Avenue, Bright (Lot 2 on Plan of Subdivision 437781F)</i>
<i>Land size:</i>	<i>6,825 sqm</i>
<i>Current use and development:</i>	<i>Residential/Accommodation - The lot contains a dwelling, an outbuilding and two (2) buildings used for accommodation purposes.</i>
<i>Site features:</i>	<i>The site is irregular in shape and is located on the western side of Coronation Avenue. The site has a downslope from north to south between 5 and 10 degrees. The site contains scattered planted mature vegetation throughout. The dwelling is located within the western part of the site abutting the boundary with 30 Coronation Avenue. The outbuilding is located within the front setback in front of the dwelling and the eight (8) accommodations units are located within the southern portion of the site. Vehicle access to the site is provided via an existing crossover located at the southern end of the site via Coronation Avenue.</i>
<i>Why is a permit required?</i>	<i>Clause 32.08-3 - Subdivision (GRZ1) Clause 44.06-2 - Subdivision (BMO)</i>
<i>Zoning:</i>	<i>Clause 32.08 - General Residential Zone - Schedule 1</i>
<i>Overlays:</i>	<i>Clause 44.06 - Bushfire Management Overlay</i>
<i>Restrictive covenants on the title?</i>	<i>None</i>
<i>Date received:</i>	<i>23 January 2019</i>
<i>Statutory days:</i>	<i>524 days</i>
<i>Planner:</i>	<i>Rhiannon Biezen</i>

RECOMMENDATION

That a Notice of Decision to grant a planning permit be issued for an eight (8) lot subdivision in accordance with the conditions outlined in Appendix 8.3.6.a. for the following reasons:

- 1. The proposal generally meets the relevant provisions of the:*
 - a. State and Local Planning Policy Framework;*
 - b. General Residential Zone - Schedule 1;*
 - c. Clause 44.06 - Bushfire Management Overlay;*
 - d. Particular Provisions Clause 53.01 Public Open Space Contributions and Subdivision, Clause 53.02 -Bushfire Planning and Clause 56 Residential Subdivision;*
 - e. Decision Guidelines at Clause 65.02.*

PROPOSAL

The application proposes an eight (8) lot staged subdivision. Lots 21 – 26 each contain a 10x15m envelope to meet the requirements of Approved Measure 2.2 of Clause 53.02 to ensure defendable space can be maintained within each lot.

Stage 1:

Lot 21 will have a total area of 651m², have a maximum depth of 40.4 metres on the southern boundary and a road frontage (Coronation Avenue) of 15.4 metres. A building envelope is proposed to be setback 9 metres from the eastern (Coronation Avenue) boundary, 5 metres from the western (rear) boundary and 1 metre from each side boundary. Access will be afforded via the common property driveway.

Lot 22 will have a total area of 497m², have a maximum depth of 34.3 metres on the northern boundary and a frontage of 15.5 metres directly abutting the common property accessway. A building envelope is proposed to be setback 3.8 metres from the eastern (internal accessway) boundary, 5 metres from the western (rear) boundary and 1 metre from each side boundary. Access will be afforded via the common property driveway.

Lot 23 will have a total area of 492m², have a maximum depth of 32.5 metres on the northern boundary and a frontage of 16.7 metres directly abutting the common property accessway. A building envelope is proposed to be setback 3.8 metres from the eastern (internal accessway) boundary, 5 metres from the western (rear) boundary, 1 metre from northern (side) boundary and 2.5 metres from the southern (side) boundary. Access will be afforded via the common property driveway.

Lot 24 will have a total area of 464m², have a maximum depth of 32 metres on the southern boundary and a frontage of 17.3 metres directly abutting the common property accessway. A building envelope is proposed to be setback 3.8 metres from the eastern (internal accessway) boundary, 5 metres from the western (rear) boundary, 1.5 metres from northern (side) boundary and 1 metre from the southern (side) boundary. Access will be afforded via the common property driveway.

Common property accessway will have a total of 334 m² and will be 5.2 metres in width/5m at its southern end.

Stage 2:

Lot 25 will have a total area of 491m², have a maximum depth of 32 metres on the northern boundary and a frontage of 18.3 metres directly abutting the common property accessway. A building envelope is proposed to be setback 3.8 metres from the eastern (internal accessway) boundary, 5 metres from the western (rear) boundary and 1 metre from each side boundary. Access will be afforded via the common property driveway.

Lot 26 will have a total area of 1,045m², have a maximum depth of 52.6 metres on the western boundary and a frontage of 8.9 metres directly abutting the accessway. A building envelope is proposed to be setback a minimum of 4 metres from the northern (front) boundary, 5 metres from the southern (rear) boundary and 1 metre from each side boundary. Access will be afforded via Ballroom Court.

Lot 27 will contain the existing unit building, will have a total area of 1,767m², have a maximum depth of 52.6 metres on the eastern boundary and a frontage of 35.7 metres directly abutting the accessway. Access will be afforded via Ballroom Court.

Lot 28 will contain the existing dwelling, will have a total area of 1,086m², have a maximum depth of 56.9 metres on the western boundary which will directly abut the accessway. Access will be afforded via Ballroom Court.

