

M(14) – 14 DECEMBER 2021

Ordinary Council Meeting

Agenda

Notice is hereby given that the next **Ordinary Meeting** of the **Alpine Shire Council** will be held in the Council Chambers, Great Alpine Road, Bright on **14 December 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.

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

Question submitted in writing prior to the meeting, will be read aloud at the meeting and by submitting a question, you consent to your question being read at the meeting.

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

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

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

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

The Mayor will read the following statement:

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

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

3. Confirmation of minutes

3.1 ORDINARY COUNCIL MEETING – M(13) – 9 NOVEMBER 2021

RECOMMENDATION

That the minutes of Ordinary Council Meeting M(13) held on 9 November 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 to questions.

6. Declarations by Councillors of conflict of interest

7. Public questions

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

Questions on Notice can be written or from the floor.

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

8. Presentation of reports by officers

8.1 CHIEF EXECUTIVE OFFICER – CHARLIE BIRD

8.1.1 Schedule of Ordinary Council Meetings for 2022

File Number: 662.01

INTRODUCTION

This report seeks Council's endorsement of the proposed ordinary meeting schedule for the 2022 calendar year.

RECOMMENDATION

That:

1. *The ordinary meeting of Council be held in the Council Chambers in Bright (or by request of community groups in an alternative location as listed below) on the first Tuesday of each month in 2022 with the exception of January, November, and December according to the schedule below:*

<i>DATE</i>	<i>TIME</i>	<i>LOCATION</i>
<i>January, NO MEETING</i>	<i>N/A</i>	<i>N/A</i>
<i>1 February 2022</i>	<i>5pm</i>	<i>Bright</i>
<i>1 March 2022</i>	<i>5pm</i>	<i>Mount Beauty</i>
<i>5 April 2022</i>	<i>5pm</i>	<i>Myrtleford</i>
<i>3 May 2022</i>	<i>5pm</i>	<i>Bright</i>
<i>7 June 2022</i>	<i>5pm</i>	<i>Bright</i>
<i>5 July 2022</i>	<i>5pm</i>	<i>Bright</i>
<i>2 August 2022</i>	<i>5pm</i>	<i>Bright</i>
<i>6 September 2022</i>	<i>5pm</i>	<i>Bright</i>
<i>4 October 2022</i>	<i>5pm</i>	<i>Bright</i>
<i>8 November 2022</i>	<i>5pm</i>	<i>Bright</i>
<i>13 December 2022</i>	<i>5pm</i>	<i>Bright</i>

2. *The November and December 2022 ordinary meeting of Council be held on the second Tuesday of the month.*
3. *Notice of Council's 2022 ordinary meeting schedule be published on Council's website.*
4. *Notice of any changes required to the 2022 ordinary meeting schedule be given at least six days prior to the revised date.*

BACKGROUND

In accordance with Council's Governance Rules Chapter 3 Part C section C1. Schedule of Ordinary Meetings, Council must set the date, time, and locations of Ordinary Council meetings.

Part 12 of the *Local Government Act 2020* allows for "Covid-19 temporary measures", to facilitate Council meetings may be held by electronic means without a public gallery in attendance, as long as the meeting is being livestreamed or recorded and made available on Council's website as soon as practicable after the meeting. This provision is in place until 26 April 2022.

Council will continue to monitor the public health guidance issued by the Victorian government and follow all precautions and requirements to ensure COVID-safe processes are followed. This measure allows for Council to put the safety and wellbeing of its councillors, staff and community as a priority whilst allowing for continued good governance in relation to key matters.

Council encourages community members to view the meeting online and to submit questions on notice in advance of the Council meeting which are read out and responded to at the meeting.

ISSUES

January meeting

Council historically schedules and holds 11 ordinary meetings throughout any given year with no ordinary meeting scheduled in January. It is proposed that this arrangement be continued in 2022 to accommodate councillor and staff leave over the Christmas, New Year, and school holiday period.

Earlier start time to Ordinary Council meetings

Following the election of the 2020 Councillors, a review of the Ordinary Council Meeting time was undertaken and moved to an earlier commencement time of 5pm. The meetings are live streamed and available for community members to watch either in real time or after the meeting. Council intends to continue to hold its meetings at the earlier time.

Timing of November meeting

Council's regular ordinary meeting cycle is the first Tuesday of the month. This schedule clashes with the Melbourne Cup public holiday, which falls on the first Tuesday of November. Since 2014, Council has held the November meeting on the second Tuesday of November. It is proposed that the second Tuesday of the month be continued for the 2022 November ordinary meeting of Council.

This arrangement provides consistency for councillors and executive who traditionally meet on a Tuesday and it also provides for the many staff, and councillors, who take the opportunity of the shorter week, due to the Melbourne Cup Day public holiday, to take leave.

Timing of December meeting

The December Ordinary Council meeting will be held on the second Tuesday of the month prior to the office closure for 2022.

Alternative locations

Council welcomes the return to alternative meeting locations and will host its March Ordinary Meeting at the Auditorium@Mount Beauty Visitor Information Centre, Mount Beauty and its April at the Senior Citizens Centre, Smith Street, Myrtleford.

Special meetings of Council

A Special Council meeting, outside the Schedule set in Rule C1, may be called in the following manner:

- By resolution of the Council; or
- By written notice from the Mayor; or
- By written notice from at least three Councillors; or
- By the Chief Executive Officer immediately following a general election to allow:
 - i. Councillors to take their oath or affirmation of office, or
 - ii. An election of Mayor or Deputy Mayor.

When calling for a special meeting of Council, the date and time of the meeting and the business to be transacted at the meeting must be specified. On this basis a schedule for special meetings of Council cannot be prepared.

POLICY IMPLICATIONS

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

- 5.2 A responsible, transparent and responsive organisation

CONCLUSION

That the schedule of proposed meeting dates and times for 2022 be adopted by 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.

- Chief Executive Officer
- Executive Assistant to CEO

8.2 DIRECTOR ASSETS – WILLIAM JEREMY

8.2.1 Alpine View Children's Centre Expansion – Contract Variation

File Number: CQ21003

INTRODUCTION

This report relates to a variation in the "Principal Design and Construct Contract for Alpine View Children's Centre Expansion" awarded to Modus Projects in April 2021.

RECOMMENDATION

That Council:

- 1. awards a Variation in Contract No. 2100301 "Principal Design and Construct Contract for Alpine View Children's Centre Expansion" to the amount of \$445,301+GST, increasing the total contract price to \$1,428,722 (GST exclusive); and*
- 2. allocates \$350,000 of Australian Government funding received under the Local Roads and Community Infrastructure Phase 3 Fund to cover the shortfall between the project budget and the forecast cost to deliver the project.*

BACKGROUND

A Design and Construct Contract to expand the Alpine View Children's Centre was awarded at the April 2021 Ordinary Council Meeting. The Contract was awarded to Modus Projects for the lump sum price of \$983,421(GST exclusive).

The Contract was based on a concept design, and the scope of the Contract included development of a detailed design including the preparation of construction documentation.

The basis for the concept design was expansion of the facility to increase occupancy from 96 to 134 spaces.

ISSUES

Through the evolution of the detailed design process and in close collaboration with Alpine Children's Services, the scope has been revised in order to better align the project outcomes with the needs of the service. The key changes are:

1. Increase in total occupancy from 134 spaces (concept design) to 146 spaces (detailed design), delivering more capacity to meet the growing demand for childcare in the community
2. Reconfiguration of existing and planned spaces to achieve operational improvements
3. Addition of a dedicated meeting space.

As a result, the overall construction footprint and the resulting cost of construction has increased.

POLICY IMPLICATIONS

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

- 4.5 Assets for our current and future needs

FINANCIAL AND RESOURCE IMPLICATIONS

The project budget is \$1,160,557 with \$1,000,577 of State Government funding through the 'Building Blocks' grant program, and the balance of \$160,000 funded by Council.

The current forecast cost to deliver the project, including the Contract Variation which is the subject of this report plus committed and forecast expenditure which sits outside of the Principal Design and Construct Contract, is \$1,510,557.

There is a shortfall of \$350,000 between the project budget and the forecast cost to deliver the project. Council has received a \$1.4million allocation of Australian Government funding through the Local Roads and Community Infrastructure (LRCI) Phase 3 Fund. It is recommended that \$350,000 of the LRCI funds are allocated to the Alpine View Children's Centre Expansion.

CONSULTATION

Extensive consultation has been carried out with Alpine Children's Services, a key customer of the project, throughout the development of the detailed design. The changes between concept and detailed design are all fully supported by Alpine Children's Services.

CONCLUSION

A number of scope changes have been proposed which will significantly improve the alignment of the project outcomes to the needs of the community, including an increase in capacity of the centre from 134 spaces (concept design) to 146 spaces (detailed design). It is recommended that a Contract Variation be awarded to enable these changes to be delivered, and that Australian Government funding from the Local Roads and Community Infrastructure Fund is used to bridge the gap between the project budget and forecast cost to deliver the project.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Asset Development
- Project Officer

ATTACHMENT(S)

Nil

8.2.2 Dinner Plain Stage 2 Design Services

File Number: CT21120

INTRODUCTION

This report relates to the award of a Contract for Dinner Plain Stage 2 Design Services.

RECOMMENDATION

That Council awards Contract No. 2112001 for 'Dinner Plain Stage 2 Design Services' to Enlocus Pty Ltd for the lump sum price of \$212,075 (GST exclusive).

BACKGROUND

In December 2020, Council sought funding of \$2.37 million from the State Government 'Bushfire Recovery Regional Economic Stimulus and Resilience' fund to deliver the Dinner Plain Activation Phase 2 Project, comprising of:

Recreation Reserve:

- Frisbee golf hole extension
- Picnic shelter, public seating for rest stops
- Expansion of the existing playground
- A nature play area
- A scenic lookout

Village Centre:

- Upgrades to village entrance
- Widening and realigning of roads to improve safety and access
- Improved and additional car parking
- Expanding pedestrian path access
- A defined meeting and arrival point
- Improved traffic and pedestrian signage
- Development of a designated events area

In March 2021, Council received notification that it had been allocated \$2.0 million in funding from the State Government to deliver the Dinner Plain Activation Phase 2 Project. Council subsequently committed to a co-contribution of \$370,000 at the July 2021 Ordinary Council Meeting.

The Tender was advertised in the Herald Sun and Border Mail on 25 August 2021, as well as on tenders.net and the Alpine Shire Council website.

The Tender documents were downloaded by 46 prospective tenderers and five conforming responses were received by the closing date.

EVALUATION

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

The tender submissions were evaluated in accordance with the key selection criteria listed in the Invitation to Tender:

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

Following an assessment of the tender submissions, it was determined that the tender from Enlocus Pty Ltd meets all the requirements and offers the best value for Council.

ISSUES

None to report.

POLICY IMPLICATIONS

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

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

- 4.5 Assets for our current and future needs

FINANCIAL AND RESOURCE IMPLICATIONS

The total budget for Dinner Plain Activation Phase 2 is \$2,370,000, which includes \$2.0 million of State Government Funding and \$370,000 of Council funds.

There is sufficient allocation within the project budget to deliver the works identified in this Contract.

CONSULTATION

The scope of the Dinner Plain Activation Phase 2 Project is the result of a thorough process of engagement undertaken with the Dinner Plain community in the development of the Dinner Plain Village Detailed Design Project. The designs were adopted by Council in July 2020.

Further community consultation was undertaken to support the funding application and ensure alignment with the community for the scope that was defined in the application.

A community stakeholder committee has been established to represent the community's contribution to the detailed design and delivery of this project.

CONCLUSION

Following a comprehensive assessment, the Tender submission from Enlocus Pty Ltd is considered to present the best value for Council.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Development
- Project Officer

ATTACHMENT(S)

Nil

8.2.3 Dinner Plain Winter Bus Service 2022

File Number: CT17073

INTRODUCTION

This report details the recommendation to extend the existing contract with Alpine Spirit to operate the service for the 2022 ski season.

RECOMMENDATION

That:

- contract No. 1707301 between Council and Alpine Spirit Pty Ltd for the provision of a shuttle bus service between Dinner Plain and Mount Hotham be extended to include the 2022 ski season for the price of \$165,371.17 (GST exclusive); and*
- the following fare structure changes are implemented for the 2022 ski season:*

<i>Fare Type</i>	<i>Current Fare</i>	<i>New fare</i>
<i>Adult Return</i>	<i>\$15.00</i>	<i>\$18.00</i>
<i>Child U17 Return</i>	<i>\$7.50</i>	<i>\$9.00</i>
<i>Family (5) Return</i>	<i>\$40</i>	<i>\$48</i>
<i>Family (4) Return</i>	<i>\$33</i>	<i>\$39</i>
<i>Adult Season Pass</i>	<i>\$300</i>	<i>\$360</i>
<i>Child U17 Season Pass</i>	<i>\$250</i>	<i>\$300</i>

BACKGROUND

The bus service between Dinner Plain and Mount Hotham is an integral part of the success of the winter tourist season. It provides residents, workers and visitors with public transport access to activities at Mount Hotham as well as providing Mount Hotham residents, workers and visitors with public transport access to activities at Dinner Plain.

Contract No. 1707301 was awarded to Alpine Spirit to operate the service for the 2018, 2019 and 2020 ski seasons.

ISSUES

As a result of the COVID-19 pandemic, Alpine Spirit was unable to successfully complete the final year of the Contract. At the September 2020 Council meeting, Council awarded a one year extension to the term to the existing Contract, for Alpine Spirit to operate the service for the 2021 ski season. The 2021 ski season was once again impacted by COVID-19 restrictions and Alpine Spirit were once again unable to successfully operate

the service for the full ski season. Alpine Spirit has requested that Council considers a further one year extension to the term of the existing Contract to operate the service for the 2022 ski season.

The Contract awarded to Alpine Spirit in 2018 included a condition that the operator apply fixed fares for the duration of the contract to ensure that the fee to utilise the bus service was competitive with vehicle gate entry fees to enter the Hotham resort. Alpine Spirit has requested that Council endorses an increase in the fare structure for the 2022 ski season to assist with offsetting increased costs to operate the service. While vehicle gate entry fees are unknown at this stage, the increase to the fare structure remains competitive when compared with 2021 vehicle gate entry fees.

Mount Hotham Resort Management Board (MHRMB) contracts Alpine Spirit to operate the intra village bus services for the Hotham village, with the contract for this service aligning with the time period of the service that Alpine Spirit delivers on behalf of Council. MHRMB has also received a request from Alpine Spirit for a further one year extension to the term of the existing contract. It is beneficial that the contract terms of the agreements between Alpine Spirit and Council and Alpine Spirit and the MHRMB remain aligned, as this provides the best opportunity for cost efficiencies when this service is next tendered.

POLICY IMPLICATIONS

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

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

FINANCIAL AND RESOURCE IMPLICATIONS

The recommendation is for Council to extend the current contract with Alpine Spirit Pty Ltd to operate for the 2022 ski season at a cost of \$165,371.17 (GST exclusive), which represents a CPI increase on the 2021 cost.

There is a further cost to the Dinner Plain bus service being gate entry for visitors to the Hotham resort, paid to MHRMB. Based on previous years' bus patronage, an amount of \$100,000 will be proposed in the draft 2022/23 annual budget to cover the forecast cost of gate entry. Annual subsidies from Vail Resorts (for staff transportation between Dinner Plain and Hotham villages) and Bright P12 College (for student transportation between the Dinner Plain and Hotham villages) will be sought.

CONSULTATION

Consultation has occurred between Dinner Plain business and community members, Alpine Spirit Pty Ltd owners, Council Officers, Councillors and Mount Hotham Resort Management Board.

CONCLUSION

The bus service between Dinner Plain and Hotham is a key element contributing to the success of Dinner Plain as a winter destination. Alpine Spirit successfully delivered the winter bus service for the full ski seasons of 2018 and 2019. The COVID-19 pandemic and resulting government restrictions significantly impacted the normal operation of all Victorian ski resorts over the 2020 and 2021 ski seasons. It is recommended that Alpine Spirit be awarded a further one year extension to the term of the current contract with a revised fare structure.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Acting Manager Economic Development
- Project Officer (Housing)

ATTACHMENT(S)

Nil

8.2.4 Tawonga Caravan Park - Buildings Design and Construct Stage 2

File Number: CT21100

INTRODUCTION

The report relates to the award of Contract 2110002 'Tawonga Caravan Park - Buildings Design and Construct Stage 2'.

RECOMMENDATION

That Council:

- 1. awards Contract No. 2110002 'Tawonga Caravan Park - Buildings Design and Construct Stage 2' to Joss Facility Management for the lump sum price of \$555,433(GST exclusive); and*
- 2. allocates \$644,000 of Australian Government funding received under the Local Roads and Community Infrastructure Phase 3 Fund to cover the shortfall between the project budget and the forecast cost to deliver the project.*

BACKGROUND

The works as tendered and recommended for award are required as part of a larger package of overall works for the Tawonga Caravan Park Upgrade project.

The package of work recommended to be awarded includes building works associated with the renovation of the existing "camp kitchen" building and the construction of a new park administration building.

The invitation to tender was advertised in the Herald Sun on the 25 August 2021, Tenders.net and the Alpine Shire Council website.

The tender documents were downloaded by 27 prospective tenderers with five conforming tenders being received.

EVALUATION

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

1. Price
2. Qualifications and previous performance
3. Delivery
4. Social
5. Environmental Sustainability

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

Following the initial assessment, three Tenders were shortlisted for further evaluation. The tenderers were invited to clarify aspects of their tender, present their qualifications, and confirm their proposed methodology including their ability to meet the required timeframes.

The shortlisted tenderers were then reassessed in accordance with the selection criteria. Following the assessment of the shortlisted offers by the evaluation panel it was determined that the tender from Joss Facility Management best met the selection criteria.

ISSUES

The detailed design process has identified the need for additional works, not previously planned, in order to bring the park up to an acceptable and compliant operational standard.

This package of works was tendered as one overall package and has now been split into two packages:

Package 1: At the November 2021 Council Meeting, Council adopted a recommendation to award package one, which includes renovation works to the existing northern and southern amenities buildings.

Package 2 is now recommended for award, which includes:

- ongoing overall management of the site through to practical completion
- renovation of the existing camp kitchen building
- construction of a new park administration office and kiosk.

The renovation of the camp kitchen building addresses a key operational requirement of the park as the current building, which is fundamental to the operation of the park, is not currently fit for use as a public building due to a number of statutory compliance defects. The construction of a new office and kiosk building will provide the park with a much needed modern and efficient hub for the core managerial operations of the park.

The recommended award price of \$555,433 (GST exclusive) incorporates a cost saving offered by Joss Facility Management based on award of the Stage 1 works for both the Buildings Design and Construct Stage 1 Contract and the Inground Services and Infrastructure Stage 1 Contract, both of which have now been awarded to Joss Facility Management.

POLICY IMPLICATIONS

The tender was advertised and evaluated according to Council's Procurement Policy.

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

- 4.5 Assets for our current and future needs

FINANCIAL AND RESOURCE IMPLICATIONS

The project budget is \$2.1 million, which is fully funded by the State Government Department of Jobs, Precincts and Regions through the 'Crisis Committee of Cabinet - Infrastructure Stimulus Fund'.

The current forecast cost to deliver the project, including both Contracts being recommended for award at this Council Meeting, is \$3,094,000. There is a shortfall of \$994,000 between the project budget and the forecast cost to deliver the project.

Council has received a \$1.4 million allocation of Australian Government funding through the Local Roads and Community Infrastructure (LRCI) Phase 3 Fund. It is recommended that \$644,000 of the LRCI funds are allocated to the Tawonga Caravan Park Upgrade project to partially fund the shortfall between the current budget and the forecast cost to complete the project.

It is recommended that the remainder of the shortfall be covered by a combination of funds anticipated to become available to the Tawonga Caravan Park Committee of Management within the coming months (\$150,000), and Council cash (\$200,000).

CONSULTATION

External consultation for the project has occurred with several strategically aligned Authorities including:

- North East Water
- North East Catchment Management Authority
- Fire Rescue Victoria
- Ausnet Services
- Aboriginal Victoria

A Project Control Group has been established to oversee administration of the project, including representation from:

- Victorian State Government - Department of Jobs, Precincts and Regions
- Crown Land Owner - Department of Environment, Land, Water and Planning
- Alpine Shire Council

CONCLUSION

Following a comprehensive tender evaluation, interviews and reference checks, the tender from Joss Facility Management is considered to represent the best value for the project and Council.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Asset Development
- Project Officer

ATTACHMENT(S)

Nil

8.2.5 Tawonga Caravan Park - Inground Services and Infrastructure Stage 2

File Number: CT21113

INTRODUCTION

This report relates to the award of Contract 2111302 'Tawonga Caravan Park - Inground Services and Infrastructure Stage 2'.

RECOMMENDATION

That Council awards Contract No. 2111302 'Tawonga Caravan Park - Inground Services and Infrastructure Stage 2' to Joss Facility Management for the lump sum price of \$279,340 (GST exclusive).

BACKGROUND

The works as tendered and recommended for award are required as part of a larger package of overall works for the Tawonga Caravan Park Upgrade project.

The package of work recommended to be awarded includes the delivery of new stormwater reticulation.

The Invitation to Tender was advertised in the Herald Sun on the 15 September 2021, Tenders.net and the Alpine Shire Council website. The tender documents were downloaded by 29 prospective tenderers with six conforming tenders being received.

EVALUATION

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

1. Price
2. Qualifications and previous performance
3. Delivery
4. Social
5. Environmental Sustainability

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

Following the initial assessment, three tenderers were shortlisted for further evaluation. The tenderers were invited to clarify aspects of their tender, present their qualifications, and confirm their proposed methodology including their ability to meet the required timeframes.

The shortlisted tenderers were then reassessed in accordance with the selection criteria. Following the assessment of the shortlisted offers by the evaluation panel it was determined that the tender from Joss Facility Management best met the selection criteria.

ISSUES

The detailed design process has identified the need for additional works, not previously planned, in order to bring the park up to an acceptable and compliant operational standard.

This package of works was tendered as one overall package and has now been split into two packages.

At the November 2021 Council Meeting, Council adopted a recommendation to award package one, which included:

- upgrade of all electrical switchboards
- upgrade of an electrical supply transformer by Ausnet Services
- additional sewer works internal to the site

Stage two of these works, which is now recommended for award, includes stormwater infrastructure upgrade works.

The stormwater infrastructure upgrade scope of work will address the current lack of stormwater management in the park. The works will provide much needed operational benefits by removing standing water and bogs following rain events and ensuring that stormwater runoff is removed from the park via a legal point of discharge.

The recommended award price of \$279,340 (GST exclusive) incorporates a cost saving offered by Joss Facility Management based on award of the Stage 1 works for both the Buildings Design and Construct Stage 1 Contract and the Inground Services and Infrastructure Stage 1 Contract, both of which have now been awarded to Joss Facility Management.

POLICY IMPLICATIONS

The tender was advertised and evaluated according to Council's Procurement Policy.

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

4.5 Assets for our current and future needs

FINANCIAL AND RESOURCE IMPLICATIONS

The project budget is \$2.1 million, which is fully funded by the State Government Department of Jobs, Precincts and Regions through the 'Crisis Committee of Cabinet - Infrastructure Stimulus Fund'.

The current forecast cost to deliver the project, including both Contracts being recommended for award at this Council Meeting, is \$3,094,000. There is a shortfall of \$994,000 between the project budget and the forecast cost to deliver the project.

Council has received a \$1.4 million allocation of Australian Government funding through the Local Roads and Community Infrastructure (LRCI) Phase 3 Fund. It is recommended that \$664,000 of the LRCI funds are allocated to the Tawonga Caravan Park Upgrade project to fund the shortfall between the current budget and the forecast cost to complete the project.

It is recommended that the remainder of the shortfall be covered by a combination of funds anticipated to become available to the Tawonga Caravan Park Committee of Management within the coming months (\$150,000), and Council cash (\$200,000).

