

M(8) – 6 JULY 2021

Ordinary Council Meeting

Agenda

Notice is hereby given that the next **Ordinary Meeting** of the **Alpine Shire Council** will be held in the Council Chambers, Great Alpine Road, Bright on **6 July 2021** commencing at **5:00pm**.

Agenda

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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.

Due to social distancing requirements, public gallery attendance will be limited to eight people.

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

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

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

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

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

The Mayor will read the following statement:

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

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

3. Confirmation of minutes

3.1.1 Ordinary Council Meeting – M(6) – 1 June 2021 and Special Council Meeting – SPM(7) – 15 June 2021

RECOMMENDATION

That the minutes of Ordinary Council Meeting M(6) held on 1 June 2021 and Special Council meeting SPM(7) – 15 June 2021 as circulated be confirmed.

4. Apologies and Leave of Absence

Cr Kelli Prime - leave of absence (parental leave)

Cr Ron Janas

5. Obituaries / congratulations

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

6. Declarations by Councillors of conflict of interest

7. Public questions

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

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

8. Presentation of reports by officers

8.1 ACTING DIRECTOR ASSETS – ELAINE BURRIDGE

8.1.1 Alpine Resilience Committee Terms of Reference

INTRODUCTION

This report relates to the Terms of Reference for the Alpine Resilience Committee.

RECOMMENDATION

That Council:

- 1. Adopts a change of name from "Community Resilience Committee" to "Alpine Resilience Committee";*
- 2. Adopts the proposed Terms of Reference for the "Alpine Resilience Committee"*
- 3. Revokes the previous Terms of Reference for the Community Resilience Committee, adopted in October 2015; and*
- 4. Signs and seals the Alpine Resilience Committee revised Terms of Reference at the appropriate stage of this meeting.*

BACKGROUND

The Community Resilience Committee is a Committee of Council with a focus on preparedness and planning for emergency events.

The Community Resilience Committee is the forum for community representatives, government and non-government agencies to develop strategies and frameworks to support coordinated resilience planning for the municipality.

The Community Resilience Committee was put into recess following the establishment of the Community Recovery Committee (CRC) under the direction of Bushfire Recovery Victoria. The CRC was established to support community recovery following the serious and widespread impacts of the 2019/2020 bushfire event.

ISSUES

Confusion exists due to the similarity of the names of the Community Resilience Committee and Community Recovery Committee. A change of name to Alpine Resilience Committee is proposed to address this confusion.

The current Terms of Reference for the Community Resilience Committee are broad, and do not effectively describe the purpose or the structure of the Committee. They do not explain the role of the Committee when an emergency occurs, and throughout the recovery from that event. The revised Terms of Reference aim to address these shortcomings.

POLICY IMPLICATIONS

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

- A thriving and connected community

It is also consistent with the following priority of the Municipal Public Health and Wellbeing Plan:

- Socially connected and supported communities.

FINANCIAL AND RESOURCE IMPLICATIONS

There are no financial implications resulting from the proposed change in name and revision to the Terms of Reference for the Committee.

The revised Terms of Reference nominates membership of the Alpine Resilience Committee to include one Councillor and two Council officers.

CONSULTATION

The revised Terms of Reference have been developed in consultation with representatives from the Community Resilience Committee, the Community Recovery Committee, and Council's Emergency Management Coordinator.

CONCLUSION

After more than 12 months of recess, it is timely to recommence the activity of the Community Resilience Committee with updated Terms of Reference to better inform its structure and purpose.

It is recommended that Council adopt the name change from Community Resilience Committee to Alpine Resilience Committee and adopt revised Terms of Reference.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Economic and Community Development
- Development Officer (Community and Wellbeing)

ATTACHMENT(S)

8.1.1 Alpine Resilience Committee Terms of Reference

8.1.2 Draft Alpine Shire Events Strategy

INTRODUCTION

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

RECOMMENDATION

That Council:

- 1. Endorses the Draft Alpine Shire Events Strategy to be placed on public exhibition for a minimum period of 28 days;*
- 2. Invites public submissions on the draft Alpine Shire Events Strategy;*
- 3. If submissions are received, hears submissions at a time to be determined; and*
- 4. Considers a recommendation to adopt the Alpine Shire Events Strategy at a future Council Meeting.*

BACKGROUND

Events play an important role in the economy of the Alpine Shire and contribute to the health, wellbeing, and social connectivity of our communities.

Growth in the number of events delivered annually across the Shire has been significant in recent years. This has been positive for the growth of the tourism economy; however, it has also created other issues in the township such as congestion during peak visitation periods, market saturation, reduced resident amenity and potential for community safety to be compromised.

A review of event delivery was carried out in 2018, which resulted in a key recommendation to develop strategic documentation to guide the future delivery of events. To address this recommendation, the development of the Draft Alpine Shire Events Strategy commenced in November 2020.

ISSUES

The Draft Alpine Shire Events Strategy incorporates an event approval and funding framework, which will guide Council's decision making for approving and funding future events in the Alpine Shire from 1 July 2022.

The framework proposes categorisation of events by the impact that the event is anticipated to have on communities in the Alpine Shire, both positive and negative. The category that an event is assessed to sit within will determine the permitting of the event and its eligibility for funding from Council.

Adoption of the Alpine Shire Events Strategy and its event approval and funding framework will result in some events, which have previously been permitted and funded, not being permitted or eligible for funding at the previous amount.

POLICY IMPLICATIONS

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

- A thriving and connected community

It is also consistent with the following priority of the Municipal Public Health and Wellbeing Plan:

- Socially connected and supported communities

FINANCIAL AND RESOURCE IMPLICATIONS

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

Adoption of the Alpine Shire Events Strategy at a future meeting of Council will trigger the finalisation of an associated action plan, which will contain actions requiring allocation of budget and resources to deliver. The allocation of both budget and resources to actions contained within the action plan will follow Council's normal budgeting processes.

CONSULTATION

Extensive community engagement has been carried out to shape the draft strategy, including:

- Workshops with a community reference group and two business and event organiser reference groups (over two phases: (1) project commencement and (2) discussion paper).
- Meetings with key stakeholders, government, Council and industry stakeholders to help inform the project vision and objectives.
- Listening posts with community members were held in Bright, Mount Beauty and Myrtleford.
- Community surveying: 86 surveys were completed by the community and identified community aspirations and key issues facing the community in relation to events. 37 survey responses received from event organisers identified issues facing the events sector and opportunities for event enhancement and development.

Summary feedback from consultation can be found in the appendices of the draft strategy.

CONCLUSION

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

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Economic and Community Development

ATTACHMENT(S)

8.1.2 Draft Alpine Shire Events Strategy

8.1.3 Community Bushfire Recovery Grant Funding Program 2020-21

INTRODUCTION

This report relates to the allocation of funding through the Community Bushfire Recovery Grant funding program 2020-21.

RECOMMENDATION

That Council notes the spend of \$398,900 through the Community Bushfire Recovery Grant funding program 2020-21 as follows:

<i>Name of Applicant</i>	<i>Project Title</i>	<i>Grant Allocation</i>
<i>Dinner Plain Community Association</i>	<i>Dinner Plain Mountain Bike Pump Track</i>	<i>\$80,000</i>
<i>Freeburgh Public Hall and Recreation Committee Inc.</i>	<i>Freeburgh Hall upgrades</i>	<i>\$47,600</i>
<i>Harrietville Community Forum Inc.</i>	<i>Harrietville Exercise Initiative</i>	<i>\$25,000</i>
<i>Bright Lions Club</i>	<i>Lions Reserve Upgrades</i>	<i>\$20,000</i>
<i>Allan Poyner</i>	<i>Design of Wandiligong Shared trail Extension</i>	<i>\$40,000</i>
<i>Bright Courthouse Committee of Management</i>	<i>Government Hill Arts Precinct Mural</i>	<i>\$17,300</i>
<i>Myrtleford Chamber of Commerce and Industry Inc.</i>	<i>Myrtleford Splash Park</i>	<i>\$50,000</i>
<i>Myrtleford and District Landcare Sustainability Group</i>	<i>Reform Hill Walking Trails</i>	<i>\$39,000</i>
<i>Upper Kiewa Valley Community Association Inc.</i>	<i>Design for an Extension of the Kiewa River Trail to Damms Road</i>	<i>\$40,000</i>
<i>Rotary Club Mount Beauty</i>	<i>Outdoor Fitness Equipment</i>	<i>\$40,000</i>
		<i>\$398,900</i>

BACKGROUND

\$440,000 of State Government 'Local Government Bushfire Recovery Funding' was allocated in Council's 2020/21 Budget for community-led initiatives. \$40,000 was allocated through Council's normal Community Grants Program, and the balance of \$400,000 was allocated to the Community Bushfire Recovery Grants Program.

\$80,000 was nominally allocated to the communities in each of the following localities, aligned with the areas within the Alpine Shire with representation on the Community Recovery Committee:

- Bright and surrounds
- Dinner Plain
- Harrietville and surrounds
- Kiewa Valley
- Myrtleford and surrounds

The two Alpine Resorts were not eligible to receive funding under the State Government 'Local Government Bushfire Recovery Funding' and could not therefore be included in this grant funding program.

A two-stage application process was implemented; an Expression of Interest (EOI) in October 2020, followed by development of a full application.

33 applications, with a cumulative value of \$1.5 million were put forward in the EOI stage and assessed by a selection panel consisting of Council staff, Bushfire Recovery Victoria (BRV) staff, and community members.

10 projects equating to a cumulative value of \$400,000 were approved by the selection panel for further development in stage 2 of the application process.

In the September 2020 Ordinary Council Meeting, Council delegated authority to the CEO to approve the allocation of funds through the program, based on the recommendations of the selection panel.

All successful applicants have now been awarded a grant funding contract with projects to be completed by the end of the December 2021.

A breakdown of the successful funding allocations by location as below:

<i>Location</i>	<i>Number of Projects</i>	<i>Funding allocated to Projects</i>
Bright and surrounds	3	\$77,300
Dinner Plain	1	\$80,000
Harrietville and surrounds	2	\$72,600
Kiewa Valley	2	\$80,000
Myrtleford and surrounds	2	\$89,000

ISSUES

None identified.

POLICY IMPLICATIONS

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

- A thriving and connected community

FINANCIAL AND RESOURCE IMPLICATIONS

Council's adopted 2020/21 budget included an allocation of \$400,000 to support the delivery of the Community Bushfire Recovery Grants program. These funds have been received from the State Government under the Local Government Bushfire Recovery Funding grant.

CONSULTATION

The Community Bushfire Recovery Grants Program was advertised through local media, on Council's website and Facebook page, and through the Alpine Community Recovery Committee.

Council was briefed on successful applicants at the conclusion of the Expression of Interest phase in December 2020.

CONCLUSION

The allocation of funding through this funding program will help to connect people and localities to build stronger communities, stimulate economic activity, and give the community the opportunity to lead their own recovery. A wide range of projects was supported through the program that helped to build local community capacity.

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 Bushfire Recovery

ATTACHMENT(S)

Nil

8.1.4 Subdivision Recreation Reserve

INTRODUCTION

The purpose of this report is to recommend to Council the capital projects completed in 2019/20 and 2020/21 financial years to which funds from the subdivision recreation reserve be applied.