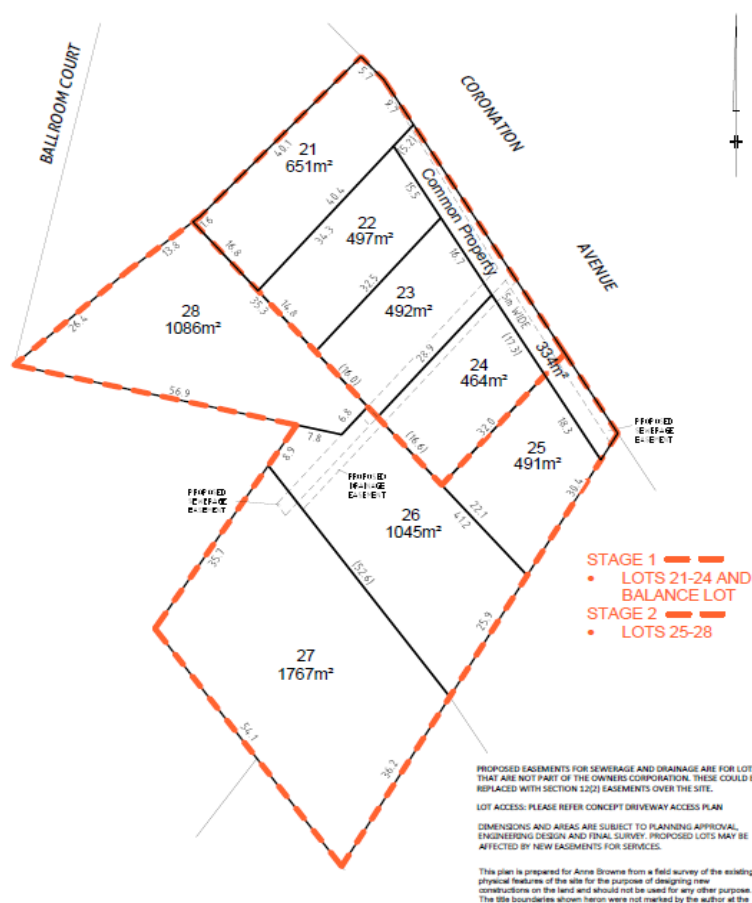


Figure 1: Proposed plan of staged subdivision.

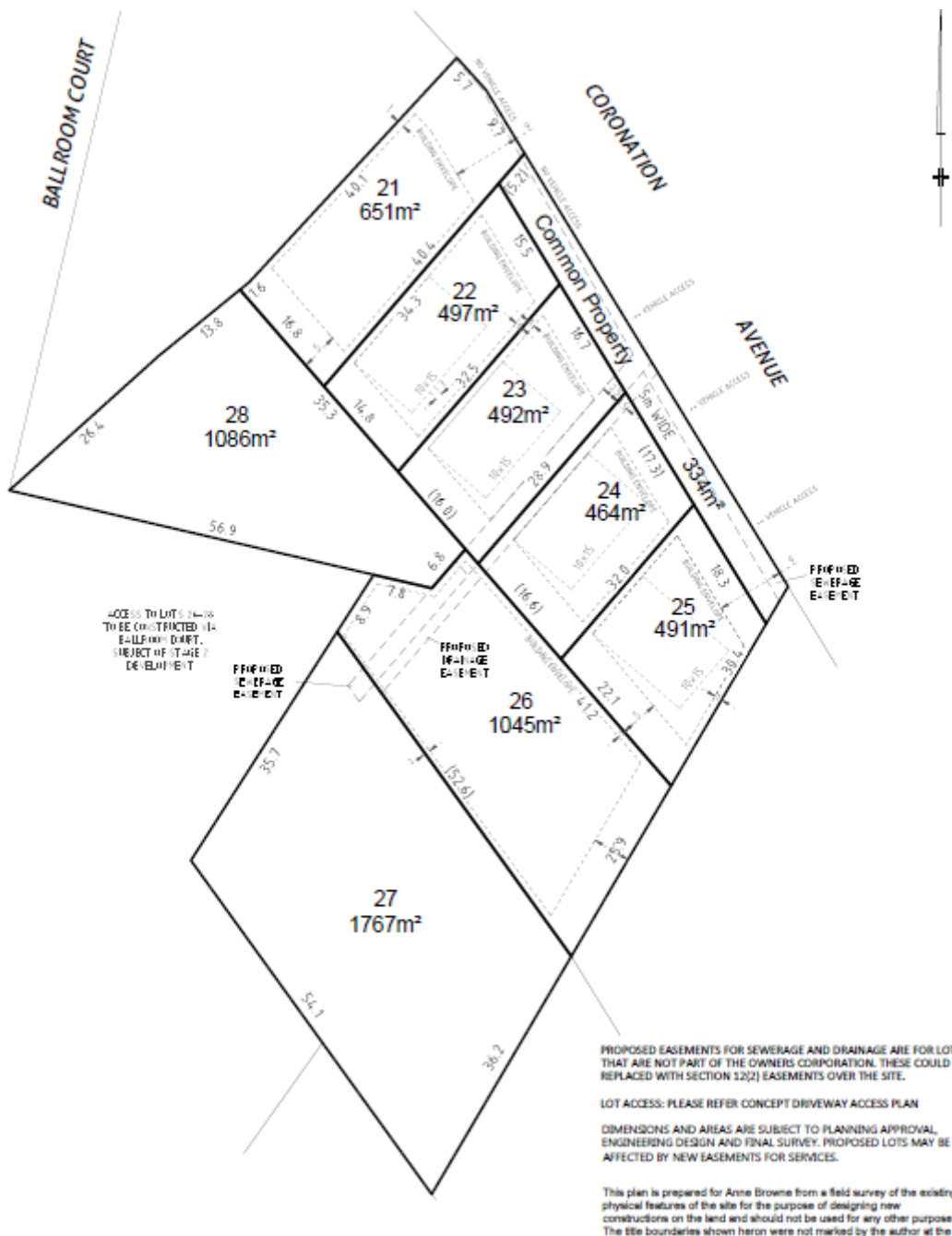


Figure 2: Proposed plan of subdivision including building envelopes.