CONSULTATION

External consultation for the project has occurred with several strategically aligned Authorities including:

- North East Water
- North East Catchment Management Authority
- Fire Rescue Victoria
- Ausnet Services
- Aboriginal Victoria

A Project Control Group has been established to oversee administration of the project, including representation from:

- Victorian State Government - Department of Jobs, Precincts and Regions
- Crown Land Owner - Department of Environment, Land, Water and Planning
- Alpine Shire Council

CONCLUSION

Following a comprehensive tender evaluation, interviews and reference checks, the tender from Joss Facility Management is considered to represent the best value for the project and Council.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Asset Development
- Project Officer

ATTACHMENT(S)

Nil

8.2.6 Bogong High Plains Road - Supply and Lay of Asphalt

File Number: CT21134

INTRODUCTION

This report relates to the award of a contract for the supply and lay of asphalt along a 10.3km section of the Bogong High Plains Road (BHP Road) between the Rocky Valley Dam wall and the boundary with East Gippsland Shire.

RECOMMENDATION

That Council awards Contract No. 2113401 for the "Bogong High Plains Road - Supply and Lay of Asphalt" to Downer EDI Works Pty Ltd for the lump sum price of \$1,217,732.60 (GST exclusive).

BACKGROUND

Council applied for and was successful in obtaining Australian Government Blackspot Funding to improve road safety following a number of serious accidents which have occurred over recent years along a section of the BHP Road between the Rocky Valley Dam wall and the boundary with East Gippsland Shire.

The Tender was advertised in the Herald Sun on 10 November 2021, as well as on tenders.net and the Alpine Shire Council website.

The Tender documents were downloaded by nine prospective tenderers and four conforming responses were received by the closing date.

EVALUATION

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

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

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

Through this evaluation process it was determined that the tender from Downer EDI Works best met the selection criteria.

ISSUES

This section of Bogong High Plains Road is located within the Alpine National Park which is managed by Parks Victoria in accordance with the *National Parks Act 1975*.

The Bogong High Plains Road is classified as a non-arterial State road, and the *National Parks Act 1975* establishes that the Secretary to the Department of Environment, Land,

Water and Planning is the relevant road authority for the purposes of the *Road Management Act 2004*.

Whilst funding had been secured to deliver the project in advance of the 2021/22 budget being finalised, Council had not secured the permission of the responsible road authority to deliver these works, and this project was therefore not included in the adopted 2021/22 capital works budget because without this approval, Council was not confident of being in a position to deliver the project this financial year.

The Department of Environment, Land, Water and Planning has subsequently provided in principle support for Council to deliver the proposed works on their behalf.

No cultural heritage or native vegetation approvals are required, as the works being carried out are constrained within the existing developed roadway (i.e. we are not disturbing any previously undisturbed land, or removing any native vegetation).

POLICY IMPLICATIONS

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

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

- 4.5 Assets for our current and future needs

FINANCIAL AND RESOURCE IMPLICATIONS

Funding totalling \$1,293,216 has been secured from the Australian Government under the 'Blackspot Funding' program. This is sufficient to deliver the scope of the Contract as recommended for award, as well as covering other associated minor works associated with the delivery of the project. There will be no Council co-contribution of funds required to deliver this project.

The project is unbudgeted in 2021/22.

CONSULTATION

This section of the Bogong High Plains Road falls within the Alpine National Park where DELWP, Parks Victoria and Falls Creek Resort Management Board have interests in the operation of the road. Regional Roads Victoria/VicRoads consent is not required as they are not the coordinating road authority. We have, however, been engaging closely with Regional Roads Victoria as they are administering the Blackspot Funding, and they are fully supportive of the works.

All stakeholders have been consulted regarding the scope of works and its effects on the roads operation and use throughout the year. As the road is closed through the winter months and groomed for use as a cross country ski trail, the proposed works have had to consider both the safe operation of the road for vehicles during the summer and skiers and grooming equipment during the winter.

As the road sits within a highly sensitive environment in the Alpine National Park, consideration to minimising the disturbance outside of the existing road footprint has also been a priority.

CONCLUSION

Following a comprehensive assessment, the Tender from Downer EDI Works is considered to present the best value option for Council.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Asset Development
- Project Officer

ATTACHMENT(S)

Nil

8.2.7 Alpine Better Places Harrietville

INTRODUCTION

This report relates to the adoption of the Alpine Better Places Harrietville Final Detailed Concept Designs following the public exhibition period and incorporation of feedback received from the community.

RECOMMENDATION

That Council:

- 1. adopts the Alpine Better Places Harrietville Final Detailed Concept Designs;*
- 2. notes the feedback received from the community for incorporation into the detailed design process.*
- 3. adopts the recommended priority for delivering the identified components of the overall project;*
 - a. Tronoh Dredge Hole Carpark;*
 - b. Pioneer Park and Tavare Park; and*
 - c. Harrietville Community Hall.*

BACKGROUND

The Alpine Better Places Harrietville project commenced in March 2020. The key items in the design brief included:

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

The plans were developed to focus on the following three key areas identified by the community in the phase one consultation:

- Tavare and Pioneer Parks;
- Tronoh Dredge Carpark; and
- Harrietville Community Hall.

At the October 2021 Council Meeting, the final draft detailed concept designs were placed on public exhibition for 28 days. The community feedback received through the public exhibition process has been incorporated into the final detailed concept designs presented with this report for adoption.

Based on community feedback, the proposed staging for the delivery of the discrete components of the project is:

1. Tronoh Dredge Hole Carpark
2. Pioneer Park and Tavare Park
3. Harrietville Community Hall

ISSUES

The following key issues were raised by the community during the public exhibition:

Key Issues:

Historical Log Cart:

- A petition was received with 55 signatures citing concerns of the potential damage to log cart in its relocation.
- 41 submissions (of a total of 48) were received voicing concerns over the relocation of the log cart.
- Five individual submissions were received supporting the relocation of the cart in order to effect an improvement in the public space as per the plans.

Consultation through three stages of engagement with the community saw general support for relocation of the log cart, however given the extent of the feedback received through the public exhibition process for the log cart to remain in place, the final concept designs have been updated with the log cart remaining in its current location.

Access to private property:

- The owner of 195 Great Alpine Road currently enjoys informal access to his residential property via Council land at the rear of the property. This informal access will be removed through delivery of the works as currently proposed in the Detailed Concept Designs. The situation will be reviewed during the detailed design phase to establish whether this informal access might be retained without incurring an unacceptable impact on the outcomes of the project.

Changes to plans/ Actions:

Feedback	Action
Concerns over access to property (Ice Creamery)	This item will be reviewed during detailed design.
Retention of log cart	Final detailed concept designs have been updated to retain log cart at current location
Relocation of log cart due to visual aspect and positioning	Detailed design to consider options to improve the visual appearance of the of the shelter over the log cart
Footpath to Feathertop Track	To be added into the Project Pipeline for future consideration.
Additional car parking at Tavare Park	Final detailed concept designs have been updated to provide additional parking at Tavare Park

Feedback	Action
Addition of more bike racks around Tavare Park	Final detailed concept designs have been updated to provide additional bike racks at Tavare Park
Increase in paving width to accommodate children exiting off the bridge and turning a sharp left	Final detailed concept designs updated to increase paving width

Based on community feedback, the recommended priority for the delivery of the discrete components of the project is:

1. Tronoh Dredge Hole Carpark
2. Pioneer Park and Tavare Park
3. Harrietville Community Hall

POLICY IMPLICATIONS

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

- 4.5 Assets for our current and future needs

FINANCIAL AND RESOURCE IMPLICATIONS

The adoption of the Detailed Concept Designs as recommended has no immediate financial or resource implications.

Council will continue to explore opportunities to secure external funding to support the delivery of discrete components of the project in the proposed order of priority based on the community feedback.

Works have already commenced at the Tronoh Dredge Carpark after funding was secured for the project through the Local Roads and Community Infrastructure Phase 1 Fund.

Council is also currently awaiting feedback on a funding application submitted to the Australian Government 'Black Summer Bushfire Recovery Program' to complete the planned works at the Dredge Hole Carpark, including amenities and landscaping.

CONSULTATION

Consultation with residents, community organisations and internal stakeholders has occurred throughout the development of the detailed concept designs.

Three rounds of community consultation have been carried out including:

July 2020 - Consultation 1 via Zoom webinar. The community provided feedback on the preliminary plans and areas of focus.

February 2021 – Consultation 2, Harrietville Community Hall, lunch and evening sessions. The community was invited to provide comment on the draft detailed concept designs and proposed project priority list. The presentation and plans were made available online and the feedback period was open for two weeks. A further third round of consultation was supported by the community.

July 2021- Consultation 3, Harrietville Community Hall, lunch, and evening sessions. The community was invited to view and provide feedback on the third revision of the plans. The presentation and plans were made available online. The feedback period was open for five weeks.

28 Day Public Exhibition Period: 14 October -12 November 2021 Plans were made available online, in Harrietville township, Bright Library and Bright Council Offices. Media notices included Facebook, radio and newspaper notices. Emails were sent to all contacts recorded during the consultation process and community group email contacts. Links to the project website were provided in all correspondence where all plans and submission contact details could be accessed by the public.

Council Officers will continue to liaise with key stakeholders throughout the detailed design, documentation and implementation phases.

CONCLUSION

Council has consulted extensively with the community on the development of the Alpine Better Places Harrietville Final Detailed Concept Plans. The responses to the formal submissions received, the final detailed concept plans and the project priority list reflect the desires of the wider community. Minor changes to the works can still be made during the detailed design process and prior to delivery of the works. It is recommended that Council adopts the final Detailed Concept Designs.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Asset Development
- Project Officer

ATTACHMENT(S)

8.3.7 Alpine Better Places Harrietville Final Detailed Concept Plan - November 2021

8.2.8 CEO Employment and Remuneration Policy

Policy File

INTRODUCTION

Council is required to develop a Chief Executive Officer (CEO) Employment and Remuneration Policy before 31 December 2021 in accordance with the requirements of s45 of the *Local Government Act 2020*. The purpose of this report is to present a CEO Employment Remuneration Policy to Council for adoption.

RECOMMENDATION

That Council:

1. *adopts the CEO Employment and Remuneration Policy (version 1.0) in accordance s45 of the Local Government Act 2020, noting that the policy comes into operation on 1 January 2022; and*
2. *signs and seals the CEO Employment and Remuneration Policy at the appropriate stage of this meeting.*

BACKGROUND

Council is committed to, and will ensure the application of good governance, transparency and fairness in all matters related to the employment, management, and remuneration of the Chief Executive Officer.

Section 45 of the *Local Government Act 2020* requires Council to develop and adopt and keep in force a Chief Executive Officer Employment and Remuneration Policy.

The Chief Executive Officer Employment and Remuneration Policy must:

(a) provide for the Council to obtain independent professional advice in relation to the matters dealt with in the Chief Executive Officer Employment and Remuneration Policy; and

(b) provide for the following:

1. the recruitment and appointment process;
2. provisions to be included in the contract of employment;
3. performance monitoring;
4. an annual review; and

(c) include any other matters prescribed by the regulations.

Council must adopt the first Chief Executive Officer Employment and Remuneration Policy no later than 31 December 2021.

The CEO Employment and Remuneration Policy has been developed using the Maddocks CEO Employment and Remuneration Template as a guide.

ISSUES

None to report.

POLICY IMPLICATIONS

The proposed policy is in accordance with s45 of the Local Government Act 2020 and any other relevant legislative requirements.

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

- 5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

Council will establish a CEO Employment and Remuneration Committee (Committee) as an advisory committee to Council. The Committee will comprise of an Independent Chairperson and at least three councillors, one of whom must be the Mayor.

The Independent Chairperson will be responsible for providing independent professional advice in relation to the CEO Recruitment and Remuneration Policy in accordance with section 45(2) of the Act.

Council will determine the term of appointment of the Independent Chairperson and the remuneration to be paid for that position.

Sufficient allocation will be made available to cover the cost of the Independent Chairperson as part of the annual budget process.

CONSULTATION

Key staff and Councillors have been involved in the development of this Policy. Council's Community Engagement Policy provides guidance on when Council must consult with the community. The CEO Recruitment and Remuneration Policy is operational in nature, guiding the way that Council will deal with the employment and recruitment of the CEO, and as such, the community has no ability to inform the decision-making at this time. As a result, the policy has not been released for public submissions prior to being adopted.

CONCLUSION

Development of the CEO Employment and Remuneration Policy is a requirement of the *Local Government Act 2020*. The policy recognises Council's commitment to establishing a robust and transparent process for the recruitment and appointment of the CEO.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Director Corporate Performance
- Executive Assistant to CEO

ATTACHMENT(S)

8.2.8 Draft CEO Employment and Remuneration Policy No 124 version 1.0

8.2.9 Stockman Agreement

INTRODUCTION

This report relates to the *Heads of Agreement Native Vegetation and Threatened Species Offset Management [The Stockman Agreement]*.

RECOMMENDATION

That Council:

1. *Delegates to the CEO the authority to commit Council to a further six month extension to the current Heads of Agreement 'Completion Date', with the revised 'Completion Date' being 2 August 2022;*
2. *Deems that the minutes of the confidential report presented to the Ordinary Council Meeting M3 - 1 April 2014 relating to the Dinner Plain Montane Swamp Offset Management Agreement are no longer confidential, with the exception of the names and titles of individuals, and details of the proposed commercial arrangements, which remain as confidential information in accordance with the definition in s3 of the Local Government Act 2020, as they contain:*
 - a. *personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs; and*
 - b. *private commercial information, being information provided by a business, commercial or financial undertaking that if released may unreasonably expose the business, commercial or financial undertaking to disadvantage;*
3. *Publishes on the Alpine Shire Council website a copy of the Ordinary Council Meeting Minutes M3 - 1 April 2014 relating to the Dinner Plain Montane Swamp Offset Management Agreement, with names and titles of individuals and details of the proposed commercial arrangements redacted; and*
4. *Directs individuals seeking access to the redacted information towards the provisions contained within the Freedom of Information Act 1982.*

BACKGROUND

At the July 2021 Ordinary Council Meeting, Council adopted the following recommendations:

That Council:

1. *Delegates authority to the CEO to commit Council to a six month extension to the Heads of Agreement 'Completion Date';*
2. *Publishes a copy of the 'Heads of Agreement Native Vegetation and Threatened Offset Management', inclusive of 'Schedule 1 Offset Proposal' however excluding 'Schedule 2 Payment Schedule on Council's website';*
3. *Notes that the 'Schedule 2 Payment Schedule' is deemed confidential information in accordance with the definition in s3 of the Local Government Act 2020, as it deals with private commercial information, being information provided by a business,*

- commercial or financial undertaking that if released may unreasonably expose the business, commercial or financial undertaking to disadvantage; and*
4. *Directs parties seeking access to the 'Schedule 2 Payment Schedule' towards the provisions contained within the Freedom of Information Act 1982.*

The Council Report presented to the July 2021 meeting provided the relevant background to support the recommendations which were adopted at the meeting. Noted in the report is the following:

In a confidential report at the 1 April 2014 Ordinary Council meeting, Council considered the Dinner Plain Montane Swamp Offset Management Agreement.

On 6 November 2021, Council has received a request to '*release this report [being the confidential report] for public appraisal*'.

In a separate matter, Council Officers have continued to engage with Round Oak Minerals to progress the Landowner Agreement to the point of execution, however do not consider that there is sufficient time to complete the required due diligence ahead of the current Heads of Agreement expiry date of 2 February 2022, taking into account the likely impact of the approaching holiday season on the remaining steps in the due diligence process.

ISSUES

Council's Public Transparency Policy describes how Council will make its information and decision-making processes publicly available. The Policy lists the types of information which should be published by Council, those which should be made available upon request, and the categories of information which are confidential and which Council is not required to make publicly available.

Confidential information is defined in section 3 of the *Local Government Act 2020* and includes '*confidential meeting information, being the records of meetings closed to the public*'.

Council may decide, in the interests of transparency, to release information to the public even though it may fit the definition of confidential information under the Act, provided the release of information is:

- not contrary to any law
- not in breach of any contractual requirements
- not likely to cause harm to any person; and
- it is in the public interest to do so.

With the exception of the names and titles of individuals mentioned in the report and the proposed commercial arrangements, the Confidential Minutes M3 - 1 April 2014 are not deemed to contain any information which must remain confidential. It is recommended that the minutes are made publicly available through the Alpine Shire Council website, with names and titles of individuals and the proposed commercial arrangements redacted.

It is noted that once the Landowner Agreement has been executed, the commercial arrangements between Alpine Shire Council and Round Oak Minerals are no longer deemed confidential, and it is recommended that this information is made publicly available at this time.

POLICY IMPLICATIONS

The request to make information available to the public has been assessed against the provisions contained within Council's Public Transparency Policy.

The requirement for engagement with the community to inform the decision-making process has been assessed against the provisions contained within Council's Community Engagement Policy.

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

- 5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

There are no financial or resource implications associated with either the release of information relating to the Stockman Agreement as recommended, or with committing to extend the Completion Date of the Heads of Agreement by six months.

CONSULTATION

Council's Community Engagement Policy states that 'Council will not engage when there is a decision to be made when feedback received through the community engagement is unable to impact decision making'. In 2016, Council entered into a legally binding agreement to secure offsets on Council-owned land in Dinner Plain, and to sell these offsets to a third party through a commercial arrangement. Feedback from the community is unable to change the terms of this agreement, and therefore the community has not been engaged in the process of arriving at the recommendations in this report.

CONCLUSION

A member of the public has requested release of the confidential report which was presented to the April 2014 Council Meeting. It is recommended that Council shares the information in Ordinary Council Meeting Minutes M3 - 1 April 2014 that is not deemed to be confidential information, and directs the requestor to the *Freedom of Information Act 1982* in relation to seeking release of the information which is deemed to be confidential information, being the names and titles of individuals mentioned in the report and proposed commercial arrangements.

It is recommended that Council approves a six month extension to the current expiry of the Heads of Agreement in order to provide sufficient time for the orderly and considered completion of the remaining activities required prior to entering into a Landowner Agreement.

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

ATTACHMENT

Nil.

8.2.10 Funding Applications

INTRODUCTION

This report relates to available funding opportunities and seeks Council's endorsement for projects to be prioritised for funding.

RECOMMENDATIONS

That Council:

1. *endorses an application to the Victorian Government's Regional Tourism Infrastructure Fund (RTIF) for the Myrtleford Splash Park with a maximum Council co-contribution of \$625,000; and*
2. *endorses the nomination of the following projects for delivery with funding allocated under the Australian Government's Local Roads and Community Infrastructure Phase 3 Fund:*
 - a. *Tawonga Caravan Park Upgrade: \$644,000*
 - b. *Alpine View Children's Centre Expansion: \$350,000*
 - c. *Big Hill Car Park Upgrade: \$169,000*
 - d. *Bakers Gully Road Drainage Upgrade: \$179,000*
 - e. *Montgomery Lane Survey, Design and Approvals: \$78,600*

BACKGROUND

Regional Tourism and Infrastructure Fund (RTIF)

The Victorian Government has established the \$103 million Regional Tourism Infrastructure Fund (RTIF) to help grow and realise the potential of regional Victoria's visitor economy which attracts more than 14 million domestic and international visitors every year.

The RTIF's main objectives are to:

- increase visitation to regional Victoria and visitor yield by supporting strategic projects;
- boost regional tourism investment; and
- drive new jobs across regional Victoria in the tourism sector.

Following an assessment of projects in Council's Project Pipeline which meet the grant funding criteria and are sufficiently well developed to be deliverable within the nominated project timeframes, it is recommended that an application is made for funding to deliver the Myrtleford Splash Park project.

Local Roads and Community Infrastructure Phase 3 Fund (LRCI)

The \$2.5 billion Local Roads and Community Infrastructure (LRCI) Program, funded by the Australian Government, supports local councils to deliver priority local road and community infrastructure projects across Australia, supporting jobs and the resilience of local economies to help communities bounce back from the COVID-19 pandemic.

Phase 3 of the LRCI Program continues a temporary, targeted stimulus measure responding to the economic impacts of the COVID-19 pandemic. The LRCI Program assists a community-led recovery from COVID-19 by supporting local jobs, firms, and procurement.

Council has been allocated \$1,420,600 of funding from the LRCI Phase 3 Fund. Following an assessment of projects in Council's Project Pipeline which meet the grant funding criteria and are sufficiently well developed to be deliverable within the nominated project timeframes, it is recommended that projects are nominated for funding as follows:

Project	LRCI Phase 3 (\$ '000)	Council (\$ '000)	Other (\$ '000)	Total (\$ '000)	Council Contribution
Tawonga Caravan Park Upgrade	644	200	2,250	3,094	6%
Alpine View Children's Centre	350	160	1,000	1,510	11%
Big Hill Carpark	169		122	291	0%
Bakers Gully Road Drainage	179	225		404	56%
Montgomery Lane Survey, Design and Approvals	78.6			79	0%
Total	1,420.6				

ISSUES

Council is awaiting a decision on an application to the Australian Government Black Summer Bushfire Fund for funds to support the delivery of the Myrtleford Splash Park project. In the event that this application is successful, then Council would withdraw the application to the State Government's Regional Tourism Infrastructure Fund.

POLICY IMPLICATIONS

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

- 4.5 Assets for our current and future needs

FINANCIAL AND RESOURCE IMPLICATIONS

The RTIF funding application requires Council to co-contribute to the project at a ratio of RTIF \$3: Council \$1. Based on an upper limit of \$2.5m for the funding application, this equates to a maximum \$625,000 commitment from Council.

Tawonga Caravan Park Upgrade, the Alpine View Children's Centre Expansion and the Big Hill Car Park require additional funding to deliver their expanded scope. It is recommended that additional funding is allocated from the Local Roads and Community Infrastructure Phase 3 funding, rather than using Council funds to fund the shortfall between the project budget and forecast cost to completion.

The 2021/22 adopted budget includes an allocation of \$250,000 to deliver drainage renewal projects. \$225,000 of this amount has been allocated to address longstanding drainage issues along Bakers Gully Road in Bright. Scoping of the project has been completed between Faulkner Rise and Park Street, and market testing has been completed to establish the expected cost to deliver. The current budget allocation is sufficient to deliver the highest priority components of the project scope, however the LRCI Phase 3 funding presents an opportunity to deliver the remaining component and complete the project. It is more efficient and cost-effective to deliver the project in its entirety, rather than engaging a contractor separately to deliver the remaining component in a future financial year.

Montgomery Lane in the Buckland Valley has a number of longstanding issues which have been identified as a priority for Council to address. The road is in a poor condition and suffers damage and inconvenience for residents due to uncontrolled grazing of cattle onto the road. The road runs partially across private property, which currently restricts Council's ability to facilitate fencing and reconstruction of the road to an appropriate standard. The LRCI Phase 3 funding presents an opportunity to start the process of resolving these issues, through funding survey, design and approvals. The scope and costs of the necessary works will not be known until the process of survey, design and approvals is complete, at which point further funding will be sought to enable the works to be delivered.

CONSULTATION

The projects that have been nominated are identified as high priorities on Council's Project Pipeline. Consultation has been undertaken to ensure that the community and referral agencies are supportive of the projects which have been nominated. The projects that have been nominated have been selected based on their alignment with the funding eligibility and evaluation criteria.

CONCLUSION

Significant opportunities exist to secure grant funding to support Council's commitment to deliver new and upgraded infrastructure. There is strong community support for the projects which have been proposed, and it is recommended that Council endorses the submission of the funding application for the RTIF and the nomination of projects for the LRCI Phase 3 fund.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Asset Development

ATTACHMENT(S)

Nil

8.2.11 Mummery Road Land, Myrtleford

File Number: 70600.00

INTRODUCTION

This report relates to the purchase of land in Mummery Road, Myrtleford.

RECOMMENDATION

That Council notes that a Contract of Sale has been executed which commits Council to the purchase of Lot B on plan PS832311S being land located on Mummery Road, Myrtleford for \$760,000 (exclusive of GST, stamp duty and legal costs).

BACKGROUND

A recommendation in the 2017 study to investigate flooding in the Nil Gully catchment was to establish a retarding basin to mitigate flood risk along Nil Gully in Myrtleford. A number of alternative options were evaluated in this study, and the option presenting the best benefit cost ratio was the establishment of a retarding basin on undeveloped land located between Halls Road and Mummery Road.

An opportunity arose for Council to negotiate for the purchase of land which would enable a flood retarding basin to be established on the recommended site. These negotiations have been successful and on 26 November 2021 a Contract was executed which commits both parties to the sale of the land.