RECOMMENDATION

That Council applies funds in the subdivision recreation reserve to the following 2019/20 and 2020/21 projects:

- 1. Howitt Park Irrigation Renewal Project: \$25,000 from the Bright locality;*
- 2. Rotary Pines Landscaping Project: \$181,500 from the Bright locality;*
- 3. Rotary Park Shelter Upgrade Project: \$5,900 from the Myrtleford locality;*
- 4. Tawonga Memorial Playground Renewal Project: \$27,000 from the Mount Beauty/Tawonga locality;*
- 5. North Mount Beauty Park Renewal Project: \$27,000 from the Mount Beauty/Tawonga locality;*
- 6. Taware Park Playground Renewal: \$23,500 from the Harrietville locality;*
- 7. Riverside Barbeque Shelter Project: \$25,898 from the Porepunkah locality; and*
- 8. Porepunkah Open Spaces Upgrades: \$32,000 from the Porepunkah locality.*

BACKGROUND

Council maintains a subdivision recreation reserve in its general ledger. The balance of the reserve at 30 June 2020 was disclosed in note 9.1 of Council's 2019/20 annual financial statements. Whilst not shown in the annual financial statements, the reserve is further split between localities within the Shire. At 4 May 2021, the split of the reserve between localities was as follows:

Locality	Balance
Bright	\$206,500
Myrtleford	\$ 5,900
Mount Beauty/Tawonga	\$ 66,000
Harrietville	\$ 23,500
Porepunkah	\$ 69,500
Total	\$371,400

The reserve must only be used for public recreation, public resort, as parklands or for similar purposes as stated in the *Subdivision Act 1988* (The Act). Review of Council's capital projects delivered in 2019/20 and 2020/21 has identified those projects which satisfy the requirements to be funded from the subdivision recreation reserve.

Based on the split of the reserve balance at 4 May 2021, applying funding as recommended will result in the reserve balances across all locations being reduced to the following:

Locality	Balance following proposed allocation
Bright	\$ 0
Myrtleford	\$ 0
Mount Beauty/Tawonga	\$12,000
Harrietville	\$ 0
Porepunkah	\$11,602
Total	\$23,602

ISSUES

None identified.

POLICY IMPLICATIONS

This recommendation is in accordance with Section 20 of the *Subdivision Act 1988*, and is aligned with the following Strategic Objective of the Council Plan:

- Incredible places for our community and visitors

FINANCIAL AND RESOURCE IMPLICATIONS

The recommendations in this report will reduce Council's restricted cash (reserves), thus increasing unrestricted cash. There is no impact on Council's total cash balance. Council's reserves need to be monitored on an ongoing basis to ensure that the restricted cash is being used for appropriate projects in a timely manner.

CONCLUSION

For the year ended 30 June 2021, it is recommended that Council allocates funds from the subdivision recreation reserve to the projects nominated above. These projects meet the criteria of public recreation as stated under The Act.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Asset Development
- Manager Asset Maintenance
- Manager Corporate Services

ATTACHMENT

Nil

8.1.5 Speed Reduction in Bright and Buckland Valley

INTRODUCTION

This report relates to the proposal to reduce the legal speed on roads managed by Council, including sections of Coronation Avenue and Morses Creek Road in Bright, and a section of the Buckland Valley Road.

RECOMMENDATION

That Council:

- 1. Approves the proposal to reduce the legal speed from 100km/hr to 80km/hr from Devils Creek Bridge to the Buckland Bridge on the Buckland Valley Road;*
- 2. Notes that the proposals to reduce the legal speed on sections of Morses Creek Road and Coronation Avenue were not supported;*
- 3. Engages with the community to establish support to reduce the legal speed from 80km/hr to 60km/hr along Coronation Avenue and through to the southern end of the Mystic Park Landing Area on Morses Creek Road, and to install flip-down signage at appropriate locations on Coronation Avenue and Morses Creek Road in Bright, to facilitate a temporary reduction in speed to 40km/hr during specific events and other busy periods;*
- 4. Notes that the Department of Transport is the responsible authority for approving speed changes, subject to an application fulfilling the required criteria;*
- 5. Notes that the legal speed on the Buckland Valley Road south of the Buckland Bridge be assessed on completion of the budgeted road sealing project; and*
- 6. Informs the community of the proposed changes.*

BACKGROUND

Over the last two years, Council has received a number of requests to reduce the legal speeds on the following roads managed by Council:

- From the start of the 80km/hr section of Coronation Avenue, Bright, through to the southern end of the Mystic Park Landing Area on Morses Creek Road;
- Morses Creek Road, Wandiligong, from the junction with Growlers Creek Road through to the end of the sealed pavement; and
- Buckland Valley Road south of the Devils Creek Bridge. A petition was received by Council in relation to this request in November 2020, and a response to the petition was provided at the Council Meeting in December 2020.

The primary reason for each of these requests was to improve public safety.

The responsible authority for approving speed changes is the Department of Transport (DOT). Council is required to submit an application for each proposed speed change through the DOT 'Speed Sign Management System', and through this application demonstrate an understanding of the impacts and benefits of the proposed change for road safety and efficient use of the road network, and alignment of the proposed change with the DOT speed zoning guidelines.

ISSUES

Community feedback was sought on a proposal to reduce the legal speed from 80km/hr to 60km/hr all the way from Bright to Wandiligong. Community engagement including feedback from the online survey demonstrated that this proposal is not supported due to the impact on transit time between Wandiligong and Bright, and an understanding that the risk to the public is concentrated closer towards Bright. Community feedback has been consistent about the elevated risk to the public that exists in the 80km/hr zone along Coronation Avenue and continuing along Morses Creek Road through to the end of the Mystic Park Landing Area. The existing use of temporary signage to reduce the legal speed to 60km/hr and further to 40km/hr during events is seen as only partially addressing the risk, and potentially causing confusion to road users. The recommended way forward in this location is to re-engage with the community to seek support to move the transition to 80km/hr from the current location on Coronation Avenue to a location at the southern end of the Mystic Park Landing Area, as well as installing flip-down signage at suitable locations to facilitate a temporary reduction in the speed limit to 40km/hr when required due to specific events of during peak visitation periods.

The proposed speed limit changes along Morses Creek Road in Wandiligong from Growlers Creek Road to the end of the sealed pavement were not supported. The situation will continue to be monitored in these locations.

Through analysis of the data provided by Survey Monkey, the software used to manage the online survey tool used to gather community feedback, it was identified that there were instances where an unjustifiably large number of identical responses to the survey had been generated from the same location over a short period of time. In these cases, a maximum of four responses was considered to be valid from each location.

POLICY IMPLICATIONS

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

- Infrastructure and open space that our community is proud of

FINANCIAL AND RESOURCE IMPLICATIONS

The minor cost of signage changes can be accommodated from within existing operational budgets.

Regional Roads Victoria has agreed that unspent funding provided to the Buckland Bridge replacement project can be allocated to sealing of a 3.3km section of the Buckland Valley Road south of the Buckland Bridge, as a logical extension of the Buckland Bridge replacement project. This project has been budgeted for delivery in the 2021/22 financial year.

CONSULTATION

The requested changes to speed limits were discussed with Regional Roads Victoria and Victoria Police, and their in-principle support was received.

Community feedback on the proposed speed changes was sought via an online survey carried out from 1 to 16 February 2021. The surveys were publicised through Council's Facebook page and in the local newspapers, and the results received were as follows:

Location	Current Speed Limit	Proposed Speed Limit	Total Responses	Supportive	Unsupportive
From Mystic Lane/ Coronation Avenue, Bright, through to Dunphys Hill, Wandiligong	80km/hr	60km/hr	110	37	73
Morses Creek Road, Wandiligong: From Growlers Creek Road to Austin Lane	80km/hr	60km/hr	107	43	64
Morses Creek Road, Wandiligong: From Austin Lane to the end of the sealed pavement, Wandiligong	100km/hr	80km/hr	107	44	63
Buckland Valley Road: Devils Creek Bridge through to Buckland Bridge.	100km/hr	80km/hr	43	24	19
Buckland Bridge to 1628 Buckland Valley Road.	100km/hr	60km/hr	43	26	17

In addition, respondents had the opportunity to provide written feedback on the proposals, to provide additional context around their vote.

Subsequent to the survey closing, and based on the written commentary that was received with the survey responses, the following organisations have been engaged specifically to discuss safety concerns relating to the section of Coronation Avenue and Morses Creek Road between the junction with Mystic Lane and passed the Mystic Park Landing Field:

- Alpine Community Plantation
- Alpine Cycling Club
- North East Victoria Hang Gliding Club
- Bright Cabin and Caravan Park ("Camp Crusty")

CONCLUSION

Community members have requested a reduction in the legal speed on roads managed by Council. Engagement has been carried out with the relevant agencies, with local organisations and with the general public, and the recommendations listed in this report result from an assessment of feedback from the community.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Asset Maintenance
- Manager Economic and Community Development

ATTACHMENT(S)

Nil

8.1.6 Draft Tree Management Plan

INTRODUCTION

Council is carrying out a holistic review of its policies and procedures. A review of Tree Management Policy No. 82 has been completed. This report relates to the revocation of the Tree Management Policy No. 82 and public exhibition of the draft Tree Management Plan.

RECOMMENDATION

That Council:

- 1. Revokes Tree Management Policy No. 82 Version 1.1;*
- 2. Authorises the Chief Executive Officer to:*
 - a. give public notice of the preparation of the draft Tree Management Plan;*
 - b. make the draft Tree Management Plan available for public inspection;*
- 3. Invites public submissions on the draft Tree Management Plan, with submissions closing 3pm, 12 August 2021; and*
- 4. Considers a recommendation to adopt the Tree Management Plan at a future Council Meeting.*

BACKGROUND

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

ISSUES

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

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

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

The trees which make up these avenues are typically single species and all planted at the same time. The risk is acknowledged that these tree avenues will reach maturity and approach the end of their useful life within similar timeframes. If left unmanaged, this will

likely result in whole avenues requiring removal and replacement over a relatively short period, with a significant impact on the character of these locations.

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

POLICY IMPLICATIONS

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

- Infrastructure and open space that our community is proud of

FINANCIAL AND RESOURCE IMPLICATIONS

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

CONSULTATION

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

In accordance with Council's Community Engagement Policy and based on the level of public interest that Council's approach to management of trees is likely to generate, the draft Tree Management Plan will be placed on public exhibition for a period of 28 days. Comments received from the public during this public exhibition period will be assessed, and changes made to the Plan as required prior to presenting the finalised plan to Council for adoption.

CONCLUSION

A best-practice approach has been taken in drafting a Tree Management Plan with an increased focus on risk management. The Plan has been subject to extensive internal review and is now ready for sharing for comment via a public exhibition process.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Asset Development
- Tree Crew Team Leader

ATTACHMENT(S)

8.1.6 Draft Tree Management Plan

8.1.7 14 McGeehan Crescent, Myrtleford

INTRODUCTION

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

RECOMMENDATION

That Council:

1. *Authorises the Chief Executive Officer to give public notice of a proposal for Council to purchase land at 14 McGeehan Crescent, Myrtleford;*
2. *Invites public submissions on the proposal, with submissions closing 3pm, 12 August 2021; and*
3. *Considers a recommendation for Council to purchase the land at a future meeting of Council.*

BACKGROUND

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

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

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

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

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

ISSUES

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

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

14 McGeehan Crescent is zoned 'Industrial 1'. It is surrounded on three sides by land which is also zoned 'Industrial 1', and on the fourth side abuts land zoned 'General Residential'. If the land purchase was to proceed, then the proposed use of the land as a Council works depot would be very similar to the previous use of the land as the Department of Environment, Land, Water and Planning Depot. The land is 4,894m² in area.

Detailed plans for the relocation and establishment of a depot on the site at 14 McGeehan Crescent have not been prepared, and the costs associated with the proposed relocation are not yet known. This work will be carried out to establish an 'order of magnitude' cost for the relocation prior to presenting a recommendation to Council.

Several options exist for the redevelopment of the existing depot site at 190 Standish Street, which include establishing a retention basin to reduce flood risk to downstream properties on Nil Gully Creek, or the establishment of affordable housing.

POLICY IMPLICATIONS

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

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

- Incredible places for our community and visitors

FINANCIAL AND RESOURCE IMPLICATIONS

There are no financial or resource implications associated with seeking community feedback on the proposal to purchase land.

If Council is presented with a recommendation to proceed with the purchase of the land at a future meeting, the financial and resource implications of doing so will be outlined at this time.