SUBJECT LAND AND SURROUNDS

The subject site is located at 32–36 Coronation Avenue, Bright and is legally described as Lot 2 on Plan of Subdivision 437781F. The land slopes up from Coronation Avenue at grades between 12 and 15%. Three existing buildings are on the site. Two of these are the accommodation units for Forest Lodge Chalets and the third building is a family home. Access is provided by a single sealed driveway from Coronation Avenue. Appropriate turning and parking areas have a loose stone treatment. Other areas of the

site contain a swimming pool, outdoor entertaining areas, gardens, mature trees and lawns.



Figure 3: Aerial image of the subject site

Surrounding Area

The subject site is zoned General Residential Zone and majority of the adjoining and surrounding lots are also located within this zone. The surrounding area is characterised by typical residential dwelling styles with single or double storey dwellings and associated outbuildings. Lots sizes within the local area vary between 390 sqm to larger sites exceeding 1,000 sqm.



Figure 4: Aerial image of the surrounding area.

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 the surrounding landholders and occupiers. A sign was displayed on the subject land. One (1) objection was received and maintained. The matters raised in the objection have been summarised as follows:

- Loss of amenity due to the future development of lots:
 - The impact of double story developments and loss of views.
 - Unsympathetic materials compared to the adjoining heritage property.
 - Removal of trees from the future lots.
 - Impact of future development upon the objectors accommodation units during the construction period.
 - Loss of income due from accommodation.
 - Removal of street trees.
- Lot sizing
 - The sizes of the lots are not in keeping with the existing character of the area.
 - Noise increase due to density increase.
 - Houses could be used for AirBnB.

- Lots 26 – 28 access via Ballroom Court
 - Increased road traffic along Ballroom Court.
- The location of the future crossover to service lots 26 – 28 and its locality to Leader Reef Drive.

Applicants Response

The subdivision will enhance the amenity of the area through the provision of a well-appointed subdivision design and will help to decrease the urban sprawl of the Township of Bright. The future development of the sites will be required to meet the Bushfire planning provisions of Clause 44.06 and Clause 53.02 of the Alpine Shire Planning Scheme. Although design, materials and construction constraints such as single-story development only and external cladding designs cannot be implemented as the site has no overlays restricting this. Timber as an external cladding choice may not meet the requirements of the Bushfire Management Overlay.

The vegetation located within the subject site will be required to be managed as per the Bushfire Management Overlay defensible space requirements.

The significant trees located within the road reserve of Coronation Street are proposed to be retained and protected.

Future construction and building noise will be controlled by codes and conditions of permits for these activities and the EPA noise guidelines.

In regards to the loss of potential loss of views of the surrounding mountains currently 30 Coronation Avenue have limited view of the surrounding mountains over proposed lots 21 and 28 due to the existing vegetation. The cottages that abut the northern boundary of the site are orientated north so bathrooms and toilets are the only view points to the south.

Any future development would be subject to meet the buildings requirements which address light, shade, overlooking and privacy. As the development is for subdivision only controls relating to building design cannot be introduced.

Should the objector wish to purchase lots they are able to through the usual manner. Further development at 30 Coronation Avenue, the objectors land, should not be hindered by placing restrictive covenants on lots 21 and 28.

Ballroom Court is a 20-meter-wide road reserve with a 7-meter-wide pavement between recent concrete kerbs. Ballroom Court is ideal for servicing Lots 26, 27 and 28. The increase in traffic will be minor and occur within the second stage of the subdivision.

The second stage will include the addition of one (1) driveway for the rear lots (26, 27 and 28) to access the subdivision. The crossover will be setback 30 meters north of the intersection of Leader Reef Drive and will allow for the safe ingress and egress from the site. This will ensure the safety and visibility of pedestrians, cyclists and other traffic movement.

The lot layout in stage one will provide for a variety of lot sizes within the area meeting the existing demand for smaller lots sizes within the Township of Bright. This is promoted under the State and Local Planning Provisions for higher density developments to be located within existing townships that have the available infrastructure.

The application is for subdivision only and does not include future development. Construction standards and future uses will be dictated by the planning scheme provision and the Building Code of Australia.

The slope of the proposed lots that will front onto Coronation Street will constrain the design and its unlikely a kit home would be able to meet the design restraints.

Currently along the shared boundary with the objector a swimming pool is located and used by 8 units and a house and will likely provide quieter use of the area.

Officers Response

Loss of amenity due to the future development

The site is located within the General Residential Zone and the Bushfire Management Overlay there is no mechanism within the PPF, LPPF, Zone or Overlay provisions to constrain the design aspects of any future developments that may occur within the created lots such as colours and materials and single or double story etc.

