

M(2) – 28 FEBRUARY 2023

Ordinary Council Meeting

Minutes

The next **Ordinary Meeting** of the **Alpine Shire Council** was held in the Council Chambers, Great Alpine Road, Bright on **28 February 2023** and commenced at **5:00pm**.

PRESENT

COUNCILLORS

Cr John Forsyth - Mayor

Cr Tony Keeble - Deputy Mayor

Cr Ron Janas

Cr Simon Kelley

Cr Kelli Prime

Cr Sarah Nicholas

Cr Katarina Hughes

OFFICERS

Will Jeremy - Chief Executive Officer

Alan Rees - Director Assets

Helen Havercroft - Director Corporate Performance

APOLOGIES

Nil

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1. Recording and livestreaming of Council meetings

The CEO read the following statement:

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

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

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

The reasoning behind recording council meetings is 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

All to stand, the Mayor the following statement:

Alpine Shire Council acknowledges the Taungurung peoples as the Traditional Owners of the lands on which we are meeting today. Council also acknowledges all of the Traditional Owners of the wider lands of the area known as the Alpine Shire.

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(1) – 31 JANUARY 2023

Cr Keeble

Cr Nicholas

That the minutes of Ordinary Council Meeting M(1) held on 31 January 2023 as circulated be confirmed.

Carried

4. Apologies

Nil

5. Obituaries / congratulations

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

6. Declarations by Councillors of conflict of interest

Cr Tony Keeble declared a conflict of interest with respect to item number 8.2.4 Planning Application P.2022.25 - 7 Nelse Street Mount Beauty.

Cr Sarah Nicholas declared a conflict of interest with respect to item number 8.2.5 Planning Application P.2021.246 - 148 Centenary Avenue, Wandiligong.

7. Public questions

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

Written Questions on Notice will be tabled ahead of questions 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 DIRECTOR ASSETS – ALAN REES

8.1.1 Collaborative Waste Tender

INTRODUCTION

This report relates to Council's participation in the 'Resource Recovery Collective - Hume', a regional collaborative tender for the collection, transportation, processing and disposal of kerbside and transfer station recycling, Food Organics and Garden Organics (FOGO) and residual waste across the municipality.

Cr Nicholas

Cr Keeble

That Council:

1. ***Awards Contract CQ23006 to Cleanaway Pty Ltd for a 7.5 year term, plus one option to extend for a further 7.5 years, for the following services:***
 - i. ***Kerbside collection and transport for recycling (including glass as an optional separate service), FOGO and residual waste.***
 - ii. ***Kerbside commingled recyclables processing***
 - iii. ***Kerbside FOGO processing.***
 - iv. ***Transfer station commingled recyclables bulk haulage and processing.***

The estimated cost for the first full year of these services is \$1,919,646 Ex GST.
2. ***Awards Contract CQ23007 to Veolia Environmental Services (Australia) Pty Ltd for a 7.5 year term, plus one option to extend for a further 7.5 years, for bulk haulage and disposal of kerbside residual waste and bulk bin residual waste at transfer stations. The estimated cost for the first year of this service is \$795,987 Ex GST.***
3. ***Awards Contract CQ23008 to Cleanaway Pty Ltd for the supply and delivery to residences of approximately 6,574 green lidded 240L SULO mobile garbage bins (MGB's) and delivery of kitchen caddies. The estimated one off cost is \$416,792 Ex GST.***
4. ***Delegates authority to Council's Chief Executive Officer to enter negotiations and execute a contract with the preferred tenderers.***

Carried

BACKGROUND

To enhance buying power and achieve best value for money for ratepayers, Council joined the Resource Recovery Collective Hume (RRCH) for the Collaborative Waste and Recycling Services Tender with eleven other councils and Alpine Resort Management Boards (now known as Alpine Resorts Victoria established on 1 October 2022) across the Hume region. The services tendered by Alpine Shire Council included:

- Kerbside collection and transport for recycling, FOGO and residual waste.
- Commingled recycling, glass and FOGO processing.
- Residual waste disposal.
- Residual waste and commingled recycling bulk bin haulage services from transfer stations.
- Supply and delivery of MGB's, delivery of caddies.
- Collection and disposal of public place waste.

A comprehensive project governance structure was put in place to guide, assess and oversee the RRCH which included a Collaborative Procurement Working Group (CPWG) with voting delegates from all participants and a Tender Evaluation Panel consisting of a minimum of two panel members from each participant. The Tender Evaluation Panel has been supported by a Chair, Secretary, observers, and advisors including technical, legal and probity.

The following objectives were set and agreed to by all participants for the project and the tender evaluation criteria and weighting were based on this:

- Encourage regional investment in people, sustainable infrastructure and innovative services.
- Achieve an increase in resource recovery while advancing a circular economy.
- Maintain a strategic focus in procurement and service delivery.
- Embrace innovative waste services models.
- Achieve best outcomes for people and the environment.

The Request for Tender was released on 6 June 2022 via eProcure and closed on 19 September 2022. This was well promoted across local, regional and state media and briefing opportunities were provided for prospective tenderers.

EVALUATION

The extensive tender evaluation process was conducted in accordance with the Tender Evaluation Plan against the evaluation criteria set prior to the release of the tender. Panel members assessed tenders independently and then met on numerous occasions over several months to complete consensus scoring, seek clarifications from tenderers, conduct reference checks and agree on the shortlisting of preferred tenderers.

The evaluation weightings had been agreed prior to tender release and published to the market in the tender invitation and recorded in the Evaluation Plan.

ISSUES

Tender Evaluation Panel Outcome - Waste Services

The separation of the tender into individual services allows for different contractors to be awarded different services. The determination of the recommended tenderer for each service was based on the qualitative and cost score for services as a whole, and for individual services offered separately.

The final outcome of the Hume Region Collaborative Waste Tender Evaluation highlighted Cleanaway as the highest scoring tenderer (combining price and qualitative score) and the most affordable for all services except for residual waste disposal, for which Veolia was the highest scoring tenderer.

The recommendations for award in this Council report are aligned with the outcomes of the Tender Evaluation Panel except for the award of bulk haulage of residual waste from kerbside and transfer stations. During the tender review and post evaluation, Council Officers determined a significant saving and additional safety and compliance benefits from removing small residual waste skips bins from the Mount Beauty Transfer Station and replacing them with bulk haulage skip bins. This translates into an annual saving of around \$50,000 and the opportunity to improve traffic management safety and improve compliance with combustible materials legislation.

The recommendations for award of each service type and associated costs and contract timeframes are detailed below, as such staggered start times will be required for different services within each contract. The contract start date for the kerbside collection of glass is listed as "to be confirmed" as Council has not yet committed to providing a separate kerbside glass collection service; Council is advocating for the option to instead provide drop off points for glass which is the more cost effective option at present. However, the costings shown in figure 3 include kerbside collection of glass should Recycling Victoria mandate provision of this service to ensure Council receives the rate offered by Cleanaway as part of the collaborative procurement process.

Service	Contract Start date	Preferred Tenderer
Kerbside collection and Transport - commingled recyclables and residual waste	1 July 2024	Cleanaway
Kerbside collection and Transport - FOGO	1 July 2023	
Kerbside comingled recyclables processing	1 July 2024	Cleanaway
Kerbside FOGO processing	1 July 2023	Cleanaway
Kerbside glass processing	TBD	Cleanaway
Bulk haulage and processing of commingled recyclables from transfer stations	2 May 2023	Cleanaway
Bulk haulage and disposal of residual waste from transfer stations	2 May 2023	Veolia
Bulk haulage and disposal of kerbside residual waste	29 April 2024	

Service	Contract Start date	Preferred Tenderer
Supply and delivery of SULO MGB's, delivery of kitchen caddies (FOGO mass rollout)	Delivery to residents required before 1 July 2023	Cleanaway

Contract start dates, preferred tenderer and estimated annual costs

All the prices are estimates and made with a number of assumptions including:

- Anticipated tonnages of waste and recycling, including a conservative residual waste tonnage reduction resulting from the introduction of FOGO.
- Anticipated numbers of bulk haulage lifts required from the transfer stations per year from an assumed density of contents.

Tender Evaluation Panel Outcome - Infrastructure

The new FOGO kerbside collection service will require a mass rollout of Mobile Garbage Bins (MGB), kitchen caddies and liner bags to 6,574 residences, businesses and other user groups that opt into the service. Supply and delivery of the MGBs and delivery of kitchen caddies were part of the tender request under kerbside collection submissions. Cleanaway was the only kerbside tenderer who indicated the capacity to complete a mass roll out. The costs associated with this bin infrastructure rollout is \$416,792.

For the procurement of kitchen caddies, SULO has been appointed as a supplier by LGP under a Preferred Supplier Deed through contract NPNN111-3. These will be ordered separately to this contract. The supply and delivery of compostable caddy liner bags will be negotiated with SULO and Cleanaway during contract negotiations to determine the viability of Council offering delivery of an annual supply of caddy liners to residents.

RISKS

There is a risk that the new contract for recycling bulk haulage with Cleanaway cannot be finalised before the 1 May 2023 end date of the existing contract with Veolia. This will require bin changeover. This could be managed by extending the contract with Veolia for 1-2 months if required.

An additional risk is that Cleanaway will charge more for an accelerated bin and kitchen caddy rollout for FOGO Introduction by 1 July 2023, as the contracted notice period for a mass rollout is six (6) months.

POLICY IMPLICATIONS

The design of the regional collaborative tender has considered that there has been significant policy, regulatory and industry change within the waste and resource recovery sector. The project has been informed through careful consideration of these changes to ensure progression towards administering kerbside reform and meeting the targets of the Victorian Government's circular economy policy. It is critical that this can be achieved in a cost effective and compliant way and that the resilience of the sector is enhanced.

Key regulatory and current state changes that have been considered include:

- China National Sword
- Government Intervention
- *Environment Protection Act 2017* (Vic)
- *Circular Economy Act 2021* (Vic)
- *Local Government Act 2020* (Vic)

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

- 3.3 Responsible management of waste

FINANCIAL AND RESOURCE IMPLICATIONS

Two former Waste and Resource Recovery Groups and now Recycling Victoria have provided significant resourcing and financial support towards the management of the collaborative waste tender. This has included funding the costs of specialist probity, legal, technical and procurement resources. At this stage, a financial contribution from participants has not been sought.

Alpine Shire Council's Financial Plan includes projections and assumptions regarding the cost of waste and recycling services. This tender will allow Council to project the cost of these services more accurately over the long term. The ability to leverage significant tonnages from across the region will ensure value for money can be achieved.

Waste Services

Services under these two contracts for recycling, FOGO and residual waste services are estimated to cost \$2,715,633 p.a (excl GST) for the first full year of the contract, comprising of \$1,919,646 award to Cleanaway and \$795,987 award to Veolia. The total cost of Council's current waste service contracts is approximately \$1,889,393 per annum.

The overall costs have increased as a new FOGO kerbside collection service will be added (for a total cost of \$722,455 per annum) and there is potential for a new glass kerbside service to be added if required at an additional cost of \$239,896. However, Council aims to negotiate this service as an optional extra whilst awaiting the Recycling Victoria mandate provision of this service.

Overall based on current market rates, Council is in a better position than it would have been without participation in the collaborative procurement process.

Whilst adding two new kerbside collection services (FOGO and glass) adds an additional \$962,350 and the tonnage rates for the haulage and disposal of transfer station waste have increased, there have been savings to reduce these increases. These savings are as a result of the introduction of FOGO which reduces the amount of waste going to landfill, and processing food waste at an organics facility is significantly cheaper than the cost of landfill disposal.

The 7.5 year contract plus 7.5 will vary annually in cost due to actual waste volume and any increases in the EPA's landfill levy.

Infrastructure

The one off purchase for supply and delivery of FOGO MGB's and delivery of kitchen caddies is required for the implementation of Council's Kerbside FOGO service at a total cost of \$416,792. Additional costs will be incurred for the supply of kitchen caddies and supply and delivery of compostable bin liners as this did not form part of the tender.

CONSULTATION

An early market announcement occurred in March 2022, well prior to the release of the Request for Tender, and there was significant promotion of the opportunity during the tender open period.

Australian Competition and Consumer Commission (ACCC) approval was sought early in the process. This process required consultation with industry and approval was provided late in September 2022 to allow the Participants to collaboratively procure waste and resource recovery services until October 2042.

Alpine Shire Council has committed to introducing a kerbside FOGO service from 1 July 2023. A separate glass service will be introduced via either kerbside collection or drop off points prior to 2030. This tender supports the implementation of these new services.

CONCLUSION

Based on the evaluation criteria, Cleanaway offers the best value for the kerbside collection services, bulk haulage of recycling from transfer stations, and recyclables and FOGO processing. Veolia offers the best value for bulk haulage of residual waste from transfer stations and residual waste disposal. It is recommended that Council enters into contracts with Cleanaway and Veolia for their respective services for a period of 7.5 years with the option to extend for 7.5 years, noting that staggered start dates for each service will be negotiated to ensure a consistent end date across the services.

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 Engineering and Assets
- Sustainability Coordinator

Further, all participants in the Collaborative Procurement Working Group and the Tender Evaluation Panel have signed confidentiality agreements and Conflict of Interest declarations which are reviewed by the project's probity advisors and management plans are in place where required.

ATTACHMENT(S)

- 8.1.1 Resource Recovery Collective – Hume - Tender Evaluation Panel Report – Summary (open meeting)

8.2 DIRECTOR CUSTOMER AND COMMUNITY – HELEN HAVERCROFT

8.2.1 Audit and Risk Committee Meeting Minutes

File Number: 0900.06

INTRODUCTION

The purpose of the report is to present the minutes of the Audit and Risk Committee meeting No.2022/23-3 held on 25 November 2022.

The key items presented to and considered by the Audit and Risk Committee (Committee) at this meeting related to:

- climate change risks and Council's climate action plan
- cyber risks and data protection

Council's regular quarterly reports were also presented to the Committee.

Cr Kelley

Cr Prime

That Council receives and notes the confirmed minutes of the Audit and Risk Committee meeting No.2022/23-03 held on Friday 25 November 2022.

Carried

REPORT

Climate change risks and Council's climate action plan

The Committee received a report on Council's climate emergency declaration and action plan including Council's commitment to mitigating greenhouse gas (GHG) emissions from its operations. Mitigation measures include:

- signing onto the Victorian Energy Collaboration Renewable Power Purchase Agreement (VECO PPA) which ensures all of Council's electricity usage contributes zero GHG emissions
- asset improvements to reduce electricity use including streetlight upgrade to LED and Solar PV on Council buildings
- phase in of Electric Vehicles (EV's) to replace Council's car fleet over the next 10 years.