ISSUES

No additional issues to report.

POLICY IMPLICATIONS

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

4.5 Assets for our current and future needs

FINANCIAL AND RESOURCE IMPLICATIONS

The agreed purchase price for the land is \$760,000, excluding GST, stamp duty and legal costs. This purchase is unbudgeted in 2021/22.

The estimated construction cost of flood mitigation infrastructure at the Mummery Road site is \$1.2 million. Council will explore opportunities to secure State and Australian Government funding to support the delivery of the project.

The annual maintenance cost of the flood mitigation infrastructure is estimated to be \$10,000, and Council will need to plan on significant renewal of this infrastructure based on an anticipated useful life of 50 years. This will be incorporated in Council's Financial Plan.

CONSULTATION

Council staff consulted with members of the community through the delivery of the Nil Gully Drainage Strategy Plan, including carrying out surveys to establish floor levels for properties located in the Nil Gully catchment at potential risk of flooding, and seeking anecdotal information on previous flooding to validate the results of the flood modelling.

Council officers have worked closely with the North East Catchment Management Authority (NECMA) throughout the delivery of the Nil Gully Drainage Strategy Plan, and NECMA was strongly supportive of the recommendations resulting from the study, including the establishment of a retarding basin on the Mummery Road land. NECMA has subsequently included this as an action in the Regional Floodplain Management Strategy.

The public was not consulted on the proposed purchase of land at Mummery Road, to avoid the risk of Council's position in commercial negotiations being prejudiced. This was therefore treated as confidential information under Council's Public Transparency Policy.

CONCLUSION

A flood risk exists in the Nil Gully catchment in Myrtleford, and establishment of a retarding basin on a site on Mummery Road has been established as the optimal way in which to mitigate this risk. Council has committed to the purchase of land which will enable flood retarding infrastructure to be constructed on the recommended 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.

- Director Assets

ATTACHMENT(S)

Nil

8.2.12 Tawonga Scout Hall

INTRODUCTION

This report relates to the purchase of property at 43 Kiewa Valley Highway, Tawonga (Tawonga Scout Hall).

RECOMMENDATION

That Council:

- 1. notes that a Contract of Sale has been executed which commits Council to the purchase of 43 Kiewa Valley Highway, Tawonga (the Tawonga Scout Hall) for \$350,000 (exclusive of GST, stamp duty and legal costs); and*
- 2. notes that work on the Alpine Better Places Tawonga concept design and engagement with the community will recommence in the first quarter of 2022.*

BACKGROUND

43 Kiewa Valley Highway, Tawonga, has been owned by The Scout Association of Australia Victorian Branch [the Scouts] since 1972. The land has strategic value as a community asset. It is centrally located in Tawonga and located immediately adjacent to the Tawonga Pioneer Memorial Park.

In July 2021 an opportunity arose for Council to negotiate for the purchase of the property. At the August 2021 Ordinary Council Meeting, Council adopted the following recommendations:

That Council:

- 1. authorises the Chief Executive Officer to give public notice of a proposal for Council to purchase land at 43 Kiewa Valley Highway, Tawonga;*
- 2. invites public submissions on the proposal, with submissions closing 3pm, 18 August 2021; and*
- 3. considers a recommendation for Council to purchase the land at the September meeting of Council.*

After consideration of the feedback received through the public submission process, Council proceeded to negotiate for the purchase of the property. These negotiations have been successful and on 7 December a Contract was executed which commits both parties to the sale of the land.

ISSUES

The development of Alpine Better Places Tawonga concept design was placed on hold pending the outcome of the negotiations to purchase the land on which the Tawonga Scout Hall is currently located. With these negotiations now concluded, the concept design can recommence, and the designs can encompass the land which has been purchased. It is anticipated that engagement with the public will recommence in the first quarter of 2022.

POLICY IMPLICATIONS

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

4.5 Assets for our current and future needs

FINANCIAL AND RESOURCE IMPLICATIONS

The agreed purchase price for the property is \$350,000 excluding GST, stamp duty and legal costs. This purchase is unbudgeted in 2021/22.

The plans for the future development of the property will be established through the Alpine Better Places Tawonga project, and external funding will be sought to support the delivery of this project.

CONSULTATION

Council's Community Engagement Policy states that Council will engage with the community when community members will be impacted by the decision under consideration by Council, and when Community members can have an impact on the decision to be made. Based on these criteria, which are both satisfied in the event of the potential purchase of land at 43 Kiewa Valley Highway, Council sought feedback from the community through a public exhibition process.

There were 17 individual submissions in relation to the proposal for Council to purchase the Tawonga Scout Hall. 16 of these expressed support for the proposal, with the majority of these offering suggestions as to how the property might best be used for the benefit of the community. The remaining submission sought Council's interest in selling the property to a private individual, seemingly misunderstanding the opportunity which was being considered.

25 comments were received through Council's Facebook page. 14 comments indicated support for the proposal to purchase, and the remainder were neutral. There were no comments in opposition to the purchase. 10 comments sought feedback or provided suggestions on how the property might be used in the event that Council proceeded with a purchase.

CONCLUSION

Following a public exhibition process where community feedback was sought, Council has committed to the purchase of 43 Kiewa Valley Highway, Tawonga for the purchase price of \$350,000 excluding GST, legal costs and stamp duty.

Work will recommence on the Alpine Better Places Tawonga concept designs in the first quarter of 2022.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets

ATTACHMENT(S)

Nil

8.3 DIRECTOR CORPORATE PERFORMANCE – HELEN HAVERCROFT

8.3.1 Appointment of Councillors to represent Council on Committees and Boards

File Number: 615.00

INTRODUCTION

Council operates and participates on a range of special, advisory and external committees and groups. Appointment of councillors to the various committees and groups will enable good governance and decision making for the 2022 year.

RECOMMENDATION

That:

- Councillors be appointed as Council's delegate on the following groups and committees (non-executive):*

<i>Committee</i>	<i>Councillor representative to December 2021</i>	<i>Councillor representative to December 2022</i>
<i>Municipal Association of Victoria</i>	<i>Mayor Deputy Mayor</i>	<i>Mayor Deputy Mayor</i>
<i>Hume Region Local Government Network</i>	<i>Mayor</i>	<i>Mayor</i>
<i>Rural Councils Victoria (RCV)</i>	<i>Mayor</i>	<i>Mayor</i>
<i>Alpine Shire Council – Audit and Risk Committee</i>	<i>Cr Charlie Vincent Cr Sarah Nicholas</i>	
<i>Alpine Shire Council – Finance Committee</i>	<i>Cr Charlie Vincent Cr Sarah Nicholas</i>	
<i>Alpine Resilience Committee (formerly known as Community Resilience Committee)</i>	<i>Cr Katarina Hughes</i>	
<i>Alpine Children's Services Inc.</i>	<i>Cr Katarina Hughes</i>	
<i>Goulburn Murray Climate Alliance</i>	<i>Cr Charlie Vincent Cr Sarah Nicholas</i>	
<i>North East Waste and Resource Recovery Group (Forum)</i>	<i>Cr Kelli Prime Cr Sarah Nicholas</i>	

- 2. notes that a new Waste Authority will come into effect on 1 July 2022 to support a transition to a circular economy and that North East Waste and Resource Recovery Group will no longer operate.**

BACKGROUND

Council Representation

Councillor representation on committees is required for Council's own committees / groups, as well as other external committees.

In addition to discretionary appointments, Council's Mayor holds executive positions on committees / boards / groups as the regional representative. These are non-discretionary appointments.

Appointments

Delegate and committee appointments are focussed on councillors' experience and areas of interest and in some cases, appointments may be made on the basis of maintaining consistency.

Committees no longer requiring Councillor representation

Alpine Alliance between Alpine Heath and Alpine Shire

By mutual agreement between Alpine Health and Alpine Shire Chief Executive Officers (CEOs), the Alpine Alliance will continue between the CEOs without the requirement for Councillor representation.

Roles and Responsibilities

The roles and responsibilities of councillors will vary depending on the position they are appointed to and it is important that this is understood.

External Legal Entities

Where a councillor or an officer is nominated to the board or executive of a separate legal entity, the nominee may take on fiduciary responsibilities in accordance with the *Corporations (Victoria) Act 1990*, and they are required to act in the best interests of that company or entity.

Council Advisory Committees

There is no formal decision making that can be made in an advisory capacity on behalf of Council, but rather, recommendations arising from the deliberations of the committee may be presented to Council for consideration, deliberation and final adoption.

Responsibilities

Regardless of the type of appointment, councillors are bound by their Code of Conduct and must comply with requirements relating to:

- Declaring conflicts of interest.
- Maintaining confidentiality of information.

- Recognising and abiding by their extent of authority i.e. not making decisions on behalf of Council.

Council appointed delegates to non-executive groups and committees	
Committee	Overview
Municipal Association of Victoria (MAV)	<p>Non-discretionary appointment</p> <p>Each member council of the MAV must appoint a representative to attend State Council meetings, exercise their council's vote and provide regular reports to their council on MAV activities. Appointments for MAV representatives are made annually by each council, being the Mayor and Deputy Mayor.</p>
Hume Region Local Government Network (HRLGN)	<p>Non-discretionary appointment</p> <p>HRLGN is comprised of 12 member Councils in the Hume Region. It represents a shared regional perspective on local government issues and can provide advocacy and submissions on issues of joint interest. The CEO and Mayor from each Council participate in the HRLGN.</p>
Rural Councils Victoria (RCV)	<p>Rural Councils Victoria represents Victoria 37 rural councils, supporting and promoting sustainable, liveable, prosperous rural communities.</p>
Alpine Shire Council – Audit and Risk Committee	<p>An advisory committee of council responsible for:</p> <p>Monitoring compliance of Council policies and procedures with the LGA 2020, regulations, governance principles and Ministerial directions.</p> <p>Monitoring Council financial and performance reporting.</p> <p>Monitoring and providing advice on risk management and fraud prevention systems and controls.</p> <p>Overseeing internal and external audit functions.</p>
Alpine Shire Council – Finance Committee	<p>An advisory committee of Council that provides advice on the prudent, fair and transparent management of Council's finances.</p>
Alpine Shire Council – Alpine Resilience Committee	<p>The Alpine Resilience Committee identifies community needs and resource requirements and makes recommendations to recovery agencies, council and recovery managers on strategies and plans regarding community preparedness, recovery and resilience. At the July 2021 Council endorsed the change of name from Community Resilience Committee to Alpine Resilience Committee</p>

Council appointed delegates to non-executive groups and committees	
Committee	Overview
Alpine Children's Services Inc.	A not-for-profit organisation that provides early childhood services to families throughout the Alpine Shire.
Goulburn Murray Climate Alliance	The Goulburn Murray Climate Alliance was established in 2007 to promote regional action on climate change and consists of representatives from regional Catchment Management Authorities, DELWP and twelve local government municipalities.
North East Waste and Resource Recovery Group (Forum)	<p>NEWRRG as an organisation is legislated under the <i>Environment Protection Act 1970</i> and is one of seven waste and resource recovery groups in Victoria established under the Act. The role of the Forum is to act as a conduit between the North East WRRG and the councils and alpine resorts within the region.*</p> <p>*The Victorian Government is establishing a new Waste Authority to support the transition to the circular economy, underpinned by strong statutory powers and functions. As part of the proposed change the seven Waste and Resource Recovery Groups (WRGG's) will no longer operate. Council is not yet aware of the detail and if councillor representation will be required.</p>

POLICY IMPLICATIONS

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

- 5.3 Bold leadership, strong partnerships and effective advocacy

FINANCIAL AND RESOURCE IMPLICATIONS

Councillors are paid an annual allowance and do not receive additional payments for their involvement on council-appointed committees. Resourcing of councillors attending meetings and participating in the activities of these committees is supported by Council's annual budget.

CONSULTATION

Once Council has appointed its representatives, appropriate communication actions will be undertaken.

CONCLUSION

Appointment of councillors as Council's representative on its own advisory committees and project / working groups as well as external entities, associations, advisory and advocacy groups committees must now be made.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate Performance
- Governance Officer
- Executive Assistant to CEO

ATTACHMENT(S)

Nil

8.3.2 Procurement Policy

File Number: Policy Register

INTRODUCTION

The Procurement Policy is a key instrument that outlines the principles and standards for the purchase of all goods, services and works by Council.

The purpose of this report is to propose amendments to Council's Procurement Policy and adopt the revised Policy in accordance with the *Local Government Act 2020*.

RECOMMENDATION

That Council:

- 1. notes that the Procurement Policy (No.089) has been reviewed in accordance with the Local Government Act 2020 (LGA 2020), with the following amendments proposed in Version 9:*
 - a. Definition of 'Value for Money' to allow for cost and non-cost elements;*
 - b. Procurement thresholds exclusive of GST;*
 - c. Collaborative procurement opportunities with other Councils strengthened;*
 - d. Requirement for Council agenda items dealing with procurement to include reference to collaborative procurement opportunities; and*
 - e. Removal of reference to Ministerial exemptions.*
- 2. adopts Procurement Policy No. 089, Version 9.*
- 3. revokes Procurement Policy No. 089, Version 8.*
- 4. signs and seals Procurement Policy No. 089, Version 9 at the appropriate stage of the meeting.*

BACKGROUND

The Procurement Policy (the Policy) is a key instrument in supporting Council to achieve best value outcomes. The Policy supports Council's purchasing objectives and must comply with the requirements of the *LGA 2020*, while being clear and easy to understand and be fit-for-purpose given the obligations it sets out for people undertaking procurement on behalf of Council.

The legislation governing Council procurement transitioned from sections 186 and 186A of the *Local Government Act 1989* (*LGA 1989*) to sections 108 and 109 of the *LGA 2020* on 1 July 2021. Council has until 31 December 2021 to update its Procurement Policy to comply with the new requirements of the *LGA 2020*.

In accordance with s108 of the *LGA 2020*, Council's Procurement Policy must include:

- a. the contract value above which the Council must invite a tender or seek an expression of interest;
- b. a description of the criteria to be used by the Council to evaluate whether a proposed contract provides value for money;

- c. a description of how the Council will seek collaboration with other Councils and public bodies in the procurement of goods or services;
- d. the conditions under which the Council may purchase goods or services without inviting a public tender or expression of interest;
- e. a description of the process to be undertaken in inviting a public tender or expression of interest; and
- f. any other matters prescribed by the regulations.

ISSUES

Assessment criteria

The policy sets out the following procurement principles: value for money; open, fair, and unbiased; social value; probity, transparency, and accountability; risk management; environmental sustainability; continuous improvement; and collaboration.

Value for money is set as the primary evaluation driver allowing for cost and non-cost elements. Factors such as quality, quantity, risk, and experience will be assessed alongside social impact, environmental sustainability, timeliness, and cost on a whole of contract and whole of asset life basis.

Procurement thresholds and contract values

While the previous *LGA 1989* listed specific values (\$) that were "GST inclusive", the new *LGA 2020* leaves Council to set its own values (\$). As Council operates its Budget and Financial Reports on an "GST exclusive" basis, the procurement thresholds (\$) listed in the Procurement Policy will also be converted to "GST exclusive".

Previously, the *LGA 1989* set the threshold for public tenders at \$150,000 (GST inclusive) for goods and services, and \$200,000 (GST inclusive) for the carrying out of works. The *LGA 2020* requires Councils to set their own threshold limits, that are reflective of the needs of each Council. As Alpine Shire Council is a Small Rural Council, it is proposed to set the threshold for formal Invitations to Tender (ITTs) for public tendering of goods, services, and works at \$150,000 (GST exclusive).

Procurement of goods, services, and works valued less than \$150,000 (GST exclusive) are not required to be procured through public tenders but have requirements for procurement processes such as written quotations, and formal Requests for Quotation (RFQs) (Table 1).

Table 1: Procurement thresholds and purchasing conditions outlined in the Procurement Policy

Procurement Threshold (GST exclusive)	Purchasing Conditions
Up to \$1K	Seek and receive at least one quote OR purchase using approved collaborative procurement. No purchase order required.
>\$1K-\$10K	Seek and receive at least one quote OR purchase using approved collaborative procurement. Purchase order required.
>\$10K- \$30K	Seek and receive at least two quotes OR purchase using approved collaborative procurement. Purchase order required.
>30K - \$75K	Request for Quotation (RFQ) published on Council's tender website and open to response from any supplier OR purchase using approved collaborative procurement. Purchase order required.
>\$75K - \$150K	RFQ published on Council's tender website and open to response from any supplier OR purchase using approved collaborative procurement. Written contract required.
>\$150K	Invitation to Tender (ITT) published on Council's tender website and open to response from any supplier OR purchase using approved collaborative procurement. ITT published in newspaper. Written contract required.

Collaboration

The *LGA 2020* encourages Councils to collaborate with other Councils in the procurement of goods or services. The Procurement Policy sets out collaboration opportunities to include joint procurement with other Councils, as well as purchasing from approved collaborative methods such as State Contracts, Procurement Australia, and MAV Panels as part of the conditions (Table 1).

The policy also incorporates the requirement for all Council reports that include a recommendation to enter into a procurement agreement, to include information regarding opportunities for collaboration, in accordance with s109(2) of the *LGA 2020*.

Exemptions

The policy sets out the conditions under which an exemption from the policy may be sought from the CEO (e.g. to procure professional services or supply unsuitable for tendering), with categories and approvals aligned to procurement value and risk.

The requirement to seek Ministerial approval from the Minister for Local Government has been removed from the policy, as this no longer applies in the *LGA 2020*.

Financial delegations

Financial delegations for staff including the Chief Executive Officer will be updated following adoption of the Procurement Policy - no value (\$) changes are proposed, other than converting thresholds from "GST inclusive" to "GST exclusive" to mirror the terminology in the Procurement Policy.

Procedures

Council has developed a comprehensive Procurement Procedure to support the implementation of the Procurement Policy. This will be rolled out to staff following the adoption of the Policy.

POLICY IMPLICATIONS

The Policy has been reviewed in accordance with Sections 108 and Section 109 of the *LGA 2020* to reflect these amended provisions which came into effective on 1 July 2021, with the Procurement Policy due for adoption by 31 December 2021.

This recommendation is in accordance with the following Strategic Objective of the 2021-25 Council Plan:

5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

The Procurement Policy is a key instrument in ensuring that Council obtains best value outcomes for ratepayers.

It is noted that the proposed amendments, particularly the changes relating to collaborative arrangements, will improve efficiency and best value outcomes for Council. The change from "GST inclusive" to "GST exclusive" will bring procurement into line with budgeting and financial reporting, that is already expressed as "GST exclusive".

CONSULTATION

The proposed Policy amendments have been based on consultation with senior Council officers, and feedback from staff.

CONCLUSION

The Procurement Policy (Version 9) ensures compliance with the *LGA 2020*, strengthens Council's purchasing practises including collaborative procurement arrangements, and ensures that best value is obtained for ratepayers.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate Performance
- Manager Corporate
- Commercial Officer

ATTACHMENT(S)

8.3.2 Alpine Shire Council Procurement Policy No.089 version 9

8.3.3 Instruments of Delegation

File Number: Delegations Register

INTRODUCTION

Instruments of Delegation are an important means of Council ensuring its officers hold the appropriate legislative powers for the various Acts and Regulations that Council administers. This report updates the Chief Executive Officer's financial delegation following adoption of the Procurement Policy.

RECOMMENDATION

That Council:

1. *exercise the powers conferred by section 11(1)(b) of the Local Government Act 2020, so that:*
 - a. *There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in attachment 8.3.3.a. "S5 - Instrument of Delegation from Council to the Chief Executive Officer" (instrument S5), subject to the conditions and limitations specified in that instrument;*
 - b. *Instrument S5 be signed and sealed at the appropriate stage of this meeting;*
 - c. *Instrument S5 comes into force immediately the common seal of Council is affixed to the instrument;*
 - d. *on the coming into force of Instrument S5, all previous delegations to the Chief Executive Officer are revoked;*
 - e. *the duties and functions set out in Instrument S5 must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*

BACKGROUND

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

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

The S5 Instrument of Delegation to the CEO was most recently updated at the October 2021 Council meeting.

ISSUES

Procurement policy review and impact on financial delegations

Following the review of Council's Procurement Policy, Council now refers to financial thresholds as "GST exclusive" rather than the previous definitions that were "GST inclusive". This means that Council's Instrument of Delegation to the CEO must be updated to reflect this change.

Previously the CEO financial delegation was set at \$150,000 (including GST). This has been amended in the new S5 Instrument of Delegation to the CEO to read \$150,000 (excluding GST). No other amendments have been made to the CEO's delegation.

POLICY IMPLICATIONS

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

- 5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

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

CONSULTATION

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

CONCLUSION

A review and update of the S5 Instrument of Delegation to the CEO ensures that the CEO's financial delegation is in line with the new Procurement Policy. No other amendments to the Instrument of Delegation have been made.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate Performance
- Manager Corporate
- Governance Officer

ATTACHMENT(S)

8.3.3.a. S5 - Instrument of Delegation to Chief Executive Officer

8.3.4 Fraud and Corruption Control Policy Review

INTRODUCTION

The purpose of the report is to present to Council the 2021 review of the Fraud and Corruption Control Policy No.91 and seek Council's adoption of the updated policy.

RECOMMENDATION

That Council:

- 1. note the minor changes made to the Fraud and Corruption Policy No.91 as part of the review;*
- 2. revoke Fraud and Corruption Policy No.91, Version 2.0, 1 October 2019;*
- 3. adopt Fraud and Corruption Policy No.91, Version 3.0; and*
- 4. sign and seal Fraud and Corruption Policy No.91, Version 3.0 at the appropriate stage of this meeting.*

BACKGROUND

Council's Fraud and Corruption Control Policy was first adopted in 2013. It was reviewed in 2019 following an internal audit of Council's fraud controls and considered the recommendations of the Victorian Auditor General's Office in its report on Fraud and Corruption Control in Local Government, also completed in 2019.

Australian Standard 8001

AS 8001 was created to provide guidance on corporate governance around fraud and corruption issues and is considered the benchmark when it comes to how organisations can mitigate fraud and corruption risks.

Council's policy was developed having regard to Australian Standard (AS) 8001:2008 - Fraud and Corruption Control. The standard has been reviewed and AS 8001:2021 - Fraud and Corruption Control was published in June 2021 and updates the Standard having regard to the impact of technology in modern business operations and technology enabled fraud.

Council's commitment to fraud and corruption control

The policy outlines Council's commitment to the prevention, mitigation, deterrence, detection, and investigation of fraud and corruption events. The policy establishes Council's expectations around ethical behaviour, taking a risk management approach to the identification and management of fraud and corruption risks, establishing robust internal controls, and processes for reporting and investigating suspected or known fraud and corruption events.

ISSUES

Changes made to the policy

The review has not resulted in any significant changes to the policy. The intent of the policy and commitment of Council remains the same.

The changes include:

- updating the policy content to the new policy format
- referencing the new *Local Government Act 2020* while maintaining reference to the *Local Government Act 1989* as requirements in relation to rates and charges are still governed by the 1989 Act
- replacing reference to the *Protected Disclosures Act 2012* with the *Public Interest Disclosures Act 2012* due to the update to the title of this legislation in 2019
- updating references to the Australian Standard on Fraud and Corruption by replacing reference to AS 8001:2008 with AS 8001:2021
- making minor changes to the definitions of corruption and fraud to align with the definitions in AS 8001:2021
- including a definition of "persons associated with Council" to align with the terminology used in AS 8001:2021
- simplifying the roles and responsibilities table in line with the new policy template.

POLICY IMPLICATIONS

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

- 5.2 A responsible, transparent and responsive organisation

CONSULTATION

The policy has been reviewed by the Health, Safety and Risk Officer in consultation with the Executive. Due to the minor nature of the updates broader consultation was not required however staff will be informed that the policy has been updated. The Audit and Risk Committee were informed of the review at its November 2021 meeting.