CONSULTATION

As part of the due diligence process, Council officers in the planning, building and asset maintenance teams have been engaged, have inspected the site at 14 McGeehan Crescent, and provided information to inform the decision to purchase.

Council's Community Engagement Policy states that Council will engage with the community when community members will be impacted by the decision under consideration by Council, and when Community members can have an impact on the decision to be made. Based on these criteria, which are both satisfied in the event of the potential purchase of land and relocation of Council's works depot, it is recommended that Council seeks feedback from the community through a public exhibition process.

CONCLUSION

Council is considering the potential purchase of land at 14 McGeehan Crescent in Myrtleford, for the purpose of relocating its works depot from the existing location at 190 Standish Street. Council's Community Engagement Policy requires that Council engages with the community to seek feedback on this proposal prior to making a decision.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets

ATTACHMENT(S)

Nil

8.1.8 Dinner Plain Activation Phase 2

INTRODUCTION

This report relates to funding for the Dinner Plain Activation Phase 2 Project.

RECOMMENDATION

That Council commits to a co-contribution of \$370,000 toward the Dinner Plain Activation Phase 2 Project to be budgeted in the 2022/23 financial year, funded from the Dinner Plain reserve to the extent that the reserve retains a positive balance, with any deficit to be funded by Council.

BACKGROUND

In the July 2020 Council Meeting, Council adopted the finalised Dinner Plain Village Detailed Designs, and adopted the priority order and tentative timeframe for implementing the discrete projects as follows:

- a. Toboggan Run and MTB Trail Hub – FY 2020/21 to 2021/22
- b. Scrubbers Hut Hub – FY 2020/21 to 2021/22
- c. Exit bus stop – 2026 to 2033
- d. Recreation Reserve – 2026 to 2033
- e. Dinner Plain Snowmaking Extension to Peashooter (subject to support of East Gippsland Water) – 2026 to 2033
- f. Village Centre – After 2033
- g. Multi-Courts Upgrade – After 2033
- h. Water Tower Lookout – After 2033

In September 2020, Council secured a \$500,000 commitment from the State Government 'Bushfire Tourism and Business Fund 2020' to deliver the Dinner Plain Activation Phase 1 Project, comprising items a) and b) on the list above. Council's co-contribution to this project was \$900,000, funded from the Dinner Plain reserve.

In November 2020, Council received confirmation that \$140,000 of Federal Government 'Local Roads and Community Infrastructure Funds' had successfully been allocated to the proposed 'Dinner Plain Village - Traffic and Access Improvements' project, comprising item c) on the list above. There is no Council co-contribution to this project.

In December 2020, Council sought funding of \$2.37 million from the State Government 'Bushfire Recovery Regional Economic Stimulus and Resilience' fund to deliver the Dinner Plain Activation Phase 2 Project, comprising items d) and f) on the list above.

In February 2021, the Dinner Plain Community Association secured \$80,000 to progress the design and approvals for a new pump track in Dinner Plain through the Alpine Shire Community Bushfire Recovery Grants Program. This program was administered by Council, with funding provided by Bushfire Recovery Victoria through the 'Local Government Bushfire Recovery Funding' grant. There is no co-contribution towards the scope of this agreement to deliver design documentation and approvals, however the delivery of the pump track is currently unfunded.

In March 2021, Council received notification that it had been allocated \$2.0 million in funding from the State Government to deliver the Dinner Plain Activation Phase 2 Project. This was \$370,000 less than the total amount of funding, which was applied for, and the expectation of a co-contribution from Council to increase the project budget to the amount of the funding application was unclear at the time of the funding announcement.

On 2 April 2021, Council sought funding of \$3.0 million from the State Government 'Regional Infrastructure Fund' to deliver the 'Gateway to Alpine Adventure - Dinner Plain Snowmaking' project, comprising item e) on the list above. On 15 June 2021, Council was notified that its funding application had been successful, and funding of \$3.0 million had been allocated to the project. There is no Council co-contribution to this project.

The following table summarises the capital projects which are currently funded for delivery in Dinner Plain, and the sources of funding to these projects:

Project	External Funding		Council Funding (Dinner Plain Reserve)
	State Government	Federal Government	
Dinner Plain Activation Phase 1	\$500,000		\$900,000
Dinner Plain Village - Traffic and Access Improvements	-	\$140,000	-
Dinner Plain Pump Track - Design and Approvals	\$80,000	-	-
Dinner Plain Activation Phase 2	\$2,000,000	-	-
Dinner Plain Snowmaking	\$3,000,000	-	-
Total	\$5,580,000	\$140,000	\$900,000

A total of \$6.62 million of capital projects are currently funded for delivery over the period through to 30 June 2023, and Council's contribution is 14% of the total budgeted amount, to be funded from the Dinner Plain Reserve.

ISSUES

The current \$370,000 shortfall in funding to the Dinner Plain Activation Phase 2 Project against the amount of the funding application will result in the following key components of the project not being delivered as part of the project:

- children's playground
- nature play areas
- a scenic lookout

- frisbee golf holes extension
- public seating for rest stops

There are efficiencies in delivering these components of the overall Detailed Designs at the same time as the balance of the scope is being delivered, which will be lost and will result in an increased cost to deliver these components if they are deferred and delivered as a discrete project in the future.

Particularly given the generous external funding that has been committed to Dinner Plain capital projects in the aftermath of the bushfire event and COVID, it is recommended that Council considers a co-contribution of \$370,000 to this project from the Dinner Plain reserve in order to enable the full scope of the project to be delivered. In committing to a \$370,000 co-contribution to this project, Council's overall contribution to the funding of projects currently being delivered in Dinner Plain, would increase to 18%. Based on the phasing for the delivery of the project, the expenditure of \$370,000 would be incurred during the 2022/23 financial year.

POLICY IMPLICATIONS

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

- Incredible places for our community and visitors

FINANCIAL AND RESOURCE IMPLICATIONS

In line with the 2019/20 Dinner Plain Special Rate declaration, Council is committed to delivery of a pipeline of \$1.5m of new and upgrade capital works in Dinner Plain by 2027. It is anticipated that by the end of 2021/22 and excluding external grant funding, delivery will have exceeded this amount, and Council will have fulfilled its commitment.

The Dinner Plain reserve is forecast to be \$297,000 as at 30 June 2022. Analysis has indicated that Dinner Plain expenditure will exceed income into the foreseeable future, and a point will be reached where the reserve is reduced to zero.

The implication of Council committing to a co-contribution of \$370,000 to the Dinner Plain Activation Phase 2 project is that the Dinner Plain reserve will likely be reduced to zero faster than it would otherwise have been. Council will be required to fund the deficit between the remaining amount of the Dinner Plain reserve and the \$370,000 co-contribution at the time these payments fall due, which will be during the 2022/23 financial year.

A project manager is already assigned to the Dinner Plain Activation Stage 2 project and has the capacity to deliver the full scope of the project as submitted in the funding application.

CONSULTATION

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

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

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

CONCLUSION

Council has secured very generous external funding to facilitate the accelerated delivery of a suite of projects identified as a high priority by the community through the Dinner Plain Detailed Design process. A shortfall of \$370,000 exists between the amount of external funding allocated to the Dinner Plain Activation Stage 2 project versus that needed to deliver the full scope of the project. It is recommended that Council funds this shortfall as a co-contribution to enable the full scope of the project to be delivered.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Asset Development
- Project Officer

ATTACHMENT(S)

Nil

8.1.9 Stockman Agreement

INTRODUCTION

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

RECOMMENDATION

That Council:

1. *Delegates authority to the CEO to commit Council to a six month extension to the Heads of Agreement 'Completion Date';*
2. *Publishes a copy of the 'Heads of Agreement Native Vegetation and Threatened Offset Management', inclusive of 'Schedule 1 Offset Proposal' however excluding 'Schedule 2 Payment Schedule on Council's website';*
3. *Notes that the 'Schedule 2 Payment Schedule' is deemed confidential information in accordance with the definition in s3 of the Local Government Act 2020, as it deals with private commercial information, being information provided by a business, commercial or financial undertaking that if released may unreasonably expose the business, commercial or financial undertaking to disadvantage; and*
4. *Directs parties seeking access to the 'Schedule 2 Payment Schedule' towards the provisions contained within the Freedom of Information Act 1982.*

BACKGROUND

Lots 1, 2 and 3 at Dinner Plain were purchased by Council in 2012. The land was purchased for opportunity and recreational development purposes. The land hosts significant and high value species, particularly within lot 3 which contains significant vegetation communities along the headwaters of the Victoria River.

In 2013, Council was approached by the Independence Group NL (IGO), which was proposing to carry out underground mining operations to source copper and zinc from two prospects located approximately 19km southeast of Benambra, within the East Gippsland Shire.

As part of the proposed operations, IGO identified the requirement to remove of 0.41ha of Sub-alpine Wet Heathland or Alpine Sphagnum Bogs and Associated Fens. This vegetation community meets both the Environmental Protection and Biodiversity Conservation EPBC Act 1999 listed 'Alpine Sphagnum Bogs and Associated Fens' ecological community and also the floristic community 'Montane Swamp Complex' which is listed under the *Flora Fauna Guarantee Act 1988* (FFG).

Both State and Commonwealth legislation requires that an offset is established to compensate for the loss in biodiversity value when native vegetation is removed. An offset is delivered by protecting and managing native vegetation at an offset site. This protection and management improves the security and condition of the native vegetation, resulting in 'gain'. This gain is used to meet the offset requirements when

native vegetation is removed. In this case, because the proposed removal of native vegetation is deemed to have a significant impact on the habitat for a rare or threatened species, a 'species offset' is required, where the an equivalent habitat is required to be protected and maintained.

IGO sought to enter into a commercial arrangement with Council through which an offset site would be established on Council land in Dinner Plain to offset the loss of vegetation at the site of the proposed IGO operations in East Gippsland. Over the subsequent 12 months, Council evaluated this proposal, which included an assessment of:

- The suitability of the offset area to meet the required species offset requirements;
- The anticipated impact of entering into an offset agreement on Council, the community and visitors to the area;
- The obligations and likely costs for the management of the offset area;
- The necessary contractual arrangements between Council and IGO to effectively manage and protect Council's interest; and
- The commercial arrangement and payments associated with the offset agreement.

Vegetation located within Lot 3 at Dinner Plain was assessed by an independent consultant, Ethos NRM, as meeting both the State and Commonwealth offset obligations for removal of 0.41 ha of Sub-alpine Wet Heathland as part of the Stockman Project. The offset area was identified as being 2.19ha of Sub-alpine Wet Heathland within a property having an area of approximately 160ha.

In a confidential report at the 1 April 2014 Ordinary Council meeting, Council considered the Dinner Plain Montane Swamp Offset Management Agreement. The Heads of Agreement was subsequently signed and sealed on 2 August 2016 at the Ordinary Council Meeting.

The Heads of Agreement is a legally binding agreement in which the parties agree that:

- *the Company [IGO] will purchase the Offsets from the Landowner [Council] located on the Offset Land [Dinner Plain Lot 3] for the purposes of satisfying the requirements of the Framework [The Victorian Government Native Vegetation Management Framework], the EES [Environmental Effects Statement] process, and the EPBC Act as applicable to the Project.*

The Completion Date, being the date on which the Landowner Agreement is executed by all relevant parties, is defined as the date on which the Landowner Agreement is executed by all relevant parties or such other day as may subsequently be agreed between the parties in writing and clause 4.4 of the Landowner Agreement specifies that this date is to be no later than 60 months from the date of the Heads of Agreement, unless extended by written agreement between the parties.

Following the acquisition by WHSP Stockman Pty Limited of the Stockman Project from IGO in December 2017, an Assignment Deed was signed through which the benefit of the Heads of Agreement was unconditionally assigned from IGO to WHSP Stockman Pty

Ltd. WHSP Stockman Pty Limited is a subsidiary of Round Oak Minerals Pty Ltd, which itself is owned by Australian ASX listed company Washington H. Soul Pattison Pty Ltd.