The site has a total area of 6,826 sqm and currently contains planted vegetation. There are no vegetation controls over the site that would prohibit the removal of any remnant planted vegetation. Due to the site being located within a Bushfire Management Overlay, larger vegetation would be required to be removed from the site to ensure the developments meet the requirements of the Bushfire Management Overlay and defensible space requirements Pursuant to Clause 53.02.

Construction noise is managed through EPA guidelines and all contractors will be required to abide by these restrictions.

The perceived loss of income or the potential impact of development upon income loss is not a relevant planning consideration.

The loss of surrounding mountain views and outlook of additional dwellings is not a planning consideration as there is no specific planning control within the Planning Policy Framework, Local Planning Policy Framework, zone or overlays, therefore there is no specific protection or legal right to a view.

Regarding the street trees the application was referred to Council's Arborist who has requested tree protection zone conditions to be added to the permit. Council's engineering department has also added conditions ensuring the protection and retention of native vegetation within the site. The crossover must use sensitive design techniques so as to not disturb the roots of the trees located within the road reserve. The permit has been conditioned to ensure the protection of the trees located within the road reserve.

Lot sizing

There are varying lot sizes from the smallest being 464 sqm to the largest being 1,767 sqm. There are varying lot sizes within a 500 metre vicinity of the site with the smallest being 394 sqm located at 3A Pioneer Lane. Which is approximately 100 metres to the north-east of the site. Clause 11.02-1S aims to provide for opportunities for the consolidation, redevelopment and intensification of existing urban areas. Clause 15.01-3S aims to provide 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. Clause 16 of the State Planning Policy Framework also aims to ensure that housing is accessible, affordable and within locations that offer existing infrastructure services which this subdivision will provide. A section 173 agreement has been conditioned as part of the permit to ensure the lots cannot be further subdivided and will therefore maintain the proposed density of the area.

Lots 26 – 28 access via Ballroom Court

Lots 21 – 25 will be accessed via the current existing common property driveway from Coronation Drive, with the balance of the lots accessed via Ballroom Court. The increase of three (3) driveways is considered a minimal increase on the existing road infrastructure. Ballroom Court is a 7 metres wide bitumen road with a footpath, which has recently been constructed.

The application has been referred to Council's Engineering Department which has consented to the crossover location and has no concerns regarding the location of the crossover and its proximity to Leader Reef Drive.

REFERRALS

Referrals / Notice	Advice / Response / Conditions
Section 55 referrals:	Country Fire Authority - No objection, subject to an amended Bushfire Management Plan and conditions. Goulburn Murray Water - No objection, subject to conditions. AusNet Services - No objection, subject to conditions. North Eastern CMA - No objection, subject to conditions.
Internal / external referrals:	Alpine Shire Council Engineering Department - No objection, subject to conditions. Alpine Shire Council Arborist - No objection, subject to conditions.

PLANNING ASSESSMENT AND RESPONSE TO GROUNDS OF OBJECTION

All applicable policy and decision guidelines can be found in Appendix 8.3.6.b.

State and Local Planning Policy Framework

Clause 11.01-1S Settlement seeks to promote sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements. The applicable strategies include:

- Create and reinforce settlement boundaries.
- Provide for growth in population and development of facilities and services across a regional or sub-regional network.
- Encourage a form and density of settlements that supports sustainable transport to reduce greenhouse gas emissions.
- Limit urban sprawl and direct growth into existing settlements.
- Promote and capitalise on opportunities for urban renewal and infill redevelopment.

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

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

- Consider the risk of bushfire to people, property and community infrastructure;
- Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk; and
- Ensure new development can implement bushfire protection measures without unacceptable biodiversity impact.

The site is located within a Bushfire Management Overlay and bushfire risk has been considered as part of the application. A Bushfire Management Statement has been prepared which documents an assessment of the risk and includes ongoing mitigation measures set out within Bushfire Management Plans for the proposed dwelling. The dwellings located within lots will be required to be constructed to BAL 29 rating with requirements for access, water supply and vegetation management within the defensible space. It is considered that the bushfire risk to life and property can be mitigated to an acceptable level through the siting and ongoing management measures proposed. The application was referred to the CFA who consented to the proposal subject to standard Bushfire Management conditions.

Clause 15.01-3S Subdivision Design seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place. Strategies to achieve this objective include:

- 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.
- Creating urban places with a strong sense of place that are functional, safe and attractive.
- Protecting and enhancing native habitat.

- Creating an urban structure and providing utilities and services that enable energy efficiency, resource conservation, integrated water management and minimisation of waste and air pollution.

Planning policy seeks to provide a good quality urban environment and encourages adherence to good urban design principles in designing new development. In achieving this outcome, Clause 15.01-3S aims to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods. This policy requires (future) development to respond to its context in terms of urban character, cultural heritage, natural features, service availability, surrounding landscaping and climate; and requires development to include a site analysis and descriptive statement explaining how the proposed development responds to the site and its context.

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

Clause 16.01-1S – Housing Supply

To facilitate well-located, integrated and diverse housing that meets community needs.

- Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.
- Identify opportunities for increased residential densities to help consolidate urban areas.
- Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.
- Increase the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduce the share of new dwellings in greenfield, fringe and dispersed development areas.
- Plan for growth areas to provide for a mix of housing types through a variety of lot sizes, including higher housing densities in and around activity centres.