CONCLUSION

The intent and commitment of Council in relation to managing fraud and corruption has not changed and the review of the Fraud and Corruption Control Policy has not resulted in any significant changes however it has provided an opportunity to ensure consistency with the updated AS 8001:2021 - Fraud and Corruption Control and correct referencing of relevant legislation.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate Performance
- Manager Corporate
- Health, Safety and Risk Officer

ATTACHMENT(S)

8.3.4 Alpine Shire Council Fraud and Corruption Control Policy No.91, Version 3.0

8.3.5 Finance Report - Quarterly Review

INTRODUCTION

The purpose of this report is to note the Finance Report - Quarterly Review for the period ending 30 September 2021.

RECOMMENDATION

That Council receives and notes the Finance Report - Quarterly Review for the period ending 30 September 2021.

BACKGROUND

The purpose of the Finance Report - Quarterly Review (the "Report") is to provide Council with an overview of the quarter one results and an update on the forecast financial position against the full year budget. Explanations are provided for variances to budget greater than \$100,000.

ISSUES

Quarter One Report Highlights

Council is forecasting a full year surplus of \$7.8m, which is \$1.2m higher than the budgeted surplus of \$6.6m.

Major driver of the forecasted increase in the surplus include additional grant income received of \$1.5m. The most significant items are for:

- Additional Bushfire Recovery Funding of \$0.8m
- Reduction in the Dargo High Plains Road Upgrade Phase 1 of \$0.8m
- Reinstatement of Capital Works Grants by \$0.7m
- Great Valley Trail Income of \$0.4m
- Additional funding opportunities for community events such as the GOAT (\$100k) and Prevention of Family Violence (\$65k)

This increased income is partially offset by a forecasted increase in materials and services expenditure of \$0.3m. The most significant increase arises as a result of:

- increased insurance premiums (\$50k);
- higher IT subscription costs (\$49k); and
- COVID related initiatives (\$110k).

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

- Great Valley Trail Income and Expenditure - \$420k higher than budgeted income and expenditure due to construction works previously budgeted to be completed in FY2020/21 now being carried forward into the 2021/22 financial year
- Dargo High Plain Road Upgrade Phase 1 Income and Expenditure - \$800k lower than budgeted income and expenditure due to planned construction works being deferred until 2022/23

- Myrtleford Landfill Rehabilitation Expenditure - \$140k higher than budgeted expenditure as a result of engineering design and specifications being completed resulting in an increased cost to deliver the project.
- Buckland Valley Road Upgrade Expenditure – \$255k higher than budgeted expenditure as a result of works previously planned to be delivered by DELWP, now being carried out by Council.
- Dinner Plain Activation Phase 1 and 2 and Snowmaking Expenditure - zero net impact as compared to budget however a review of the delivery of these significant projects has been completed to take advantage of the economies of scale and sharing of costs across the different components of the projects,
- Combustible Waste Infrastructure Upgrade Expenditure - \$105k higher than budgeted expenditure to comply with EPA legislation.

POLICY IMPLICATIONS

The Report has been prepared in line with *Section 97 of the Local Government Act 2020* (Quarterly budget report) which provides that "As soon as practicable after the end of each quarter of the financial year, the CEO must ensure that a quarterly budget report is presented to the Council at a Council meeting which is open to the public".

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

- 5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

Financial performance to date indicates a full year surplus of \$7.8m, which is \$1.2m higher than the budgeted surplus of \$6.6m.

CONSULTATION

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

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

CONCLUSION

The Finance Report - Quarterly Review for the period ending 30 September 2021 is presented for noting.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate Performance
- Manager Corporate
- Accountant

ATTACHMENT(S)

8.3.5 Finance Report - Quarterly Review for the period ending 30 September 2021

8.3.6 Bright River Pool Slide

INTRODUCTION

The purpose of the report is to provide Council the findings of the investigations into the replacement of the Bright River Pool slide with a compliant alternative.

RECOMMENDATION

That Council:

- 1. recognises that a compliant slide can be sourced; and*
- 2. notes that officers will assess the operations of the Bright River Pool this summer, including incident data and feedback from the community, business and tourists regarding any impacts due to the absence of the slide and reports back to the March 2022 Ordinary Council meeting.*

BACKGROUND

An assessment of the Bright River Pool operations was undertaken by Life Saving Victoria (LSV) in July/August 2021.

At the September 2021 Ordinary Council Meeting, Council Officers presented the following matters:

- findings and recommendations of the report by LSV, and
- legal advice in relation to Council's liability with the operations of the river pool.

Council adopted the recommendations of the report which included that Council:

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

Actions Undertaken to date:

The existing slide was removed in October 2021.

Investigations into alternate compliant slides have been undertaken and though there were limited options available for slides manufactured and available in Australia, a manufacturer of a compliant slide was identified.

A Request for Quotes (RFQ) was then undertaken for the design, supply and installation of a compliant slide. The RFQ was posted on Alpine Shire Council's website and tenders.net and was open from 29 October 2021, to 12 November 2021.

One submission was received that could provide a slide that was compliant to the required standard for an inland river pool. The submission included two designs -

- an open straight line slide,
- and an enclosed straight line slide.

ISSUES

Slide Assessment

An assessment of the two designs was undertaken. This noted:

Cost

- The cost of design, supply and installation was the same for both slide options. This being \$70,000 (GST exclusive).

Compliance

- Both options meet the Australian Standards.
- Advice from the manufacturer is that compliant operation of the slide (either option) is only achieved if a staff member controls access at the top of the slide.

Safety

- The enclosed slide design enables the installation of lock out discs at the top and bottom of the slide thus preventing access or use when not open for public use. Though the open slide does have lock out discs, access into the slide could still occur when unsupervised. This may provide an opportunity for people to jump from the bottom of the slide into the river therefore introducing an additional risk.
- The enclosed slide design ensures that users can not fall out of the slide. The open slide is designed to minimise this risk.
- The enclosed slide will be made of translucent material to enable visual identification of people of large objects in the slide.

Vandalism

- The enclosed slide reduces the possibility of damage to the sliding surface due to vandalism. The open slide does not prevent damage from impacts to the sliding surface from rocks thrown at the slide.

Lifespan

- The slide comes with a five year warranty. The manufacturer indicated the expected useful life of the slide is 10-15 years.

Preferred Option

- The enclosed slide was the recommended option by the manufacturer for the intended use and location.
- The preferred option is the enclosed slide.

Access

LSV have recommended a handrail is installed along the current rock steps and track down to the riverbank from the top of the slide. An assessment of other works to this

track has yet to be undertaken but are believed to fall under the Australian Standard “AS 1428.1-2009 Design for Access and Mobility” which stipulates step and handrail requirements in outdoor environments.

Costs

The cost for design, supply and installation of the slide obtained through the RFQ was \$70,000 (GST exclusive).

The cost of an additional staff member to control access at the top of the slide when lifeguards are on duty across the normal summer holiday patrolled period is estimated to be \$8,800 at current staff rates.

The total annual operating and renewal cost is estimated to be \$13,500.

Costs associated with maintenance/servicing of the slide are yet to be determined.

Costs for installation of access track handrail and improvements has yet to be determined.

Operating Considerations

Concern has been expressed by some community members regarding the removal of the old slide and impact this will have on amenity and potentially on the local economy. There has also been concern raised over the installation of a new slide that may impact on the use of the slide recently installed by Rotary at Centenary Park.

Prior season reports have identified use of the slide as the second highest source of swimmers who required assisted rescues by lifeguards from the river pool. Given it is not anticipated the slide would be installed prior to the end of the summer holiday period Council will be in a position to assess operational impacts of not having a slide over this forthcoming summer holiday period and then undertake further community engagement on the slide options and installation.

Any decision for installation of a new compliant slide could therefore be delayed to include this assessment and engagement process with necessary budget provisions made in the forward budget should a new slide be installed.

The slide could be only be in place for the summer holiday period (mid December - late January) to reduce safety and vandalism risks.

POLICY IMPLICATIONS

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

- 1.1 A community that is active, connected and supported

FINANCIAL AND RESOURCE IMPLICATIONS

The cost for the design, supply and installation of the identified compliant slide options is \$70,000 (GST exclusive). Recurrent additional staff costs for the operation of a slide are estimated to be about \$8,800 in year 1.

The manufacturer has also indicated an effective life of between 10 and 15 years for the proposed option.

The total annual operating and renewal cost is estimated to be \$13,500.

Costs for maintenance or ancillary work on the access track are yet to be established.

The installation of a new slide and any operating costs are not provided for in the FY 2021/22 budget.

CONSULTATION

In determining the best possible outcomes for both River Pools, extensive consultation has been undertaken with:

- Life Saving Victoria
- Australian Waterslide Pty Ltd
- Emergency Services Telecommunications Authority
- Internal Council Staff
- North East Catchment Management Authority
- Bright Rotary

CONCLUSION

Having identified a compliant replacement option for the removed Bright River Pool slide, Council officers will undertake further assessment of operating impacts of no slide for the coming summer holiday season and seek further community input prior to a final decision being made regarding the installation of a new slide at the Bright River Pool.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate Performance
- Manager Facilities

ATTACHMENT(S)

Nil

8.3.7 Alpine Planning Scheme Planning Policy Framework Translation

INTRODUCTION

This report relates to the translation of the existing Local Planning Policy Framework (LPPF) of the Alpine Planning Scheme into a new Planning Policy Framework (PPF) which includes a suite of policies that sit under State and where relevant, Regional policy framework.

The translation also includes a new Municipal Planning Strategy (MPS) which replaces the existing Municipal Strategic Statement (MSS), and new clauses 72.08 Background documents, 74.01 Application of zones, overlays and provisions, and 74.02 Further strategic work.

RECOMMENDATION

That Council:

1. *endorse the proposed policy neutral translation of the Local Planning Policy Framework section of the Alpine Planning Scheme into the proposed Planning Policy Framework generally in accordance with Attachment 8.3.7.a;*
2. *authorise the Chief Executive Officer to make minor adjustments prior to submission to the Minister; and*
3. *authorise the Chief Executive Officer to write to the Minister for Planning advising of Council's support for the translation of the Alpine Planning Scheme LPPF into the new PPF) to be undertaken as a Ministerial Amendment under 20(4) of the Planning and Environment Act 1987.*

BACKGROUND

The PPF translation is a Department of Environment, Land, Water and Planning (DELWP) initiative forming part of a broader Smart Planning Program with the purpose of streamlining, reducing duplication, and ensuring consistent planning scheme formats across all Victorian planning schemes. The new PPF changes will see Local, Regional, and State planning policies consolidated with duplicate statements removed, making it a more succinct and reduced document.

Over the past nine months Council officers have undertaken the translation in consultation with DELWP. The translation has been undertaken as not to change the current intent of the planning scheme in order to maintain a policy neutral position.

DELWP has requested that Council endorse the translation of the Alpine Planning Scheme into the new framework to be undertaken as a Ministerial Amendment under 20(4) to the *Planning and Environment Act 1987*. This provision enables the Minister for Planning to amend a planning scheme, without providing notice or exhibiting the changes on the basis that the proposed translation is policy neutral.

Amendment VC148

The Victoria Planning Provisions (VPPs) were revised as part of Amendment VC148 in July 2018, which established a new integrated structure for State, Regional and Local planning policies under the nine key themes. The PPF is the policy content of planning schemes. It includes part of the Victoria Planning Provisions (VPP) in the form of State and Regional planning policies and local content in the form of Local planning policies.

Council officers have undertaken a PPF translation of the Alpine Planning Scheme as part of a broader Smart Planning Program which seeks to simplify and improve the operation of all planning schemes across Victoria in collaboration with DELWP.

Other sections of the planning scheme including Zones, Overlays, Particular Provisions and General Provisions remain unchanged. Three new operational provisions have been added:

- 72.08 Background documents,
- 74.01 Application of zones, overlays and provisions, and
- 74.02 Further strategic work.

The State, Regional and Local levels of policy are grouped by theme with directly relevant Regional and Local policies 'nested' under the corresponding State planning policy. The PPF enables all policy content in planning schemes to be merged into a single policy source.

Planning policy plays an important role in guiding decision makers and facilitating appropriate outcomes. Except for a modest restructure of the State Policy Planning Framework (SPPF) in 2010, the existing policy framework has largely operated in the same way for over 20 years.

It has been the subject of several reviews over that time where it has been identified that whilst the Victoria Planning Provisions (VPP) system with its policy foundation is widely supported, users of the relevant schemes seek greater clarity, certainty, and improved usability.

A new three - tier integrated policy structure

The new PPF (Clauses 10 to 19) replaces the SPPF (former Clauses 9 to 19). The PPF structure provides for three tiers of integrated planning policy: Statewide, Regional and Local (see Figure 1).

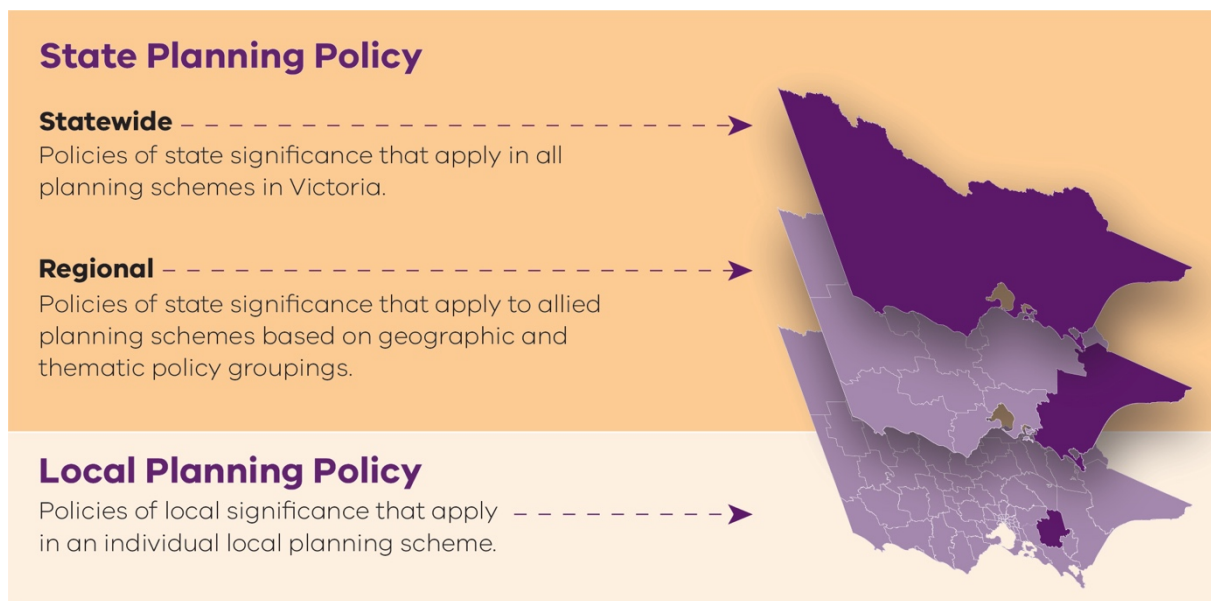


Figure 1: Planning Policy Framework Hierarchy

All State, Regional and Local policies are grouped together under the following key themes:

- Clause 11: Settlement
- Clause 12: Environmental and Landscape Values
- Clause 13: Environmental Risks and Amenity
- Clause 14: Natural Resource Management
- Clause 15: Built Form and Heritage
- Clause 16: Housing
- Clause 17: Economic Development
- Clause 18: Transport
- Clause 19: Infrastructure

This structure is consistent across all Victorian Planning Schemes. These changes have been made to:

- Strengthen and elevate the importance of State Policy, which in the past has been dominated by local policies, and often been forgotten in decision making.
- Better align and integrate State, Regional and Local planning policy and to ensure State and Local policies are not considered in isolation. The intent is to combine the three streams of policy into one and provide a direct 'line of sight' for each policy issue.
- Ensure that policy is consistent and concise and simplifies the review and update of policy.

Whilst Amendment VC148 introduced the new Planning Policy Framework (PPF) including the State and Regional policies, it did not at that time translate Council's Local Planning Policy Framework (LPPF) or the Municipal Strategic Statement (MSS) into the new framework. This local translation is the subject of the current translation project

requiring significant input from local Council's and is being rolled out across all Victorian Planning Schemes.

ISSUES

Translation documents

Understanding how the existing policies have been translated and where in the new format scheme they are now located is a complex matter. Council holds a detailed translation of the LPPF illustrating the destination for every policy included in the new MPS and PPF. It also shows when a policy has been deleted as it does not meet the DELWP's 'rules' for the translation.

Municipal Planning Strategy (MPS)

When a Planning Authority translates its LPPF into the new PPF, it is also required to introduce a Municipal Planning Strategy (MPS) at Clause 2 of the planning scheme. The MPS replaces the existing MSS and supports but does not form part of the PPF. The PPF and MPS will work together to form the strategic basis of a planning scheme.

The MPS is a succinct expression of the overarching strategic policy directions of the municipality. It provides for the planning scheme's policy foundation, based on the municipality's locations and regional context, history, assets, strengths, key attributes, and influences. Planning Schemes already have similar clauses in the MSS, however, the new concise format will provide for a more focused and direct message about Council's planning aspirations.

The intent is that the content of the MPS can be easily read, expressed in a logical sequence and grouped by related land use and development themes as set out in the PPF. DELWP has issued a directive that the MPS should focus on priorities and have a limit of 5000 words. The proposed Alpine MPS meets this directive.

The new Clause at 2.04, forming part of the MPS includes a new strategic framework plan that has been updated to provide more information to users of the planning scheme than the current strategic framework plan. The plan complies with DELWP's mapping design standards which also provide for colour blindness accessibility.

PPF - Local Policies

Council's Local policies play an important role in guiding decision making on a planning permit. An accurate translation of these is important to ensure that content and meaning is not diluted or compromised.

The new PPF - Local (Clause 11-19) provides the detailed policy directions for a municipality and helps Council to implement State policy in a way that is relevant to their vision for the municipality.

The PPF - Local is derived from the existing Clauses 21 and 22 in the Alpine Planning Scheme, currently known as the Alpine Shire Local Planning Policy framework (LPPF).

Process

The translation process began in March 2021 by Council officers in consultation with DELWP officers. Council has worked collaboratively with DELWP and has been actively involved in reviewing the draft and providing feedback. This has been a rigorous process, involving negotiations between Council officers and DELWP to ensure that the translation reflected clear narrative and did not result in any loss of policy direction.

Within and adjacent to the Shire, there are significant land managers who rely on the policy in the Alpine Planning Scheme to manage land they are responsible for. Consultation on the PPF translation has been undertaken with Parks Victoria, DELWP, Hancock Plantations Victoria, Hotham Alpine Resort and Falls Creek Alpine Resort to ensure important policy that these land managers rely on has not been inadvertently lost.

Council officers are confident that the translation now includes:

- No loss of policy content
- Simpler planning policies with less repetition
- Policy that is focussed on land use and development.

The draft has also been reviewed by Council's Statutory Planners to test the robustness of the translation in supporting their decision-making on all planning matters, including supporting Council at VCAT.

Policy Neutral Translation

The translation has been undertaken so as not to change the current content of the planning scheme. While the new PPF structure is substantially different from the previous LPPF, no new policy directions have been included or omitted.

DELWP has requested that Council endorse the translation of the Alpine Planning Scheme to be undertaken as a Ministerial Amendment under section 20(4) to the *Planning and Environment Act 1987*. This section of the Act enables the Minister for Planning to amend a planning scheme, without providing notice or exhibiting the changes.

All policy neutral translations for other Victorian planning schemes will be undertaken without public exhibition or consultation. Other Councils who are seeking to implement new strategies and more recently completed strategic work have the option of going through a full amendment process to introduce the proposed policy changes to the relevant planning scheme.

While the translation has not added new policy content, it has adhered to the 'rules' established by Smart Planning. The rules have been detailed in 'A Practitioners Guide to the Victoria Planning Scheme'. The result of these rules being applied means the PPF is written to include:

- Consistent use of verbs to start strategies
- Plain English
- One idea per strategy

- Duplications with State policy removed
- Duplications with other parts of the scheme removed (for example decision guidelines in agriculture are covered in the Farming Zone and Clause 65)
- Repeats within Local policy consolidated
- Non planning matters removed
- Application requirements removed (DELWP requirement)

The word count of the LPPF has been significantly reduced through the review process – from approximately 26,000 words to approximately 13,000 words. This will make Council's planning scheme far easier to interpret.

As a result of adhering to these rules, content within the Alpine Planning Scheme has been re-arranged. For example, our existing local biodiversity and native vegetation policy largely duplicates State policy so has been removed.

Previously, there has been an understanding that policy positions need to be repeated throughout the planning scheme to have maximum effect. This has resulted in policy positions being repeated throughout State, Local, Zone and Overlay provisions. This translation seeks to remove the repeated policy directions without diluting their effect.

Many of Alpine's local planning policies are lengthy. These policies have been re-written to be simpler and clearer, while conveying the same intent. This has enabled the length of the PPF to be considerably reduced. There are also incidences where the Alpine Shire Planning Scheme contains unnecessary, outdated and irrelevant material and this has been deleted as part of this process.

Updated information

While a policy neutral exercise, the DELWP rules do allow for some updating of content to reflect current factual information. The information that has been updated is:

- New community vision has been included.
- A new Strategic Framework Plan has been prepared that provides far more detail than the current plan.
- Updated statistics about population have been included.
- Recognition of First Nations peoples who have a connection to the land included in the MPS.
- Background documents have been greatly reduced in number, redundant, out of date and non-planning documents have been removed and background documents are linked to the relevant ordinance in the scheme.

Further strategic work

A new clause 74.02 Further strategic work has been prepared. The current scheme has eighty-seven (87) items of further strategic work identified. Council has recently been involved in identifying the critical pieces of strategic work that need to be included in the next four years. These are now included at Clause 74.02 with the existing further strategic work deleted.

The new schedule amounts to a more realistic eleven (11) strategic planning projects over the next four years.

Planning Scheme Review

Whilst this current translation exercise is policy neutral, the Council is required to regularly review the planning scheme to ensure it meets the community's vision as well as State and Local planning policy. Council Officers have commenced this process with a submission due to DELWP in late 2022.

POLICY IMPLICATIONS

Whilst a policy neutral translation, the PPF and MPS will continue to align with the goals of Council Plan 2040.

By endorsing the translation of the Local Planning Policy Framework (LPPF) into the new Planning Policy Framework, Council supports the Minister for Planning in undertaking a Ministerial Amendment for the translation of the Local Planning Policy Framework with the new Planning Policy Framework.

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

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

FINANCIAL AND RESOURCE IMPLICATIONS

The resourcing and financing of this project has been accommodated within the existing budget of Planning and Amenity through engagement of a casual strategic planner to undertake this work.

DELWP will fund the authoring of the new documentation into the Keystone system (the planning scheme database) and the costs associated with the planning scheme amendment once Council has endorsed the translated documents.

CONSULTATION

DELWP undertook targeted consultation on 'Reforming the Victoria Planning Provisions' in 2017.

Council has been working with external stakeholders to ensure the policy neutral translation has not removed any policy relied on by these organisations. These are DELWP (State Forests), Hancock Plantations Victoria, Parks Victoria and the two Alpine Resorts.

As the translation is proposed to be policy neutral and after consideration of the Community Engagement Policy no further consultation or engagement with the wider community is proposed.

When the Amendment has been approved by the Minister, Council will inform the community about the new structure on Council's website.

CONCLUSION

A policy neutral planning scheme translated to move the existing Local Planning Policy Framework into a new format as required by the DELWP. This process has provided the opportunity to:

- Reduce duplication between Local policy and State and Regional policies.
- Remove repetitious statements from within the document.
- Remove non planning matters and matters dealt with under different acts.
- Create a plain English and easier to read ordinance.

Council is asked to endorse the translated Planning Policy Framework prior to sending it to the Minister for Planning so that a 20(4) Ministerial Amendment can be prepared to incorporate it into the Alpine Planning Scheme. This will be done via Amendment C62alpi.

Council officers will forward the documentation to the Minister for Planning and a 20(4) Amendment will be done by the Minister in due course. Officers anticipated the MPS and PPF will be incorporated into the planning scheme by April 2022.

Meanwhile a review of the planning scheme will be undertaken to further improve the Alpine Planning Scheme. This process will involve community consultation and engagement.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate Performance
- Manager Planning and Amenity
- Strategic Planner

ATTACHMENT(S)

8.3.7.a. Proposed Planning Policy Framework.