On 9 May 2021, a request was received from a member of the public 'regarding the proposed vegetation offset at Dinner Plain for the new Stockman Project Mine in East Gippsland' and seeking 'further information regarding the proposed new agreement covering this offset'. The requestor also asked, 'if the new agreement will be open for public comment at some point from Shire residents, since the offset involves Council owned land'.

On 9 June 2021, a request was received from WHSP Stockman (Round Oak) for a 6 month extension to the Completion Date, noting that 'it remains WHSP Stockman's intent to work towards having the Landowner Agreement in a position for Council to approve it for execution at its September 2021 meeting (if it is not ready for the August 2021 Council Meeting)'.

ISSUES

Request for 'further information'

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

With the exception of 'Schedule 2 Payment Schedule', the Heads of Agreement including 'Schedule 1 Offset Proposal' is not deemed to contain any information which is confidential. It is recommended that these documents are made publicly available through the Alpine Shire Council website.

WHSP Stockman deems the information contained in 'Schedule 2 Payment Schedule' to be confidential on the basis that it contains commercially sensitive information that may 'unreasonably expose the business, commercial or financial undertaking to disadvantage if released'. It is recommended that this information is not made publicly available, and that any member of the public seeking to gain access to this Schedule be directed towards the provisions contained within the Freedom of Information Act 1982.

Request for extension to the Completion Date

The work required to establish the Landowner Agreement is well progressed, and in the event that Council does not agree to an extension to the Completion Date as requested by Round Oak, it is likely that Round Oak will conclude the remaining steps in order to be in a position for both parties to enter into the Landowner Agreement within the period of validity of the Heads of Agreement. In the event that Round Oak reaches this position, then under the terms of the Heads of Agreement 'each party must do anything (include execute any document), and must ensure that its employees and agents do anything (including executing any document), that the other party may reasonably require to give full effect to this Agreement'.

It is considered to be in Council's interests to agree to an extension of the Completion Date in order for the remaining activities to proceed to conclusion in an orderly and considered manner, providing the time necessary for Council to ensure that its rights and obligations are understood and appropriately captured in the documentation.

POLICY IMPLICATIONS

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

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

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

- A high performing organisation

FINANCIAL AND RESOURCE IMPLICATIONS

There are no financial or resource implications associated with either the release of information relating to the Stockman Agreement, or with committing to extend the Completion Date of the Heads of Agreement by six (6) months.

CONSULTATION

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

CONCLUSION

A member of the public has requested information relating to the Stockman Agreement, which was the subject of a confidential Council Meeting in April 2014. It is recommended that Council shares the information that is not deemed confidential and directs the requestor to the *Freedom of Information Act 1982* in relation to seeking release of the information which is deemed confidential.

Round Oak has requested a six (6) month extension to the Completion Date for the Stockman Heads of Agreement. It is recommended that Council agrees to the requested extension, to provide sufficient time for the orderly and considered completion of the remaining activities required prior to entering into a Landowner Agreement.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets

ATTACHMENT

Nil

8.2 ACTING DIRECTOR CORPORATE PERFORMANCE – WILL JEREMY

8.2.1 Airport Services Lease for Aircraft Hangar at Porepukah Aerodrome

File Number: 1500.01

INTRODUCTION

Leases have been prepared for hangars on land contained in Lot 1 Plan of Subdivision PS612929, 266 Buckland Valley Road Porepukah for 10-year terms, with a second 10-year option. The purpose of this report is to seek approval to execute a lease at the Porepukah Aerodrome for the purpose of occupying an existing aircraft hangar at the site.

RECOMMENDATION

That Council:

- 1. approves and executes the lease forming part of Lot 1 PS612929, 266 Buckland Valley Road, Porepukah for an aircraft hangar; and*
- 2. signs and seals the lease documents at the appropriate stage of the Council meeting.*

BACKGROUND

The Porepukah Aerodrome Master Plan was presented to Council at its Ordinary Council Meeting June 2006. One of the recommendations of the Master Plan was that Council negotiate with the adjoining landowner of the airfield with regard to acquisition of additional land for potential hangar relocation and new hangars.

At its Ordinary Council meeting July 2007 Council approved the Acting CEO be authorised to proceed with the acquisition of an adjoining strip of land at the Porepukah Aerodrome.

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

Lease documentation has been developed for the purpose of entering into long term hangar leases on this land. The current lease is for an existing hangar at the site. The length of the lease is 10 years, plus a 10-year option. Commencement rent for the leases is determined by hangar size. The commencement rent for the lease will be calculated at \$6.41/m² (plus GST) per annum.

ISSUES

Under Section 5(2)(d) of the *Local Government Act 1989* (the Act), Council can acquire, hold, deal with or dispose of the property (including land) for the purpose of performing its functions and exercising its powers.

Prior to entering into a Lease of 10 years or more, Section 190 of the Act requires Council to:

- At least four weeks before the lease is made, publish a public notice of the proposed lease (Section 190(3b)).
- Allow interested persons to make submissions under Section 223 on the proposed sale or exchange (Section 190(4)).

In September 2018 Council published a public notice regarding its intent to enter into aircraft hangar leases at the Porepunkah airfield site. Submissions were invited under Section 223 of the Act. No submissions were received. Council has met the requirements under Section 190 and Section 223 of the Act.

POLICY IMPLICATIONS

This process is in accordance with obligations under the *Local Government Act 1989* and the Local Government Best Practice Guidelines for the Sale, Exchange and Transfer of Land.

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

- Highly utilised and well managed community facilities

FINANCIAL AND RESOURCE IMPLICATIONS

The commencement annual lease income for the hangars will be approximately \$833 (plus GST). Forward lease charges are indexed to CPI annually and subject to a market review after the first 10 years of the lease. Income collected from hangar rentals at the airfield is paid to the Porepunkah Aerodrome Association to assist it in fulfilling its responsibilities to operations and day to day maintenance of the airfield.

CONSULTATION

In accordance with Section 190 of the Act public notices were posted in September 2018 notifying of proposed future hangar leases at the site and inviting submissions in accordance with Section 223 (Section 190(3b) & (4)). No submissions were received to leases being entered into for the purpose of aircraft hangars at the site.

CONCLUSION

Having met Council's obligations under the *Local Government Act 1989* Council may enter into the lease of the land by executing the attached lease documents.

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 Commercial
- Acting Director Corporate Performance
- Manager Facilities

ATTACHMENT(S)

Nil

8.2.2 Lease of land for Telecommunications Tower at 1 Tower Road Dinner

File Number: 1500.01

INTRODUCTION

A lease has been prepared for the use of a land for a telecommunications tower at 1 Tower Road, Dinner Plain for a 10-year term with two further terms of 5 years. The lease has been prepared due to the end of the current lease held by Telstra over the site. The purpose of this report is to seek approval to invite submissions from the public on the lease and if no submissions received, approves the lease for execution without further resolution.

RECOMMENDATION

That Council:

1. *endorses the draft lease with Telstra Corporation Limited of land contained in certificate of title volume 10747 folio 552, 1 Tower Road, Dinner Plain*
2. *invites submissions to the lease up to 5pm on Wednesday 11, August 2021;*
3. *if submissions are received:*
 - a. *establishes a special committee of Council to hear submissions on the draft Lease at a time to be determined*
 - b. *reviews and considers adopting the lease at the Ordinary Council Meeting on Tuesday 7, September 2021*
4. *if no submissions are received, approves the lease without further resolution under the following terms:*
 - a. *annual rental \$10,000 plus GST*
 - b. *lease term of ten years with further options of two terms of five years*
 - c. *annual rent index rate – 2% p.a. for the life of the lease (including further terms)*
 - d. *authorises the Chief Executive Officer to prepare and execute the lease documents on behalf of Council.*

BACKGROUND

In 1998 a lease of land at 1 Tower Road, Dinner Plain was entered into between Alpine Shire Council and Telstra Corporation Limited for the purpose of the installation and operations of a telecommunications tower. The original lease option terms ended June 30, 2018. Closing rent for the final year of the previous lease was \$3,507 p.a. excluding GST. Negotiations for the terms of a new lease have been occurring since early 2017. Occupation of the site by Telstra Corporations Limited is currently occurring under overholding provisions under the previous lease.

Council obtained a market rent valuation in 2018 which provided a determination of market rent being \$12,000 p.a.

As a result of negotiations, the following terms for a new lease commencing from July 1, 2018 have been agreed.

- Commencement rent - \$10,000 p.a. plus GST
- Term of lease – 10 years
- Options for further terms – 2 x 5 years
- Annual rent index rate – 2% p.a. for the life of the lease (including further terms)

Lease documentation representing these terms has been developed for the purpose of entering into a long-term lease with Telstra.

ISSUES

Under Section 5(2)(d) of the *Local Government Act 1989*, Council is able to acquire, hold, deal with or dispose of the property (including land) for the purpose of performing its functions and exercising its powers.

Prior to entering into a Lease of 10 years or more, Section 115 of the *Local Government Act 2020*, requires Council to:

Undertake a community engagement process in accordance with its community engagement policy before entering the lease (s115(4)).

Upon consideration of the intension of the lease, the process Council has followed to reach agreement on proposed terms for the lease and the importance this infrastructure plays in the provision of telecommunications services to the Dinner Plain community it is not considered that extensive community engagement is required under the terms of Councils Community Engagement Policy.

Council does consider that communication of the intension to enter into the lease and the opportunity to make submissions to the lease is a reasonable expectation under the policy and therefore is recommending a public notice is placed inviting submission to the draft lease.

POLICY IMPLICATIONS

This process is in accordance with obligations under the *Local Government Act 2020*, the Local Government Best Practice Guidelines for the Sale, Exchange and Transfer of Land and Council's Community Engagement Policy.

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

- Highly utilised and well managed community facilities

FINANCIAL AND RESOURCE IMPLICATIONS

The commencement annual lease income for the lease is \$10,000 p.a. (plus GST). Forward lease charges are indexed at 2% annually including further terms.

CONSULTATION

Subject to Council adopting the recommendation, a public notice will be published inviting submissions on the proposed lease. Any submissions received will be considered by Council prior to any final decision to enter into the lease under the proposed terms.

CONCLUSION

The terms of the lease agreed between Council and Telstra Corporation offer good value to Council and by entering into the lease secures this important piece of telecommunications infrastructure for Dinner Plain into the future. To enable good consultation, Council should advertise a public notice inviting submissions on the proposed lease and consider any submissions prior to entering into the proposed lease with Telstra Corporation Limited. If no submissions are received to the proposed lease Council may enter into the lease of the land by executing the prepared lease documents.

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 Commercial
- Acting Director Corporate Performance
- Manager Facilities

ATTACHMENT(S)

Nil

8.2.3 Finance Committee Charter

File Number: 615.00

INTRODUCTION

Council is supported by a Finance Committee, which has the purpose to advise Council on prudent, fair and transparent management of Council finances in a manner that best supports Council objectives. The Finance Committee Charter was adopted by Council in December 2018 and is now due for review.

RECOMMENDATION

That Council:

- 1. adopts the revised Finance Committee Charter Version 3;*
- 2. revokes Policy No.2 Finance Committee Charter Version 2 adopted on 4 December 2018; and*
- 3. signs and seals the Charter at the appropriate stage of the Council meeting.*

BACKGROUND

Council has two Committees, namely the Finance Committee and the Audit and Risk Committee, which jointly help to ensure that Council complies with the financial management principles specified in section 101 of the Local Government Act 2020.

The prescribed financial management principles are as follows:

- revenue, expenses, assets, liabilities, investments and financial transactions must be managed in accordance with a Council's financial policies and strategic plans
- financial risks must be monitored and managed prudently having regard to economic circumstances
- financial policies and strategic plans, including the Revenue and Rating Plan, must seek to provide stability and predictability in the financial impact on the municipal community
- accounts and records that explain the financial operations and financial position of the Council must be kept.