Further work will be undertaken in the climate adaptation and risk resilience space and a roadmap will be developed for a community climate action plan.

Cyber risks and data protection

The Committee received three reports covering the topics of cyber risks and data protection.

- An API data incident saw contaminated data being pushed to Council's software systems managing rating data which was successfully remediated with no data compromised and no privacy data breach.
- Council is assessing its cyber risks and has researched cyber insurance as a mitigation measure. Council will continue to pursue cyber security and data protection improvements.
- An audit of Council's compliance with the Information Protection Agreement it has with the Department of Transport (VicRoads) for access to vehicle registration data by Council's Local Laws Team found that Council is compliant with the Agreement, and it has agreed to further security improvements that will be implemented in relation to removable devices.

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

The Audit and Risk Committee, being satisfied with the detail provided in its agenda and the officer reports, submits the confirmed minutes of its meeting No.2022/23-3 held on 25 November 2022 to Council 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
- Health, Safety and Risk Officer

ATTACHMENT(S)

- 8.2.1. Minutes (unconfirmed) of Audit and Risk Committee Meeting No.2022/23-03, 25 November 2022

8.2.2 Quarterly Performance Report – Council Plan

File Number: SU600.03

INTRODUCTION

This report provides an update on our performance to 31 December 2022.

Cr Nicholas

Cr Hughes

That the Quarterly Performance Report ending 31 December 2022 be received and noted.

Carried

BACKGROUND

The Council Plan was adopted in October 2021, with the plan having effect from 1 July 2021. The Council Plan lists strategic drivers, strategic objectives, strategies, strategic indicators, major initiatives, guiding legislation, and plans, that collectively provide direction to Council's endeavours during its term.

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

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

HIGHLIGHTS

The Council Plan 2021-2025 is split into five strategic directives, that mirror the Community Vision 2040. Within each of these directives, there are strategic objectives, strategies, and annual actions that provide the means to report on Council's progress against the Council Plan. Council Plan indicators are also included in the report.

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

Strategic Driver 1: For those who live and visit

- Engagement with local community groups continued, with regular community pop-ups at key locations to inform the Land Development Strategy and community budget submissions.
- Council's Reflect Reconciliation Action Plan was endorsed by Reconciliation Australia and scheduled for noting at the January 2023 Council meeting.

Strategic Driver 2: For a thriving economy

- Facilitation of events delivery continued, with additional funds allocated to support events in Dederang, Myrtleford, and Mount Beauty in line with Council's Events Strategy.
- Events Strategy deliverables included a suite of sustainable tourism videos titled "Local Knowledge", a Christmas social media campaign, new "Walks and Trails" and "Cycle" guides, and new Murray to Mountains maps.

Strategic Driver 3: For the bold protection of our future

- The design for five new solar installations on Council buildings was completed, with installation planned for 2023.
- Council has engaged a consultant to commence the Community Climate Action roadmap, which will prioritise the focus areas for the action plan.

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

- An intensive community engagement program for the Land Development Strategy commenced, which included four community reference groups, one technical reference group, multiple landowner meetings, and a community survey which received 232 responses.
- An engagement process for input into the development of a Sports and Recreation Masterplan has commenced, focussing on key sporting and recreation precincts around Bright, Mount Beauty, and Myrtleford.
- Design work and engagement continued with community groups on the future use and design of the Myrtleford Memorial Hall.

Strategic Driver 5: For strong and informed leadership

- Following the launch of Council's MyAlpine online portal, customers are successfully logging requests with Council. By 31 December 2022, 221 tickets had been raised via the portal.
- A review of Council's organisational structure has been completed. A new organisational structure will be implemented on 9 January 2023. The focus of the restructure is to deliver improvements in the following areas:
 - a. provision of a consistent customer experience,
 - b. longer term strategic planning for the future of the Shire, and
 - c. improved organisational alignment to support 1 and 2 above through improved systems and processes.

POLICY IMPLICATIONS

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

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

- 5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

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

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Failure to deliver annual Council Plan commitments	Possible	Moderate	<ul style="list-style-type: none"> • Quarterly reporting ensures that the annual Council Plan commitments are regularly raised as priorities during the year, ensuring that their delivery is prioritised.

CONSULTATION

The Council Plan was established through deliberative engagement with the community and then subject to public exhibition prior to being adopted by Council. Annual actions are detailed in Council's Budget, which is also subject to public exhibition prior to adoption.

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

CONCLUSION

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

DECLARATION OF CONFLICT OF INTEREST

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

- Directors
- Managers
- Governance Officer

ATTACHMENT(S)

8.2.2. Q2 Performance Report – ending 31 December 2022

8.2.3 Budget Report - Quarterly Review

INTRODUCTION

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

Cr Kelley

Cr Keeble

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

Carried

BACKGROUND

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

ISSUES

Council is forecasting a full year surplus of \$7.3m, which is \$1.8m higher than the budgeted surplus of \$5.5m.

A key driver of the increase in the budgeted surplus is the forecast additional grant income (\$3.1m). Employee costs are also forecast to be under budget (\$0.2m). In addition, a above budget forecast of Rate & Charges income (\$0.1m) relates to an increase of Income in Lieu of Rates and supplementary valuations that have offset the previously reported error in the budget for waste management service charges.

These positive variances are offset by the expensing (\$1.1m in Materials & Services expenditure) of the fully funded Bogong High Plains Road Blackspot project, which will occur when the road is handed over to DELWP later in the financial year.

Forecast increased grant income (\$3.1m) relates mainly to:

- Great Valley Trail (\$1.1m)
- unbudgeted Bushfire Recovery income (\$1.0m)
- Council flood support funding (\$0.5m)
- An unbudgeted grant for YACVic Future Proof program (\$0.3m)
- Funding for the Rural Councils Transformation Project (\$0.3m)
- extra funding for Supported Playgroups service delivery (\$0.1m)
- unbudgeted income for the Porepunkah Caravan Park (\$0.2m)
- unbudgeted income for the Tawonga Holiday Park (\$0.1m)

Capacity constraints have led to project officer resources being allocated away from the following projects to higher priority projects – leading to a reduction in expenditure (\$440k).

- Mount Beauty Landfill Rehabilitation
- Tawonga Fisherman’s Walk Public Toilet
- Mount Beauty Airport Bowser Design
- Mount Beauty Depot Concept Design
- Bright Carparking Stage 3

Additionally, the Myrtleford Landfill Rehabilitation has also seen a forecast reduction in expenditure (\$920k) as the EPA approval process is expected to take up to four (4) months, after which a contractor for the works will be appointed.

These expense reductions have been offset by forecast expenditure increases against the following projects:

- Mount Beauty Airport Upgrade (\$630k)
- Tawonga Caravan Park Upgrade (\$100k)
- Alpine View Children's Centre Expansion (\$150k)
- Energy Efficient Street Lighting (\$427k)
- Bakers Gully Road Drainage Renewal (\$130k).
- Outdoor Dining Program (\$122k)

Commensurately due to the above, the workforce capitalisation expenditure is forecasted to drop (\$200k).

Revised budget

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

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

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

As none of these three items is forecast to occur, Council is not required to complete a revised budget for 2022/23.

POLICY IMPLICATIONS

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

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

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

- 5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

Financial performance to date indicates a full year surplus of \$7.3m, which is \$1.8m higher than the budgeted surplus of \$5.5m.

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 31 December 2022 is presented for noting.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Customer and Community
- Manager Corporate
- Accountant

ATTACHMENT(S)

8.2.3 Budget Report - Quarterly Review for the period ending 31 December 2022.

Cr Tony Keeble declared a conflict of interest with respect to item 8.2.4 Planning Application P. 2022.25 - 7 Nelse Street Mount Beauty and left Council Chambers at 5.47pm

8.2.4 Planning Application P.2022.25 - 7 Nelse Street Mount Beauty

Application number:	<i>P.2022.25</i>
Proposal:	<i>Use and development of a Restricted Recreation Facility (Gym)</i>
Applicant's name:	<i>Helen Mathew</i>
Owner's name:	<i>Carlile Bendigo Marketing Pty Ltd</i>
Address:	<i>7 Nelse Street, Mount Beauty (Lot 2 PS 416934A)</i>
Land size:	<i>Approx. 1,500sqm</i>
Current use and development:	<i>Vacant</i>
Site features:	<i>There are no notable site features.</i>
Why is a permit required?	<i>Clause 33.01-1 – Section 2 Use Clause 33.01-4 – Buildings and works Clause 44.06-2 – Building and works</i>
Zoning:	<i>Clause 33.01 – Industrial 1 Zone</i>
Overlays:	<i>Clause 44.06 - Bushfire Management Overlay</i>
Restrictive covenants on the title?	<i>Nil</i>
Date received:	<i>4 March 2022 (amended plans)</i>
Statutory days:	<i>361</i>
Planner:	<i>Planning Consultant</i>

***Cr Prime
Cr Hughes***

That a Notice of Decision to grant a planning permit be issued for the use and development of a Restricted Recreation Facility (Gym) in accordance with the conditions outlined in Appendix 8.2.4.a.

Carried

PROPOSAL

The proposal involves the use and development of the land for a restricted recreation facility, more commonly known as a gym. The gym will provide small group fitness related classes twice a day. The maximum number of staff on site at any given time will be two and the maximum number of patrons on site at any given time will be 25. The proposed hours of operation are as follows:

Monday to Friday: 6am – 12pm and 4pm – 8pm.
Saturday: 8am – 12pm
Sunday: Closed

The proposed building has a floor area of 621sqm and will contain an open floor space with an office, store rooms and amenities. The building has a wall height of 4.5m and a maximum height of 6.8m at the roof pitch. The external walls will be clad in colorbond “paperbark” metal sheet and the roof will be clad in the colorbond “shale grey” metal sheet. There will be feature timber screens to break up the external walls on the north and east elevations. Doorways (roller door and PA door) will be limited to the northern side only and windows of varying sizes will be located on the east, north and south elevations.

Eight car parking spaces are proposed to the north of the building, accessed from an existing crossover to Nelse Street. Five bicycle spaces are proposed as well as new landscaping throughout the site, a screened bin storage area and rainwater tanks.

A site plan, floor plan and elevations are contained within Figure 1 to 3 below.