8.3.7.b. High-level summary of where the existing Local policy content has been relocated to

8.3.8 Bright Western Gateway Development Plan

INTRODUCTION

The purpose of this report is to outline the background and preparation of the Development Plan for land at Lots 1 and 2 on Plan of Subdivision 613866 and Lots 1, 2, 4, 5, 7, 8 and 9 on Title Plan 859376X together forming a part of the Bright Western Gateway Development.

RECOMMENDATION

That Council note:

- 1. the subject land forming part of the Bright Gateway Development was identified as an Urban Growth Area in the Alpine Planning Scheme in 2006;*
- 2. the subject land was rezoned to General Residential Zone in 2015, which included the application of Development Plan Overlay (DPO3) and Land Subject to Inundation Overlay (LSIO);*
- 3. Council has recently received a draft Development Plan for the subject land and Council officers will continue to work collaboratively with the proponent's representative to ensure it meets the requirements of the Alpine Planning Scheme; and*
- 4. there is no public exhibition of the draft Development Plan as part of the approval process.*

BACKGROUND

In 2005 the site subject to this report along with land on the northern side of the Great Alpine Road alongside the Rail Trail was identified by the Alpine Residential Land Review as the preferred area for the urban growth of Bright in order to facilitate additional residential development. The site was subsequently identified as an Urban Growth area through Planning Scheme Amendment C15 in 2006.

In August 2015 Planning Scheme Amendment C34 rezoned the site from Farming Zone to General Residential Zone along with applying Schedule 3 to the Development Plan Overlay (DPO3) and the Land Subject to Inundation (LSIO) to it. The site remains under these planning controls to date.

The part of the site which relates to this Council report is a site that occupies 41.39 hectares of farmland on the western side of Bright. It is broadly bordered by Great Alpine Road to the north, Stackey Gully Road to the south-east, and the Tower Hill escarpment to the south-west, and referred to as the Bright Gateway Development in this report.

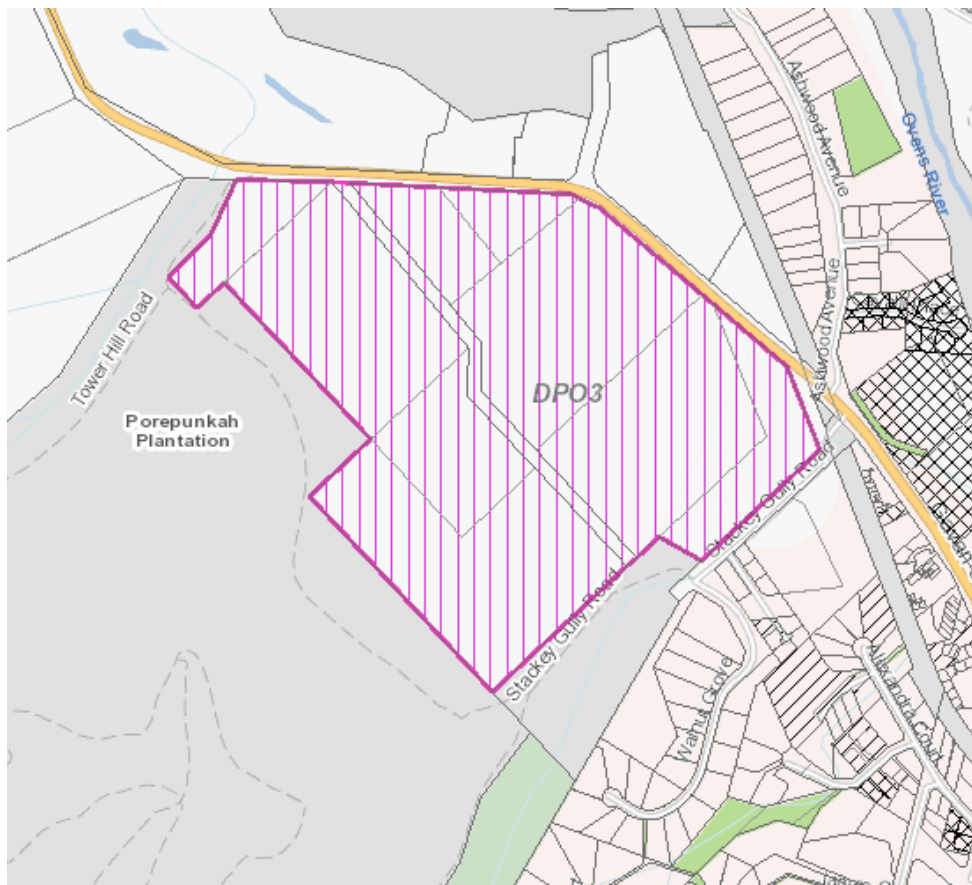


Figure 1 - Map showing subject land - Land forming part of the Bright Gateway Development

The requirements of the DPO state that a permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a Development Plan has been prepared to the satisfaction of the responsible authority.

PROCESS

In March 2021 a meeting was convened between Council officers and the proponent's representative to work towards the preparation of a Development Plan for the site. At this meeting it was agreed that a collaborative approach would be appropriate in preparing a Development Plan by addressing key technical issues such as flooding, drainage and site layout.

Council engaged specialist flooding consultants in August 2021 to undertake flooding and drainage studies for Stackey Gully Creek which is a separate project to the Development Plan but will help inform the development of a drainage plan for the subject land.

Whilst that work is still underway Council has received a draft Development Plan for the site.

Further discussions have been held between Council officers and the proponent's representative since the lodgement of the draft Development Plan and it is anticipated that these discussions will continue in a collaborative and facilitative manner.

ISSUES

Public Exhibition

At this stage of the process, with the DPO3 applied to the site in 2015, there are no formal requirements for public notice to be given about an application for Development Plan approval or for public participation in the approval process of a Development Plan.

Of note is Clause 43.04-2 of the Alpine Planning Scheme which states that if a Development Plan has been prepared to the satisfaction of the responsible authority, an application under any provision of this planning scheme is exempt from the notice requirements of section 52 under the *Planning and Environment Act 1987*.

Timeline of Key Events

Timeline	Event
August 2005	Alpine Shire Residential Land Review identified the site as the preferred area for residential growth
August 2006	Planning Scheme Amendment C15 designated land around Great Alpine Road and Stackey Gully Road as Urban Growth Area 1
August 2015	Planning Scheme Amendment C34 rezoned site subject to this report (Lots 1 and 2 on Plan of Subdivision 613866 and Lots 1, 2, 4, 5, 7, 8 and 9 on Title Plan 859376X) from Farming Zone to General Residential Zone with DPO3 and LSIO applied
March 2021	Discussions held between Council Officers and the proponent's representatives regarding preparation of a Development Plan
August 2021	Council engaged specialist flooding consultants to undertake flooding and drainage study to inform any Development Plan
November 2021	Proponents submitted a draft Development Plan for assessment by Council

POLICY IMPLICATIONS

The assessment of the draft Development Plan for the site will be consistent with the Alpine Shire Planning Scheme and the relevant strategic objectives of the Council Plan 2021-2025.

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

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

CONCLUSION

The subject land which forms part of the Bright Gateway Development has been identified as a key growth area for residential development in the Alpine Shire. In 2006 the land was identified as an Urban Growth Area in the Alpine Planning Scheme, and in 2015 the land was rezoned to General Residential Zone, which included the application of Development Plan Overlay (DPO3) and Land Subject to Inundation Overlay (LSIO).

Council has recently received a draft Development Plan for the subject land and Council officers will continue to work collaboratively with the proponent's representative to ensure it meets the requirements of the Alpine Planning Scheme, noting that there is no public exhibition of the plan as part of the approval process.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate Performance
- Manager Planning and Amenity
- Strategic Planner

ATTACHMENT(S)

Nil

8.3.9 Planning Application P.2021.130 - 16 Ashwood Ave, Bright

<i>Application number:</i>	<i>P.2021.130</i>
<i>Proposal:</i>	<i>Two (2) Lot Subdivision</i>
<i>Applicant's name:</i>	<i>Matthew Fischer (Fischer Development Solutions)</i>
<i>Owner's name:</i>	<i>E D Gray and A P Dillon</i>
<i>Address:</i>	<i>16 Ashwood Ave, Bright</i>
<i>Land size:</i>	<i>Approximately 4050sqm</i>
<i>Current use and development:</i>	<i>Dwelling and associated shedding</i>
<i>Site features:</i>	<i>The site is a rectangular shape and is relatively flat. The site contains substantial vegetation, a dwelling and associated shedding. Vehicle access to the dwelling and associated shedding is via multiple crossovers in Ashwood Avenue. There is a street tree in the verge abutting the site.</i>
<i>Why is a permit required?</i>	<i>Clause 32.08-3 Subdivision - General Residential Zone Clause 44.06-2 Subdivision - Bushfire Management Overlay</i>
<i>Zoning:</i>	<i>General Residential Zone (GRZ)</i>
<i>Overlays:</i>	<i>Bushfire Management Overlay (BMO)</i>
<i>Restrictive covenants on the title?</i>	<i>None</i>
<i>Date received:</i>	<i>31 August 2021 (amended plans)</i>
<i>Statutory days:</i>	<i>105 days</i>
<i>Planner:</i>	<i>James Trimble</i>

RECOMMENDATION

That a Notice of Decision to grant a planning permit be issued for a Two (2) Lot Subdivision in accordance with the conditions outlined in Appendix 8.3.9.a and 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*
 - c. Bushfire Management Overlay*

- d. Particular provisions including 53.01 Public Open Space Contribution and Subdivision, 53.02 Bushfire Planning, and 56 Residential Subdivision*
- e. Decision Guidelines at Clauses 65.01 and 65.02.*
- f. 2. The proposal provides an appropriate design and respects the existing and desired neighbourhood character.*

PROPOSAL

The proposed involves a two (2) lot subdivision. The smallest lot has an area of 950 sqm and the largest lot has an area of 3104 sqm. Proposed lot 1 is of a battle axe design and has a 7.03 metre frontage to Ashwood Avenue. Proposed lot 1 is able to contain the existing dwelling. Proposed lot 2 has a frontage of 36.38 metres to Ashwood Avenue. All lots are capable of accommodating a building envelope measuring 10 metres by 15 metres.



Figure 2: Shows the development layout on site.

SUBJECT LAND AND SURROUNDS

The site has a total area of approximately 4,050sqm and is a rectangular shape. The site is relatively flat. The site contains substantial vegetation, a dwelling and associated shedding. Vehicle access to the dwelling and associated shedding is via multiple crossovers in Ashwood Avenue. There is a street trees in the verge abutting the site.

Surrounding land is predominantly zoned General Residential Zone. Within 5 sites of the subject site in all directions, lots zoned General Residential Zone range from

approximately 1172sqm at 12 Ashwood Avenue to 6051sqm at 22A Ashwood Avenue. The majority of surrounding sites contain an existing dwelling.



Figure 3: Subject land.

PUBLIC NOTIFICATION

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

1. Not in keeping with the neighbourhood character
 - Allotments to North of Kinchela Court are all above 2000sqm, this creates low density feeling
 - Average setback of dwelling from the edge of road seal is approximately 32 metres on the east side of the road and 34 metres on the west side
 - Current feeling of space
2. Inadequate street infrastructure
 - No kerb and channel
 - No street lighting

- Road width too narrow

The applicant provided a response which is summarised as follows:

1. Neighbourhood character

- Whilst neighbourhood character can consider lot density, it is more reflecting the architectural style, mass, and relationship between private and public realms.
- This proposal offers to retain the existing streetscape and the landowners are attempting to retain the front garden to the best extent possible whilst facilitating dwelling construction.
- The setback of the existing properties on the North-East side of Ashwood Avenue do offer a certain presentation and character (front gardens)
- The objection has raised concern about impact on a presentation characteristic that is applicable to five (5) dwellings in the street and is a specific, isolated location style rather than neighbourhood character relevant to the entire street or neighbourhood.
- The proposal is not contravening a neighbourhood character objective of the planning scheme.

The assessing officer's response is provided as follows:

1. Neighbourhood character

- Neighbourhood character is about its sense of place and community meaning. Considerations include:
 - The built form, scale and character of surrounding development including front fencing
 - Architectural and roof styles
 - Any other notable features or characteristics of the neighbourhood
- In most cases, a complete pattern of existing lots and development for about five sites or buildings up and down the street, across the street and behind the site in question should be sufficient to identify the features of the neighbourhood that should influence the design.
- Within five (5) sites of the subject site, land with the same GRZ zoning ranges from approximately 1172sqm at 12 Ashwood Ave to 6051sqm at 22A Ashwood Ave, Bright. There is an approximate street setback of 7 metres to an existing dwelling at 1 Kinchela Court.
- Respecting character does not mean preventing change. The neighbourhood character standard is not intended to result in the replication of existing building stock or stop change
- Respect for the character of a neighbourhood means that the development should try to 'fit in'.
- If the change undermines a key feature or characteristic of the neighbourhood without some policy basis, then a strong case can be made that the development does not respect the character of the neighbourhood
- The proposal is not considered to undermine a key feature or characteristic of the neighbourhood.

2. *Street infrastructure*

Clause 56.06-8 Lot access within the Alpine Planning Scheme includes an objective and standards relating to lot access. Where the standards are not met a proposal must meet the objective. The objective of clause 56.6-8 is *'To provide for safe vehicle access between roads and lots.'* Councils Engineering team have considered the provisions of clause 56.06-8 and provided conditional consent to the proposal and determined that Ashwood Avenue is adequate to cater for the proposed subdivision.

REFERRALS

Referrals / Notice	Advice / Response / Conditions
Section 55 referrals:	Country Fire Authority - Conditional consent
Section 52 referrals:	Department of Environment, Land, Water and Planning - The Department of Environment, Land, Water and Planning does not object to a Planning Permit being issued for this proposal, subject to the adjoining Crown land (Ovens River Streamside Reserve) not being used for the purposes of defensible space.
Internal referrals:	Alpine Shire Council Arborist Team - It appears that the proposed driveway for the new unit is going to go through the centre of a small Japanese Maple. If this driveway cannot be relocated, then this tree can be removed and a replacement tree planted further up the nature strip as there is plenty of room. Alpine Shire Council Engineering Team - Conditional consent

PLANNING ASSESSMENT AND RESPONSE TO GROUNDS OF OBJECTION

All applicable policy and decision guidelines can be found in Appendix 8.3.9.b.

State Planning Policy Framework

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

11.02-1S - Supply of urban land

The proposal provides additional supply of land for residential uses and will assist in ensuring that sufficient land is available to meet forecast demand.

15.01-3S - Subdivision design

The proposal assists in providing a range of lot sizes to suit a variety of dwellings and household types to meet the needs and aspirations of different groups of people.

15.01-5S - Neighbourhood character

The proposal respects the existing neighbourhood character as it responds appropriately to its context.

Local Planning Policy Framework

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

21.03-1 - Townships and villages

The proposal directs urban growth in the Shire to Bright.

21.06-1 – Infrastructure

The proposal supports the consolidation of the Shire's population in the main towns and some villages so as to make effective use of existing infrastructure, as it maximises the use of existing infrastructure and limits the need for new infrastructure by consolidating growth in towns with reticulated services by encouraging higher density development.

21.07-1 – Bright

The minimum lot sizes are appropriate to the area and have regard to the existing lot sizes and density of development in the neighbourhood.

Zoning

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

- It respects the neighbourhood character of the area.
- It encourages a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- The pattern of subdivision and its effect on the spacing of buildings is appropriate.

Bushfire Management Overlay

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

Particular Provisions

Clause 53.01 - Public Open Space Contribution and Subdivision

Pursuant to the requirements of this clause a public open space contribution is required as no new public open space is proposed onsite. A suitable condition has been included should the application be supported.

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, subject to conditions.

Clause 56 - Residential Subdivision

The application must meet the requirements of clause 56. A detailed assessment of the proposal against the provisions of clause 56 is contained on the planning file – reference no. P.2021.130. The application is considered to meet the relevant requirements of this clause, subject to conditions.

General Provisions

Clauses 65.01 and 65.02 of the Alpine Planning Scheme provides the general decision guidelines that must be considered before deciding on an application. A detailed assessment of the proposal against the provisions of Clauses 65.01 and 65.02 is contained on the planning file – reference no. P.2021.130. The proposal is generally in accordance with the decision guidelines.

CONCLUSION

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

1. The proposal generally meets the relevant provisions of the:
 - a. State and Local Planning Policy Framework
 - b. General Residential Zone
 - c. Bushfire Management Overlay
 - d. Particular provisions including 53.01 Public Open Space Contribution and Subdivision, 53.02 Bushfire Planning, and 56 Residential Subdivision.
 - e. Decision Guidelines at Clause 65.01 and 65.02.
2. The proposal provides an appropriate design and respects the existing and desired neighbourhood character.

DECLARATION OF CONFLICT OF INTEREST

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

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

APPENDICIES

8.3.9.a. Conditions

8.3.9.b. Policy and decision guidelines

APPENDIX 8.3.9.a.

CONDITIONS

Layout not altered

1. 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.

Existing Structures

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

Covenant Condition

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

Payment in lieu of open space provision

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

General Conditions

5. No works on site are permitted to commence until the plan of subdivision is certified.
6. The subdivision must be fully provided with services, including reticulated water, sewerage and electricity to the satisfaction of the relevant authority.
7. Construction must be carried out in accordance with sediment control principles as outlined in "Construction Techniques for Sediment Pollution Control" EPA 1991.
8. All disturbed surfaces on the land resulting from the subdivision must be stabilised to the satisfaction of the responsible authority.

Mandatory Conditions

9. The owner of the land must enter into an agreement with:
 - a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media

Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

10. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
 - a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
11. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
12. All existing and proposed easements and sites for existing or required utility services and roads 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.
13. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

Mandatory Bushfire Management Overlay Condition

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

Street Trees for Residential Allotments

15. Prior to issue of Statement of Compliance, the owner or developer of the subject land must provide street trees to the satisfaction of responsible authority.

Alpine Shire Engineering Conditions

Urban Drainage Works

16. 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 responsible authority. 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 pit on Ashwood Avenue. All roof water from buildings and surface water from paved areas must be collected and discharged to the legal point of discharge to avoid any nuisance discharge to adjacent land, to the satisfaction of the responsible authority.

Drainage Discharge Plan

17. Prior to certification, a properly prepared drainage discharge plan with computations must be submitted to, and approved by, the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The information submitted must show the details listed in Council's Infrastructure Design Manual and be designed in accordance with the requirements of that manual. The information and plan must include:
 - a. details of how the works on the land are to be drained and retarded
 - b. connection points for drainage for each lot
 - c. underground pipe drains conveying stormwater to the legal point of discharge for each allotment
 - d. 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
 - e. a maximum discharge rate from the site is to be determined by computation to the satisfaction of Council 37 lit/sec/ha
 - f. Prior to issue of Statement of Compliance, all works constructed and carried out must be in accordance with those plans to the satisfaction of the responsible authority.

Vehicle Crossings

18. Prior to issue of Statement of Compliance, vehicular crossings shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the responsible authority, 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 to match into the surrounding profile.
 - b. Any proposed vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance

with the requirements of the relevant Authority and shall be at the applicant's expense.

- c. crossings may be concrete or have a bituminous seal applied over an appropriately constructed pavement. Dimensions and roadside drainage treatments are to be generally in accordance with IDM drawing SD260Street Trees for Residential Allotments

Prior to Commencement of Construction

- 19. 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
 - c. An on-site meeting with officers of the municipality, the contractor and the developer or the developer's consultant to discuss matters such as roadside management, construction techniques, sedimentation controls, vegetation clearing controls and vegetated areas to be barricaded off prior to and during construction.

Construction Management Plan

- 20. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the responsible authority.
- 21. Prior to commencement of construction, a construction management plan shall be submitted to and approved by the responsible authority. 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 manger 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.

Construction Requirements

- 22. The owner/developer must ensure that all construction activity complies with the following.
 - a. The site must always be maintained in a neat and tidy condition and no building materials or rubbish are to be stored or allowed to spill into adjoining sites. Any excavated material not required must be immediately disposed of off-site.
 - b. At the completion of the subdivision works all excess materials must be removed.
 - c. Parking must be contained within the construction site as identified within the endorsed construction plan and designated on street parking.
 - d. The construction site must be securely fenced at all times during the subdivision works.

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

23. All to the satisfaction of the responsible authority.

No Mud on Roads

24. 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 from the subject land, to the satisfaction of the responsible authority.

Country Fire Authority Conditions

Amended Bushfire Management Plan required

- 25. Before the development starts, a Bushfire Management Plan (BMP) must be prepared and then submitted to and endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority.
- 26. The plan must be generally in accordance with the BMP prepared by Fischer Development Solutions, (drawing no. F1060BMP01/01, Rev B, dated 31/08/2021) but modified to exclude reference to access requirements to lot 2.

Matters to be set out in Section 173 Agreement

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

EXPIRY CONDITION

- 28. This permit will expire if one of the following circumstances applies:
 - a. The plan of subdivision is not certified within two (2) years of the date of this permit.
 - b. The registration of the subdivision is not completed within five (5) years of the date of certification of the plan of subdivision.
- 29. The responsible authority may extend the time for certification if a request is made in writing before the expiry of the permit or within 6 months afterwards.

END OF CONDITIONS

Planning Notes

30. A road opening/crossing permit must be obtained from the Alpine Shire Council prior to working in or occupying the road reserve with construction equipment or materials. Applications may be accessed from the Alpine Shire Council website.
31. 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.
32. CFA does NOT consent to the Certification of the Plan of Subdivision under Section 9 of the *Subdivision Act 1988*. CFA does want the Plan of Subdivision for this planning permit application referred under Section 8 of the *Subdivision Act 1988*.
33. CFA does NOT consent to the Statement of Compliance for Subdivision.

APPENDIX 8.3.9.b.

POLICY AND DECISION GUIDELINES

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

State Planning Policy Framework

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

- 11.02-1S Supply of urban land
- 13.01-1S Natural hazards and climate change
- 13.02-1S Bushfire planning
- 14.02-1S Catchment planning and management
- 15.01-3S Subdivision Design
- 15.01-5S Neighbourhood Character

Local Planning Policy Framework

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

- 21.03-1 Townships and Villages
- 21.04-4 Environmental risk
- 21.04-6 Catchments and waterways
- 21.06-1 Infrastructure
- 21.07-1 Bright
- 22.01-1 Battle-axe blocks policy
- 22.04-1 Infrastructure
- 22.04-4 Urban stormwater management

Zone

The subject land is zoned General Residential Zone.

Overlays

The land is covered entirely by the Bushfire Management Overlay.

Particular Provisions

- 53.01 Public Open Space Contribution and Subdivision
- 53.02 Bushfire Planning

56 Residential Subdivision

General Provisions

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

8.3.10 Planning Application P.2021.115 - 33 Coronation Ave, Bright

<i>Application number:</i>	<i>P.2021.115</i>
<i>Proposal:</i>	<i>Buildings and Works for the Construction of a Second Dwelling and a Two (2) Lot Subdivision</i>
<i>Applicant's name:</i>	<i>Matthew Fischer (Fisher Development Solutions)</i>
<i>Owner's name:</i>	<i>Madharjack Pty Ltd</i>
<i>Address:</i>	<i>33 Coronation Ave, Bright</i>
<i>Land size:</i>	<i>Approximately 755sqm</i>
<i>Current use and development:</i>	<i>Single dwelling and associated shedding</i>
<i>Site features:</i>	<i>The site is an irregular rectangular shape. The site slopes down from the street to the rear by approximately 3.6 metres with an average slope of approximately 7.5%. The site contains a dwelling and associated shedding. There is a footpath and street tree in the verge abutting the site.</i>
<i>Why is a permit required?</i>	<i>Clause 32.08-3 - Subdivision - General Residential Zone Clause 32.08-6 - Construction of a Second Dwelling - general Residential Zone Clause 44.06-2 - Subdivision and Buildings and Works - Bushfire Management Overlay</i>
<i>Zoning:</i>	<i>General Residential Zone (GRZ)</i>
<i>Overlays:</i>	<i>Bushfire Management Overlay (BMO)</i>
<i>Restrictive covenants on the title?</i>	<i>None</i>
<i>Date received:</i>	<i>5 August 2021 (Amended plans)</i>
<i>Statutory days:</i>	<i>131 days</i>
<i>Planner:</i>	<i>James Trimble</i>

RECOMMENDATION

That a Notice of Decision to grant a planning permit be issued for Buildings and Works for the Construction of a Second Dwelling and a Two (2) Lot Subdivision in

accordance with the conditions outlined in Appendix 8.3.10.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*
 - c. Bushfire Management Overlay*
 - d. Particular provisions including 52.06 Car Parking, 53.02 Bushfire Planning, 55 Two or more Dwellings on a lot and Residential Buildings, and 56 Residential Subdivision*
 - e. Decision Guidelines at Clauses 65.01 and 65.02.*
- f. 2. The proposal provides for urban infill in a centrally sited location within the township of Bright.*
- g. 3. The proposal provides an appropriate design and respects the existing and desired neighbourhood character.*

PROPOSAL

The proposed involves two components being buildings and works for the construction of a second dwelling and a two (2) lot subdivision.