For the purposes of the financial management principles, financial risk includes any risk relating to the following:

- the financial viability of the Council
- the management of current and future liabilities of the Council
- the beneficial enterprises of the Council.

The Finance Committee Charter is an essential document that outlines the purpose and responsibilities of the Finance Committee.

ISSUES

The Finance Committee Charter has been reviewed to ensure that the objectives of the Finance Committee are complementary to those of the Audit and Risk Committee.

The Finance Committee Charter clearly states the financial reporting functions and responsibilities of the Finance Committee and provides greater clarity over the Principles and Administrative arrangements of the activities of the Committee to meet the desired objectives.

Finally, the roles in support of the Audit and Risk Committee have been revised to reflect the current positions of Director Corporate Performance and the Council's Financial Accountant.

POLICY IMPLICATIONS

The Finance Committee aids Council in complying with the financial management principles specified in section 101 of the Local Government Act 2020.

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

- A high performing organisation

FINANCIAL AND RESOURCE IMPLICATIONS

The operation of the Finance Committee is supported by council officers.

CONSULTATION

The reviewed Finance Committee Charter has been endorsed by the Finance Committee and noted by the Audit and Risk Committee.

CONCLUSION

The Finance Committee Charter clearly states the financial reporting functions and responsibilities of the Finance Committee and provides greater clarity over the Principles and Administrative arrangements of the activities of the Committee to meet the desired objectives.

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 Commercial
- Acting Director Corporate Performance
- Manager Corporate
- Financial Accountant

ATTACHMENT(S)

8.2.3 Finance Committee Charter

8.2.4 Audit and Risk Committee Meeting Minutes and Recommendations

File Number: 0900.06

INTRODUCTION

The purpose of the report is to present the minutes of the Audit and Risk Committee meeting No.2020/21-36 held on 28 May 2021.

Key items presented to and considered by the Audit and Risk Committee (Committee) at this meeting included:

- Victorian Auditor-General's Office (VAGO) Interim Management Letter, Year Ending 30 June 2021
- VAGO Report on Maintaining Local Roads
- VAGO Report on Sexual harassment in Local Government
- nomination and recommendation of Audit and Risk Committee Chair for 2021/22.

RECOMMENDATION

That Council:

1. *receives and notes the minutes of Audit and Risk Committee Meeting No.2020/21-6 held 28 May 2021*
2. *accepts the Audit and Risk Committee's nomination and recommendation of Independent Member, Gerard Moore, to the role of Chair of the Audit and Risk Committee for 2021/22.*

REPORT

Welcome to new members

The Committee extended a welcome to one returning independent member Gerard Moore, and one new member, Jason Young.

VAGO Interim Management Letter, Year Ending 30 June 2021

Council's external auditor, RSD Audit, Bendigo, was onsite for the interim audit in late April 2021. Auditors, Phil Delahunty, Partner, and Blessing Mendosa, Chartered Accountant, attended the meeting via video conference to discuss the VAGO Interim Management Letter, Year Ending 30 June 2021.

The audit approach is to:

- assess risks - identify material transactions, balances, disclosures, and significant events and assess risks of material misstatements and controls in place to mitigate
- respond to risks - execute procedures to obtain audit evidence including testing key manual and application controls

- report - provide observations and recommendations for improvement to internal controls and other key deficiencies identified.

The Interim Management Letter provides a detailed overview of the matters raised by the auditors including two new findings and recommendations in relation to Information Technology general control weaknesses, and system and network access.

The Interim Audit also involved a staff survey on fraud and corruption awareness which indicated that Council has in place a reasonable framework against fraud and corruption.

The Committee noted the VAGO Interim Management Letter year ending 30 June 2021 and Council's plan for addressing the findings.

VAGO Report on Maintaining Local Roads

The VAGO report on Maintaining Local Roads examined whether councils

- use asset data, budget information and community feedback to inform their planning for road maintenance
- are finding and implementing ways to achieve value for money
- maintain roads in a timely manner.

Council contributed data to the audit through a sector wide questionnaire that sought information on the size of road networks, costs of maintenance, proportion of seal types, and accuracy of data among other things.

The Committee considered VAGO's findings and recommendations and Council's current level of compliance with the recommendations. The Committee noted that Council is substantially compliant, or in the process of undertaking improvement actions to improve its performance, in road maintenance activities within its resource capabilities.

VAGO Report on Sexual Harassment in Local Government

The VAGO Report on Sexual Harassment in Local Government examined whether councils provide their staff and councillors with workplaces free from sexual harassment.

The audit primarily focussed on:

- the prevalence and nature of sexual harassment in councils
- councils' policies, training, and communication
- the effectiveness of councils' complaint handling.

The audit involved a sector-wide survey with responses from 9,939 council employees and councillors representing 75 of the 79 councils, including Alpine. Council's response rate of 59.46% was well above the State average of 23.74%.

The Committee noted that Council has a zero tolerance for sexual harassment, has appointed contact officers, and has planned training for all staff on the prevention and reporting of sexual harassment.

Nomination and Recommendation of Chair

The Alpine Shire Council Audit and Risk Committee Charter, V4.0 August 2020, sets out the requirements for the appointment of the Chair of the Audit and Risk Committee.

Section 3.8 of the Charter stipulates that:

“The chair of the Committee must be an independent member (section 53(4)).

The Committee will nominate and recommend a Chair to Council each year.

Council will formally appoint the Committee Chair”.

The Committee nominated and recommends to Council independent member Gerard Moore as Chair of the Committee for 2021/22.

POLICY IMPLICATIONS

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

- A responsible and sustainable organisation

CONCLUSION

The Audit and Risk Committee, being satisfied with the detail provided in its agenda and the officer reports, submits the minutes of its meeting No.2020/21-6 held on 28 May 2021 to Council for noting as well as its recommendation of Independent Member, Gerard Moore, for appointment as Chair of the Committee for 2021/22.

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

ATTACHMENT(S)

8.2.4 Minutes of Audit and Risk Committee Meeting No.2020/21-06, 28 May 2021

8.2.5 Appointment of Independent Audit and Risk Committee Members

File Number: 0900.06

INTRODUCTION

The Alpine Shire Council Audit and Risk Committee comprises councillor and independent members. Council has sought expressions of interest for membership to the Committee from applicants with strong financial credentials. This process is now complete. This report recommends the appointment of one new independent member to Council's Audit and Risk Committee for a three-year term.

RECOMMENDATION

That Council appoints Julie Guest to the Audit and Risk Committee for a term of two years commencing from 6 July 2021 pending satisfactory completion of pre-appointment paperwork.

BACKGROUND

The Audit and Risk Committee Charter requires a minimum of five members:

- Two councillors nominated by Council and
- Three or more independent persons appointed by Council.

The Audit and Risk Committee currently consists of five members: two councillors and three independent members.

The independent members are appointed for a three-year term with the term expiry preferably being staggered to provide a level of continuity and stability. Council has recently completed a recruitment campaign for a further independent member with strong financial acumen.

The recruitment process for the additional independent member in accordance with the Committee's Charter has now been completed.

ISSUES

Expression of Interest

The expression of interest was advertised in the local papers, on Council's website and sent to FinPro and LGPro for circulation amongst their networks. There were three applications.

Selection Process

The applicants were interviewed by the Mayor and Chief Executive Officer and assessed against selection criteria. Consideration was also given to their industry experience and previous experience on a board or audit committee.

Selected candidates

The selection panel agreed to the appointment of Julie Guest as a new member.

Pre-appointment Documentation

Pre-appointment documentation is currently being prepared for the new members including a formal letter of offer, police check, confidentiality agreement and conflict of interest declaration. Appointment by Council would be subject to the satisfactory completion and return of all documents prior to commencement and attendance at the next meeting of the Audit and Risk Committee scheduled for 30 July 2021.

Term of Appointment

The Audit and Risk Committee Charter provides for the appointment of independent members for a three-year term. It is proposed to appoint the recommended applicants for the two-year period commencing 6 July 2021 and expiring 5 July 2023.

POLICY IMPLICATIONS

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

- A responsible and sustainable organisation

FINANCIAL AND RESOURCE IMPLICATIONS

Independent Audit and Risk Committee members receive a set fee for each meeting attended in accordance with the Audit and Risk Committee Charter and as set by Council. This fee is currently \$320 per meeting for independent members and \$415 per meeting for the Chair.

CONCLUSION

A rigorous recruitment process was undertaken for an independent Audit and Risk Committee member and it is recommended that Council appoint Julie Guest to the Audit and Risk Committee for a two-year term.

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 Commercial
- Acting Director Corporate Performance
- Manager Corporate
- Governance Officer

ATTACHMENT(S)

Nil

8.2.6 Insurance Portfolio 2021/22

File Number: SU0655

INTRODUCTION

This report outlines Council's insurance portfolio for 2021/22 and seeks Council approval for the purchase of the recommended insurance policies.

RECOMMENDATION

That Council approves:

- 1. the 2021/22 Professional Indemnity and Public and Products Liability insurance be procured through the Liability Mutual Insurance (LMI) Scheme managed by MAV Insurance to the total value of \$273,996.38 (including GST).*
- 2. the 2020/21 Commercial Crime insurance be procured through MAV Insurance to the total value of \$3,894.54 (including GST).*
- 3. the balance of the 2020/21 insurance portfolio, including Community Public and Products Liability; Councillors and Officers Liability; Motor Vehicle; Major Airport Owners and Operators Liability; Personal Accident; Corporate Travel; Municipal Asset Protection; and brokerage service, be procured from Jardine Lloyd Thompson Pty Ltd to the total value of \$274,521.96 (including GST, stamp duty and administration fees).*
- 4. The 2021/22 WorkCover insurance be procured through Xchanging Integrated Services Victoria Pty Ltd to the total estimated value of \$123,777.51 (including GST).*

BACKGROUND

Professional indemnity and public and products liability insurance

Sections 43 and 52 of the *Local Government Act 2020* (LGA) require Council to indemnify and keep indemnified councillors, members of committees, the Chief Executive Officer and all staff against actions and claims arising in the performance of their duties and functions under the LGA and any other act, regulation or local law.

Council is a member of the Liability Mutual Insurance (LMI) Scheme managed by the not-for-profit Municipal Association of Victoria (MAV) Insurance. The LMI scheme provides professional indemnity and public and products liability (PI and PPL) cover specifically tailored to meet the specific risks and exposures of local government and is backed by a portfolio of A-grade reinsurers. The scheme provides a reliable product at a steady price, regardless of market conditions and the not-for-profit structure means any excess revenue is either kept in the fund to help keep premiums down or returned directly to members as a surplus distribution. As a member of the scheme, Council is bound by the Deed of Establishment, Rules and Conditions of the Scheme.

The Minister for Local Government approved a state-wide ministerial exemption on 24 June 2021 for all Victorian municipal councils to enter into insurance contracts with the

MAV without undertaking a tender process where the contract concerns the provision of Liability Mutual Insurance services.

Council's 2021/22 PI and PPL insurance premium is \$279,996.38 (including GST).

Commercial crime insurance

MAV Insurance procure commercial crime insurance on behalf of fund members to protect against any fraudulent or dishonest act committed by an employee or third-party including theft, forgery and computer fraud. The insurance is placed with insurers based on the best terms and conditions available in the market.

Council's 2021/22 Commercial Crime insurance premium is \$3,894.54 (including GST).

WorkCover insurance

WorkCover insurance is regulated under the Workplace Injury Rehabilitation and Compensation Act 2013.

The Act requires:

- Council to register with WorkSafe as an employer
- WorkSafe to provide Council with statutory insurance to cover Council for the cost of workplace injuries suffered by its workers
- Council to pay the WorkCover insurance premium (s430).

WorkSafe appoints a panel of agents to provide its WorkCover insurance through a tender process and then allocates Council to an agent from the panel.