The proposal is generally in accordance with the above policies. The site is located within an area of Bright where utilities, services and facilities are established. The proposal responds appropriately to the established and preferred neighbourhood character for the area and will also facilitate future subdivision of the land in an orderly manner.

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

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

- Identify, recognise and plan for environmental risks and constraints in planning for the use and development of land.
- Manage the risks of environmental hazards, including bush fire, flooding and land slip, to avoid adverse consequences on the natural and man-made environment.
- Ensure that land use and development addresses relevant site context and natural features of the area including the potential for bush fire, flooding and landslip risk.

- Facilitate a risk-based approach to land use planning in areas subject to environmental risk and require land use planning to integrate with and support other risk management and mitigation strategies.
- Implement bushfire risk assessment and mitigation in land use planning

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

Clause 22.04-1 Infrastructure includes the following three objectives

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

The proposed subdivision is consistent with lots within the area and vary between 460 sqm to 1,000 sqm plus. The proposal will also facilitate future subdivision of the land in an orderly manner. The site is considered to meet the safety requirements associated with the risk of bushfire for the future developments with the sites being assessed with a BAL rating of 29. The site has direct access to an existing road network, town water, reticulated sewerage and utility and telecommunications infrastructure.

Zoning and land use

The subject site is zoned General Residential Zone -Schedule 1. The proposal is consistent with the purposes and decision guidelines of the General Residential Zone - Schedule 1 for the following reasons:

- The proposed pattern of subdivision is consistent with lots within the surrounding area and offers a mix of smaller and larger lots within the subdivision
- Stage 1 lots will front onto Coronation Avenue respecting the existing layout of the street and Stage 2 lots located to the rear will be accessed via Ballroom Court with a single crossover again respecting the layout pattern of the Ballroom Court area.
- The subdivision meets the requirements set out in Clause 56 Residential Subdivision.

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. Consent was provided subject to an amended Bushfire Management Plan. The application is considered to meet the relevant requirements of the Bushfire Management Overlay.

Particular Provisions

Clause 53.01 - Public Open Space Contribution and Subdivision

The application will require a 5% public open space contribution for the maintenance and updating of existing open spaces within the Township of Bright due to the increased density and use proposed by this subdivision.

Clause 53.02 – Bushfire Planning

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

Clause 56 – Residential Subdivision

The application meets the requirements of Clause 56 which includes subdivision layout, existing character of the area, access to infrastructure and utility services and the ability for the area to accommodate the density increase for which it was zoned.

General Provisions

Clause 65.01 of the Alpine Planning Scheme provides the general decision guidelines that must be considered before deciding on an application.

CONCLUSION

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

1. The proposal generally meets the relevant provisions of the:
 - a. State and Local Planning Policy Framework;
 - b. General Residential Zone Schedule 1;
 - c. Particular provisions including 53.01 Public Open Space Contributions and Subdivision, 53.02 Bushfire Planning and Clause 56 Residential Subdivision;
 - d. Decision Guidelines at Clause 65.02.
2. The proposal is considered to meet the adjoining and surrounding subdivision pattern which is a mix of varying lot sizes located within a 200 metres radius of the subject site.

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 Corporate Performance
- Manager Planning and Amenity
- Planning Officer

APPENDICIES

8.3.6.a. Conditions

8.3.6.b. Policy and decision guidelines

Appendix 8.3.6.a. CONDITIONS

1. Amended Bushfire Management Plan Required

Before certification under the Subdivision Act 1988, an amended bushfire management plan (BMP) must be submitted to and endorsed by the Responsible Authority. When approved, the BMP will be endorsed by the Responsible Authority and be included as an annexure to the section 173 agreement. The BMP must be substantially in accordance with the Bushfire Management Plan prepared by Mountain Planning, dated 10 Oct 2019 and must show the following bushfire protection measures, unless otherwise agreed in writing by the CFA and the Responsible Authority:

a. Defendable space – Lots 21-26

Show an area of defendable space to the property boundary where vegetation (and other flammable materials) will be modified and 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 3m 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 sq. 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 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

b. Construction standards – Lots 21-26

Nominate a minimum Bushfire Attack Level of BAL – 29 that the future buildings on the lots 21-26 will be designed and constructed.

c. Water Supply – Lots 21-26

Show 2,500 litres for Lot 22-25, 5,000 litres for Lot 21 and 10,000 litres for Lot 26 of effective water supply for fire fighting purposes which meets the following requirements:

- 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 corrosive resistant metal.
- Include a separate outlet for occupant use.

Additionally for Lot 26

- Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.
- Be located within 60 metres of the outer edge of the approved building.
- The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling (64 millimetre CFA 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling).

d. Access

Show the access for fire fighting purposes which meets the following requirements:

- All weather construction.
- A load limit of at least 15 tonnes.
- Provide a minimum trafficable width of 3.5 metres
- Be clear of encroachments for at least 0.5 metre on each side and at least 4 metres vertically.
- Curves must have a minimum inner radius of 10m.
- The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

2. Layout

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.

3. Section 173 Agreement - Building Envelopes

Before the plan of subdivision is certified under the Subdivision Act 1988, the owner must enter into an agreement with the responsible authority made pursuant to section 173 of the Planning and Environment Act 1987 which provides that on each lot to be created, buildings may be constructed only within the building envelopes, and effluent disposal must be confined to the effluent disposal envelopes as shown on the endorsed plans of this permit.