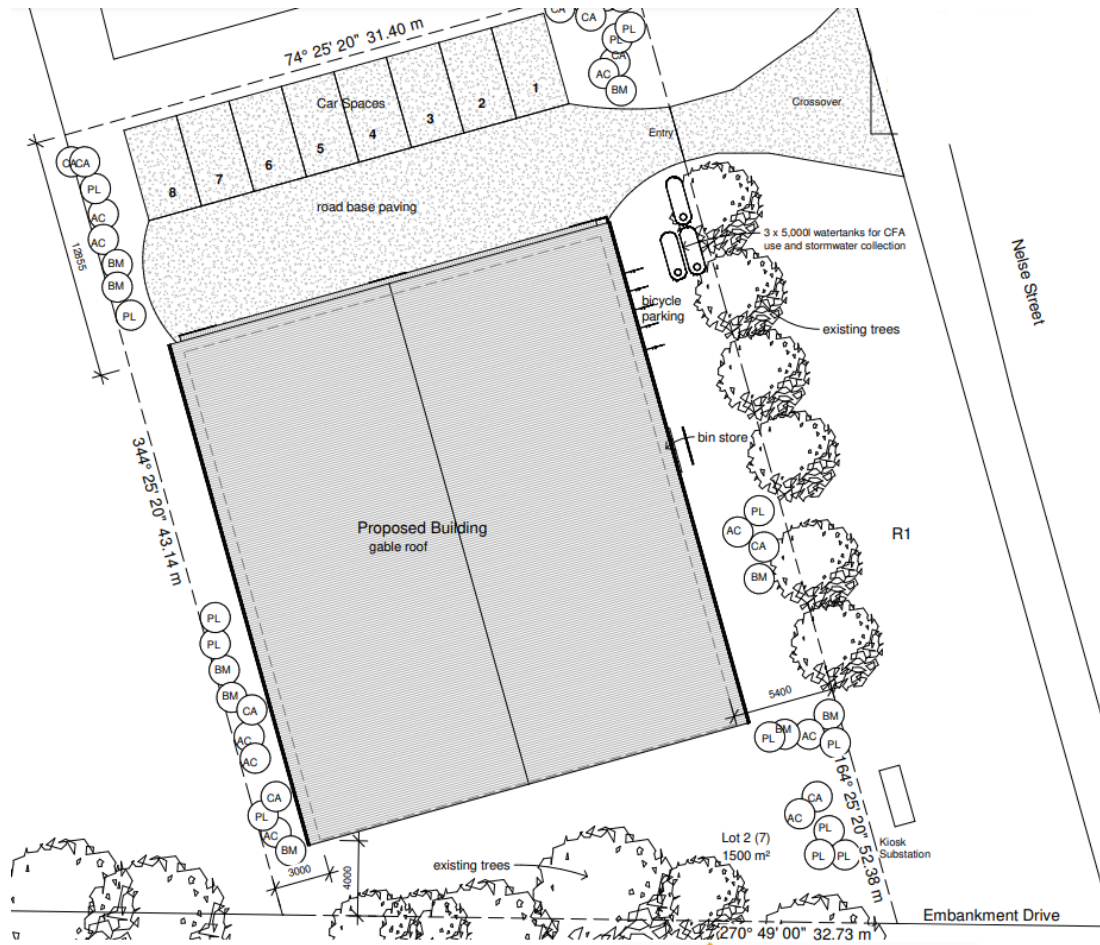


Figure 1: Site Plan

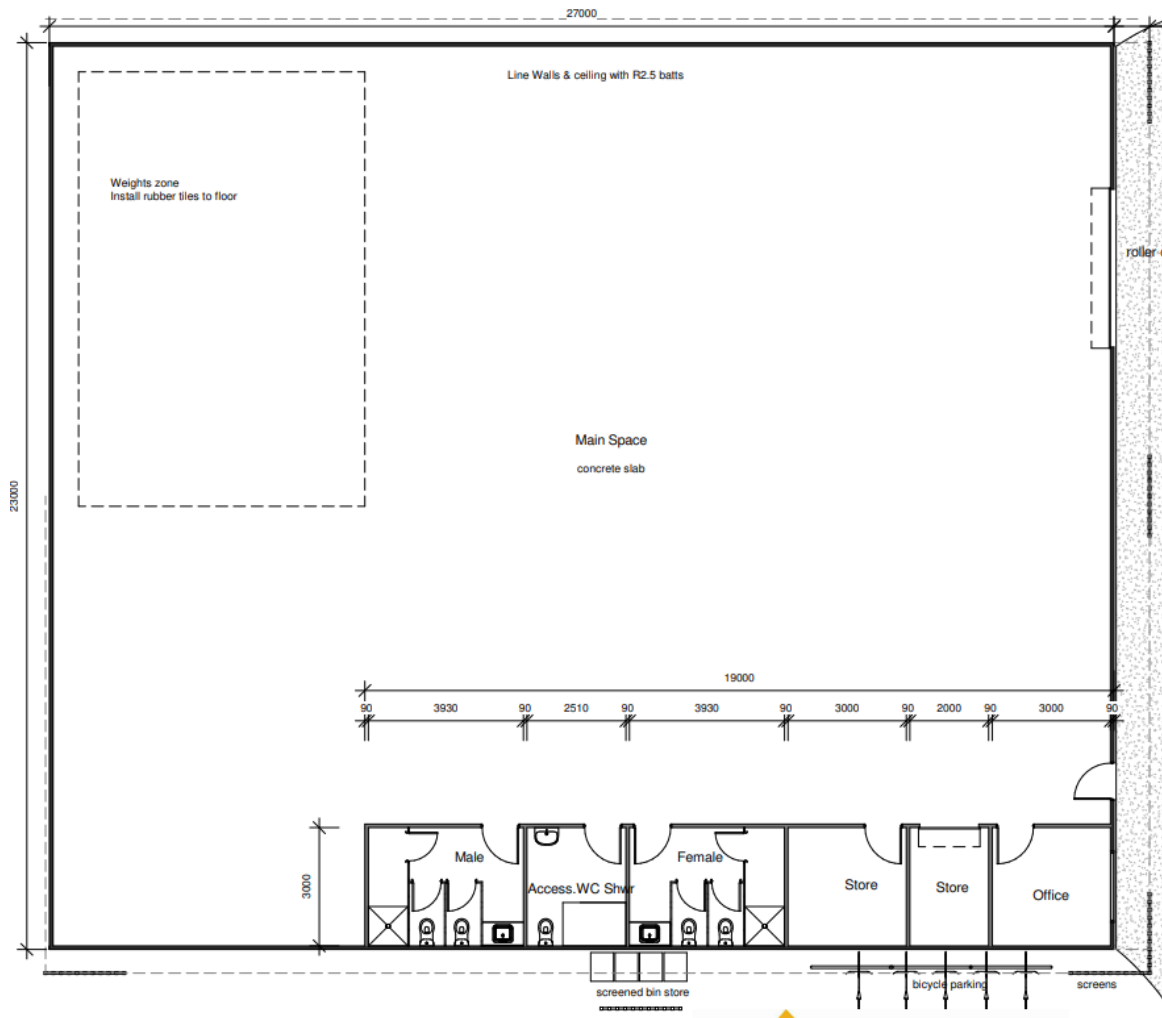


Figure 2: Floor Plan

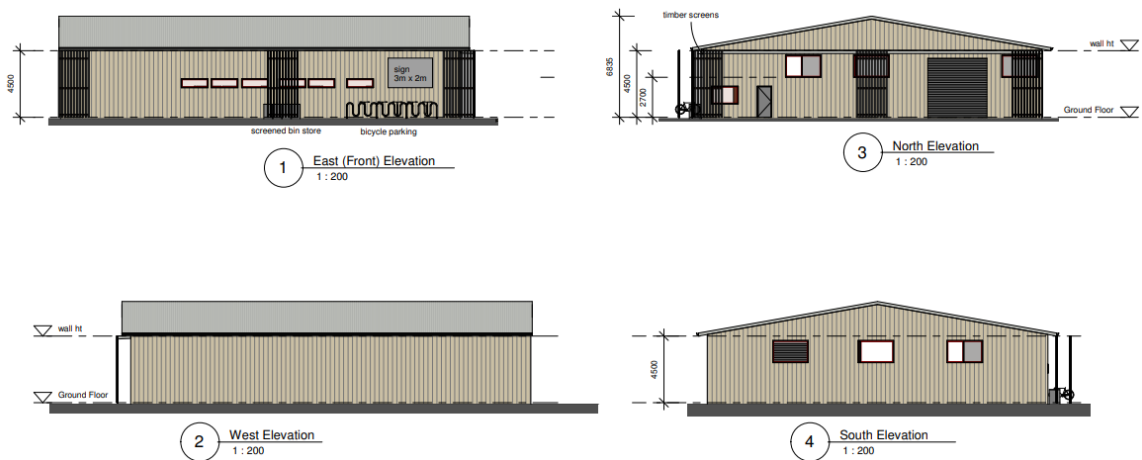


Figure 3: Elevations

SUBJECT LAND AND SURROUNDS

The subject site has an area of 1500 sqm and a frontage of 32.73m to Embankment Drive and 52.38m to Nelse Street. The site is rectangular in shape with a slightly skewed southern boundary. The site has a relatively flat topography and is currently vacant. There is an existing crossover to Nelse Street at the northern end of the frontage and the site has access to all necessary infrastructure and services given that it is within an urban area. There are existing trees and vegetation within the Nelse Street and Embankment Drive road reserves adjacent to the site.

The subject site is situated within an industrial area with a residential interface. The area to the east of the site predominantly contains dwellings within the General Residential Zone and the area to the north and west contains various small scale commercial/industrial uses, the Mount Beauty Airport, North East Water Facilities, Mount Beauty Pondage and recreation opportunities. Recreation areas extend to the south of the site and the Mount Beauty Ambulance Station is adjacent to the site to the south.

The site and surrounding area is highlighted within Figure 4 below.



Figure 4: Aerial image of the subject site

PUBLIC NOTIFICATION

The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987*, by sending notices to the owners and occupiers of adjoining land; and placing a sign on site.

Notification has been carried out correctly and Council has received four objections to date. The objections are summarised in the table below alongside Councils response to the issues raised.

Summary of concerns	Council response
Traffic Congestion and Safety	No issues were raised by the Engineering Department regarding road safety. Some upgrades to the pedestrian/cyclist network were recommended and Conditions will be added to this effect. Nelse Street is in need of upgrading to improve pedestrian and vehicle safety particularly at the junction of Embankment Drive but this falls outside the scope of this application and is a more broad issue.
Noise (music/traffic) and operating hours (too early)	An acoustic report has been provided in which a number of noise mitigating measures were recommended to ensure that the proposed use complies with the EPA 1826.4 Noise Protocol. Conditions will be included on any permit issued to ensure that the Acoustic Report is adhered to at all times. As such, the proposal is not considered to result in unreasonable noise impacts and there is no need to restrict opening hours. For an industrial zone, the proposed use is relatively low impact compared to other industrial uses that could occupy the site.
Location of roller doors	The applicant has amended the proposal so that no doors face residential properties. Conditions will be placed on any permit issued ensuring that the roller door remains shut during classes.
Visual Impact / height / restricted views	<p>It is a longstanding planning principle that there are no legal right to a view, although views do form part of the amenity of a property. In this instance, the site is not covered by a Significant Landscape Overlay or any other planning controls where views are specifically considered and protected.</p> <p>The subject site is a vacant parcel of land zoned for industrial development. The surrounding residents have been fortunate enough to enjoy unrestricted views whilst there have been no prospective developments for the land. The proposed building is not unreasonably tall and is of an appropriate scale for the site. There is existing vegetation along the road reserve that will assist in screening the building from view from adjoining residential properties as well as new landscaping proposed throughout the site. A 3.5m vegetation buffer will be required along the eastern boundary of the site to further assist with screening.</p>

Summary of concerns	Council response
Decreased Property Value	Whilst of a personal concern, property value is not a relevant planning consideration. There is no evidence (such as a property valuation) to suggest that a gym will devalue property.
Insufficient car parking	Class numbers will be restricted by way of condition to no greater than 15 people to assist with reducing the car parking demand.

REFERRALS

Referrals / Notice	Advice / Response / Conditions
Section 55 referrals:	CFA – Conditional consent Note: A referral to GMW was not undertaken as the site is connected to sewer and as a result, the proposal would have little interference with the catchment area.
Internal referrals:	ASC ENG – Conditional consent ASC Arborist – Conditional consent

PLANNING ASSESSMENT

All applicable policy can be found in Appendix 8.2.4.b.

Municipal Planning Strategy and Planning Policy Framework

The relevant Clauses from the Municipal Planning Strategy and Planning Policy Framework are contained within Appendix 8.2.4.b.

The policies of the Municipal Planning Strategy and Planning Policy Framework provide support to the proposal for the following reasons:

- The subject site is situated within the Mount Beauty-Tawonga South settlement boundary and the site does not have any infrastructure or servicing constraints.
- The proposal is located on a site that does not have any significant environmental, heritage or landscape qualities.
- The proposal suitably responds to and reduces bushfire risk and there are no other environmental hazards or constraints.
- The proposal suitably provides for noise attenuation measures to reduce amenity impacts on the surrounding area.
- The design of the proposed building and site layout is typical for an industrial area and is functional. The size of the building is appropriate for the site and allows for access, car parking, waste storage, landscaping, stormwater management and services.

- The proposal is not considered to result in unreasonable traffic and some upgrades to the pedestrian and cyclist network will be required. Upgrading Nelse Street is a more broad Council wide issues that falls outside the scope of this application.
- The height of the building is not unreasonable for an industrial zone and existing and proposed vegetation along the eastern boundary will assist in screening the building from view from residential properties whilst improving the amenity of the public realm.
- Health and wellbeing are becoming one of the most important economic sectors and the proposed gym will assist in supporting the local economy and community wellbeing.
- Whilst a non-industrial land use is proposed, it is considered to be an appropriate use for this site given the residential interface and the proposed gym is likely to have less off-site impacts than an industrial land use. Furthermore, the proposed buildings and site layout can be utilised by a small-scale industrial land use in the future if the opportunity arises.

Industrial 1 Zone

The subject land is situated within the Industrial 1 Zone. The proposal is consistent with the purpose and decision guidelines for the following reasons:

- The proposal supports the Municipal Planning Strategy and the Planning Policy Framework.
- The site has access to all necessary infrastructure and services.
- The land can be appropriately drained.
- No outdoor storage areas are proposed other than a bin storage area which will be suitably screened from view from the public realm and adjoining properties.
- Traffic generated by the proposal is unlikely to exceed the capacity of the public road network. Given the nature of the land use, only standard vehicle traffic is anticipated. It is unlikely that heavy vehicles would access the site on a regular basis. It is considered that the traffic generated by proposal has less off-site impacts than industrial related traffic.
- The proposal provides for the movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport via the existing road network and internal accessway. An existing crossover to Nelse Street will be utilised and some upgrades will be required to the pedestrian and cyclist network adjacent to the site.
- The proposal provides for adequate and appropriately designed car parking (subject to conditions) which will be discussed further below.
- Two floodlights directed to the carparking is proposed. Given the residential interface, a condition will be included on any permit issued to ensure that the light is suitably baffled so as not to cause amenity issues.
- The proposed land use is unlikely to cause detrimental off-site amenity impacts to surrounding residential uses. An acoustic report has been provided in which a number of noise mitigating measures were recommended. Conditions will be included on any permit issued to ensure that the Acoustic Report is always adhered

to. For an industrial zone, it is considered that the proposed use is relatively low impact compared to other industrial uses that could occupy the site. There are existing trees along the boundary with Nelse Street and a 3.5m wide vegetation buffer will be required to further assist in mitigating off-site impacts from the proposed use and development.

- There are no natural or cultural values on or near the land. The site and surrounding area does not have any distinct character due to the mixture of land uses within the surrounding area. As discussed earlier, the design of the proposed building is typical for an industrial area and is unlikely to impact streetscape character. External cladding will be of muted tones and not a highly reflective surface and timber screens have been used to break up elevations visible from the public realm.
- Landscaping is proposed throughout the site which will complement existing road side vegetation and improve the appearance of the site when viewed from the street and adjacent properties. Landscaping consists of various native species which will enhance the environment and assist with cooling, reducing the heat island effect and minimising off-site amenity impacts.

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 and conditional consent was provided. The application is considered to meet the relevant requirements of the Bushfire Management Overlay.

Particular Provisions

Clause 52.06 - Car Parking

Restricted Recreation Facility is not listed within the Table to Clause 52.06-5, as such car parking spaces must be provided to the satisfaction of the Responsible Authority. It was determined that insufficient car parking is provided on site for the proposed 25 patrons and two staff taking into account the limited availability and condition of on-street car parking to cater for any overflow. As a result, a Condition will be included on any permit issued to restrict patron numbers to no more than 15.

Clause 52.34 – Bicycle Facilities

In total, five bicycle spaces are proposed, thus meeting the requirements of Clause 52.34-5 for bicycle facilities. Conditions will be included on any permit issued to ensure that the design of bicycle spaces and bicycle signage meets the requirements of Clauses 52.34-6 and Clauses 52.34-7.

Clause 53.02 - Bushfire Planning

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

Clause 53.18 – Stormwater Management in Urban Development

The applicant provided basic stormwater details on the plans submitted with the application. Councils Engineering Department reviewed the application and did not raise any major issues in terms of stormwater management. Several conditions were recommended relating to the provision of detailed construction and drainage plans for further assessment. These conditions will be included on any permit issued.

General Provisions

Clause 65.01 of the Alpine Planning Scheme provides the general decision guidelines that must be considered before deciding on an application. The proposal can be supported taking into account the relevant decision guidelines of Clause 65.01.

CONCLUSION

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

- The application is consistent with the Alpine Planning Scheme.
- The application is consistent with the objectives of planning in Victoria.
- There are no Covenants or Section 173 Agreements applicable to the land.
- The objectors concerns have been reasonably addressed.

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 Customer and Community
- Planning Coordinator - Planning Consultant

APPENDICIES

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

APPENDIX 8.2.4.A. CONDITIONS

Plans required for endorsement

1. Prior to the endorsement of any plans, amended and additional 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 prepared by Mountain Creek Architecture but modified to show:
 - a. 3.5m wide vegetation buffer along the east boundary of the lot. The vegetation buffer must consist of two rows of trees with at least one row of vegetation having a mature tree height not less than 3m.
 - b. Bushfire Management Plan as a result of Condition 30.

Any alterations as a result of Condition 11, 17, 19 and 23.