Council's WorkCover registration is allocated to Xchanging Integrated Services Victoria Pty Ltd.

The primary factors considered in the calculation of Council's WorkCover insurance premium are:

- Remuneration - the wages, salaries, superannuation and other benefits Council pays its workers.
- Industry classification rate - the claims experience for local government and other Council activities.
- Performance rating - Council's claims cost experience for the previous three years compared to the industry average.

Council's 2021/22 WorkCover insurance premium is estimated to be \$123,777.51 (including GST).

Brokerage services for other insurances

Jardine Lloyd Thompson Pty Ltd (JLT) has been Council's insurance broker since the inception of the Council and provide continuity and a quality service. JLT, on behalf of Council, undertake market testing of all insurance policies other than: WorkCover; Professional Indemnity and Public and Products Liability; and Commercial Crime.

Asset and property insurance

JLT administer the Victorian councils owned mutual, Municipal Asset Protection Plan Discretionary Trust Arrangement, otherwise known as JMAPP. JMAPP is essentially a fund for property damage claims combining conventional property damage/business interruption insurance with a discretionary trust element that enables the trustees to make discretionary payments that would not have been otherwise covered under traditional property and asset insurance policies.

In anticipation of the premium for the JMAPP policy exceeding \$150,000 in 2021/22, Council appointed JLT to undertake a public tender for this class of insurance in conformity with *Local Government Act and Council Procurement Policy requirements*.

Two insurers responded to the initial advertised expression of interest and were able to comply with the conditions, but to ensure the most competitive terms and conditions were achieved, an additional twelve insurers were contacted to submit a tender. Only one tender was submitted and assessed by an evaluation panel and probity manager. The recommendation of the evaluation panel is to maintain membership of the JMAPP discretionary trust.

Other classes of insurance

Council's other classes of insurance include:

Community Public and Products Liability

Provides liability cover for injury and property damage for uninsured hirers of Council facilities.

Councillors and Officers Liability

Provides cover for councillors and officers against claims from 'Wrongful Acts' committed in their official capacity including discrimination, sexual harassment, bullying and defamation allegations; breaches of various statutes; and mismanagement of assets/funds.

Motor Vehicle

Full comprehensive insurance for all road registered motor vehicles, plant and trailers owned, mortgaged under Hire Purchase Agreement, hired or leased by Council.

Major Airport owners and Operators Liability

Provides liability cover for injury and property damage associated with the premises at and operation of the Council's airfields at Mount Beauty and Porepunkah.

Personal Accident

Provides accident cover for the Mayor, councillors, employees, directors and voluntary workers while engaged in business/work for Council.

Corporate Travel

Worldwide travel insurance for all councillors and employees while travelling for Council business.

Procurement policy and cumulative spend

JLT source a total of seven insurance policies on behalf of Council and while the policies are placed with various underwriters, JLT invoice Council for each policy with a resultant cumulative spend in excess of \$250,000. This total spend requires Council approval as it is above the \$150,000 spend threshold delegated to the Chief Executive Officer in Council's Procurement Policy and the *Local Government Act 1989*.

The recommended insurers and premiums, including GST, for 2021/22 are:

Class of Insurance	Insurer	Premium
Community Public Liability	QBE Insurance (Aust) Ltd (through Victor Insurance-CL)	\$2,357.59
Councillors and Officers Liability	XL Insurance Company SE	\$20,793.01
Motor Vehicle	AAI Ltd T/As Vero Insurance	\$58,707.12
Airport Owners and Operators Liability	QBE Aviation	\$4,757.50
Personal Accident	Chubb Insurance Australia Ltd (through Victor Insurance-PA)	\$1,500.16
Corporate Travel	Chubb Insurance Australia Ltd (through Victor Insurance-Travel)	\$152.57
JMAPP (Assets)	JLT Municipal Asset Protection Plan Discretionary Trust	\$164,254.01
Broker Fee	JLT	\$22,000.00
Total Cost		\$274,521.96

POLICY IMPLICATIONS

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

- A responsible and sustainable organisation

FINANCIAL AND RESOURCE IMPLICATIONS

Council has allocated funds in its 2021/22 budget to cover its insurance premiums.

CONCLUSION

It is recommended that Council place its 2021/22 WorkCover Insurance with Xchanging Integrated Services Victoria Pty Ltd, Professional Indemnity and Public and Products Liability and Commercial Crime insurances with MAV Insurance and a suite of other insurances including motor vehicle and asset protection through Jardine Lloyd Thompson Pty Ltd in line with the detail provided in this report.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Commercial
- Acting Director Corporate Performance
- Manager Corporate
- Health Safety and Risk Officer

ATTACHMENT(S)

Nil

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

File Number: Delegations register

INTRODUCTION

Instruments of appointment and authorisation are an important means of Council ensuring that its officers are appropriately authorised under the relevant Acts that Council administers. This report provides for a change in title for an officer with planning responsibilities.

RECOMMENDATION

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

1. *the member of Council staff referred to in attachments 8.2.7 "S11A – Instrument of Appointment and Authorisation – Planning & Environment Act 1987" (the instrument) be appointed and authorised as set out in the instrument:*
 - a. *Director Corporate Performance (Acting)*
2. *the instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it*
3. *on the coming into force of the instrument, the previous "S11A – Instrument of Appointment and Authorisation – Planning and Environment Act 1987" for the following members of Council staff, as dated, be revoked:*
 - a. *Director Commercial, dated 1 June 2021*
4. *The instrument be signed and sealed at the appropriate stage of this meeting.*

BACKGROUND

Council staff involved in planning roles require current and accurate authorisations to fulfil their duties. Planning responsibilities are transitioning from the Director Commercial to the Acting Director Corporate Performance, hence updated authorisations are required to ensure a smooth transition.

ISSUES

Authorised Officers

Authorised officers have statutory powers under relevant legislation. In the case of Council's staff in the Planning department, the attached Instruments of Appointment and Authorisation under the *Planning and Environment Act 1987* mean that they are authorised officers for the purposes of that Act.

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

Planning and Environment Act 1987

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

Maddocks Delegations and Authorisations Service

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

POLICY IMPLICATIONS

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

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

- A well planned and safe community

FINANCIAL AND RESOURCE IMPLICATIONS

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

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

CONSULTATION

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

CONCLUSION

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

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate Performance (Acting)
- Director Commercial
- Manager Corporate
- Governance Officer

ATTACHMENT(S)

8.2.7 S11A – Instrument of Appointment and Authorisation – *Planning & Environment Act 1987* – Director Corporate Performance (Acting)

8.2.8 Omnibus Planning Scheme Amendment C60 Part 2 - Consideration of the Report of the Independent Panel and Adoption of Amendment

File Number:

INTRODUCTION

The purpose of this report is to:

1. Inform Councillors of the report of the independent Panel for Amendment C60 Part 2 to the Alpine Planning Scheme.
2. Propose that Council submit Amendment C60 Part 2 to the Minister for Planning for approval.

RECOMMENDATIONS

That Council:

1. *notes the report of the Independent Panel for Amendment C60 Part 2;*
2. *adopts Amendment C60 Part 2 as exhibited;*
3. *submits Amendment C60 Part 2 to the Minister for Planning for approval; and*
4. *advises submitters as to the outcome.*

BACKGROUND

Amendment C60 to the Alpine Planning Scheme was prepared as a “correction” amendment to remedy a number of errors in the Alpine Planning Scheme.

The proposed corrections included:

1. Rezoning the Bright and Mount Beauty Golf Courses to a Special Use 6 (Golf Course) Zone from the current Public Conservation & Resource Zone (PCRZ), to reflect that the land is in freehold title.
2. Amending Schedule 5 to the Special Use Zone – Schedule 5 Mount Beauty Aerodrome and Air Park to correct a range of errors and omissions.
3. Changes to the Heritage Overlay tree controls in the Bright Cemetery to protect a valued tree that was unprotected.
4. Inclusion of North East Water (NEW) Land in Mount Beauty and Tawonga South from PCRZ to Public Purpose Zone 1 to reflect its use for utility purposes

The amendment was exhibited from 19 November 2020 to 8 January 2021.

A total of five (5) submissions were received.

Two of the submissions were non-objecting submissions.

Two of the submissions are conditional objections from the Mount Beauty and Bright Golf Clubs which request a change to zone controls to allow “Group Accommodation” as discretionary uses for which permits may be applied for. The requested change was supported by Council.

To progress that part of the amendment which was not subject to objections and the part where changes were supported, Council decided at its March 2 meeting to split the amendment into 2 parts and adopt Part 1 for submission to the Minister for approval.

Part 1 has been submitted to the Minister and is currently under consideration.

Part 2 of the amendment deals with the correction of errors and omissions in the ordinance provisions in the Special Use Zone - Schedule 5 - Mount Beauty Aerodrome and Airpark (SUZ5), which:

- unintentionally imposes a blanket building height limit of 6m to all buildings
- imposes unnecessary requirements on applicants
- contains requirements that are unclear as to intent
- omits important information regarding the Aircraft Obstacle Limitation Surface Layer that governs the safe limit to which structures and other obstacles can be safely established.

ISSUES

Part 2, which was subject of the submission by NEW, was referred to an Independent Panel appointed by the Minister for Planning for consideration.

The submission from NEW was supportive of the proposed rezoning of its own water supply assets in Mount Beauty and Tawonga South to a Public Purpose Zone.

However, NEW also requested changes to the proposed aerodrome planning controls to give effect to odour buffers in accordance with recent NEW odour modelling for the Mount Beauty Water Treatment Plant.

The requested changes sought to prohibit a range of currently discretionary uses in the SUZ5 Zone. These changes were not supported by Council.

It was noted that the changes requested would have had a direct impact on other landowners that had not had the opportunity to be involved in the amendment process because such changes had not been foreshadowed.

Council therefore notified these landowners, two of whom objected to the new proposal and 2 of whom made comment. Their comments were provided to the Panel.

The Panel held a Directions Hearing on 12 April 2021.

The Panel Hearing was held on 17 May online with submissions considered “on the papers”.

THE PANEL HEARING

The Panel considered that the proposal put forward by NEW to prohibit certain uses was beyond the scope of the amendment and recommended no substantive changes be made to the amendment.

POLICY IMPLICATIONS

The proposal improves the delivery of planning policy through the planning scheme.

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

- A well planned and safe community

FINANCIAL AND RESOURCE IMPLICATIONS

Approval of the amendment will assist in ensuring that potential safety concerns are addressed and unnecessary administrative costs in administering are avoided. Amendment C60 was placed on public exhibition between 19 November 2020 and 8 January 2021.

CONSULTATION

Notification of Amendment C60 included the placing of a notice in the Government Gazette, advertisements in local newspapers and on the Council website as well as direct notification of owners and occupiers directly impacted by the proposal.

Further notification of the NEW submission was given to owners and occupiers of land in the SUZ5 zone by direct mail.

CONCLUSION

Amendment C60 Part 2 has been considered by an Independent Panel Appointed by the Minister for Planning.

It has recommended approval of the amendment C60 Part 2 as exhibited.

It is therefore considered that it is appropriate to adopt the amendment and forward it to the Minister for Approval and advise submitters of the outcome.

DECLARATION OF CONFLICT OF INTEREST

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

- Acting Director Corporate Performance
- Director Commercial
- Strategic Planner

ATTACHMENTS

8.2.9 Amendment C60 Panel Report

8.2.9 Instruments of Delegation - Chief Executive Officer and Environment Protection Act 2017

INTRODUCTION

Instruments of Appointment and Authorisation, and Instruments of Delegation, are an important means of Council ensuring its officers hold the appropriate legislative approvals for the various Acts and Regulations that Council administers. Recent legislative changes mean that as of 1 July 2021, Council will have additional powers and responsibilities under the *Environment Protection Act 2017* relating to the regulation of onsite wastewater management systems, and noise from construction, demolition and removal of residential premises.