The envelopes cannot be varied except with the consent of the responsible authority. The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement.

4. Section 173 Agreement - No Further Subdivision

Before the plan of subdivision is certified under the Subdivision Act 1988, the owner must enter into an agreement with the responsible authority made pursuant to section 173 of the Planning and Environment Act 1987 which provides that the land will not be further subdivided.

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

5. Staged Subdivision

The subdivision must proceed in the order of stages as shown on the endorsed plan unless the otherwise agreed in writing by the Responsible Authority.

6. Services

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

7. Stabilisation of Earthworks

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

8. Easements

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.

9. Practical Road Access

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

10. Street Numbering

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

11. Construction Plans Required

Prior to the certification of the plan, detailed construction plans must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must have regard to the Alpine Shire's 'Development Approval Check Sheet for Submission of Construction Plans' and include:

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

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

12. Plan Checking Fee

Prior to the certification of the plan of subdivision (insert amount) must be paid to the council as plan checking fees.

13. As Constructed Drawings

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

14. Supervision Fees

Prior to the issue of the Statement of Compliance (insert amount) must be paid to the council as supervision fees.

15. Payment in Lieu of Open Space Provision

Before the statement of compliance is issued under the Subdivision Act 1988, the applicant or owner must pay to the responsible authority a sum equivalent to five per cent of the site value of all the land in the subdivision.

16. Implied Easements

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

17. Tree Protection During Construction

Before the subdivision works start, a tree protection fence must be erected around the street trees within the road reserve of Coronation Avenue at a radius of 2 metres from the base of the trunk(s) 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.

- a. The tree protection fence must remain in place until construction is completed.
- b. The ground surface of the Tree Protection Zone must be covered by a 100 mm deep layer of mulch before the development starts and be watered regularly to the satisfaction of the responsible authority.

18. Regulation of Activities in Tree Protection Zone

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.

19. Retention of Existing Street Trees

The existing street tree(s) must not be removed or damaged.

ENGINEERING CONDITIONS

20. Detailed Construction Plans

Prior to certification, 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. Underground drainage system, with supporting computations
- b. stormwater retention and quality treatments
- c. Landscape plans, including street tree locations and any planting detail
- d. Inspection and test plans, including hold and witness points for Alpine Shire Council sign off for Council assets created as part of the development.
- e. vehicular crossings, including
- f. the shared driveway access to proposed lot 26, 27 and 28
- g. common property access to lots 21-25.
- h. Removal and safe disposal of the tennis court on the crownland of Ballroom Court.

Drainage

21. Urban Drainage Works

Prior to issue of Statement of Compliance, 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 Side Entry Pit on the intersection of Ballroom Court and Coronation Avenue.

All roof water from buildings and surface water from paved areas must be collected and discharged to the LPOD to avoid any nuisance discharge to adjacent land.

22. Drainage Discharge Plan

Prior to certification, a properly prepared drainage discharge plan with computations must be submitted to, and approved by, Alpine Shire Council. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The information submitted must show the details listed in Council's Infrastructure Design Manual and be designed in accordance with the requirements of that manual. The information and plan must include:

- a. details of how the works on the land are to be drained and retarded.
- b. computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by Alpine Shire Council
- c. connection points for drainage for each lot
- d. underground pipe drains conveying stormwater to the legal point of discharge for each allotment, access lanes and common property

- e. measures to enhance stormwater discharge quality from the site and protect downstream waterways, including the expected discharge quality emanating from the development and design calculation summaries of the treatment elements;
- f. a maximum discharge rate from the site is to be determined by computation to the satisfaction of Council or 37 lit/sec/ha.
- g. maintenance schedules for treatment elements.

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

Vehicle Crossings

23. Urban Vehicle Crossing Requirements

Prior to issue of Statement of Compliance, vehicular crossings shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the Alpine Shire Council, and shall comply with the following:

- a. standard vehicular crossings shall be constructed at right angles to the road to suit the proposed driveways, and any existing redundant crossing shall be removed and replaced with concrete kerb and channel to match into the surrounding profile. The vehicle crossing must be constructed of plain grey concrete.
- b. Any proposed vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense;
- c. crossings shall be constructed of concrete and be generally in accordance with IDM drawing SD240

24. Access lane and Common Property Construction Requirements

Prior to issue of the Statement of Compliance, the common property driveway and the shared driveway access as shown on the endorsed plans must be:

- a. constructed of concrete or surfaced with an all-weather seal coat; and
- b. drained in accordance with an approved drainage plan;
- c. to the satisfaction of the responsibility authority.
- d. The driveway must be constructed and drained to prevent diversion of flood or drainage waters and maintained in a continuously useable condition to the satisfaction of the responsible authority.

Subdivision

25. Easements to be Created

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

26. Prior to Commencement of Construction

Before any road/drainage works associated with the subdivision/development start, the following items must be satisfied:

- a. Issue of the certified Plan of Subdivision.
- b. Approval of the construction plans

An on-site meeting with officers of the municipality, the contractor and the developer or the developer's consultant to discuss matters such as roadside management, construction techniques, sedimentation controls, vegetation clearing controls and vegetated areas to be barricaded off prior to and during construction.