Endorsed Plans

2. The use and development 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.

Implementation of acoustic measures

3. Prior to the commencement of the use, all acoustic recommendations in the endorsed acoustic report by Waveform Acoustics (dated 30.05.2022) must be incorporated and adhered to at all times to the satisfaction of the Responsible Authority.
4. Roller doors and windows must not be opened between the hours of 6:00am and 7:00am.

Mandatory Bushfire Management Overlay Condition

5. 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.

Completion and maintenance of landscaping

6. Within 3 months of the commencement of the use authorised by this permit or within the next planting season, whichever is the earlier; the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
7. The landscaping must thereafter be maintained to the satisfaction of The Responsible Authority, including that any dead, diseased or damaged plants are to be replaced within 3 months or within the next planting season.

Bicycle racks

8. Prior to the commencement of the use, the bicycle spaces indicated on the endorsed plans must be installed in accordance with Clause 52.34-6 of the Bass Coast Planning Scheme, to the satisfaction of the responsible authority.

Hours of operation

9. The use hereby approved must operate only between the hours of:
 - a. Monday to Friday: 6am – 12pm and 4pm – 8pm.
 - b. Saturday: 8am – 12pm
 - c. Sunday: Closed

unless with the prior written consent of the Responsible Authority.

Maximum number of staff

10. Not more than two staff, are permitted on the premises at any one time without the prior written consent of the responsible authority.

Maximum number of patrons

11. No more than 15 patrons are permitted in any class on the premises at any one time without the prior written consent of the responsible authority.
12. No more than 25 patrons are permitted on the premises at any one time without the prior written consent of the responsible authority.

General Amenity Provision

13. 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; and
 - d. presence of vermin.

Control of Light Spill

14. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land, to the satisfaction of the Responsible Authority.

Storage

15. No goods, equipment or materials may be stored outside of the building, unless allowed for on the endorsed plan.

Rubbish bins

16. All bins and receptacles must be stored within the dedicated waste storage area as shown on the endorsed plans and screened from view to the satisfaction of the Responsible Authority.
17. All bins and receptacles must be maintained in a clean and tidy condition and free from offensive odour to the satisfaction of the Responsible Authority.

Tree Protection

18. Prior to commencement of construction, a tree protection fence must be erected around any existing trees within 15m of any buildings and works trees at a radius of 12 times the radius of the tree from the base of the trunk(s) /dripline of the existing trees to define a 'Tree Protection zone'. The fence must be constructed of (specify star pickets and chain mesh or similar) to the satisfaction of the relevant authority. The tree protection fence must remain in place until construction is completed. The ground surface of the Tree Protection Zone must be covered by a 100mm deep layer of mulch before the development starts and be watered regularly to the satisfaction of the Alpine Shire Council.

Alpine Shire Council Engineering Team Conditions**Drainage**

19. Prior to commencement of construction, detailed construction plans must be submitted to and approved by the Alpine Shire Council. Construction detail shall be generally in accordance with Council's Infrastructure Design Manual (www.designmanual.com.au). When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions, and shall include proposed construction detail, further information or modifications to:
 - a. Underground drainage system, with supporting computations
 - b. Vehicular crossings
 - c. Shared pedestrian/bicycle paths, showing linkage of the development to the existing footpath network
 - d. Access showing access from Embankment Drive and egress from Nelse Street.
 - e. Parking
 - f. Stormwater retention and quality treatments
20. Prior to commencement of construction, the owner or developer must submit to the Alpine Shire Council a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb and channel, footpath, seal, streetlights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay

for any damage caused to Alpine Shire Council's assets/public infrastructure caused as a result of the development or use permitted by this permit.

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

The information and plan must include:

- a. details of how the works on the land are to be drained and retarded.
 - b. underground pipe drains conveying stormwater to the legal point of discharge
 - c. a maximum discharge rate from the site is to be determined by computation to the satisfaction of Council to pre-development flow
 - d. Incorporation of water sensitive urban design in accordance with Clause 20 of the Infrastructure Design Manual, 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; or as otherwise approved in writing by the Responsible Authority.
22. Prior to commencement of use, all works constructed or carried out must be in accordance with those plans - to the satisfaction of Alpine Shire Council.
23. Prior to commencement of use, all stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge by underground pipe to the satisfaction of the Alpine Shire Council. No effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system. The legal point of discharge for this site is drainage system in Nelse Street. All roof water from buildings and surface water from paved areas must be collected and discharged to the LPOD to avoid any nuisance discharge to adjacent land.

Vehicle Crossings

24. Prior to commencement of use, vehicular crossings shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the Alpine Shire Council, and shall comply with the following:

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.

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;

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.

Car Parking

25. Prior to commencement of construction, detailed layout plans demonstrating compliance with AustRoads Publication 'Guide to Traffic Engineering Practice : Part 11 Parking' and to the satisfaction of the relevant authority must be submitted to and approved by the Alpine Shire Council. The plans must be drawn to scale with dimensions.
26. Prior to commencement of use, no fewer than 8 parking spaces must be provided on the land for the use and development. All parking spaces must be provided inside the lot.
27. Prior to commencement of use, the area(s) set aside for parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a. Surfaced with an appropriate bituminous surface (asphalt or spray seal) applied over an appropriate standard crushed rock pavement. Details of bituminous surface and pavement construction detail must be submitted and approved by the Alpine Shire Council prior to work commencing
 - b. drained in accordance with an approved drainage plan;
 - c. line-marked to indicate each car space and all access lanes;
 - d. properly illuminated with lighting designed, baffled and located to the satisfaction of the Alpine Shire Council to prevent any adverse effect on adjoining land;
 - e. measures taken to prevent damage to fences or landscaped areas of adjoining properties and to prevent direct vehicle access to an adjoining road other than by a vehicle crossing;
 - f. Provision of signage directing drivers to the area(s) set aside for car parking. Such signs are to be located and maintained to the satisfaction of the Alpine Shire Council. This sign must not exceed 0.3 square metres.
28. Prior to commencement of use, notice should be provided in a clear and legible format, directing employer & employee vehicles to be parked in the nominated car spaces at all times.
29. All car parking spaces must be designed to allow vehicles to drive forwards when entering and leaving the property. A turning template is to be shown on the approved drawing which clearly indicates a B85 vehicle is capable of achieving the required movements.

Construction Phase

30. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Alpine Shire Council. Issues such as mud on roads, dust generation and erosion and sediment control will be managed,

on site, during the construction phase. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise.

31. 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.

Country Fire Authority Conditions

32. Before the development starts, a Bushfire Management Plan must be submitted to and endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority. The plan must show the following bushfire protection:

a. Defendable space

Defendable space to the property boundary must be provided where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:

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

b. Construction standards

- i. The building must be constructed to a minimum Bushfire Attack Level of (BAL-12.5).

c. Water supply

- i. 10,000 litres of effective water supply for fire fighting purposes must be provided which meets the following requirements:
- ii. Is stored in an above ground water tank constructed of concrete or metal.
- iii. All fixed above-ground water pipes and fittings required for firefighting purposes must be made of corrosive resistant metal.
- iv. Include a separate outlet for occupant use.

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

d. Access

Access for firefighting purposes must be provided which meets the following requirements:

- x. Curves must have a minimum inner radius of 10m.
- xi. The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.
- xii. Have a minimum trafficable width of 3.5m of all-weather construction.
- xiii. Be clear of encroachments for at least 0.5m on each side and 4m above the accessway.
- xiv. Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

Expiry

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

- a. The development is not started within two (2) years of the date of this permit;
- b. The development is not completed within four (4) years of the date of this permit;
- c. The use is not started within two (2) years after the completion of the development; or
- d. The use is discontinued for a period of two (2) or more years.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the Planning and Environment Act 1987.

- End of Conditions -

Planning Notes:

1. 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.
2. A road opening/crossing permit must be obtained from the Alpine Shire Council prior to working in or occupying the road reserve with construction equipment or materials. Applications may be accessed via the following link [Work on Council land permit](#), or from the Alpine Shire Council website.

8.2.4.b. POLICY AND DECISION GUIDELINES

Municipal Planning Strategy and Planning Policy Framework

Clause 02.03-1 & Clause 11.01-1L-01 – Settlement
Clause 11.01-1L-04 – Mount Beauty – Tawonga South

Clause 02.03-3 - Environmental Risks and Amenity
Clause 13.02-1S & Clause 13.02-1L - Bushfire Planning
Clause 13.05-1S – Noise Management
Clause 13.07-1S – Land Use Compatibility

Clause 02.03-5 – Built Environment and Heritage
Clause 15.01-1S & Clause 15.01-1L-01 – Urban Design
Clause 15.01-1L-03 – Design for Industrial Development
Clause 15.01-2S – Building Design
Clause 15.01-5S - Neighbourhood Character

Clause 02.03-7 – Economic Development
Clause 17.01-1S & Clause 17.01-1L – Diversified Economy
Clause 17.03-1S – Industrial Land Supply
Clause 17.03-2L – Sustainable Industry

Clause 02.03-9 – Infrastructure
Clause 19.03-3S & Clause 19.03-3L – Integrated Water Management

Zone

Clause 33.01 – Industrial 1 Zone

Overlays

Clause 44.06 – Bushfire Management Overlay

Particular Provisions

Clause 52.06 Car Parking
Clause 52.34 – Bicycle Facilities
Clause 53.02 – Bushfire Planning
Clause 53.18 – Stormwater Management in Urban Development

General Provisions

Clause 65.01 - Approval of an Application or Plan

Cr Tony Keeble re-entered Council Chambers at 5.56pm

Cr Sarah Nicholas declared a conflict of interest with respect to item 8.2.5 Planning Application P.2021.246 - 148 Centenary Avenue, Wandiligong and left Council Chambers at 5.55pm.

8.2.5 Planning Application P.2021.246 - 148 Centenary Avenue, Wandiligong

Application number:	<i>P.2021.246</i>
Proposal:	<i>Use and development of group accommodation</i>
Applicant's name:	<i>Nick Vlahandreas</i>
Owner's name:	<i>Peter Smith</i>
Address:	<i>148 Centenary Avenue, Wandiligong (Lot 21 PS 338520N)</i>
Land size:	<i>Approx. 2.177ha</i>
Current use and development:	<i>Dwelling and rural store</i>
Site features:	<i>The site is an irregular shaped allotment with frontage to both Centenary Avenue and Jagoes Gully Road. The site contains an existing dwelling and rural store with existing vehicular access to Centenary Road.</i>
Why is a permit required?	<i>Clause 35.07-1 – Section 2 Use Clause 35.07-4 – Buildings and works Clause 42.03-2 – Buildings and works Clause 43.01-1 – Buildings and works Clause 44.06-2 – Building and works</i>
Zoning:	<i>Clause 35.07 - Farming Zone</i>
Overlays:	<i>Clause 42.03 – Significant Landscape Overlay (Schedule 3) Clause 43.01 – Heritage Overlay (HO83) Clause 44.06 - Bushfire Management Overlay</i>
Restrictive covenants on the title?	<i>Nil</i>
Date received:	<i>18 March 2022 (Amended)</i>
Statutory days:	<i>346</i>
Planner:	<i>Planning Consultant</i>

***Cr Janas
Cr Prime***

That a Notice of Decision to grant a planning permit be issued for the use and development of group accommodation in accordance with the conditions outlined in Appendix 8.2.5a. of this report.

Carried

Cr Kelley called for a division. A vote was taken.

In favour: Cr Hughes, Janas, Prime, Keeble, Forsyth

Against: Cr Kelley

The motion was passed.

PROPOSAL

The proposal involves the use and development of the land for group accommodation to accommodate persons away from their usual place of residence. Two accommodation buildings are proposed 10m from the boundary with Centenary Avenue. The buildings have an identical floor plan and contain two bedrooms, an open plan kitchen, dining and lounge area, ensuite and bathroom. Laundry facilities will be located within a cupboard and a separate building is proposed to accommodate one car parking space for each building, storage rooms, a cleaners room and services.

The buildings are single storey with a wrap around verandah and pitched roofs. The buildings are of a traditional design with weatherboard wall cladding and corrugated colorbond roofing.

A site plan, floor plan and elevations are contained within Figure 1 to 3 below.

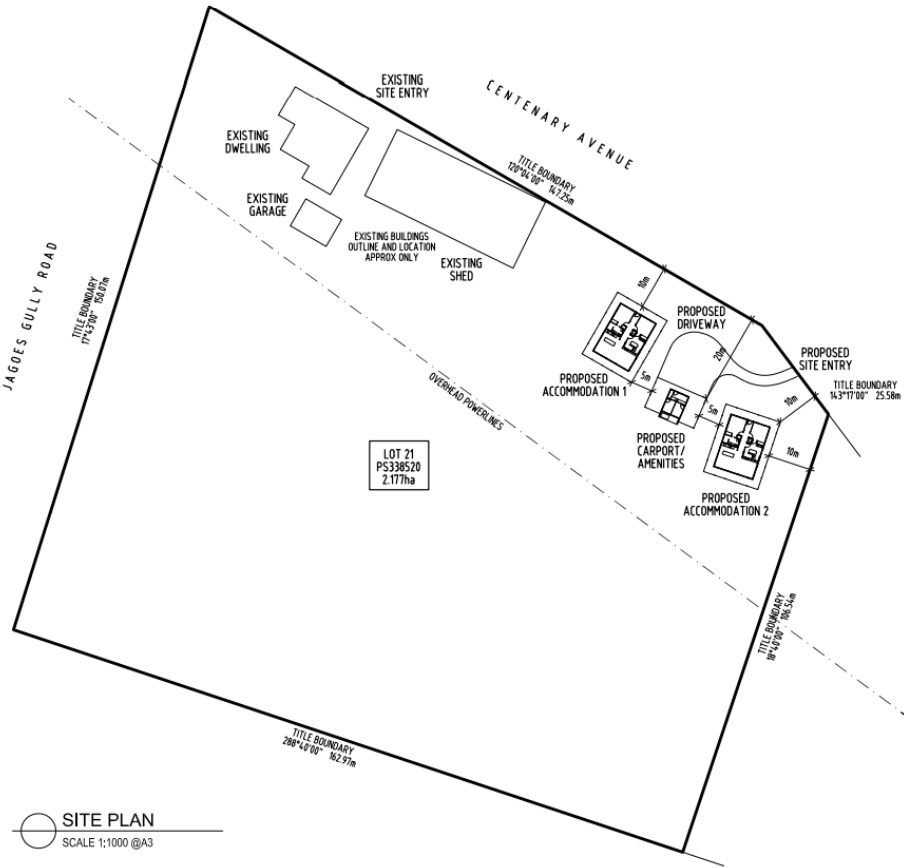


Figure 1: Site Plan

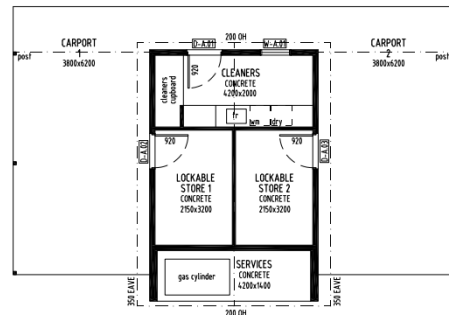
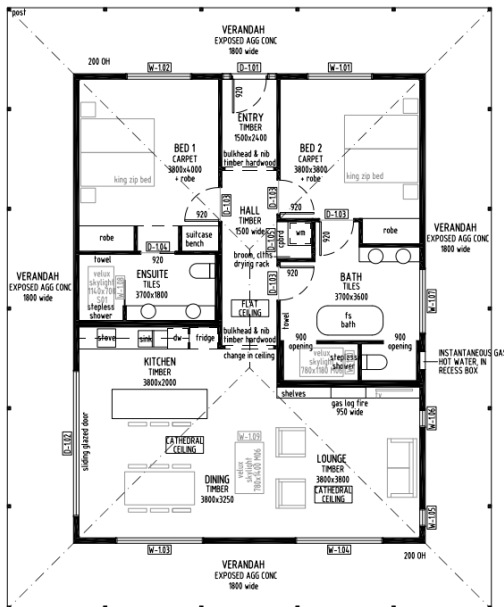