Buildings and Works for the construction of a second dwelling

A double storey dwelling is proposed with a maximum height of 7.5 metres. The proposed dwelling at ground floor has an open plan living dining kitchen, 1 bedroom, and 1 bathroom. The upper level has 1 bedroom, 1 bathroom and a balcony. A single unroofed car space is proposed for the dwelling. External materials include predominantly weatherboards as a wall cladding and colorbond roof.

No boundary walls are proposed. A minimum 2.5 metre setback is proposed from adjoining 1 Pioneer Lane and 35-37 Coronation Avenue, a minimum 1.98 metre setback is proposed from the rear lot boundary adjoining 31 Coronation Avenue, and a minimum 6.02 metre setback is proposed from adjoining 31 Coronation Avenue to the North-West.

A 2,500-litre water supply tank is proposed for each dwelling. A new single roofed carport is proposed for the existing dwelling, accessed via a new driveway to the south-east of the existing dwelling. This proposed carport is setback behind the existing dwelling and has a minimum setback of 1.34 metres from adjoining 35-37 Coronation Avenue.



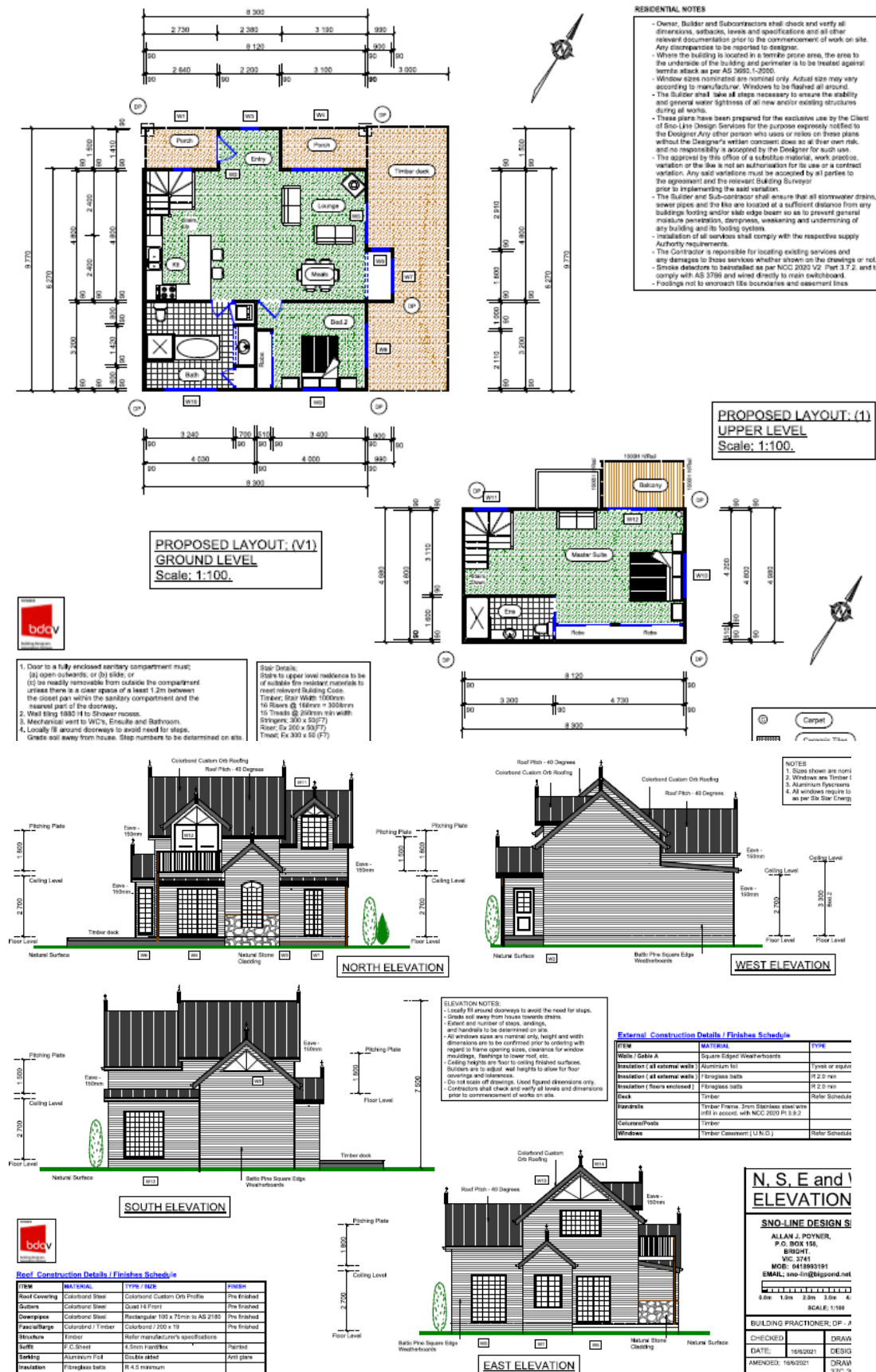


Figure 4: Shows the development layout on site.

Two (2) lot subdivision

Proposed Lot 1 has an area of 357sqm, 14.97 metre frontage to Coronation Avenue and will contain the existing dwelling on the site. Proposed Lot 2 has an area 399sqm, is of battle axe design and has a 3.5 metre frontage to Coronation Avenue.



Figure 2: Shows the subdivision layout on site.

SUBJECT LAND AND SURROUNDS

The site has a total area of approximately 755sqm and is an irregular rectangular shape. The site slopes down from the street to the rear by approximately 3.6 metres with an average slope of approximately 7.5%. The site contains a dwelling and associated shedding. There is a footpath and street tree in the verge abutting the site. There is a driveway on the north-western side of the dwelling.

Surrounding land is zoned GRZ. Lot sizes within 5 sites with the same zoning, south of Morses Creek, West of Pioneer Park, and East of Hawthorne Lane range from approximately 400sqm at 3A Pioneer Lane to 6826sqm at 32-36 Coronation Avenue. Surrounding sites within this area contain one or more dwellings. 2 Pioneer Lane with an

approximate area of 3821sqm contains 6 dwellings and 29 Coronation Ave with an approximate area of 1367sqm contains 4 dwellings.



Figure 3: Subject land.

PUBLIC NOTIFICATION

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

1. Overlooking concerns
2. Additional noise impacts
3. Impact on views
4. Devalue property value
5. The width of the proposed access is not 5 metres as required in Local Planning Policy 22.01-1 Battle axe Blocks
6. Overshadowing concerns

The applicant's response is summarised as follows:

1. Overlooking
 - a. The proposed new dwelling provides only two windows on the South & East of the building. These are both located on the ground level with no windows oriented towards either of these properties from the first floor.
 - b. The two windows in question are a bathroom window (frosted) and a bedroom window. The bedroom window will be located above the bedhead and will not be full height.
 - c. No living area spaces have windows directed at the properties that have raised objection.
 - d. The timber deck on the north of the proposed dwelling will be view obstructed via vegetation present at the rear of 1 Pioneer Lane and if necessary, the developer is willing to provide slatted screening wall (or similar) to protect privacy.
2. Noise - The site will be subject to construction noise during the development of the subdivision and construction of the new dwelling. Construction noise will be subject to trade operating times. This concern would typically receive planning consideration if a non-residential purpose was proposed, which this proposal is not.
3. Views - There are no specific protections or legal rights to a view, however, the landowner has attempted to make appropriate considerations of the neighbours with the dwelling siting.
4. Devalue property value - Loss of property value is not a planning consideration.
5. Accessway width
 - a. The proposal seeks variation from policy 22.01-1.
 - b. Strict adherence to LPP 22.01-1 would require demolition of the existing dwelling on the site. Whilst the building is not subject to heritage overlay, the landowner believes the existing building provides character to the streetscape and neighbourhood thus wishes to retain this building.
 - c. Under LPP 22.0-1, there is a provision for consideration to a variation due to site dimension and characteristics, as has been sought by this application.
 - d. The landowner has considered the residents on the eastern side of the property by siting the Lot 2 driveway location on the western side of the existing dwelling which is currently used as a driveway for the existing dwelling.
6. Overshadowing
 - a. 35-37 Coronation Avenue is not affected by shadows produced from the proposed new dwelling.
 - b. The shadow diagram shows that there is minor overshadowing of 1 Pioneer Lane at the rear yard. This, however, does not produce shadowing to the extent that will affect the existing dwelling of private/secluded open space.

The assessing officer's response is provided as follows:

1. Overlooking

- a. Clause 55.04-6 within the scheme includes standards in relation to overlooking. Within the standard it is stated
 - i. *A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level*
 - ii. *A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:*
 - A. *Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.*
 - B. *Have sill heights of at least 1.7 metres above floor level.*
 - C. *Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level.*
 - D. *Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent'.*
- b. Where the relevant standard is met, a proposal is considered to meet the relevant associated objective.
- c. The submitted plans do not currently indicate compliance with the above standards.
- d. Suitable conditions would be included to ensure the above standard is complied with, should the application be supported.

2. Additional noise impacts

- a. The proposal is not considered to result in substantial additional adverse noise impacts.
- b. Suitable conditions could be included to ensure compliance with the noise provisions of clause 55.04-8 Noise impacts.

3. Impact on views

- a. Local Planning Policy 15.01-2S Building design includes an objective and strategies. The objective is *'To achieve building design outcomes that contribute positively to the local context and enhance the public realm.'* The proposal is considered to meet this objective subject to conditions.
- b. Local Planning Policy 21.07-1 Bright includes an objectives and strategies. The objectives of this policy are:

- i. *Recognise Bright as a hub for tourist activities in the region and a vibrant place to live.*
 - ii. *Maintain and enhance the character of Bright as a vibrant tourist town in a rural setting that is well served by parklands and waterways surrounding the town centre and is predominantly pedestrian in scale*
 - iii. The proposal is considered to meet the objectives of this policy.
 - c. The site is not covered by the any significant landscape overlay.
- 4. Devalue property value - The impacts of the proposal on land and house values is not a relevant planning consideration.
- 5. Accessway width
 - a. Local Planning Policy 22.01-1 Battle-axe blocks within the Alpine Planning Scheme applies to this application. This policy includes objectives, policy and decision guidelines. Dot point 2 within the policy provisions states *'If deemed appropriate in the circumstances, unless site dimensions or characteristics warrant a variation access handles are to be designed with a minimum width of 5 metres for two lot subdivisions in the General Residential and Township Zones.'* The application proposes an accessway width of less than 5 metres.
 - b. 22.01-1 Decision guidelines
 - i. *Whether the location of the access handle enables safe and convenient vehicle access.*
 - ii. *Whether the width of the access handle is compatible with the surrounding pattern of development.*
 - iii. *The length, layout, width and design of driveways and opportunities for vehicles to pass, where facilities are shared.*
 - iv. *Opportunities for landscaping and the retention of existing vegetation within the access handle to soften the appearance of driveways and create legibility in the streetscape.*
 - v. *Proposed methods for the maintenance of facilities and landscaping.*
 - c. The proposal has been assessed against the decision guidelines within Local Planning Policy 22.01-1 and is considered to comply with the decision guidelines subject to conditions.
- 6. Overshadowing
 - a. Clause 55.04-5 within the scheme includes standards in relation to overlooking. Within the standard it is stated *'Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.'*
 - b. The proposal complies with the abovementioned standard.

REFERRALS

Referrals / Notice	Advice / Response / Conditions
Section 55 referrals:	Country Fire Authority - Conditional consent
Internal referrals:	<p>Alpine Shire Council Engineering Team - Conditional consent requiring concrete or bitumen crossovers. A further works within road verge permit is also required from Alpine Shire Council for any crossover works.</p> <p>Alpine Shire Council Arborist Team - If the existing driveway remains gravel there are no concerns with the plans providing that no excavation occurs within the Council nature strip, as this will inevitably damage tree roots.</p> <p>In addition to this, no storage of building material or waste material is to be left on the nature strip, particularly within close proximity to the street tree.</p> <p>Suitable conditions have been included to ensure adequate protection of the existing street tree, should the application be supported.</p>

PLANNING ASSESSMENT AND RESPONSE TO GROUNDS OF OBJECTION

All applicable policy and decision guidelines can be found in Appendix 8.3.10.b.

State Planning Policy Framework

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

11.02-1S - Supply of urban land

The proposal provides additional supply of land for residential uses and will assist in ensuring that sufficient land is available to meet forecast demand.

15.01-3S - Subdivision design

The proposal assists in providing a range of lot sizes to suit a variety of dwellings and household types to meet the needs and aspirations of different groups of people.

16.01-1S - Housing Supply

The proposal increases the proportion of housing in designated locations in established urban areas (including under-utilised urban land) and reduces the share of new dwellings in greenfield, fringe and dispersed development areas.

Local Planning Policy Framework

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

21.03-1 - Townships and villages

The proposal directs urban growth in the Shire to Bright.

21.06-1 – Infrastructure

The proposal supports the consolidation of the Shire's population in the main towns and some villages so as to make effective use of existing infrastructure, as it maximises the use of existing infrastructure and limits the need for new infrastructure by consolidating growth in towns with reticulated services by encouraging higher density development.

21.07-1 – Bright

The lots sizes are appropriate to the area and have regard to the existing lot size and density of development in the neighbourhood.

Zoning

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

- It respects the neighbourhood character of the area.
- It encourages a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- The pattern of subdivision and its effects on the spacing of buildings is appropriate subject to conditions.

The proposal complies with the 35% garden area requirement.

Particular Provisions

Clause 52.06 Car Parking

Pursuant to the requirements of this clause the proposed dwelling must be provided with at least 1 car parking spaces, which meet the minimum dimension requirements of Table 2. Suitable conditions have been included to ensure compliance, should the application be supported.

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, subject to conditions.

Clause 55 - Two or more Dwellings on a lot

The application complies with all standards within the clause 55 provisions, subject to conditions. A detailed assessment of the proposal against the provisions of clause 55 is contained on the planning file - reference no. P.2021.115.

Clause 56 - Residential Subdivision

The application must meet the requirements of clause 56. A detailed assessment of the proposal against the provisions of clause 56 is contained on the planning file – reference no. P.2021.115. The application is considered to meet the relevant requirements of this clause, subject to conditions.

General Provisions

Clauses 65.01 and 65.02 of the Alpine Planning Scheme provides the general decision guidelines that must be considered before deciding on an application. A detailed assessment of the proposal against the provisions of Clauses 65.01 and 65.02 is contained on the planning file – reference no. P.2021.35. The proposal is generally in accordance with the decision guidelines.

CONCLUSION

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

1. The proposal generally meets the relevant provisions of the:
 - a. State and Local Planning Policy Framework
 - b. General Residential Zone
 - c. Particular provisions including 52.06 Car Parking, 53.02 Bushfire Planning, 55 Two or more Dwellings on a lot, and 56 Residential Subdivision.
 - d. Decision Guidelines at Clause 65.01 and 65.02.
2. The proposal provides for urban infill in a centrally sited location within the township of Bright.
3. The proposal provides an appropriate design and respects the existing and desired neighbourhood character.

DECLARATION OF CONFLICT OF INTEREST

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

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

APPENDICIES

8.3.10.a. Conditions

8.3.10.b. Policy and decision guidelines

APPENDIX 8.3.10.a.**CONDITIONS****Amended Plans**

1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. A screened bin storage area for the proposed dwelling, provided in accordance with the conditions of this permit.
 - b. Each dwelling being provided with a 6 cubic metre externally accessible secure store space.
 - c. A permanently fixed external privacy screen on the entire south-eastern edge of the rear deck of the proposed dwelling, at least 1.7 metres high above the finished floor level of this deck. This privacy screen must be no more 25% transparent and blend into the development.

Additional Plans Required

2. Before the buildings and works authorised by this permit starts, additional plan(s) must be submitted to and approved by the responsible authority. When approved, the plan(s) will be endorsed and will then form part of the permit. The plan(s) must be drawn to scale with dimensions. The additional plan(s) must show
 - a. Elevations of the carport associated with the existing dwelling, from all relevant sides. The elevations must clearly indicate that the maximum height of this carport is no more than 3.6 metres above natural ground level.
 - b. Landscaping
 - i. A survey (including botanical names) of all existing vegetation to be retained and/or removed.
 - ii. The planting of soft landscaping in order to soften the buildings and works presence from both surrounding properties, roadways and the broader public realm.
 - iii. A landscaping and planting schedule of all proposed trees, shrubs and ground cover, including the botanical name, common name, siting, quantity, size at time of planting, and size at maturity.
 - iv. Details of weed and invasive plant species management.
 - v. Landscaping consistent with the vegetation management requirements of clause 53.02 Bushfire Planning within the Alpine Planning Scheme.
 - vi. Details of all surface finishes of pathways, accessways, car parking spaces.

Endorsed Plans

3. The layout of the site and the size of the proposed buildings and works must be generally in accordance with the endorsed plans which form part of this permit. The endorsed plans must not be altered or modified (whether or not to comply with any statute statutory rule or local law or for any other reason) without the consent of the responsible authority.
4. The layout of the subdivision as shown on the endorsed plan must not be altered or modified (whether or not in order to comply with any statute, statutory rule or Local Law, or for any other reason) without the prior written consent of the Responsible Authority.

Landscaping Works

5. Before the occupation of the dwelling authorised by this permit commences or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
6. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

Defect identification - Council's Assets Condition Report

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

Tree Protection During Construction

8. Before the development (including demolition) starts, a tree protection zone fence must be erected around the existing street tree from the base of the trunk to define a 'Tree Protection Zone'. The fence must be constructed of (star pickets and chain mesh or similar) to the satisfaction of the responsible authority. The tree protection fence must remain in place until construction is completed. The tree protection zone fencing is to be installed in accordance with Australian Standard AS 4970.

Regulation of Activities in Tree Protection Zone

9. 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.

Street Tree

10. No excavation is allowed within the drip line of any existing street tree unless otherwise approved by the responsible authority. This permit does not authorise the applicant to remove, trim or otherwise damage street trees within the vicinity of works. Should a tree be damaged, all replacement or arborist's costs shall be borne by the applicant.
11. Existing street trees must not be removed, without the prior written consent of the responsible authority.

Construction Site Storage Area

12. An area for the storage of construction materials must be designated prior to the arrival of equipment and materials onsite. Wherever possible, disturbed areas should be used rather than areas of good quality indigenous vegetation and significant stands of trees. At the completion of construction all excess materials must be removed, and the site should be regenerated to the satisfaction of the responsible authority.

Mailboxes

13. Mailboxes must be provided and located for convenient access as required by Australia Post.

Garbage Storage

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

Boundary fencing

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

External Materials and Colours

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

Vehicle Access Points

17. The vehicle access points must have a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, (excluding the proposed letterboxes as indicated on the endorsed plans) to provide a clear view of pedestrians on the footpath of the frontage road. The area clear of visual obstructions may include an adjacent entry or exit lane where more than one lane is provided, or adjacent landscaped areas, provided the landscaping in those areas is less than 900mm in height.

Construction of Car parking

18. Prior to occupancy of the approved buildings and works authorised by this permit the car parking spaces, access lanes, driveways and associated works shown on the plan must be:
 - constructed and available for use in accordance with the plan approved by the responsible authority
 - formed to such levels and drained so that they can be used in accordance with the plan
 - treated with an all-weather seal or some other durable surface
- all to the satisfaction of the responsible authority.

Noise Sources

19. Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings, to the satisfaction of the responsible authority.

Construction Requirements

20. The owner/developer must ensure that all construction activity complies with the following.
 - a. The site must always be maintained in a neat and tidy condition and no building materials or rubbish are to be stored or allowed to spill into adjoining sites. Any excavated material not required must be immediately disposed of off-site.
 - b. At the completion of the subdivision and buildings and works all excess materials must be removed.
 - c. Parking must be contained within the construction site as identified within the endorsed construction plan and designated on street parking.
 - d. The construction site must be securely fenced at all times during the subdivision and buildings and works.
 - e. Top soil from the subdivision and buildings and works is to be stockpiled in a location where it will not be eroded from the site, is not on the road reserve and where no adverse amenity affects would arise all to the satisfaction of the responsible authority.

- f. Continuous unobstructed pedestrian access must be maintained along the existing footpath in the verge abutting the site.

All to the satisfaction of the responsible authority.

Mandatory Bushfire Management Overlay Condition

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

Subdivision Conditions

Existing Structures

22. Prior to issue of a statement of compliance under the Subdivision Act 1988, existing buildings and works on all proposed lots (excluding proposed Lot 2) must be demolished and removed from site to the satisfaction of the Responsible Authority.

Telecommunications

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

General

25. No works on site are permitted to commence until the plan of subdivision is certified.

26. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunications services to each lot shown on the endorsed plan in accordance with that authority's requirements and relevant legislation at the time.
27. 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.
28. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of the Act.
29. Construction must be carried out in accordance with sediment control principles as outlined in "Construction Techniques for Sediment Pollution Control" EPA 1991.
30. All disturbed surfaces on the land resulting from the subdivision must be stabilised to the satisfaction of the responsible authority.
31. The approved Carport on Proposed Lot 1 must be constructed to the satisfaction of the Responsible Authority prior to the issue of statement of compliance.

Covenants

32. No covenants shall be created over the subject land without the further consent in writing of the responsible authority.

Mandatory Bushfire Management Overlay Condition

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

Alpine Shire Engineering Conditions

Urban Drainage Works

34. Prior to issue of a Statement of Compliance under the Subdivision Act 1988 or occupancy of the approved buildings (whichever occurs first), all stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge by underground pipe to the satisfaction of the responsible authority. 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 the existing pit on the eastern corner of the lot. All roof water from buildings and surface water from paved areas must be collected and discharged to the legal point of discharge to avoid any nuisance discharge to adjacent land, to the satisfaction of the responsible authority.

Drainage Discharge Plan

35. Prior to issue of certification of the Plan of Subdivision or the commencement of buildings and works authorised by this permit (whichever occurs first), a properly prepared drainage discharge plan with computations must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions. The information submitted must show the details listed in Council's Infrastructure Design Manual and be designed in accordance with the requirements of that manual. The information and plan must include:
- a. details of how the works on the land are to be drained and retarded.
 - b. connection points for drainage for each lot
 - c. underground pipe drains conveying stormwater to the legal point of discharge for each allotment
 - d. 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;
 - e. a maximum discharge rate from the site is to be determined by computation to the satisfaction of Council or 37 lit/sec/ha.

Prior to issue of a Statement of Compliance under the *Subdivision Act 1988* or occupancy of the approved buildings (whichever occurs first), all works constructed and carried out must be in accordance with the endorsed plans to the satisfaction of the responsible authority.

Vehicle Crossings

36. Prior to issue of a Statement of Compliance under the *Subdivision Act 1988* or occupancy of the approved buildings (whichever occurs first), vehicular crossings shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the responsible authority, and shall comply with the following:
- a. Standard vehicular crossings shall be constructed at right angles to the road to suit the proposed driveways, and any existing redundant crossing shall be removed and replaced with concrete kerb and channel to match into the surrounding profile;
 - b. Any proposed vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense;

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

Prior to Commencement of Construction

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

No Mud on Roads

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

Country Fire Authority Conditions

Amended Bushfire Management Plan required

39. 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 BMP prepared by Fischer Development Solutions (Drawing No. F1031BMP01/01, Revision A, dated 07/07/2021) and must show the following bushfire protection measures, unless otherwise agreed in writing by the CFA and the Responsible Authority:

- a. Defendable space (Lot 2 only)

Show an area of defendable space around the proposed building envelope 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. Building Envelope (Lot 2 only)

The Building envelope shown on the BMP should have dimensions and its position within the lot should also be dimensioned.

c. Construction standard (Lot 2 only)

Nominate a minimum Bushfire Attack Level of BAL – 12.5 that future buildings on lot 2 will be designed and constructed to.

d. Water supply (Lot 2 only)

Show 2,500 litres 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 an outlet for occupant use.