RECOMMENDATION

That Council:

1. *exercises the powers conferred by section 11(1)(b) of the Local Government Act 2020, so that:*
 - a. *there be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in attachment 8.2.9.a. "S5 - Instrument of Delegation from Council to the Chief Executive Officer" (instrument S5), subject to the conditions and limitations specified in that instrument*
 - b. *instrument S5 be signed and sealed at the appropriate stage of this meeting*
 - c. *instrument S5 comes into force immediately the common seal of Council is affixed to the instrument*
 - d. *on the coming into force of instrument S5, all previous delegations to the Chief Executive Officer are revoked*
 - e. *the duties and functions set out in instrument S5 must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*
2. *exercises the powers conferred by the legislation referred to in attachment 8.2.9.b. "S18 - Instrument of Sub-Delegation under the EPA 2017" (instrument S18), so that:*
 - a. *there be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in instrument S18, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument*
 - b. *Instrument S18 be signed and sealed at the appropriate stage of this meeting*
 - c. *Instrument S18 comes into force immediately the common seal of Council is affixed to the Instrument*

- d. the duties and functions set out in instrument S18 must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*

BACKGROUND

Changes in the delegation of powers from the Environment Protection Authority (EPA) to Councils under the *Environment Protection Act 2017* (EPA 2017) and *Environment Protection Regulations 2021* are being implemented from 1 July 2021. This is part of a broader review and upgrade of the EPA 2017, also commencing on 1 July 2021.

The powers relevant to Council relate to the regulation of on-site wastewater management systems and noise from construction, demolition and removal of residential premises. There are also several new powers being conferred from the EPA to Authorised Officers appointed by Council. These are important functions of the Environmental Health and Local Laws teams, who require updated delegations and authorisations so they can enforce these new provisions as soon as possible after they commence.

ISSUES

Power of delegation

The *Local Government Act 2020* (LGA 2020) allows Council by instrument of delegation to delegate any of its powers, duties and functions under any Act to the Chief Executive Officer (CEO), except for those powers, duties and functions specified under the LGA 2020.

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

Council's Instrument of Delegation to the CEO passes on these powers, duties and functions 'by exception' - where decisions relating to those exceptions must be presented to Council. The CEO is then able to sub-delegate their duties to staff, via a separate Instrument.

Where specific legislation does not allow sub-delegation, Council must delegate its duties directly to Council Staff.

Creation of S18 Instrument of Sub-Delegation (Environment Protection Act 2017)

The S18 Instrument of Sub-Delegation (*Environment Protection Act 2017*) is an entirely new Instrument created specifically to ensure that Council is able to delegate its new powers under that Act to the relevant staff within the organisation. In the coming months, these powers will be incorporated into a wider S6 Instrument of Delegation to Members of Council staff, but until that time, this S18 Instrument ensures that staff have the ability to undertake their duties under the EPA 2017.

Update of S5 Instrument of Delegation to the Chief Executive Officer

The EPA has also passed on additional powers to Authorised Officers under the EPA 2017. Council has the option of either appointing these Authorised Officers directly or ensuring that the Instrument of Delegation to the CEO has been updated recently, to enable him to appoint the Authorised Officers. Updating the CEO's delegation is the preferred option, allowing the appointment of Authorised Officers to be managed by the CEO, which is how most of the other Acts that provide powers directly to Authorised Officers are managed.

By updating the Instrument of Delegation to CEO at this time, Council can ensure that the CEO has the powers available to him as at the date of signing. In this case, the EPA 2017 provisions only commence on 1 July, meaning the CEO's delegation must be first remade following that date, before he can delegate the relevant powers, duties and functions of that Act, or appoint Authorised Officers under that Act.

No changes to the content of the Instrument of Delegation to the CEO have been made. The Instrument was last made on 1 September 2020.

POLICY IMPLICATIONS

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

- A high performing organisation

FINANCIAL AND RESOURCE IMPLICATIONS

Council has an annual subscription for Maddocks delegations and authorisations service that is allowed for in Council's annual budget.

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

CONSULTATION

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

CONCLUSION

The S5 Instrument of Delegation to the CEO allows for appropriate delegation of Council's powers, duties and functions directly to the CEO, and in turn appoint Authorised Officers. The S18 Instrument of Sub-Delegation ensures that Council's powers under the EPA 2017 are passed directly to Council staff to ensure they are able to undertake the new powers, duties and functions of the EPA 2017. The Instruments come into force immediately the common seal of Council is affixed and will remain in force until Council determines to vary or revoke them.

DECLARATION OF CONFLICT OF INTEREST

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

- Acting Director Corporate Performance
- Manager Corporate
- Governance Officer

ATTACHMENT(S)

8.2.9.a. S5 Instrument of Delegation to the Chief Executive Officer

8.2.9.b. S18 Instrument of Sub-Delegation under the EPA 2017

8.2.10 Planning Application P.2020.182 - 301 Buckland Valley Road

<i>Application number:</i>	<i>P.2020.182</i>
<i>Proposal:</i>	<i>USE AND DEVELOPMENT OF LAND FOR AN EXTRACTIVE INDUSTRY (STONE EXTRACTION)</i>
<i>Applicant's name:</i>	<i>Mountain Planning - Nick Vlahandreas</i>
<i>Owner's name:</i>	<i>Ann Wallace</i>
<i>Address:</i>	<i>301 Buckland Valley Road - 301 BUCKLAND VALLEY ROAD, POREPUNKAH - CA: 9 & 9C, SEC 10 PARISH OF POREPUNKAH and LOTS 1, 2, 3, 4 & 5 on TP: 382143</i>
<i>Land size:</i>	<i>Subject Land is 53.44ha Development area is 34.58ha</i>
<i>Current use and development:</i>	<i>Extractive Industry and Agriculture (Grazing)</i>
<i>Site features:</i>	<i>Existing Stone Extraction and processing area and predominately cleared fenced paddocks, cleared and improved to pasture which gently undulates due to historic mechanical dredging.</i>
<i>Why is a permit required?</i>	<i>A planning permit is required: - to use and develop the land for stone extraction pursuant to Clause 35.07-1 and Clause 35.07-4 respectively of the Farming Zone - Buildings and works on land affected by the Significant Landscape Overlay - Schedule 4, pursuant to Clause 42.03-2 - to use and develop land for earth and energy resources industry pursuant to Clause 52.08-1 of Clause 52.08 Earth and Energy Resources Industry</i>
<i>Zoning:</i>	<i>Farming zone (FZ)</i>
<i>Overlays:</i>	<i>Significant Landscape Overlay - Schedule 4 (SLO4) Bushfire Management Overlay (BMO) - Not Applicable Land Subject to Inundation Overlay (LSIO)</i>
<i>Restrictive covenants on the title?</i>	<i>None</i>
<i>Date received:</i>	<i>18 November 2020</i>

Statutory days:	227
Planner:	Sam Porter

RECOMMENDATION

That a Notice of Decision to grant a planning permit be issued for the use and development of the land for stone extraction in accordance with the conditions outlined in Appendix 8.2.10(a) and for the following reasons.

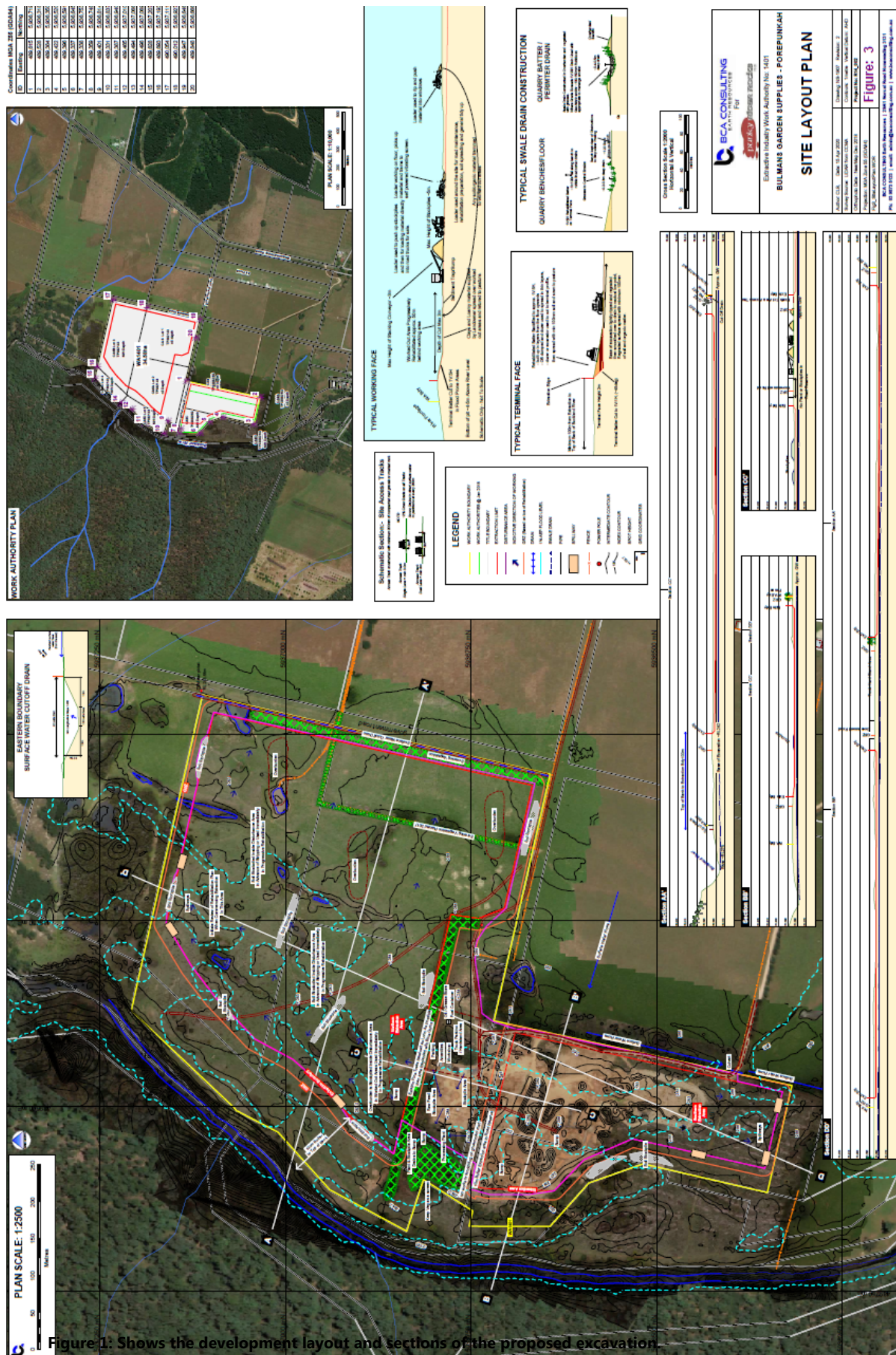
- 1. The proposed use and development is consistent with the relevant provisions of the Planning Policy Framework and Local Planning Policy Framework.*
- 2. The proposal is consistent with the purpose and decision guidelines of Clause 35.07 Farming Zone as the proposed use and development would not adversely affect the use of the land including nearby land for agriculture and the Porepunkah Airfield and will result in the land progressively over time being rehabilitated and returned to a more usable agricultural area.*
- 3. The proposal is able to address and protect the landscape character objectives of the Buckland Valley Significant Landscape Overlay, SLO4.*
- 4. The proposal has addressed the purpose and submitted the requirements of Clause 52.08 Earth and Energy Resources Industry.*
- 5. The proposal has appropriately and satisfactorily addressed the guidelines of Clause 52.09 Extractive Industry and Extractive Industry Interest Areas.*
- 6. With appropriate conditions imposed, the amenity of the rural residential properties in the surrounding area will be able to be managed and protected.*
- 7. The application is generally consistent with the general decision guidelines of Clause 65.*

PROPOSAL

Planning Permit 5.2009.49 issued in September 2012 approved a 4.98ha area to be used for stone extraction. This existing stone extraction has operated continually since its establishment following its approval. The current application seeks fresh approval to reconsider and capture the already approved development area for stone extraction and further expand the extraction area to the north. The details of the application are summarised as follows and shown in Figure 1 below.