Figure 2: Floor Plan

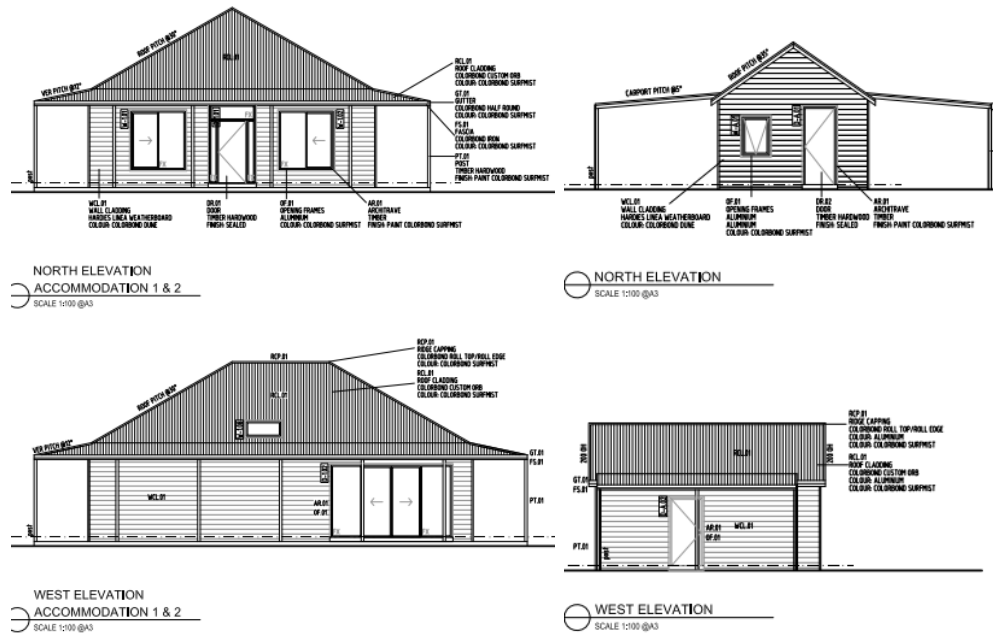


Figure 3: Elevations

SUBJECT LAND AND SURROUNDS

The subject site has an area of 2.177 hectares and a frontage of 172.83m to Centenary Avenue. The site also abuts Jagoes Gully Road to the west. The site is irregular in shape and has minimal fall towards the southern boundary. The site currently contains a single storey dwelling and rural store used to store other producers’ goods. The existing dwelling and cool store are located in the northern corner of the site, with the rural store being located on the front boundary. The remainder of the site is predominantly vacant and cleared land, with a small horse agistment in the western portion of the site. Existing access to the site is from Centenary Avenue. Electricity infrastructure is available to the site, however, public stormwater and sewerage infrastructure is not. It is unclear whether potable water supply infrastructure is available.

The surrounding area predominantly contains rural dwellings on lots varying in size from 3,242sqm to 5.2 hectares. No meaningful agriculture is being undertaken on lots abutting the site and the surrounding area is considered to be more akin to a rural living or low density residential zone rather than a farming zone. The existing pattern of subdivision is relatively inconsistent and fragmented. The nearest productive agricultural holding is situated approximately 260m to the south of the site.

The site and surrounding area is highlighted within Figure 4 below.



Figure 4: Aerial image of the subject site

PUBLIC NOTIFICATION

The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987*, by sending notices to the owners and occupiers of adjoining land; and placing a sign on site.

Notification has been carried out correctly and Council has received nine objections. The objections are summarised in the table below alongside Councils response to the issues raised.

Summary of concerns	Council response
Inappropriate use in Farming Zone / does not support agriculture	The site is within an area more akin to a Rural Living Zone and it has been identified within the Alpine Rural Land Strategy that re-zoning should be investigated as land along Centenary Avenue is fragmented and not suitable for agriculture. This view was supported by VCAT in <i>Niazi v Alpine SC</i> [2019] VCAT 1759 (25 November 2019). Given the presence of walking/mountain biking trails, the proposed use is considered to be an appropriate alternative use within the Farming Zone.
Incorrect claims within applicant submission	Whilst the applicants submission will be taken into account in the assessment of the application, Councils decision is based on the Planning Scheme, any Incorporated Documents/Strategic Documents and any relevant VCAT decisions.
Proliferation of dwellings / urbanisation of the valley	The site is within an area where proliferation of dwellings has already occurred. Given the small lot sizes within the surrounding area, it is likely that most new dwellings/non-agricultural land uses within the Farming Zone will require a planning permit and will each be individually assessed on their merits.
No need for additional tourist accommodation	There are local policies within the Planning Scheme that identify a need for additional tourist accommodation within the Shire. The Rural Land Use Strategy identifies that there is an opportunity to expand nature based tourism, creating synergies with agri-tourism in Centenary Avenue, an area that is fragmented from agriculture.
Unacceptable precedent for future inappropriate development	Approval of a permit does not ultimately lead to setting a precedent. Each permit application has its own site-specific considerations, facts and merits.
Lack of cultural document	A Cultural Heritage Management Plan is not required under the Aboriginal Heritage Regulations 2008 as Group Accommodation is not a high impact activity.

Summary of concerns	Council response
Loss of rural setting and amenity/character enjoyed by residents	The two accommodation buildings have been designed sensitively taking into account the character of the surrounding area. They are detached buildings and of a small scale so as to complement the rural aesthetic of the surrounding area. Councils Heritage advisor reviewed the proposal and states that the buildings are designed in a manner that is responsive to the character of the HO83 Heritage Overlay.
Burden on infrastructure	No issues were raised by the Engineering Department in terms of the capability of the road network to accommodate the minor increase in traffic as a result of the proposal. Further, stormwater and wastewater can be managed effectively on-site. Rainwater tanks will be used for potable water supply which is a sustainable approach.
Impact on native animals	The subject site is not located within an Environmental Significance Overlay and given that a majority of the site is cleared land, it is considered to hold little importance in terms of habitat for native animals.
Increased traffic, waste, dust from roads etc	Two small accommodation buildings are unlikely to notably increase traffic, dust and waste. It is anticipated that only domestic vehicles will travel to the buildings which are unlikely to degrade roads and create unnecessary dust.

REFERRALS

Referrals / Notice	Advice / Response / Conditions
Section 55 referrals:	CFA – Conditional consent GMW – Conditional consent
Internal referrals:	ASC ENG – Conditional consent ASC Heritage Advisor – Consent, no conditions ASC Environmental Health – Conditional consent

PLANNING ASSESSMENT

All applicable policy can be found in Appendix 8.2.5.b.

Municipal Planning Strategy and Planning Policy Framework

The following Clauses from the Municipal Planning Strategy and Planning Policy Framework are relevant to the assessment of the application.

Clause 02.03-1 Settlement

Clause 02.03-3 Environmental risks and amenity

Clause 02.03-4 – Natural Resource Management

Clause 02.03-5 – Built Environment and Heritage

Clause 11.01-1L-01 Settlement

Clause 11.01-1L-08 Wandiligong

Clause 12.05-2L Landscapes

Clause 13.02-1S & 13.02-1L Bushfire Planning

Clause 14.01-1S & 14.01-1L Protection of agricultural land

Clause 14.01-2S & Clause 14.01-2L - Sustainable agricultural land use

Clause 15.01-6S Design for rural areas

Clause 15.03-1S Heritage conservation

Clause 17.04-1L Tourism

Clause 19.03-3L Integrated water management

The above policies provide support to the proposal for the following reasons:

- The site is not considered to be suitable for farming use given the fragmented subdivision pattern, existence of rural living properties and the proximity to the town centre. As such, the proposal is not seen to be removing productive agricultural land nor impacting the local agricultural industry.
- The proposal has suitably responded to the risk of bushfire.
- The buildings are considered to blend well with the surrounding environment and will not be a visually dominant element in the landscape.
- The buildings will not impede any views of the natural scenery and landscape features including ridgelines, hill tops and waterways.
- The buildings have been designed in a manner that is responsive to the character of HO83 (Wandiligong).
- The site is capable of accommodating the proposed development taking into account access and infrastructure servicing. Wastewater and stormwater are able to be managed on-site.
- Tourism is a key economic driver of the region and the proposed development will support this industry by providing tourist accommodation which is in high demand, as identified within the Alpine Rural Land Strategy.
- A detail assessment against the provisions of the Municipal Planning Strategy and Planning Policy Framework can be found in Appendix 8.2.5.b.

Farming Zone

The subject land is situated within the Farming Zone. The purpose and decision guidelines of the Farming Zone focus strongly on protecting productive agricultural land

and promoting agricultural production. Generally, land uses and development other than those associated with agricultural production are discouraged unless a site is not capable of accommodating any meaningful form of agricultural production.

After reviewing the Alpine Rural Land Strategy and the VCAT case *Niazi v Alpine SC* [2019] VCAT 1759 (25 November 2019), it has been determined that the subject site is not suitable for a farming land use. The site is surrounded by rural dwellings and at just over 2 hectares, it is relatively small to accommodate any meaningful form of agricultural land use. As a result, departure from the provisions of the Farming Zone encouraging agricultural land use is warranted in this instance.

The proposal is consistent with the purpose and decision guidelines for the following reasons:

- The development is not removing land for agricultural production as the site has been identified within the Rural Land Strategy and VCAT case *Niazi v Alpine SC* [2019] VCAT 1759 (25 November 2019) as not suitable for farming and re-zoning should be investigated.
- The development is compatible with surrounding land uses, being rural/residential in nature.
- The development will not impact the continued operation and expansion of existing agricultural uses given that the site is surrounded by rural residential land uses.
- The development will not result in proliferation of dwellings as the site is within an area where proliferation of dwellings has already occurred. Given the small lot sizes within the surrounding area, it is likely that most new dwellings within the Farming Zone will require a planning permit and will each be individually assessed on their merits.
- The development can be adequately serviced, with wastewater and stormwater able to be managed on-site. Adequate all weather access from Centenary Avenue can be achieved.

Significant Landscape Overlay

The site is situated within the Significant Landscape Overlay (Schedule 3- Wandiligong Valley) which seeks to identify, conserve and enhance the character of significant landscapes. The proposal results in a relatively modest built form outcome that complements existing development within the surrounding area and doesn't not impact any significant views or vistas. As such, the proposal is considered to have minimal impact on the landscape of the Wandiligong Valley and is acceptable in light of the considerations of the Significant Landscape Overlay.

Heritage Overlay

The site is situated within the Heritage Overlay (HO83 – Wandiligong). The Heritage Overlay seeks to conserve and enhance heritage places and ensure that development does not adversely affect the significance of a heritage place. Councils' heritage advisor has reviewed the application and stated that the buildings have been designed in a manner the is responsive to the character of HO83 (Wandiligong). The proposal is

considered to be acceptable taking into account the decision guidelines of the Heritage Overlay.

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 and conditional consent was provided. The application is considered to meet the relevant requirements of the Bushfire Management Overlay.

Particular Provisions

Clause 52.06 - Car Parking

Group accommodation is not listed within the Table to Clause 52.06-5, as such car parking spaces must be provided to the satisfaction of the Responsible Authority. Taking into account the measure within the Table to Clause 52.06-5 for a dwelling, one car parking space should be provided for a two bedroom dwelling. Two car parking spaces are proposed (one for each two bedroom accommodation building) which is considered to be adequate for the proposed use.

Clause 53.02 - Bushfire Planning

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

General Provisions

Clause 65.01 of the Alpine Planning Scheme provides the general decision guidelines that must be considered before deciding on an application. The proposal can be supported taking into account the relevant decision guidelines of Clause 65.01.

CONCLUSION

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

The application is consistent with the relevant provisions of the Alpine Planning Scheme, including the Municipal Planning Strategy, the Planning Policy Framework, the Farming Zone, the Significant Landscape Overlay, the Heritage Overlay, the Bushfire Management Overlay, Clause 53.02 and Clause 65.01.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Customer and Community
- Planning Coordinator - Planning Consultant

APPENDICIES

8.2.5.a. Conditions

8.2.5.b. Policy and decision guidelines

Appendix 8.2.5. a. – Conditions

Amended Plans required for endorsement

1. Before the development commences, an amended Landscape Plan drawn to scale with dimensions 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 this Permit. The plans must be generally in accordance with the Landscape Plan by Excelsa Landscapes submitted with the application but modified to be consistent with the Site Plan by Design Bright (Dwg No. A-02, Rev. A)

Endorsed Plans

2. The use and development 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.

Farming Zone Dwelling Conditions

3. Prior to the commencement of the use authorised by this permit, access to the dwellings must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles, to the satisfaction of the Responsible Authority.
4. Each dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available all wastewater from each dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.
5. Prior to the commencement of the use authorised by this permit, the dwellings must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes, to the satisfaction of the Responsible Authority.
6. Prior to the commencement of the use authorised by this permit, the dwellings must be connected to a reticulated electricity supply or have an alternative energy source, to the satisfaction of the Responsible Authority.