40. Matters to be set out in Section 173 Agreement

In addition to the requirements of Clause 44.06-5 of the Alpine Planning Scheme, the section 173 Agreement prepared in accordance with that clause must also specify:

- Explicitly exclude Lot 1 from the following exemption under Clause 44.06-2 of the Alpine Planning Scheme:
 - 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.

Expiry Condition

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

- a. The buildings and works are not started within two (2) years of the date of this permit.
- b. The buildings and works are not completed within four (4) years of the date of this permit.
- c. The plan of subdivision is not certified within two (2) years of the date of this permit.

- d. The registration of the subdivision is not completed within five (5) years of the date of certification of the plan of subdivision.
42. The responsible authority may extend the time if a request is made in writing before the expiry of the permit or within 6 months afterwards.

END OF CONDITIONS

Planning Notes

1. This permit does not authorise approval under the Building Act. It is the responsibility of the applicant to determine if a building permit is required for the proposed buildings and works.
2. A road opening/crossing permit must be obtained from the responsible authority prior to working in or occupying the road reserve with construction equipment or materials. Applications may be accessed from the Alpine Shire Council website.
3. An amended BMP is required as Bushfire Protection Measure only apply to Lot 2.
4. This application has been assessed against the provisions of clause 55 within the Alpine Planning Scheme.

APPENDIX 8.3.9.10.

POLICY AND DECISION GUIDELINES

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

State Planning Policy Framework

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

- 11.02-1S Supply of urban land
- 13.01-1S Natural hazards and climate change
- 13.02-1S Bushfire planning
- 14.02-1S Catchment planning and management
- 15.01-2S Building Design
- 15.01-3S Subdivision Design
- 15.01-5S Neighbourhood Character
- 16.01-1S Housing supply
- 18.02-4S Car parking

Local Planning Policy Framework

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

- 21.03-1 Townships and Villages
- 21.03-4 Built form and heritage
- 21.04-4 Environmental risk
- 21.04-6 Catchments and waterways
- 21.06-1 Infrastructure
- 21.07-1 Bright
- 22.01-1 Battle-axe blocks policy
- 22.04-1 Infrastructure
- 22.04-4 Urban stormwater management

Zone

The subject land is zoned General Residential Zone.

Overlays

The subject land is covered entirely by the Bushfire Management Overlay.

Particular Provisions

52.06 Car Parking

53.02 Bushfire Planning

55 Two or more Dwellings on a lot and Residential Buildings

56 Residential Subdivision

General Provisions

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

8.3.11 Planning Application P.2021.172 - 2 Fiddleback Drive, Tawonga South

<i>Application number:</i>	<i>P.2021.172</i>
<i>Proposal:</i>	<i>Two (2) lot subdivision</i>
<i>Applicant's name:</i>	<i>Andrew Mott C/O Ovens and Murray Land Survey</i>
<i>Owner's name:</i>	<i>M W McNair</i>
<i>Address:</i>	<i>2 Fiddleback Drive, Tawonga South VIC 3698 (Lot 1 PS 549573)</i>
<i>Land size:</i>	<i>1,303 sqm</i>
<i>Current use and development:</i>	<i>Vacant</i>
<i>Site features:</i>	<i>The subject site is located at 2 Fiddleback Drive, Tawonga South and is legally described as Lot 1 on Plan of Subdivision 549573N. The site is located on the corner of Fiddleback Drive and Margaret Drive, is parallelogram in shape and has a total area of 1,303 sqm. The site has a maximum depth of 25 metres, a dual road frontage of 64.36 metres abutting Margaret Drive and 17 metres abutting Fiddleback Drive and a corner splay of 4.93 metres. The site is currently devoid of any structures although has planted vegetation along the eastern and southern boundaries. The site has one existing crossover located in Fiddleback Drive. The land slopes from west to east. A 3 meter wide E-3 easement for the purpose of drainage and sewerage traverses through the eastern of the subject site in favour of Alpine Shire Council and North East Water respectively.</i>
<i>Why is a permit required?</i>	<i>Clause 32.08-3 General Residential Zone - Schedule 1 (GRZ1) A permit is required to subdivide land. Clause 44.06-2 Bushfire Management Overlay - Schedule 1 (BMO1) A permit is required to subdivide land.</i>
<i>Zoning:</i>	<i>General Residential Zone – Schedule 1</i>
<i>Overlays:</i>	<i>Bushfire Management Overlay - Schedule 1 (BMO1)</i>
<i>Restrictive covenants on the title?</i>	<i>None</i>

<i>Date received:</i>	<i>17 September 2021</i>
<i>Statutory days:</i>	<i>87</i>
<i>Planner:</i>	<i>Rhiannon Biezen</i>

RECOMMENDATION

That a Notice of Decision to grant a planning permit be issued for a two (2) lot subdivision in accordance with the conditions outlined in Appendix 8.3.11.a. and 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. Bushfire Management Overlay;*
 - d. Particular provisions including Clause 53.01 Public Open Space Contributions and Clause 56 Residential Subdivision;*
 - e. Decision Guidelines of Clause 65.02.*

PROPOSAL

The proposal seeks approval for a two (2) lot subdivision. The subdivision will result in the following lot configuration:

Lot 1 will be irregular in shape, have a total area of 647 sqm, have a maximum depth of 32.77 metres on the southern boundary abutting Margaret Drive, a corner splay of 4.93 metres and a road frontage of 17 metres abutting Fiddleback Drive. Access will be afforded via an existing crossover located on Fiddleback Drive.

Lot 2 will be irregular in shape, have a total area of 656 sqm, have a maximum depth of 20 metres and a road frontage abutting Margaret Street of 31.59 metres. Access will be afforded via Margaret Street with a new crossover and will contain 3 meter wide E-3 easement on the eastern elevation.

Both lots will have a Bushfire Attack Level (BAL) rating of 12.5 (possibility of ember attack), be provided with a 5,000-litre water tank for any future development and defensible space to the property boundary.

No other works are proposed, and no vegetation is proposed to be removed.

Figure 1 below shows the proposed lot layout, and Figure 2 show the proposed Bushfire Management Plan that includes building envelope detail.

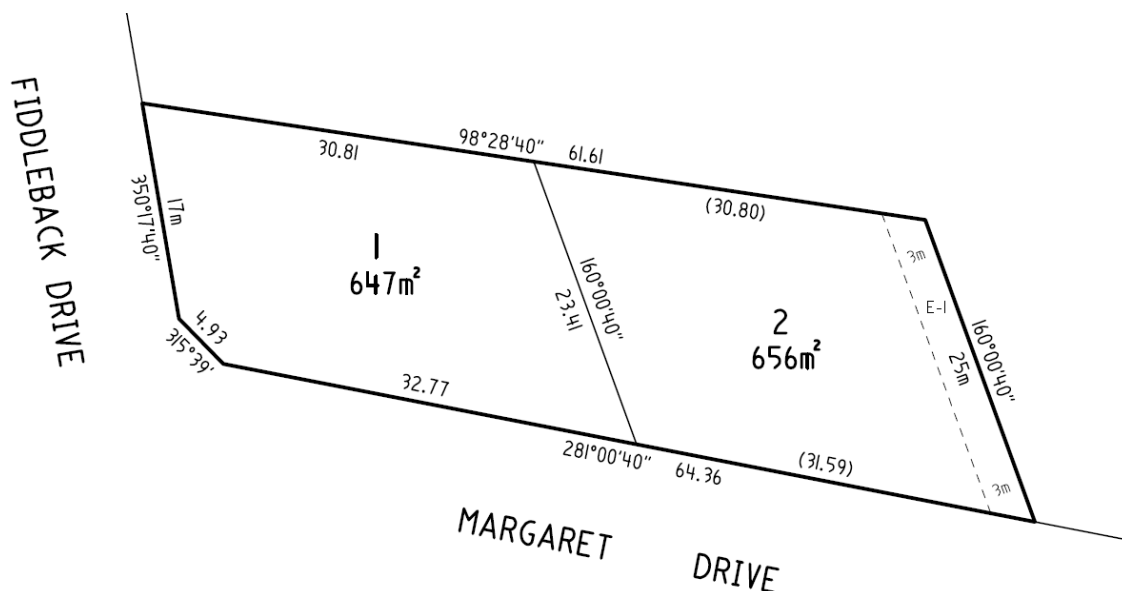


Figure 1: Proposed plan of subdivision

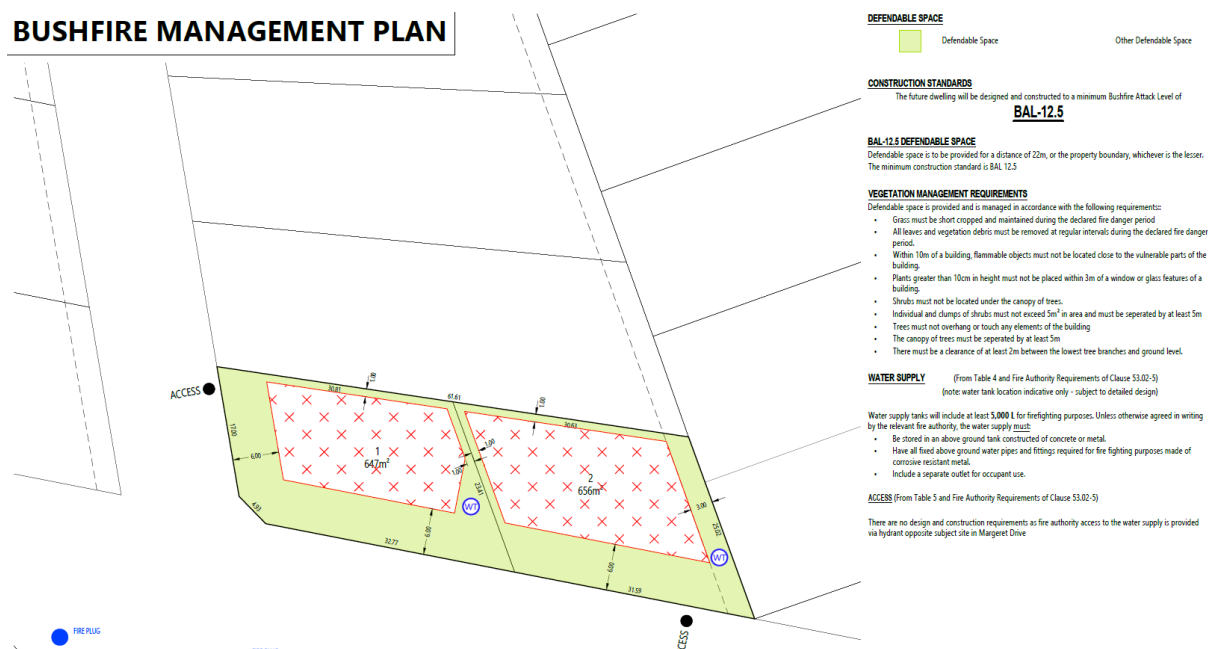


Figure 2: Country Fire Authority approved Bushfire Management Plan

SUBJECT LAND AND SURROUNDS

The subject site is located at 2 Fiddleback Drive, Tawonga South and is legally described as Lot 1 on Plan of Subdivision 549573N. The site is located on the corner of Fiddleback Drive and Margaret Drive, is a parallelogram in shape and has a total area of 1,303 sqm. The site has a maximum depth of 25 metres, a dual road frontage of 64.36 metres abutting Margaret Drive and 17 metres abutting Fiddleback Drive and a corner splay of 4.93 metres. The site is currently clear of any structures and has some planted vegetation along the eastern and southern boundaries. The site has one existing crossover located in Fiddleback Drive. The land slopes from west to east. A three meter wide E-3 easement for the purpose of drainage and sewerage traverses through the eastern of the subject site in favour of Alpine Shire Council and North East Water respectively.



Figure 3: Aerial Image of the subject land

The subject site is zoned GRZ and majority of the adjoining and surrounding lots are also located within this same zone. Lots located to the north is characterised by larger lots exceeding 1,000 sqm in total area and contains detached dwellings and associated outbuildings. To the south of the site there is a variety of lot sizes ranging between 500 sqm up to 800 sqm plus. The area also provides a mix of smaller dwellings and units along with larger dwellings. This mix of lot size and house types results in no predominate neighbourhood character. Figure 4 below shows the surrounding neighbourhood.



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 surrounding landholders and occupiers. A sign was displayed on the site. Seven (7) objections were received and maintained. The matters raised in the objections have been summarised as follows:

- Increased density.
- Increased traffic.
- Inconsistent subdivision with Fiddleback Drive.
- Overdevelopment of the site.
- Impacts on the existing character.
- Safety with increased population.
- Noise pollution.
- Devaluation of property due to increased density.

- Intent of original development for large lots and single dwellings and this development inconsistent with the intent of Mount Beauty Heights.
- Concerns with existing access to Margaret Drive via Kiewa Valley Highway intersection which they consider dangerous.
- Will set a precedence of smaller lots and may present an opportunity for lots within Fiddleback Drive to be further subdivided.
- The existing storm water drain and impacts upon an objector's lot with increased density.

The applicant provided a response to the objections which has been summarised as follows:

1. The application is for a subdivision only there is no proposed development.
2. Lots along Fiddleback Drive range from just under 850m² at 12 Fiddleback Drive to a site area of 4000m² at 18 Fiddleback Drive however in the wider neighbourhood including south of the subject site along Allamar Court lots range between just under 300m² (strata title lots at 1 Allamar Court) to over 4000m² at the end of the court (24 Allamar Court).
3. The existing zoning of the land is GRZ of which there is no minimum lot size however both proposed lots will be within the range of lots currently existing within the neighbourhood.
4. It is a repeated principle in planning case law that nobody controls a view, however due to the change of slope on the subject site it is unlikely that the view from the complainant's property will be impacted in a material way by any future development on either proposed lot.
5. As per of our original planning report submitted with the application, there is strong policy support within the Alpine Shire Planning Scheme for the proposal. In particular Clause 21.03 Settlement outlines that new residential development is to be focused within existing zoned land which will add to the diversity and mix of available residential land to address the housing needs of the community.
6. In terms of traffic related matters, Fiddleback Drive has been constructed to an access street level 1 standard which has an anticipated vehicle capacity of up to 2000 vehicles per day. At a conservative estimate about 16 properties on Fiddleback Drive would most likely use the southern access point onto Margaret Drive. Notwithstanding that one dwelling could currently be constructed "as of right" on the subject property and access Fiddleback Drive, it is considered highly unlikely that the vehicle movements per day will be exceeded beyond the designed anticipated levels assuming 16 properties access Fiddleback from the southern access point onto Margaret Drive and assuming a very conservative level of 10 vehicle movements per day per property, there is still more than sufficient capacity.
7. In terms of the concerns raised about Margaret Drive, the road has been designed to Councils own standards. An additional lot will not trigger any identifiable justifiable need for further improvements on the infrastructure already in place and while the concerns of some of the objectors in relation to traffic safety is noted, it is also noted that in the last 5 years there has been no notified traffic accident either along Margaret Drive or the intersection with the Kiewa Valley Highway based on the

Department of Transport road traffic statistics for the last 5 years. In summary traffic related safety concerns is not a warranted concern for such a minor proposal.

8. It meets the Planning Policy Framework, Local Planning Policy Framework, Zone and Overlay Provisions and decision guidelines.
9. The application meets the requirements of Clause 56 - Residential Subdivision.

The assessing officers response is provided as follows:

The existing zoning of the land is GRZ which has no requirements around minimum lot size, with the purpose of the zone to encourage a diversity of housing types and housing growth. It is understood that the original developers' sale campaign for the subdivision was larger lots developed with single dwellings and large landscaped areas within each lot. However, the original developer did not administer any restrictions of title at the time of the subdivision. Therefore, there are no restrictions on title prohibiting further subdivision of the lots or prohibiting certain types of development. It is considered that the area has little in the way of neighbourhood character and the creation of two smaller lots is unlikely to change this.

It is highly unlikely that the site will be subdivided any further with the owner's intent to construct a single dwelling within each lot. The proposed subdivision supports existing State Planning Policy Framework which encourages lot and dwelling diversity which could also allow for affordable housing for either those looking to downsize or first home owners within the area. The size of the proposed lots is consistent with lots located to the south across Margaret Drive, which contains a mix of single density housing and unit development.

A number of objectors have highlighted safety concerns with the ingress and egress from Margaret Drive and Kiewa Valley Highway. This is an existing scenario that will not be increased by a two (2) lot subdivision and will need to be mitigated between Council and VicRoads both of which are aware of the matter.

The likelihood of increases in traffic, noise pollution and safety of residents is considered minimal as the increase of a two (2) subdivision is unlikely to cause any detrimental impacts to the existing residents of Fiddleback Drive due to the subject site being located at the entry point to the subdivision rather than within the subdivision.

The application is for a subdivision only and does not include a development component and therefore, we cannot assess any future development within the site as this is not part of proposal. Although it is noted that the sites both exceeding 650 sqm are more than capable of accommodating a single dwelling each and associated landscaping. Building site coverage, setbacks and dwelling height is not a planning consideration as the application is for subdivision only.

The Mount Beauty - Tawonga South Structure Plan identifies the western side of the Kiewa Valley Highway as the urban growth area for the township along with encouraging new residential development to occur within existing GRZ areas. By directing development to existing residential areas it helps to offer affordable housing, lot variety and densities where existing infrastructure services are available.

Any drainage concerns have been assessed and will be alleviated by drainage conditions on any future development imposed by Alpine Shire Councils Engineering Department.

The proposal has been assessed against, and meets the requirements of, the Planning Policy Framework, Local Planning Policy Framework, General Residential Zone decision guidelines, Bushfire Management Overlay decision guidelines, Clause 56 – Residential Subdivision standards and decision guidelines.

REFERRALS

Referrals / Notice	Advice / Response / Conditions
Section 55 referrals	Country Fire Authority - No objection, subject to conditions. Ausnet Services - No objection, subject to conditions. North East Water - consented to the application with no conditions.
Internal referrals:	Alpine Shire Engineering Department - No objection, subject to conditions.

PLANNING ASSESSMENT

All applicable policy and decision guidelines can be found in Appendix 8.3.11.b.

Planning Policy Framework

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

- Clause 15.01-5S Subdivision Design aims to ensure design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods
- Lot sizes provide diversity and housing affordability for the Shire's residents.
- The subdivision design ensures the lots will be orientated onto two (2) roads.
- The design and layout is consistent with lots located to the south.
- The proposed subdivision is similar in size with lots size located directly to the east which abut the Kiewa Valley Highway and will also facilitate subdivision of the land in an orderly manner.
- The site has direct access to an existing road network, town water, reticulated sewerage and telecommunications infrastructure.

Local Planning Policy Framework

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

Clause 21.03-1-Townships and villages seeks to direct the majority of urban growth in the Shire to Bright, Porepunkah, Myrtleford and Mount Beauty/Tawonga South and to encourage redevelopment and intensification of existing urban areas.

The proposal is within an existing residential area of Tawonga South.

The proposed lot sizes offer the potential of more affordable housing within an area well serviced for infrastructure.

Clause 21.07-3 -Mount Beauty - Tawonga South seeks to direct residential development on the western side of Kiewa Valley Highway, to ensure residential subdivision and 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.

- The proposed subdivision is similar in size to lots located directly to the east which abut the Kiewa Valley Highway and will also facilitate subdivision of the land in an orderly manner.
- The site is considered to meet the safety requirements associated with the risk of bushfire for the future residents with the site being assessed with a BAL rating of 12.5 and being provided with a 5,000-litre water tank for each.
- The site has direct access to an existing road network, town water, reticulated sewerage and telecommunications infrastructure.

Zoning

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

- The proposal provides for a diversity of housing lot sizes within the area which supports and promotes housing affordability and diversity within the Township of Tawonga South. The proposal is consistent with the purpose of the General Residential Zone which is to provide for residential development on lots which are serviced and provide amenity to services, transport and everyday amenities.
- The proposal is generally in accordance with the purpose of the zone and support is given due to the context and location of the site where the lots will be situated within an area of Tawonga South where utilities, services and facilities are established.
- The site is capable of accommodating the proposed two (2) lot subdivision.
- Lot sizes and density is consistent with lots located to the south of the site.

Bushfire Management Overlay - Schedule 1

The land is covered entirely by the Bushfire Management Overlay - Schedule 1. 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. The application is considered to meet the relevant requirements of the Bushfire Management Overlay.

Particular Provisions

Clause 56 - Residential Subdivision

The application meets the standards of residential subdivision and will be connected to the available utility services, reticulated sewerage and water and allows for lot and density diversity.

General Provisions

Clause 65.01 of the Alpine Planning Scheme provides the general decision guidelines that must be considered before deciding on an application. A detailed assessment of the proposal against the provisions of Clause 65.01 is contained on the planning file – reference no. P.2021.172. The proposal is generally in accordance with the decision guidelines.

CONCLUSION

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

1. The proposal generally meets the relevant provisions of the:
 - a. State and Local Planning Policy Framework;
 - b. General Residential Zone;
 - c. Bushfire Management Overlay - Schedule 1;
 - d. Particular provisions including 56 - Residential Subdivision;
 - e. Decision Guidelines at Clause 65.02.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate
- Manager of Planning and Amenities
- Planning Coordinator
- Planning Officer

APPENDICES

8.3.11.a. Conditions

8.3.11.b. Policy and decision guidelines

APPENDIX 8.3.11.a.**Conditions**

That Council issue a Notice of Decision of land at 2 Fiddleback Drive, Tawonga South VIC 3698, being more particularly described as Lot 1 PS 549573 for the purpose of a Two (2) lot subdivision (SPEAR REF: S181299S) in accordance with the endorsed plans and subject to the following conditions:-

Layout

1. 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.

Agreements for Services

2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunications services to each lot shown on the endorsed plan in accordance with that authority's requirements and relevant legislation at the time.

Easements to be Created

3. All existing and proposed easements and sites for existing or required utility services and roads 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.

Agreements for Services

4. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of the Act.

Services

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

Street Numbering

6. 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.

Alpine Shire Engineering Department Conditions**Drainage Discharge Plan**

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

The information and plan must include:

- a. details of how the works on the land are to be drained and retarded.
- b. connection points for drainage for each lot
- c. underground pipe drains conveying stormwater to the legal point of
- d. discharge for each allotment
- e. a maximum discharge rate from the site is to be determined by computation
- f. to the satisfaction of Council to 37 lit/sec/ha.
- g. the details of the incorporation of water sensitive urban design designed in
- h. accordance either "Urban Stormwater Best Practice Environmental
- i. Management Guidelines" 1999.
- j. maintenance schedules for treatment elements.
- k. 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

8. 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.
9. Before any road/drainage works associated with the subdivision/development start, the following items must be satisfied
 - a. Issue of the certified Plan of Subdivision.
 - b. Approval of the construction plans

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

Construction Management Plan

10. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Alpine Shire Council.
11. 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.

No Mud on Roads

12. 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 Alpine Shire Engineering Department Conditions -

CFA Conditions

13. Bushfire Management Plan endorsed

The Bushfire Management Plan prepared by Fischer Development Solutions, Drawing no. F1125BMP01/01, Revision A, dated 26th August 2021 must be endorsed to form part of the permit, be included as an annexure to the section 173 agreement and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

Section 173 Agreement:

14. 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:
 - 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.
 - Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.
 - State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.

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

- End of CFA Conditions -

AusNet Services Conditions

15. Before the issue of a Statement of Compliance the applicant must meet the following conditions:

- Enter in an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.
- Enter into an agreement with AusNet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.
- Enter into an agreement with AusNet Electricity Services Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AusNet Electricity Services Pty Ltd. Prospective purchasers of lots on this plan should contact this office to determine the availability of a supply of electricity. Financial contributions may be required.