27. Vegetation Management

Prior to certification, the owner or developer of the subject land shall engage a suitably qualified and experienced arborist to undertake an assessment of the existing vegetation on southern nature strip of Coronation Avenue from the development till Ballroom Court intersection and on the crown land providing access to lot 26, 27 and 28. The report shall make provide following information:

- a. a survey of all existing vegetation and natural features showing plants (trees greater than 150mm diameter, and shrubs over 1200mm diameter) along southern coronation avenue nature strip from the development till Ballroom Court intersection.
- b. provide recommendations on the stability of trees and limbs with the potential to fall over the boundary into private property.
- c. effect on trees due to the extent of works.

28. Native Vegetation Retention

No native vegetation shall be removed without prior written approval. A proposal to remove native vegetation must be submitted to the Alpine Shire Council as a separate application.

29. Tree Protection during Construction

Prior to commencement of construction, a tree protection fence must be erected around the street trees and trees on crownland on Ballroom court at a radius of 3.5m metres from the base of the trunk(s) /dripline of the existing trees to define a 'Tree Protection zone'. The fence must be constructed of (specify star pickets and chain mesh or similar) to the satisfaction of the relevant authority. The tree protection fence must remain in place until construction is completed. The ground surface of the Tree Protection Zone

must be covered by a 100mm deep layer of mulch before the development starts and be watered regularly to the satisfaction of the Alpine Shire Council.

Construction Phase

30. Construction Management Plan

Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Alpine Shire Council. Prior to commencement of use, a construction management plan shall be submitted to and approved by the Alpine Shire Council. The plan must outline how issues such as mud on roads, dust generation and erosion and sediment control will be managed, on site, during the construction phase. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise. Management measures are to be in accordance with EPA guidelines for Environment Management, "Doing It Right On Subdivisions" Publication 960, September 2004.

31. No Mud on Roads

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

End of Engineering Conditions –

AUSNET SERVICES CONDITIONS

32. 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.

33. 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.

End of AusNet Services Conditions –

COUNTRY FIRE AUTHORITY CONDITIONS

34. Section 173 Agreement:

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:

- c. State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Alpine Shire Planning Scheme.

- d. Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.
- e. 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.
- f. Explicitly exclude Lot 27 and 28 from the following exemption under Clause 44.06-2 of the Alpine Planning Scheme:
- g. A building or works consistent with an agreement under section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of clause 44.06-5.

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

35. Maintenance of Defendable Space

Before the Statement of Compliance is issued under the Subdivision Act 1988, the defendable space on every lot in the subdivision must be implemented and maintained as specified on the endorsed Bushfire Management Plan, unless otherwise agreed in writing by the CFA and the Responsible Authority.

End of CFA Conditions –

GOULDBURN MURRAY WATER CONDITIONS

- 36. All works within the subdivision must be done in accordance with EPA Publication 960 "Doing It Right on Subdivisions, Temporary Environmental Protection Measures for Subdivision Construction Sites", September 2004.
- 37. Any Plan of Subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.
- 38. Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.
- 39. All stormwater discharged from the site must meet the urban run-off objectives and Standard C25 as specified in Clause 56.07-4 of the Victorian Planning Provisions. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.

End of Goulburn Murray Water Conditions –

NORTH EAST WATER CONDITIONS

- 40. That prior to works commencing pursuant to the permit, the applicant enters into a Developer Works Agreement with North East Water that requires it to construct, at the applicant's cost, works necessary to provide a water supply service to the

proposed subdivision to the satisfaction of North East Water, in accordance with its policies and requirements applicable from time to time.

41. That prior to works commencing pursuant to the permit, the applicant enters into a Developer Works Agreement with North East Water that requires it to construct, at the applicant's cost, works necessary to provide a sewerage service to the proposed subdivision to the satisfaction of North East Water, in accordance with its policies and requirements applicable from time to time.
42. That the applicant pays a new customer contribution determined in accordance with North East Water's policy for development charges applicable to the water supply system currently servicing the area in which the subject land is located.
43. That the applicant pays a new customer contribution determined in accordance with North East Water's policy for development charges applicable from time to time towards North East Water's sewerage and disposal systems servicing the area to which the permit applies.
44. Easements must be provided over sewerage infrastructure to the satisfaction of North East Water.
45. The applicant must enter into an agreement with North East Water for any proposed structures or works over or near a North East Water easement or asset in accordance with North East Water requirements.
46. That in constructing any private water services, the applicant ensures that such services do not traverse property boundaries and are independently supplied from a point of supply approved by North East Water.
47. That the plan of subdivision be referred to North East Water when submitted for certification pursuant to Section 8 of the *Subdivision Act 1988*.
48. That North East Water's consent is sought by the Responsible Authority prior to issuing a Statement of Compliance under the *Subdivision Act 1988*.

End of North East Water Conditions –

49. Time for starting and completion Development and Subdivision

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

- a. the development and use is/are not started within two years of the date of this permit.
 - b. the development is not completed within four years of the date of this permit.
 - c. the plan of subdivision is not certified within two years of the date of this permit;
- or

- d. the registration of the subdivision is not completed within two 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 months afterwards.