Mandatory Bushfire Management Overlay Condition

7. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable 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.

Completion and maintenance of landscaping

8. Within 3 months of the commencement of the use authorised by this permit or within the next planting season, whichever is the earlier; the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
9. The landscaping must thereafter be maintained to the satisfaction of The Responsible Authority, including that any dead, diseased or damaged plants are to be replaced within 3 months or within the next planting season.

Car park and access surface

10. Prior to the commencement of the use authorised by this permit, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a. Constructed of an all-weather surface of adequate thickness as necessary to prevent the formation of potholes and depressions according to the nature of the sub-grade and the vehicles, which will use the areas.
 - b. Adequately drained.
 - c. Crossover constructed consistent with relevant Council requirements.

To the satisfaction of the Responsible Authority.

External Materials and Colours

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

Rubbish bins

12. Adequate provision must be made for the storage and collection of garbage, bottles and solid waste in bins or receptacles to the satisfaction of the Responsible Authority.
13. All bins and receptacles must be maintained in a clean and tidy condition and free from offensive odour to the satisfaction of the Responsible Authority.

Alpine Shire Council Engineering Team Conditions

Drainage

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

- b. connection points for drainage for each building
 - c. underground pipe drains conveying stormwater to the legal point of discharge for each allotment
 - d. design of infiltration pit with computation
15. Prior to the commencement of the use authorised by this permit, all stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge by underground pipe to the satisfaction of the Alpine Shire Council. No effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system. The legal point of discharge for this site is on-site retention and to an infiltration pit.
16. All roof water from buildings and surface water from paved areas must be collected and discharged to the LPOD to avoid any nuisance discharge to adjacent land.

Vehicle Crossings

17. Prior to the commencement of the use authorised by this permit, vehicular crossings shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the Alpine Shire Council, and shall comply with the following:
- a. standard vehicular crossings shall be constructed at right angles to the road to suit the proposed driveways, and any existing redundant crossing shall be removed and reinstated to match into the surrounding profile;
 - b. Any proposed vehicular crossing shall have satisfactory clearance to any 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; and
 - c. crossings are to be concrete or have a bituminous seal applied where they abut a sealed road. If the road is unsealed the crossing may remain an unsealed crushed rock pavement. Dimensions and roadside drainage treatments are to be generally in accordance with IDM drawing SD255.
18. Prior to commencement of use, the Applicant shall ensure that safe intersection sight distances (SISD) as described in AustRoads Publication 'Guide to Traffic Engineering Practice Part 5 - Intersections at Grade', is achieved at the point of access, to the satisfaction of the Alpine Shire Council.

Tree Protection

19. No tree or other vegetation other than those specifically notated on the approved plan(s) as 'tree to be removed' shall be felled, lopped, topped, ring-barked, uprooted, or otherwise wilfully destroyed or removed, without the further written consent of the Alpine Shire Council.
20. Prior to commencement of construction, a tree protection fence must be erected around the trees(s) at a radius of 12 times the radius of the tree from the base of the trunk(s) /dripline of the existing trees to define a 'Tree Protection zone'. The fence

must be constructed of (specify star pickets and chain mesh or similar) to the satisfaction of the relevant authority. The tree protection fence must remain in place until construction is completed. The ground surface of the Tree Protection Zone must be covered by a 100mm deep layer of mulch before the development starts and be watered regularly to the satisfaction of the Alpine Shire Council.

Construction Phase

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

Country Fire Authority Conditions

23. Endorsement of Bushfire Management Plan

Before the development starts, the Bushfire Management Plan prepared by Mountain Planning (Revision C, dated 22 April 2022) must be submitted to the Responsible Authority for endorsement. Once endorsed, the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority.

24. Bushfire Emergency Plan

Before the development is occupied or the use commences, a bushfire emergency plan (BEP) must be prepared to the satisfaction of the Responsible Authority and CFA and submitted to the Responsible Authority for endorsement. Once endorsed, the BEP must not be altered unless agreed to in writing by CFA and the Responsible Authority apart from updates resulting from reviews. The BEP must clearly describe the proposed emergency management arrangements and should address the following matters:

- a. Premises details
 - Describe property and business details.
 - Identify the purpose of the BEP stating that the plan outlines procedures for:
 - i. Closure of premises on any day with a Fire Danger Rating of Code Red.
 - ii. Evacuation (evacuation from the site to a designated safer off-site location).
 - iii. Shelter-in-place (remaining on-site in a designated building).
- b. Review of the BEP

- Outline that the plan must be reviewed and updated annually prior to the commencement of the declared Fire Danger Period.
- Include a Version Control Table.
- c. Roles & Responsibilities
 - Detail the staff responsibilities for implementing the emergency procedures in the event of a bushfire.
- d. Emergency contact details
 - Outline organisation/position/contact details for emergency services personnel
- e. Bushfire monitoring procedures
 - Details the use of radio, internet and social networks that will assist in monitoring potential threats during the bushfire danger period.
 - Describe and show (include a map) the area to be monitored for potential bushfire activity.

Goulburn-Murray Water Conditions

25. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
26. All wastewater from the group accommodation must be treated and disposed of using an approved system. The system must have a certificate of conformity issued by the Conformity Assessment Body (or equivalent approval) and be installed, operated and maintained in accordance with the relevant Australian Standard and EPA Code of Practice.
27. The wastewater disposal area must be located at least: 100m from any waterways, 40m from any drainage lines, 60m from any dams, and 20m from any bores.
28. The wastewater management system must be appropriately designed to manage the potential volume of wastewater generated under full occupancy, including an appropriately sized disposal area based on a full water balance specific to the proposal and subject land in accordance with the requirements of the current EPA Code of Practice – Onsite Wastewater Management.
29. The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.
30. No buildings are to be constructed within 30 metres of any waterways or on any drainage lines.

Expiry

31. This permit will expire if one of the following circumstances applies:
 - a. The development is not started within two (2) years of the date of this permit;

- b. The development is not completed within four (4) years of the date of this permit;
- c. The use is not started within two (2) years after the completion of the development; or
- d. The use is discontinued for a period of two (2) or more years.

The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with Section 69 of the *Planning and Environment Act 1987*.

- End of Conditions -

Planning Notes:

1. 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.
2. A road opening/crossing permit must be obtained from the Alpine Shire Council prior to working in or occupying the road reserve with construction equipment or materials. Applications may be accessed via the following link [Work on Council land permit](#), or from the Alpine Shire Council website.

Appendix 8.2.5.b. – Applicable Planning Policy

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

Municipal Planning Strategy

The following provisions of the Municipal Planning Strategy are relevant to the assessment of this application:

- Clause 02.03-1 – Settlement
- Clause 02.03-3 – Environmental risks and amenity
- Clause 02.03-4 – Natural Resource Management
- Clause 02.03-5 – Built Environment and Heritage

Planning Policy Framework

The following provisions of the Planning Policy Framework are relevant to the assessment of this application:

- Clause 11.01-1L-01 Settlement
- Clause 11.01-1L-08 Wandiligong
- Clause 12.05-2L Landscapes
- Clause 13.02-1S Bushfire Planning
- Clause 13.02-1L - Bushfire planning
- Clause 14.01-1S: Protection of agricultural land
- Clause 14.01-1L Protection of agricultural land
- Clause 14.01-2S - Sustainable agricultural land use
- Clause 14.01-2L Sustainable agricultural land use
- Clause 15.01-6S Design for rural areas
- Clause 15.03-1S Heritage conservation
- Clause 17.04-1L Tourism
- Clause 19.03-3L Integrated water management

Zone

The land is zoned Clause 35.07 Farming Zone

Overlays:

The land is affected by the following Overlays:

- Clause 44.03 – Significant Landscape Overlay
- Clause 43.01 – Heritage Overlay
- Clause 44.06 – Bushfire Management Overlay

Particular Provisions

The following Particular Provisions must be considered in the assessment of the application:

Clause 53.02-4 – Bushfire protection objective

Clause 52.06 Car Parking

General Provisions

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

Cr Sarah Nicholas re-entered Council Chambers at 6.10pm

8.2.6 Planning Application P.2022.72 - 5105 Great Alpine Road, Ovens PC378077

Application number:	<i>P.2022.72</i>
Proposal:	<i>Subdivision (4 Lots) and Creation of Access to a Transport 2 Zone</i>
Applicant's name:	<i>Matthew Fischer</i>
Owner's name:	<i>Nicholas Howell</i>
Address:	<i>5105 Great Alpine Road, Ovens</i>
Land size:	<i>8.2hA</i>
Current use and development:	<i>Single Dwelling</i>
Site features:	<i>Culturally Significant Scar Tree, Large Dam</i>
Why is a permit required?	<i>CL35.03 Subdivision in the Rural Living Zone CL44.06 Subdivision in the Bushfire Management Overlay CL52.29 – 6 Creation of Access and Subdivision of Land Adjacent to a Principal Road Network</i>
Zoning:	<i>Rural Living Zone</i>
Overlays:	<i>Bushfire Management Overlay (BMO)</i>
Restrictive covenants on the title?	<i>Section 173 Agreement AJ973095G</i>
Date received:	<i>11 May 2022</i>
Statutory days:	<i>275</i>
Planner:	<i>Lachlan Linkson</i>

***Cr Janas
Cr Keeble***

That a Notice of Decision to grant a planning permit be issued for a 4 Lot Subdivision in accordance with the conditions outlined in Appendix 8.2.6.a. for the following reasons:

- 1. The proposal is consistent with the relevant MPPF and LPPF clauses.**
- 2. The proposal is consistent with the requirements of Clause 35.03 Rural Living Zone, Clause 44.06 Bushfire Management Overlay and Clause 52.29 Land Adjacent to the Principal Road Network.**
- 3. The proposal is consistent with Clauses 65.01 and 65.02.**
- 4. The proposal constitutes orderly planning and is responsive to the surrounds. Identified risks can be satisfactorily mitigated with permit conditions.**

Carried

PROPOSAL

Four (4) Lot Subdivision and Creation of Access to a Transport 2 Zone. The proposed subdivision will involve the removal of a Dam close to the eastern boundary of the site, and access is to be facilitated via a Cul-De-Sac. Lots are irregularly shaped and greater than two (2) hectares.

SUBJECT LAND AND SURROUNDS

The subject site is an irregularly shaped Rural Living Zone lot spanning 8.416hA. It is developed with a single dwelling and features a culturally significant Aboriginal Scar Tree as well as two dams. The subject site is adjoined by Rural Living Zone land with the exception of the southern boundary, which meets Farming Zone land. Several of the adjacent Rural Living Zone blocks are developed with dwellings.



Fig 1: Subject Site



Figure 2: Proposed Lot 1



Figure 3: Scar Tree to be retained



Figure 4: Dam to be removed

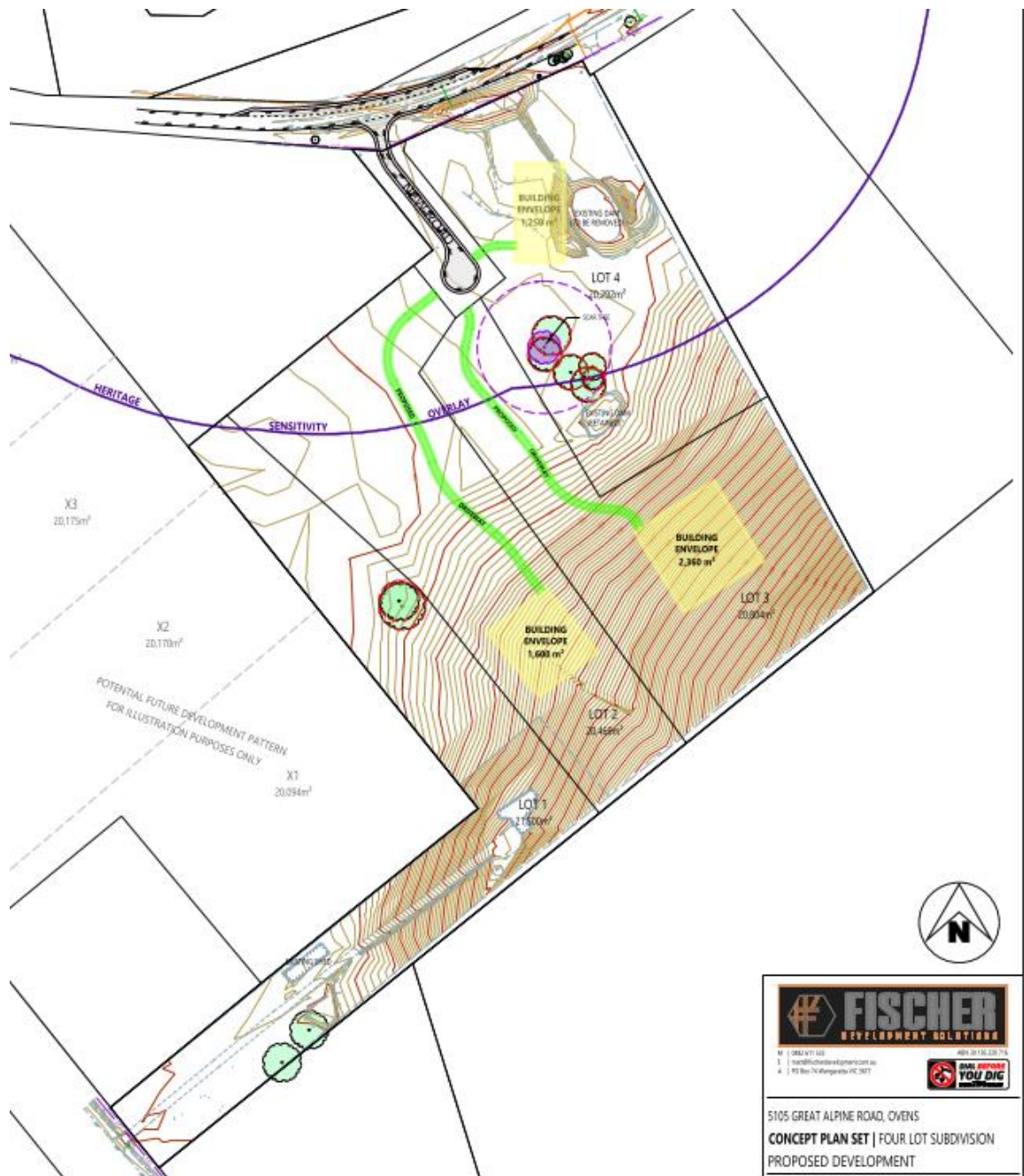


Fig 5: Proposed Subdivision Layout

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. Two signs were displayed on the subject land and letters sent to adjoining properties. Multiple Objections were received. Grounds for Objection summarised below.