- End of AusNet Services Conditions -

Expiry

16. This permit will expire if:

- a. the plan of subdivision is not certified within two (2) years of the date of this permit; or
- b. the registration of the subdivision is not completed within four (4) years of the certification of the plan of subdivision.

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

APPENDIX 8.3.11.b.

POLICY AND DECISION GUIDELINES

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

State Planning Policy Framework

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

Clause 11.02-1S – Supply of urban land

Clause 13.01-1S - Natural hazards and climate change

Clause 13.02-1S - Bushfire planning

Clause 15.01-5S - Subdivision design

Clause 16 - Housing

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 21.04-4 - Environmental Risks

Clause 21.07-9 – Tawonga South

Clause 22.04-1 - Infrastructure

Zone

The land is zoned General Residential Zone.

Overlays

The land is covered by the Bushfire Management Overlay - Schedule 1.

Particular Provisions

56 - Residential Subdivision.

General Provisions

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

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

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

<i>Date received:</i>	<i>10 June 2021</i>
<i>Statutory days:</i>	<i>173</i>
<i>Planner:</i>	<i>Sam Porter</i>

RECOMMENDATION

That a Notice of Decision to grant an amended planning permit be issued for Buildings and Works for the Construction of a Shed and Creation of an Access to a Road Zone Category 1 and Use and Development of land for an Art and Craft Centre, Plant Nursery and Business Identification Signage in accordance with the conditions outlined in Appendix 8.3.12.a. and the following reasons:

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

PROPOSAL

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

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

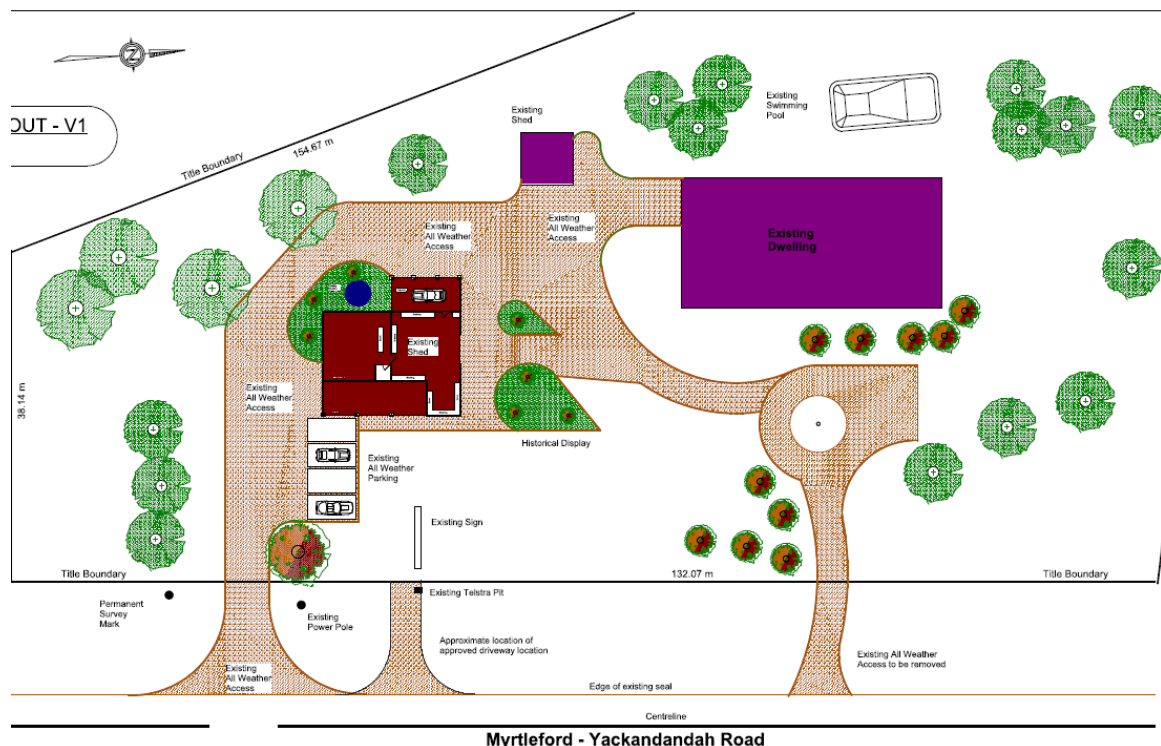
The type of art and craft centre proposed will hand make and sell onsite a variety of timber and steel goods, including but not limited to: equine goods, gates, signs, garden art and picture frames (see Figure 2 for example display).

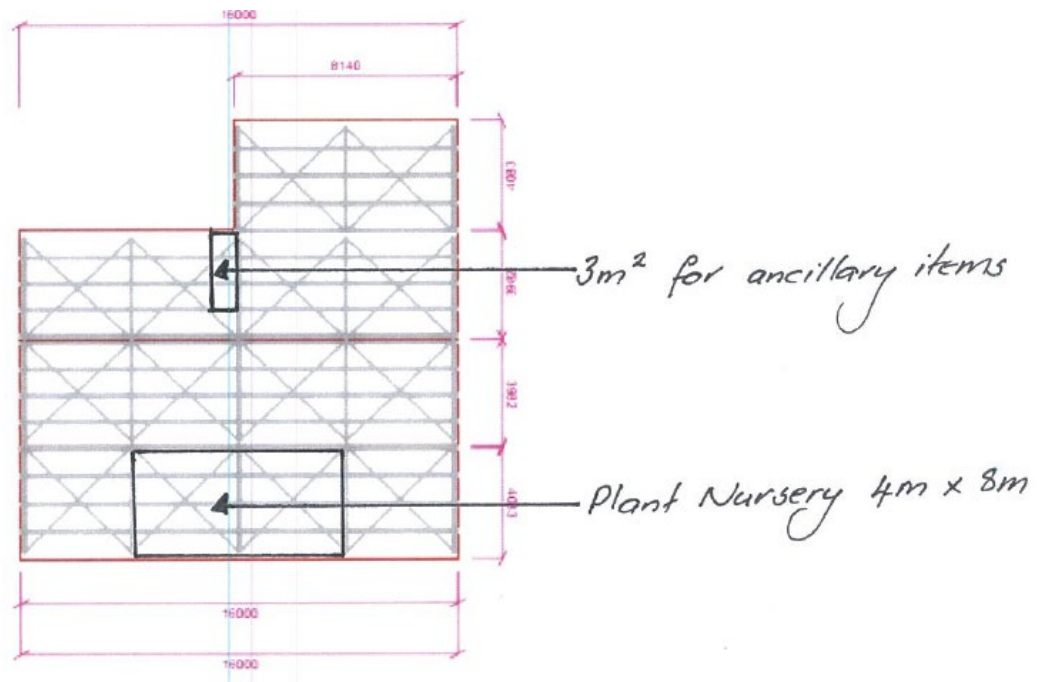
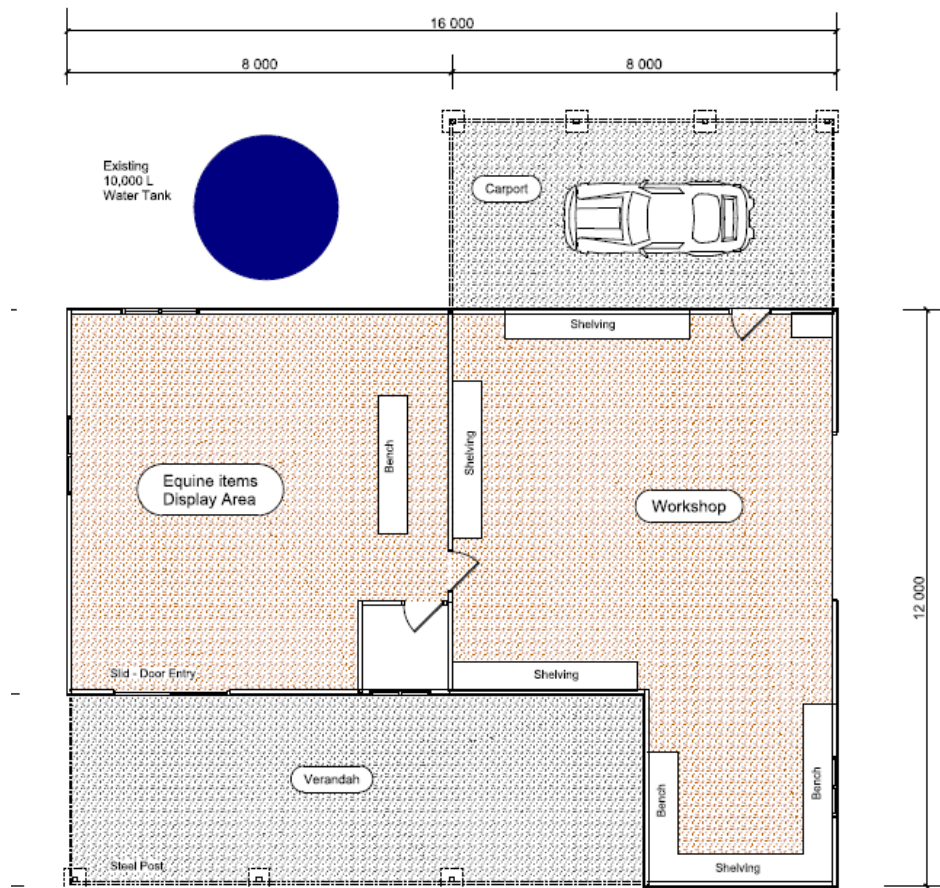
The building use layout is described as a 78 sqm workshop with a 64 sqm display area for the Art and Craft goods produced onsite. Within this area a 3sqm display area is proposed to display ancillary goods not produced onsite.

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

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

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





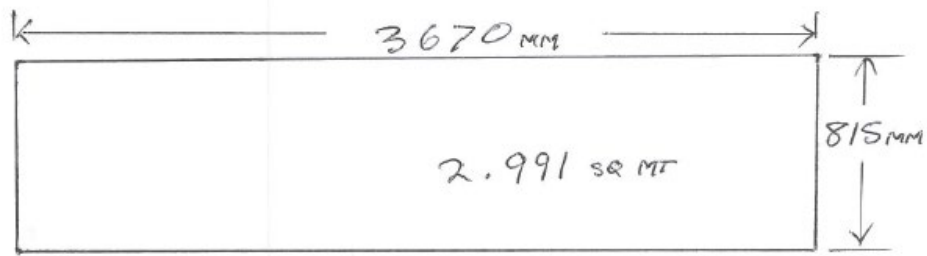


Figure 5: Shows the existing development and proposed use layout and signage.

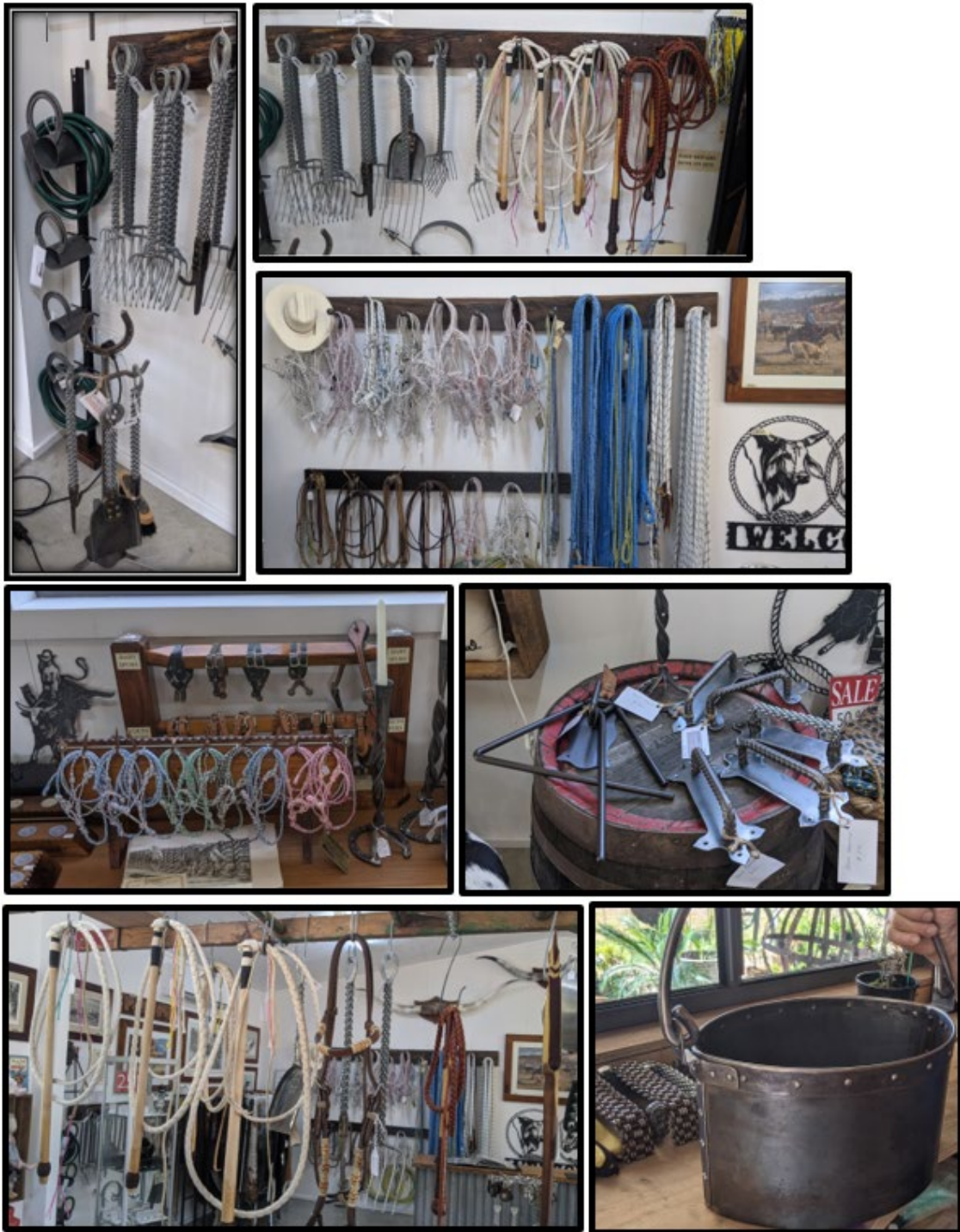


Figure 2: Examples of crafts made onsite.

SUBJECT LAND AND SURROUNDS

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

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

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

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

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



Figure 3: Subject land.

PUBLIC NOTIFICATION

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

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

The assessing officer's response is provided as follows:

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

3. Traffic safety concerns and confusion of entrance to proposed use - The traffic ingress and egress from the Myrtleford-Yackandandah Rd has been taken into account by Regional Road Victoria who have reviewed the proposed use and the intended access location. Conditions imposed by Regional Roads for the construction of the new crossing at the time the shed was approved under the original planning have been deemed satisfactory for the new uses.
4. Illegal signage - Signage was constructed onsite prior to approval been submitted to Council for consideration. The constructed signage exceeded the allowable 3sqm of area in the Farming zone. A revised amended application was received reducing the total area below 3sqm therefore allowing consideration of the sign. Should the approval of sign already constructed not be successful then it will have to be permanently removed from site.

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

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

The assessing officer's response is provided as follows:

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

Whilst an intensification of traffic using the site is expected this has been assessed by Regional Roads who have consented to the proposed use subject to conditions outlined above. Its siting is 130m south of the next crossover that accesses the neighbouring dwelling. This separation is considered acceptable for traffic noise separation. Should a permit be granted the land owner would have an ability to apply to Regional Roads for a tourist directional sign erected offsite on the road reserve. These signs would assist in resolving any access confusion.

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

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

REFERRALS

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

PLANNING ASSESSMENT

All applicable policy and decision guidelines can be found in Appendix 8.2.12.b.

State Planning Policy Framework

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

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

- Encourages the development of a well-designed and sited tourist facility;
- Promotes tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions;

- Creates an innovative tourism experience; and
- Encourages investment that meets demand and supports growth in tourism.

Local Planning Policy Framework

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

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

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

Zoning

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

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

Land Subject to Inundation Overlay - LSIO

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

Particular Provisions

Clause 52.05 - Signage

Each zone in the Alpine Planning Scheme lists sensitivity levels in terms of signage. The Farming zone is listed as Category 4 - Sensitive area. The purposed of the signage control is listed at Clause 52.05-14 which states the purpose is 'to provide for unobtrusive signs in areas requiring strong amenity control'.

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

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

Clause 52.06 - Car Parking

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

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

Clause 52.29 - Land Adjacent to a Road Zone Category 1

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

Bushfire Management Overlay & Clause 53.02 – Bushfire Planning

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

General Provisions

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

proposal against the provisions of Clause 65.01 is contained on the planning file – reference no. P.2019.83. The proposal is generally in accordance with the decision guidelines.

CONCLUSION

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

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

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate - Helen Havercroft
- Manager Planning and Amenity - James Turner
- Planning Coordinator - Sam Porter
-

APPENDICIES

8.3.12.a. Conditions

8.3.12.b. Policy and decision guidelines

Appendix 8.3.12.a.**Conditions****Additional Plans Required**

1. Before the construction of the shed starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. A proposed internal floor layout plan of the shed.

Endorsed Plans

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

Construction

3. The external materials of the building(s) including the roof must be constructed of materials of muted colours to enhance the aesthetic amenity of the area. No materials having a highly reflective surface shall be used. For the purpose of this clause "highly reflective" shall include unpainted aluminium, zinc or similar materials.
4. All roof water from buildings and surface water from paved areas must be collected and conveyed to a drainage easement or to the legal point of discharge so as to prevent stormwater nuisance to adjoining properties.
5. Silt fencing material or straw hay bales (staked and keyed into the ground surface) must be placed at the bottom of the construction area prior to the commencement of construction to prevent storm water runoff entering a drainage line. Batters steeper than 2:1 (horizontal: vertical) must have a layer of straw over the entire batter to retain the topsoil.

Construction Site Storage Area

6. An area for the storage of construction materials must be designated prior to the arrival of equipment and materials onsite. Wherever possible, disturbed areas should be used rather than areas of good quality indigenous vegetation and significant stands of trees. At the completion of construction all excess materials must be removed and the site should be regenerated to the satisfaction of the responsible authority.

Environmental Health Department Conditions

7. Prior to the issuing of a building permit, a plan of the existing onsite wastewater management system and a reserve field of equivalent size to the existing disposal

field must be supplied to Council's Environmental Health Team and is subject to the following:

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

Use Conditions

8. The shed must not be used for human habitation and unless otherwise approved and no more than two waste water producing plumbed fixtures are to be installed.
9. The use hereby permitted shall at all times conform to the definition of an arts and crafts centre as contained in the planning scheme and confined to the production and sale of works of visual art, photography, glass, textiles art, sculpture, silversmith and ceramics which are handmade and not mass produced.
10. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a. transport of materials, goods or commodities to or from the land;
 - b. appearance of any building, works or materials;
 - c. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d. presence of vermin.
11. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
12. Before the use starts, the owner must enter into an Agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 to provide the following:
 - a. The owner acknowledges that the subject land is located in a rural area where there is agricultural activity where there may be adverse amenity impacts from noise, odour, dust, chemicals, light, etc. from time to time.
13. The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement. Evidence of the registration of the section 173 agreement must be provided to the responsible authority prior to the commencement of the use authorised by this permit.
14. The retail component of the art and craft use and nursery must operate only between the hours of 10am to 4pm Tuesday to Sunday.

15. Art and Craft construction/manufacturing works on the site must only occur between the hours of 9 am and 5 pm Monday to Friday (except public holidays).
16. Before the use starts, a noise and amenity plan must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. All activities forming part of the use must comply with the endorsed plan. The plan must include:
 - a. staffing and other measures which are designed to ensure the orderly arrival and departure of customers,
 - b. measures to control noise emissions from the premises leaving the subject land,
 - c. measures to control door bell noise emissions of site, and
 - d. measures to limit heavy vehicle machinery use
17. All ancillary goods that are not manufacture onsite offered for sale within the approved Art and Craft retail display area must be confined to the 3m² area as shown on the endorsed plans.

Garbage Storage

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

Signage Conditions

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

VicRoads Conditions

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

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

Country Fire Authority Conditions

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

NECMA Conditions

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

Expiry Condition

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

- End of Conditions -

Appendix 9.3.12.b.

POLICY AND DECISION GUIDELINES

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

State Planning Policy Framework

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

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

Local Planning Policy Framework

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

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

Zone

The land is zoned Farming Zone.

Overlays

The land is covered by the Bushfire Management Overlay.

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

Particular Provisions

- 52.05 Signage
- 52.06 Car Parking

52.29 Land adjacent to a Road in a Road Zone Category 1

General Provisions

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

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 November 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
9 November	Briefing Session
11 November	Planning Forum
16 November	Briefing Session
23 November	Briefing Session
30 November	Briefing Session

Attachment(s)

- 9.0 Informal meetings of Councillors - November 2021

10. Presentation of reports by delegates

11. General business

12. Motions for which notice has previously been given

13. Reception and reading of petitions

14. Documents for sealing

RECOMMENDATION

That the following documents be signed and sealed.

1. *Contract No CT21087 in favour of Prestige Paving Pty Ltd for the construction of Bus Bay, Bus Shelter and Parking Bays be signed.*
2. *CEO Employment and Remuneration Policy (version 1.0)*
3. *Procurement Policy No. 089, Version 9.*
4. *Fraud and Corruption Policy No.91, Version 3.0.*
5. *Instrument of Delegation Council to CEO dated 14 December.*
6. *Contract No CT2110001 in favour of Joss Facility Management for the Tawonga Caravan Park Design and Construction Stage 1.*
7. *Contract No CT2111301 in favour of Joss Facility Management for the Tawonga Caravan Park for Inground Services and Infrastructure Stage 1.*
8. *Dinner Plan Activation - Snowmaking Infrastructure Design Services CT 21016.*
9. *Section 173 Agreement - Twenty-Second Janwood Pty Ltd and John Elder Fraser and Varenia Pty Limited and John Elder Fraser and Beverley Patricia Fraser Planning Permit 5.2018.166.4 approved a Seven Lot Subdivision at 6 Ashwood Avenue, Bright. Land description Lot 1 LP204651 and Lots 2 & 3 PS543438.*

Condition 10(b) requires the entering a Section 173 Agreement for the purposes of future protect a reserve as a tree protection area. Condition 28 requires a Section 173 Agreement to be entered into for the purposes of exempting future dwellings on the land as required by the provisions of the Bushfire Management Overlay

10. *Section 173 Agreement – Ross Andrew & Wendy Elizabeth Snowball Lot 7 on Plan of Subdivision 316831T Volume 10873 Folio 282. Condition 7 of Planning Permit 2020.91 for the construction of a dwelling at 11 Rebecca Drive, Bright. The Agreement provides for:*
 - a. *The building and associated works constructed which will encroach into the easement on the land, must be constructed and maintained in accordance with the plans approved and endorsed by the responsible authority.*
 - b. *Any variation to the approved and endorsed plans must be made in the form of a written application to the responsible authority for its approval.*
 - c. *The owner will not demolish, re-erect or modify the building and associated works without the consent in writing of the responsible authority.*
 - d. *The owner indemnifies the responsible authority against all action claims, suits and demands arising out of or incidental to the construction and the future presence of the building and associated works within the easement.*
 - e. *The owner will permit the responsible authority, its employees, subcontractors and agents, to enter into and upon the building and associated works and the easement for the purpose of inspecting, maintaining, repairing or constructing any drain or other works of the*

responsible authority now laid or which may be hereafter laid within the easement.

- f. The owner will be solely responsible for all injury, loss or damage which may be occasioned to the building and associated works by reason of, or incidental to, the carrying out of an inspection, construction, maintenance or repair of a drain or other works within the easement.*
- g. Upon written notice, the owner will pay to and reimburse the responsible authority, for any additional costs incurred by the responsible authority for inspecting, constructing, maintaining or repairing a drain or other works within the easement by reason of the building and associated works having been erected over the easement;*
- h. If at any future time the Council, for sound reason, forms the view that the building and associated works, or portion of the building and associated works, must be removed then the owners will be responsible for any costs associated with removal of the building and associated works and for any reinstatement costs.*

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

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Chairperson