- End of Conditions -

Planning Notes:

1. Road Opening/Non-Utility Minor Works on Municipal Road Reserve/Consent for Works on Road Reserves Permit Required

A road opening/crossing permit must be obtained from the Alpine Shire Council prior to working in or occupying the road reserve with construction equipment or materials. Applications may be accessed via the following link [Work on Council land permit](#), or from the Alpine Shire Council website.

2. Building Approval Required

This permit does not authorize the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

3. Native Vegetation Control

A planning permit is required to remove, destroy or lop native vegetation on the land, except in accordance with an exemption specified in the State Section of the Planning Scheme; exemptions include the minimum area necessary for the construction of a dwelling and or buildings or vehicle accessways ancillary to a dwelling, or to comply with a fire prevention notice.

Appendix 8.3.6.b. POLICY AND DECISION GUIDELINES

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

State Planning Policy Framework

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

Clause 11.01-1S – Supply of urban land

Clause 13.01-1S - Natural hazards and climate change

Clause 13.02-1S - Bushfire planning

Clause 15.01-3S - Subdivision Design

Clause 16 - Housing

Clause 16.01-1S – Housing Supply

Local Planning Policy Framework

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

Clause 21.03-1 Townships and villages

Clause 21.03-3 Rural lifestyle, subdivision and dwellings

Clause 21.04-3 Landscapes

Clause 21.04-4 Environmental risk

Clause 21.07-1 Bright

Clause 22.04-1 Infrastructure

Zone

The subject land is zoned General Residential Zone – Schedule 1 pursuant to the Alpine Planning Scheme.

Overlays

The subject site is affected by the Bushfire Management Overlay.

Particular Provisions

Clause 53.01 Public Open Space Contributions and Subdivision

Clause 53.02 Bushfire Planning

Clause 56 Residential Subdivision

General Provisions

Clause 65.02 within the Alpine Planning Scheme provides the general decision guidelines.

9. Informal meetings of Councillors

Introduction

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

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

the 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 July and August 2021 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
27 July	Briefing Session
3 August	Briefing Session
10 August	Strategic Planning Session
17 August	Briefing Session
24 August	Briefing Session

Attachment(s)

- 9.0 Informal meetings of Councillors – July and August 2021

10. General business

11. Motions for which notice has previously been given

12. Reception and reading of petitions

13. Documents for sealing

RECOMMENDATION

That the following documents be signed and sealed.

1. *Contract No 2103001 in favour of North East Civil Construction Pty Ltd for the Great Valley Trail - Bridge Construction be signed.*
2. *Section 173 Agreement – Ian Mervyn McKinley
Lots 4 on Plan of Subdivision 617050 Volume 11169 Folio 004
Conditions 20, 34 and 35 of Planning Permit 2020.65 for a 2 Lot Subdivision and the Creation of Access to a Road Zone Category 1 at 6893 Great Alpine Road, Porepunkah.
The Agreement provides for site detention stormwater systems on each lot and to allow the implementation of bushfire protection measures.*
3. *Section 173 Agreement – Jennifer Emily Joan Chalwell
Crown Allotment 1 Section P Parish of Bright Volume 9731 Folio 761
Condition 2 of Planning Permit 2020.123 for Use and Buildings and Works for Group Accommodation, and Alterations of Access to Road in a Road Zone Category 1 at 101 Tawonga Gap Road, Bright.
The Agreement acknowledges:

 - *that the subject land is located in a rural area where there is agricultural activity where there may be adverse amenity impacts from noise, odour, dust, chemicals, light, etc. from time to time.*
 - *In the event that the owner makes the cabins authorised by this permit available to accommodate persons away from their normal place of residence, the owner is obliged to notify any occupier of the cabin/s as far as is reasonably possible, that the property is located in a rural area where agricultural activity takes place from time to time as described above, and that adverse amenity impacts may be experienced.**
4. *Section 173 Agreement – Goulburn Murray Rural Water Corporation and Markus Josef Imfeld and Carmen Lisa Imfeld
Lot 2 on Plan of Subdivision 725713T Volume 11573 Folio 205
Condition 28 of Planning Permit 2019.25 for Buildings and Works for the Construction of a Dwelling and Associated Detached Outbuilding and Non-Native Vegetation Removal at 10 Gillards Lane, Wandiligong.
The Agreement provides for wastewater requirements.*
5. *Section 173 Agreement –SJ & EK & KA McDonald (as executors of the Estate of Alexander Duncan McDonald)
Lot 14 on Lodged Plan 128187 Volume 09328 Folio 416
Conditions 18 and 19 of Planning Permit 2020.151 for a Four Lot Subdivision at 3 Allamar Court, Tawonga South.
The Agreement provides for bushfire protection measures and exclusion of lots 1, 2 and 4 from exemption under Clause 44.06-2 of the Alpine Planning Scheme.*

6. *Section 173 Agreement – Linda Mary Boyce and William Millar Boyce
Land in Plan of Consolidation 153570 Volume 09477 Folio 355
Conditions 14 and 17 of Planning Permit 2021.28 for a Two Lot Subdivision at 3
McFadyens Lane, Bright.
The Agreement provides for bushfire protection measures and exemption from
a planning permit under Clause 44.06-2 of the Alpine Planning Scheme and
exclusion of Lot 1 from exemption under Clause 44.06-2 of the Alpine Planning
Scheme.*
7. *Alpine Shire Council Draft Tree Management Plan.*

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

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Chairperson