Summary of concerns	Council response
<p>Privacy The building envelopes are in a direct line of sight to the existing dwelling at 82 Happy Valley Road.</p>	<p>The building envelopes in question are substantial (2360SQM and 1600SQM) allowing for substantial variance in house positioning. Housing privacy considerations can be addressed by the building act at the time of construction.</p>
<p>Safety The inclusion of an additional road perpendicular to Happy Valley Road to facilitate access to the development will create safety issues given the nearby 110kmh road zone.</p>	<p>Vicroads are a determining authority for access to the proposed subdivision and have granted consent to the new accessway. Driver behaviour is ultimately outside of the scope of this proposal.</p>
<p>Water Inundation The proposed infill of the onsite Dam will create excessive water inundation on the subject site and damage the agricultural viability and accessway of neighbouring 82 Ovens Road.</p>	<p>There has been substantial dialogue over the proposed infill of the Dam between Planning, Engineering, and the applicant regarding the potential inundation of the subject site and adjoining lot. Engineering has provided a specific condition related to the drainage of the site which will ensure that inundation is adequately mitigated. NECMA and Goulburn Murray Water provided consent to the proposed development. A permit condition will be included preventing any water discharge occurring over the boundary to 82 Happy Valley Road.</p>
<p>Agricultural Potential The proposal will remove the agricultural potential of the site.</p>	<p>The land is removed from commercial agriculture and is not in the Farming Zone. The proximity to existing residential uses would make the procurement of the land for Farming purposes ineffective.</p>
<p>Heritage Significance The proposal does not give due regard to the historical agricultural use of the site.</p>	<p>The only codified heritage control on site is the Cultural Heritage overlay which has been addressed by the inclusion of a Cultural Heritage Management Plan. Planning is unable to consider the Historical usage of the site as a family farm in relation to this subdivision.</p>

Summary of concerns	Council response
<p>Out of Character The proposal is too akin to urban residential development.</p>	<p>The proposed lot shapes and size are broadly in accordance with the surrounding area. A landscaping condition will be included to ensure the Cul-De-Sacs is visually recessive. The Cul-De-Sac will have grassed drains to assist the rural character of the subject site being maintained.</p>

REFERRALS

Referrals / Notice	Advice / Response / Conditions
Section 55 referrals:	<p>CFA (S55) – Conditional Consent Ausnet (S55) – Conditional Consent North East Water (S55) – No response required NECMA (S52) – No objection, recommended conditions Vicroads (S55)- Conditional Consent GMW (S55) – Conditional Consent</p>
Internal / external referrals:	Engineering

PLANNING ASSESSMENT AND RESPONSE TO GROUNDS OF OBJECTION

All applicable policy and decision guidelines can be found in Appendix 8.2.6.b.

Municipal Planning Strategy

The following Municipal Planning Strategy gives support to the proposal:

- 02.03-6 Housing - Rural Residential Development.

The land is zoned to facilitate rural residential development.

Planning Policy Framework

The proposal has been assessed against and is supported by the relevant objectives and strategies of the Planning Policy Framework as follows:

11 Settlement

11.01 Victoria

Objectives:

- 11.01-1S – to facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

Relevant strategies:

- Create and reinforce settlement boundaries.
- Deliver networks of high-quality integrated settlements that have a strong identity and sense of place.
- Limit urban sprawl and direct growth into existing settlements.
- Support growth and development in other existing urban settlements and foster the sustainability of small rural settlements.
- Ensure development in settlements provides reasonable levels of safety through avoidance of environmental hazards, accessibility to roads, water, telecommunications, and other reasonable infrastructure.
- Facilitate, in appropriate areas and with environmental safeguards, allocation of sufficient lands to allow the development of rural living communities within the Shire.

11.02 Managing growth

Objectives:

- 11.02-1S - to ensure sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional, and other community uses.

Relevant strategies:

- Maintain access to productive natural resources.
- Restrict rural residential development that would compromise future development at higher densities.

Assessment

The subject site is in close proximity to the Great Alpine and Happy Valley roads. It is in an existing pocket of Rural Residential land with access to appropriate reticulated infrastructure.

The proposal facilitates the development of rural living by directing growth into an existing settlement and limits urban sprawl as the land is already appropriately zoned.

The applicant has satisfactorily addressed the potential environmental risks, being bushfire and inundation.

12 Environmental and landscape values

12.05 Significant environments and landscapes

Objectives:

- 12.05-2S - to protect and enhance significant landscapes and open spaces that contribute to character, identity, and sustainable environments.
- 12.05-2L - to protect the Shire's significant valley and alpine landscapes by minimising visual impacts landscapes, especially from major viewing areas.

Relevant strategies:

- Ensure development does not detract from the natural qualities of significant landscape areas.

- Maintain the scenic landscapes throughout the valley.
- Support development that maintains scenic qualities and landscape qualities of the area and demonstrates high levels of visual management.
- Protect the rural character and the landscape and tourism values along key touring routes particularly between townships and settlements.
- Support development in rural areas that does not dominate or intrude on the landscape setting including landscape corridors.

Assessment

The proposed Subdivision occurs on a scenically significant stretch of Happy Valley Road. The surrounds are characterised by sparse housing development in conjunction with large undulating expanses of open land. The subdivision reflects this character in the proposed 2 hectare lot size with appropriately spaced building envelopes. Housing will recede in the gentle upslope of the subject site when viewed from the road.

13 Environmental Risks and Amenity

13.01 Climate change impacts

Objectives:

- 13.01-1S - to minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.

Relevant strategies:

- Site and design development to minimise risk to life, health, property, the natural environment, and community infrastructure from natural hazards.

13.02 Bushfire

Objectives:

- 13.02-1S - to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.
- 13.02-1L -

Relevant strategies:

- Direct population growth and development to low-risk locations and ensuring the availability of, and safe access to, areas where human life can be better protected from the effects of bushfire.
- Ensuring the bushfire risk to existing and future residents, property and community infrastructure will not increase as a result of future land use and development.
- Avoid residential development of land that is identified as Bushfire Prone Land where residential development and use of land will intensify the risk or require a Bushfire Attack Level rating in excess of 29.

Assessment

The proposal has satisfactorily addressed the onsite bushfire risk with a Bushfire Management Statement, which received the approval of the Country Fire Authority.

Additionally, the provided Bushfire Management Plan specifies a BAL 19 fire rating, in accordance with policy 13.02 – 1L.

There is a noted risk of localised inundation at the lower quadrant of the proposed subdivision, where water runs from the elevated southern portion and pools. The Happy Valley boundary of Lot 4 is at particular risk of localised inundation which is compounded by the proposition to remove a dam on site.

The proposal was referred to NECMA, GMW and Council's Engineering Team with all of these authorities providing consent to the proposal.

16 Housing

16.01 Residential development

Objectives:

- 16.01-3S - to identify land suitable for rural residential development.
- 16.01-3L - to ensure that rural residential development is appropriately located to protect rural land from inappropriate development to provide social, economic and environmental benefits for existing and future generations, and to provide a safe living environment for residents.

Relevant strategies:

- Locate rural residential development to protect agricultural areas from urban sprawl and conflicting land uses.
- Ensure rural residential development is compatible with the environmental characteristics of the area.
- Direct new rural residential subdivision and development away from land classified as high quality for agriculture, of high biological significance due to its flora and fauna values, or of high landscape, cultural heritage, or archaeological significance.
- Avoid rural residential development on constrained land eg. BAL in excess of 29, subject to 1 in 100 year flood frequency level, sloped steeper than 20%.

Assessment

The building envelopes proposed as part of this subdivision have been assessed by all relevant entities (CFA, GMW, NECMA, Alpine Shire Engineering) for environmental risk. These entities indicated satisfaction with the proposal. The subject site adjoins a large agricultural Farming Zone but given that the surrounds are already developed with dwellings and the site has been designated rural residential, this not considered to be of risk.

19 Infrastructure

19.03 Development infrastructure

Objectives:

- 19.03-3S - to sustainably manage water supply and demand, water resources, wastewater, drainage and stormwater through an integrated water management approach

Relevant strategies:

- Minimise drainage, water or wastewater infrastructure and operational costs.
- Facilitate use of alternative water sources such as rainwater, stormwater, recycled water and run-off from irrigated farmland.
- Minimise the potential impacts of water, sewerage and drainage assets on the environment.
- Encourage the use of alternative effluent and water systems in rural areas.
- Design development in rural areas so stormwater flows downstream are no greater than predevelopment levels.
- Ensure development in rural areas retains and treats all effluent on site.

Assessment

The applicant is to install a new culvert system at their expense for the discharge of flow off site. This will be required to be completed to the satisfaction of Council's Engineering Team. No objection was received by relevant authorities to the siting of building envelopes relative to water management.

Zoning and land use

The subject land is zoned RLZ (Rural Living Zone) pursuant to the Alpine Planning Scheme. The purpose of the zone and applicable decision guidelines can be found at the following link:

<https://planningschemes.app.planning.vic.gov.au/Alpine/ordinance/35.03>

Overlays

The subject land is in the Rural Living Zone. The development is consistent with purpose and decision guidelines for the following reasons:

Clause 35.03 – Rural Living Zone

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To provide for residential use in a rural environment.

To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.

To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.

To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

The proposal accords with the purpose of the Rural Living Zone. The proposed lot sizes do not detract from the regional amenity of the area and environmental risks/amenities have been satisfactorily mitigated.

Decision Guidelines

General Issues

- The Municipal Planning Strategy and the Planning Policy Framework.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.

The proposal complies with the relevant Municipal Planning Strategy and Planning Policy and can accommodate the proposal.

Agricultural issues

- The capacity of the site to sustain the agricultural use.
- Any integrated land management plan prepared for the site.
- The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agricultural and other land uses.

Agricultural usage of the site is not proposed. The site is located within an established pocket of RLZ land and suitable Farming Land is nearby. Given that the subject site already exists within an established rural residential area the potential impact on agricultural viability is considered negligible.

Environmental issues

- The impact on the natural physical features and resources of the area and in particular any impact caused by the proposal on soil and water quality and by the emission of noise, dust and odours.
- The impact of the use or development on the flora, fauna and landscape features of the locality.
- The need to protect and enhance the biodiversity of the area, including the need to retain vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.
- The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.

The proposed infill of the Dam poses an environmental risk due to pooling of water in proximity to the current Happy Valley road boundary. The dam is located low in the topography of the site and is approximately 1.5 million litres in capacity. A condition is to be included on the permit requiring the construction of an appropriate culvert and drainage system to the satisfaction of Council.

Design and siting issues

- The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.
- The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.
- The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.
- Whether the use or development will require traffic management measures.
- The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.

The proposed subdivision creates some visual risk to the subject site given the implementation of a Cul-De-Sac and the potentially higher number of dwellings. The proposed Cul-De-Sac will sit low in the topography of the site and will be constructed with grass drains to reflect the rural character of the surrounds. An additional landscaping condition is to be included surrounding the Cul-De-Sac to ensure that the character of the subject site is upheld. Given the established pattern of residential development adjoining the subject site the location and density of the proposed building envelopes is considered appropriate.

Clause 44.06 (Bushfire Management Overlay)

Purpose

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.

To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.

To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

The applicant has provided appropriate documentation to the satisfaction of the CFA. The requirements of this overlay are considered satisfied.

Particular Provisions

Clause 52.29 Land Adjacent to the Principal Road Network

Purpose

To ensure appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network.

To ensure appropriate subdivision of land adjacent to Principal Road Network or land planned to form part of the Principal Road Network.

Decision Guidelines

- The Municipal Planning Strategy and the Planning Policy Framework.
- The views of the relevant road authority.
- The effect of the proposal on the operation of the road and on public safety.
- Any policy made by the relevant road authority pursuant to schedule 2, clause 3 of the *Road Management Act 2004* regarding access between a controlled access road and adjacent land.

The proposal to create an accessway for this subdivision accords with the relevant clauses of the Municipal Planning Strategy and the Planning Policy Framework. The proposed Cul-De-Sac can be of adequately low visual impact. Consent has been provided by Transport for Victoria subject to conditions. There may be planning merit to the consideration of safety given the proximity of a 110 KMH road zone, however this has not been raised as a concern by the determining authority (Transport for Victoria).

General Provisions

65.01	
Decision Guideline	Officer Comment
The matters set out in Section 60 of the Act	Complies
The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies	Complies, assessed above
The purpose of the zone, overlay or other provision	Complies
Any matter required to be considered in the zone, overlay or other provision	Complies
The orderly planning of the area	Planning outcome is orderly. The appropriate provisions are satisfied and the design is responsive
The effect on the amenity of the area	Potential amenity impacts are identified above. Risk considered satisfactorily low
The proximity of the land to any public land	The land is within proximity to Happy Valley Creek. The risk of inundation was noted in assessment by NECMA.
Factors likely to cause or contribute to land degradation, salinity or reduce water quality	Runoff from the proposed subdivision will be drained to the Satisfaction of Council Engineers

Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site	The development will need to improve the quality of stormwater exiting the site. This will be reflected in conditions
The extent and character of native vegetation and the likelihood of its destruction	N/A
Whether native vegetation is to be or can be protected, planted or allowed to regenerate	N/A
The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard	Satisfactorily addressed. Discussed above
The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts	N/A
65.02	
Decision Guideline	Officer Comment
The suitability of the land for subdivision	Land is suitable for Subdivision
The existing use and possible future development of the land and nearby land	Further subdivision on the subject lot cannot be supported due to mandatory lot size in the RLZ
The availability of subdivided land in the locality, and the need for the creation of further lots	
The effect of development on the use or development of other land which has a common means of drainage	The subject lot shares a water runoff with the adjoining 82 Happy Valley road. Drainage rectification works will prevent inundation impacts
The subdivision pattern having regard to the physical characteristics of the land including existing vegetation	Vegetation is not proposed to be impacted
The density of the proposed development	Density is appropriate relative to the surrounds
The area and dimensions of each lot in the subdivision	Appropriate for the RLZ

The layout of roads having regard to their function and relationship to existing roads	The layout of the proposed access is appropriate for the site
The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots	The proposal is not an urban subdivision. Vehicle access is to be provided to building envelopes via characteristic dirt driveways
The provision and location of reserves for public open space and other community facilities	N/A
The staging of the subdivision	Not staged
The design and siting of buildings having regard to safety and the risk of spread of fire	No buildings proposed, envelopes comply
The provision of off-street parking	NA
The provision and location of common property	Appropriate for access to the proposed lots
The functions of any body corporate	NA
The availability and provision of utility services, including water, sewerage, drainage, electricity and gas	The proposal will create a new drainage culvert to the satisfaction of Council engineers. The site does not have access to reticulated sewage
If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot	The applicant has provided an LCA supporting the proposal
Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas	N/A

CONCLUSION

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

- The proposal is consistent with the relevant MPPF and LPPF clauses.
- The proposal is consistent with the requirements of Clause 35.03 Rural Living Zone, Clause 44.06 Bushfire Management Overlay and Clause 52.29 Land Adjacent to the Principal Road Network
- The proposal is consistent with Clauses 65.01 and 65.02
- The proposal constitutes orderly planning and is responsive to the surrounds. Identified risks can be satisfactorily mitigated with permit conditions.

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 Customer and Community
- Interim Statutory Planning Coordinator
- Planning Officer

APPENDICIES

8.2.6.a Conditions

8.2.6.b. Policy and decision guidelines

APPENDIX 8.2.6a. CONDITIONS

AMENDED PLANS

1. Prior to the issue of a statement of compliance, the applicant must provide amended plans demonstrating:
 - a. Landscaping to soften the visual impacts of the proposed accessway from view of Happy Valley Road, where compliant with the requirements of Clause 53.02.
 - b. Labelling of the proposed accessway and cul-de-sac to demonstrate that they will be constructed in a manner visually appropriate for a rural context.

GENERAL CONDITIONS

2. Layout not altered

The layout of the subdivision as shown on the endorsed plan must not be altered or modified (whether or not in order to comply with any statute, statutory rule or Local Law, or for any other reason) without the prior written consent of the Responsible Authority.
3. The owner of the land must enter into an agreement with:
 - a. A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider 's requirements and relevant legislation at the time; and
 - b. A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
4. 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 approval of the responsible authority; and no variation to the standard requirements of the approved covenants shall be agreed to by the transfer or without the prior written consent of the Responsible Authority.
5. Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
 - a. A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b. A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can

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

6. No works on site are permitted to commence until the plan of subdivision is certified.
7. Groundwater runoff from the subject site to 82 Happy Valley Road is not permitted.

ENGINEERING CONDITIONS

Drawing Requirements

8. Detailed Construction Plans

Prior to commencement of construction, detailed construction plans must be submitted to and approved by the Alpine Shire Council. Construction detail shall be generally in accordance with Council's Infrastructure Design Manual (www.designmanual.com.au). When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions, and shall include proposed construction detail, further information or modifications to:

- a. Pavement and proposed seal treatment as per IDM Clause 12 and 21m diameter court bowl.
- b. Underground drainage system, with supporting computations
- c. Landscape plans, including street tree locations and planting detail vehicular crossings.

Alpine Shire Council Fees

9. Supervision Fees

Prior to issue of the Statement of Compliance, a supervision of works fee of 2.5% of the actual cost of work is to be paid to the Alpine Shire Council.

10. Plan Checking Fees

Prior to issue of the Statement of Compliance, an engineering design checking fee of 0.75% of the value of documented works is to be paid to the Alpine Shire Council.

11. Maintenance Bond

Prior to issue of Statement of Compliance, a bond to the value of 5% of the cost of the road and drainage works shall be submitted to Council to be held for the duration of the 12 month Defect Liability period and may be used by the Alpine Shire Council to undertake any required works in the event of failure to do so by the developer.

12. Landscape Plan

Prior to commencement of construction, a landscape plan to the satisfaction of the Alpine Shire Council must be submitted to and approved by the Alpine Shire Council and be in accordance with the requirements of the Infrastructure Design Manual. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:

- a. A survey of all existing vegetation and natural features showing plants (trees greater than 150mm diameter, and shrubs over 1200mm diameter) to be removed.
- b. 'Tree Preservation Areas' in yellow and hatched indicating areas of significant vegetation. Once approved such plan must be lodged on title by way of a Section 173 agreement under the Planning Environment Act, 1987. The applicant or owner must retain significant vegetation within any "Tree Preservation Area", during construction of works for this subdivision.
- c. building envelopes and vehicular access points for each lot in the subdivision.
- d. a planting schedule of all proposed trees, shrubs and ground cover, which will include the location, number and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface materials as specified.
- e. the method of preparing, draining, watering and maintaining the landscaped area;
- f. details of surface finishes of pathways and driveways;
- g. landscaping and planting within all open areas of the site
- h. the sewer and water supply connection points;
- i. the weed management program;
- j. proposed bed heights above car-park surface;
- k. all areas where vehicle overhang will occur;
- l. all landscaped areas proposed to be used for stormwater retardation;
- m. a permanent screen of trees and shrubs with a minimum of two rows using a mixture of local trees and understorey species

All species selected must be to the satisfaction of the Alpine Shire Council.

13. Prior to issue of Statement of Compliance, landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the Alpine Shire Council.
14. The landscaping shown on the endorsed plans must be maintained for a period of three months from the date of practical completion of the works to the satisfaction of the Alpine Shire Council. Any dead, diseased or damaged plants are to be replaced within 12 months of the date of practical completion for the works.
15. Tree Protection during Construction
Prior to commencement of construction, a tree protection fence must be erected around the (insert details of tree(s)) at a radius of (insert number) metres from the base of the trunk(s) /dripline of the existing trees to define a 'Tree Protection zone'. The fence must be constructed of (specify star pickets and chain mesh or similar) to the satisfaction of the relevant authority (insert tree protection guidelines). The tree protection fence must remain in place until construction is completed. The ground surface of the Tree Protection Zone must be covered by a 100mm deep layer of mulch before the development starts and be watered regularly to the satisfaction of the Alpine Shire Council.

DRAINAGE

16. Urban Drainage Works

Prior to issue of Statement of Compliance, all stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge by underground pipe to the satisfaction of the Alpine Shire Council. No effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system. The legal point of discharge for this site is (insert legal point of discharge).

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

17. Drainage Discharge Plan

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

The information and plan must include:

- Details of how the works on the land are to be drained and/or retarded.
- Detailed design for a culvert underneath Happy Valley Road and safe conveyance to the creek. Computation of runoff from all possible catchments and springs onto the culvert must be provided and the culvert must be shown to have sufficient capacity.
- Connection points for drainage for each lot
- Drains conveying stormwater to the legal point of discharge for each allotment
- Documentation demonstrating approval from all relevant authority for the drainage plan including North East Catchment Authority and Department of Transport.

18. Rural Crossings

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 reinstated to match into the surrounding profile.
- b. Any proposed vehicular crossing shall have satisfactory clearance to any 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 are to be concrete or have a bituminous seal applied where they abut a sealed road. If the road is unsealed the crossing may remain an unsealed crushed

rock pavement. Dimensions and roadside drainage treatments are to be generally in accordance with IDM drawing SD255.

Subdivision

19. Easements to be Created

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

20. Prior to Commencement of Construction

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

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

21. Construction Management Plan

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

Prior to commencement of construction, 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.

22. No Mud on Roads

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

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.

COUNTRY FIRE AUTHORITY CONDITIONS

23. Prior to certification under the *Subdivision Act 1988*, an amended Bushfire

Management Plan must be submitted to and endorsed by the Responsible Authority. Once endorsed the Bushfire Management Plan must be included as an annexure to the section 173 agreement prepared to give effect to clause 44.06-5 of the Planning

Scheme and not be altered unless agreed to in writing by CFA and the Responsible Authority. The plan must be generally in accordance with the Bushfire Management Plan submitted, prepared by Fischer Development Solutions, dated:13/01/2022, Revision A, but amended to include or replace the conditions for Defendable space, with:

- a. Defendable space (Lots 2,3 and 4) Defendable space for a distance of 13 metres within and around the building envelopes (or to the property boundary, whichever is the lesser distance) must be provided for lots 2 and 3. and;
 - b. Defendable space for a distance of 29 metres within and around the building must be provided for Lot 4, 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.
24. In addition to the requirements of Clause 44.06-5 of the Scheme, the Section 173 Agreement prepared in accordance with that clause must also: a) Explicitly exclude Lot 1 from the following exemption under Clause 44.06-2 of the 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".
25. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
- The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
 - Curves must have a minimum inner radius of 10 metres.
 - Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way.

- Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

GOULBURN-MURRAY WATER CONDITIONS

26. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
27. Any Plan of Subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Action.
28. The existing on-site wastewater treatment and disposal systems for proposed new Lot 1 must be wholly contained within the boundaries of the new lot created by subdivision.

TRANSPORT FOR VICTORIA CONDITIONS

29. Only one access will be permitted from the subject land to the Great Alpine Road located at Lot 1.
30. Only one access will be permitted from the subject land to the Happy Valley Road located at Northern Access Road.
31. Unless otherwise agreed in writing by the Head, Transport for Victoria prior to the certification of the plan of subdivision, a Functional Layout Plan must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must show the following at the proposed Northern Access Road for Lot 2-4 and Happy Valley Road:
 - Basic Left Turn Treatment (BAL).
 - Basic Right Turn Treatment (BAR).
32. Unless otherwise agreed in writing by the Head, Transport for Victoria prior to the release of a statement of compliance the following roadworks must be completed to the satisfaction of and at no cost to the Head, Transport for Victoria:
 - i. At the intersection of Northern Access Road and Happy Valley Road:
 - a. Basic Left Turn Treatment (BAL).
 - b. Basic Right Turn Treatment (BAR).
 - c. Any other works required.
 - ii. The access to Lot 1 must be constructed and sealed in accordance with VicRoads guideline drawing GD4010 Typical Access to Rural Properties to cater for the 12.5m single unit as detailed in Table 2 - Access Setout Detail.

AUSNET CONDITIONS

33. The plan of subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the subdivision Act 1988. The applicant must –
34. Enter into an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.
35. Enter into an agreement with AusNet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system.
36. 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.
37. Provide easements satisfactory to AusNet Electricity Services Pty Ltd for the purpose of "Power Line" in the favour of "AusNet Electricity Services Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AusNet Electricity Services Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
38. Obtain for the use of AusNet Electricity Services Pty Ltd any other easement required to service the lots.
39. Adjust the position of any existing AusNet Electricity Services Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.
40. If required, set aside on the plan of subdivision Reserves for the use of AusNet Electricity Services Pty Ltd for electric substations.
41. Provide survey plans for any electric substations required by AusNet Electricity Services Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. AusNet Electricity Services Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.
42. Provide to AusNet Electricity Services Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.

ALPINE SHIRE HEALTH CONDITION

43. An application must be made for a Permit to Install a Septic Tank System to the satisfaction of Council prior to a building permit being issued in accordance with the requirements of the *Building Act 1993*. The septic system must comply with the Code of Practice – onsite Wastewater Management Publication 891.4 and AS1546.1 to 1546.4 and be accompanied by a Land Capability Assessment. The LCA must be in the format recommended by the MAV (available online at www.mav.asn.au)

EXPIRY CONDITION

44. This permit will expire if one of the following circumstances applies:
 - The plan of subdivision is not certified within two (2) years of the date of this permit.

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

Notations

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

CFA Notations

- c. CFA has assessed the slope for the grassland to South to be upslope/flat and therefore 13m of defendable space or to the property boundary is required in accordance with Table 2 pursuant to Clause 53.02.
- d. 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*. CFA does NOT consent to the Statement of Compliance for Subdivision

Transport for Victoria Notations

- e. Separate 'detailed design' approval (fees and charges apply) and the specifications of these are required under the Road Management Act. For the purposes of this application the works will include provision of: a Basic Left Turn Treatment (BAL) at the proposed Northern Access Road and Happy Valley Road o Basic Right Turn Treatment (BAR) at the proposed Northern Access Road and Happy Valley Road. Please forward all the details to nriw.ntheastern@roads.vic.gov.au. Further information regarding VicRoads' consent to work within the road reserve can be found on the VicRoads Website: <https://www.vicroads.vic.gov.au/businessand-industry/design-and-management/working-within-the-road-reserve>

Appendix 8.2.6.b. POLICY AND DECISION GUIDELINES

State Planning Policy Framework

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

12.05 -2S Landscapes

13.01 – 1S Natural Hazards and Climate Change

19.03 – 3S Integrated Water Management

Local Planning Policy Framework

Applicable local planning policy can be found in the Local Planning Policy Framework (LPPF) section. Clauses:

11.01 - 1L - 01 Settlement

12.05 – 2L Landscapes

13.02 – 1L Bushfire planning

16.01 – 3L Rural Residential Development

Zone

The subject land is zoned RLZ (Rural Living Zone) pursuant to the Alpine Planning Scheme. The purpose of the zone and applicable decision guidelines can be found at the following link: <https://planning-schemes.app.planning.vic.gov.au/Alpine/ordinance/35.03>

Overlays

The planning permit application must address the Bushfire Management Overlay (Clause 44.06 of the Alpine Planning Scheme).

Particular Provisions

Clause 52.29 (Land Adjacent to the Principal Road Network)

Clause 53.02 (Bushfire Planning)

General Provisions

Clause 65.01 (Approval of an Application or Plan)

Clause 65.02 (Approval of an Application to Subdivide Land)

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.

Cr Janas

Cr Prime

That the summary of informal meetings of Councillors for January / February 2023 be received.

Carried

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
31 January	Briefing Session
3 February	Planning Forum x 2
14 February	Briefing Session

Attachment(s)

- 9.0 Informal meetings of Councillors – January / February 2023

10. Presentation of reports by delegates

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

11. General business

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

12. Motions for which notice has previously been given

Nil

13. Reception and reading of petitions

Cr Keeble

Cr Prime

*That Council notes and receives and provides a response to the petition from Leanne Boyd on behalf of "Save the Gateway Trees in Bright Facebook Group" seeking Council to reconsider the proposal to remove trees with respect to the Bright Valley Development at the western gateway into Bright.
A written response will be provided to the petitioner.*

Carried

14. Documents for sealing

Nil

15. Confidential Reports

Cr Nicholas

Cr Kelley

That, in accordance with the provisions of s66(2)(a) of the Local Government Act 2020, the meeting be closed to the public for consideration of two confidential reports due to the information defined by s3 of the Local Government Act 2020, as:

- a. Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.*

Carried

There being no further business the Chairperson declared the meeting closed to the public at 6.57p.m and the meeting was moved in camera at 7.30p.m.

.....
Chairperson