- Existing development area is 5ha with 3.4ha available for extraction.
- Proposed development will increase the development area to 34.58ha with 22.2ha available for extraction.
- The expected life of the quarry is 20-30 years.
- The quarry will extract cobbles and gravels down to 3m below the surface.
- The ground water is located between 5-7m deep.
- The extraction will occur in six stages and ensure a progressive rehabilitation retains the disturbed area to a maximum of 12ha at any one time.
- The entire proposed area has been previously subject to mechanical gold dredging.
- The application presents the following reports.

- Rehabilitation and Closure Plan
 - Community Engagement Plan
 - Surface Water Management Strategy
 - Imported Materials Management Plan
 - Risk Management Plan
 - Risk Based Plan
 - Fire Response Readiness Plan
 - Ecological Assessment
 - Dust Assessment
 - Landscape Plan.
- The total volume of material sought for removal is 370,000m³
 - The site currently extracts between 10,000 and 15,000m³ per year and this rate is proposed to continue.
 - The applicant has requested truck movements be limited to 10 trucks per day (20 movements) via condition but maintains the daily average is two trucks.
 - No blasting is proposed to occur.
 - The site currently employs two full-time employees.
 - The hours of operation proposed are:
 - 8am to 6pm Monday to Friday
 - 7am to 1pm Saturday
 - Closed Sundays and Public Holidays



SUBJECT LAND AND SURROUNDS

The subject land, in the context of the surrounding area, is shown in Figure 2 below.

The subject land is made up of multiple land parcels and is bound by the Buckland River and Mount Buffalo National Park to the west. These areas are zoned Public Conservation and Resource Zone (PCRZ).

The remaining surrounding freehold land predominately sits on the valley floor and is zoned Farming. Despite this, there are several dwellings on smaller lots that have been removed from the agricultural land base and are now solely residential in use. These residences are within close proximity to the subject land.

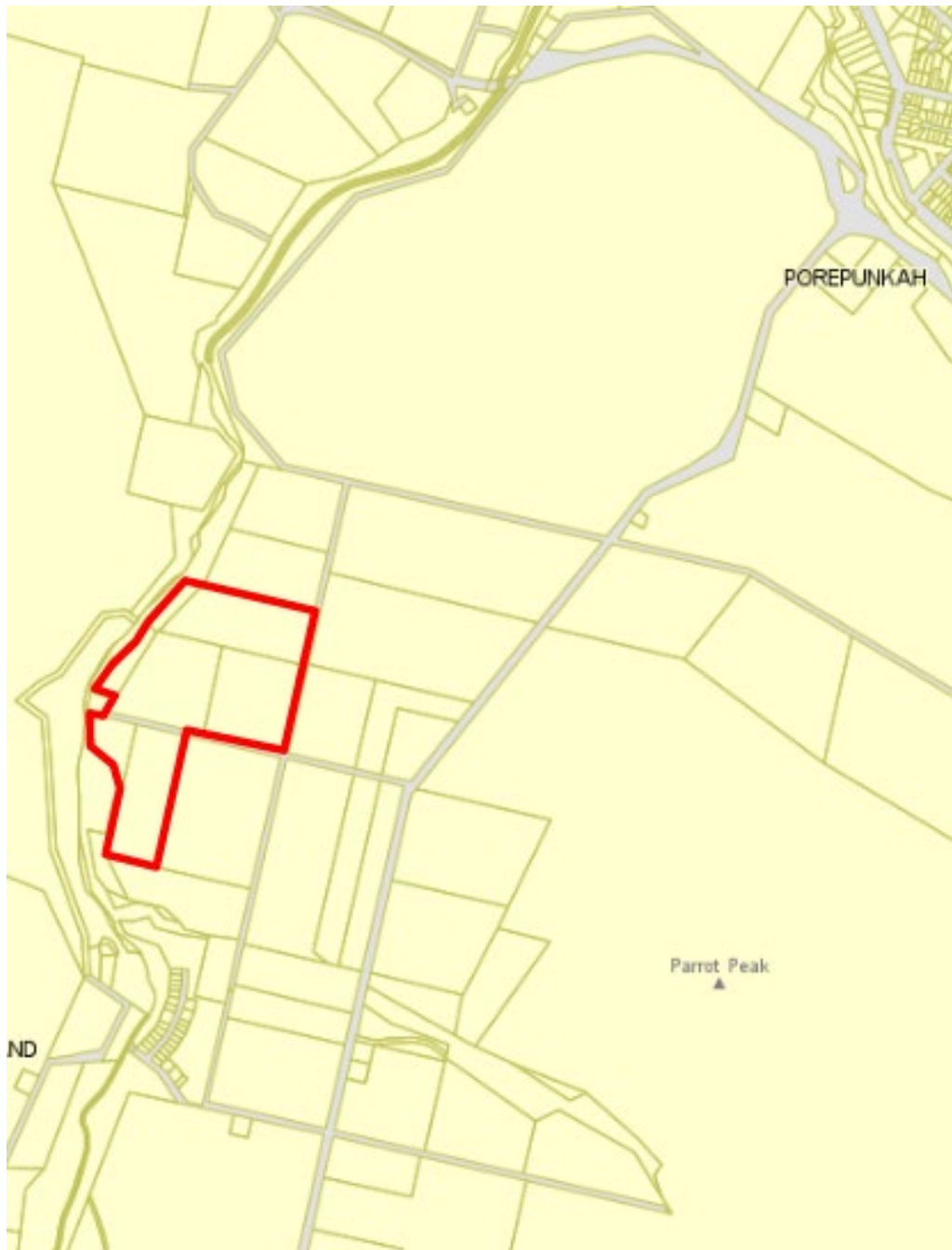
These surrounding residences are concentrated in Wallace Drive which presents as a residential street setting, located between 450m and 800m south of the subject land. Wallace Drive contains 23 dwellings on small lots ranging from between approximately 675m² and 1,670m². Five more dwellings are located between 500m and 1km from the subject land centre. A further 20 dwellings are situated out a further 1km to 2km from the subject land centre.

The Porepukah Airfield is 300-600m east of the development. The airfield has a grass runway and contains two areas clustered with hangars used to house small and light aircrafts.

The broader Buckland Valley locality contains predominately a mixture of agricultural land uses. The main uses are beef cattle grazing and horticulture (grapes, nuts, apples). The largest agriculture land use and the most visually impacting are the large pine plantation areas on the hillsides east of the Buckland Valley Road.

The Buckland Valley Road runs north/south and provides uninterrupted views westerly to Mount Buffalo. The proposed development site is visible along a stretch of the Buckland Valley Road north of the airfield entrance, however, beyond this section of roadway the development site is largely concealed or obscured from public viewpoints.

Figure 2.



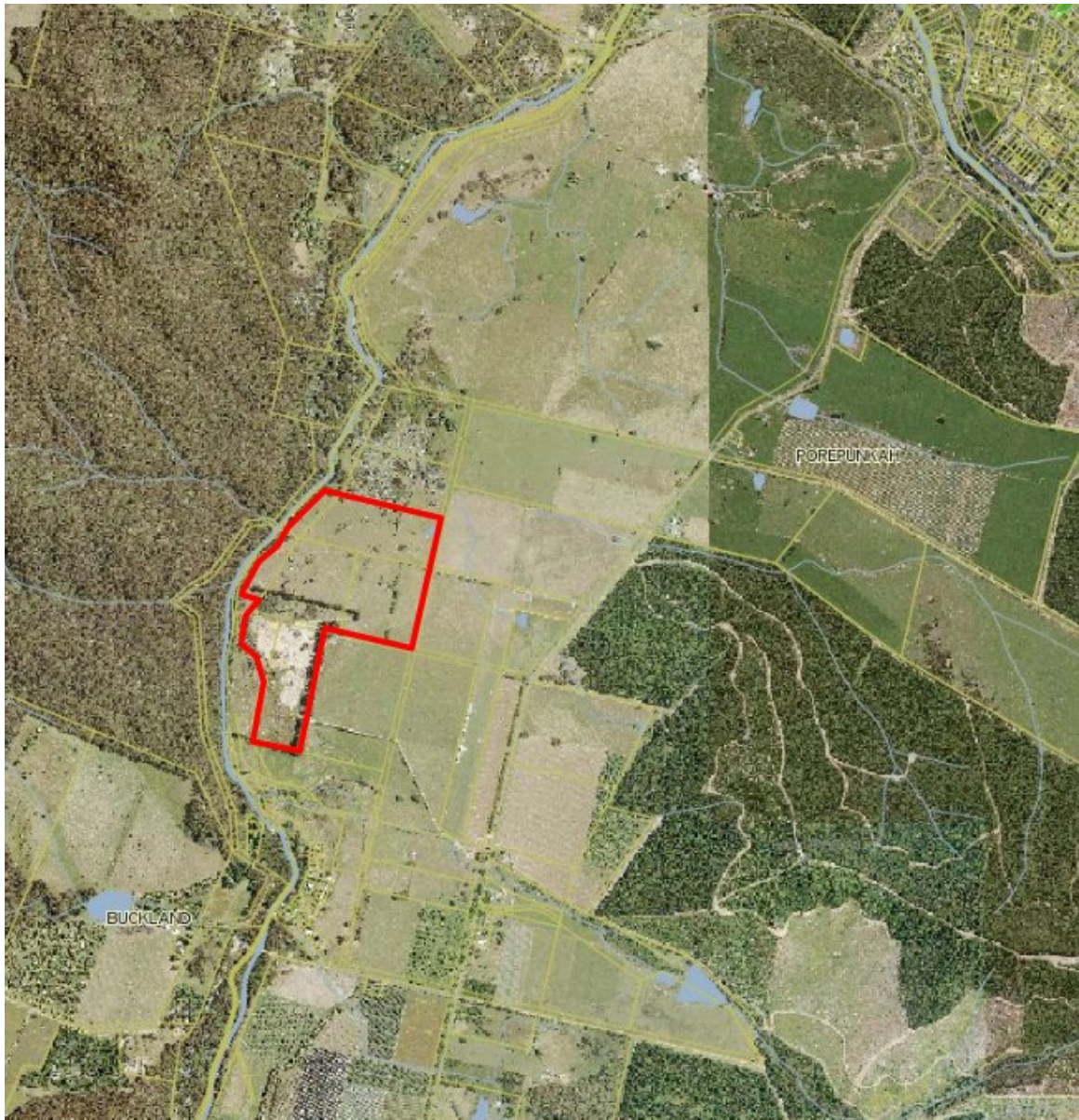


Figure 2: Shows the Subject land marked red in two images one with aerial imagery and one without.

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 97 surrounding landholders and occupiers within a 2km radius of the site, Figure 3 below. A sign was displayed on the subject land and a notice was published in the local newspaper (Alpine Observer) six (6) objections were received, the reasons for objecting are as follows:

- Lack of community benefit
- Very long extraction and processing lifetime of the use
- Adverse landscape impact

- Dust from truck movements
- Noise Impacts
- Insufficient screening proposed
- Negative environmental impacts
- Adjoining airport usage issues due to anticipated dust
- Concern over previous progressive site rehabilitation
- Insufficient community consultation
- Number of truck movements and their travelling speed
- The conducting of onsite purchasing of material
- Potential for the importation of waste
- Flood management controls
- Concerns with the proposed fuel storage
- Lack of compliance on the existing approved stone extraction area

A Planning Forum meeting was held on 29 March 2021. All objecting parties were represented at the meeting along with the applicant, the existing and proposed business operation and the landowner. Following the meeting one objection was withdrawn.

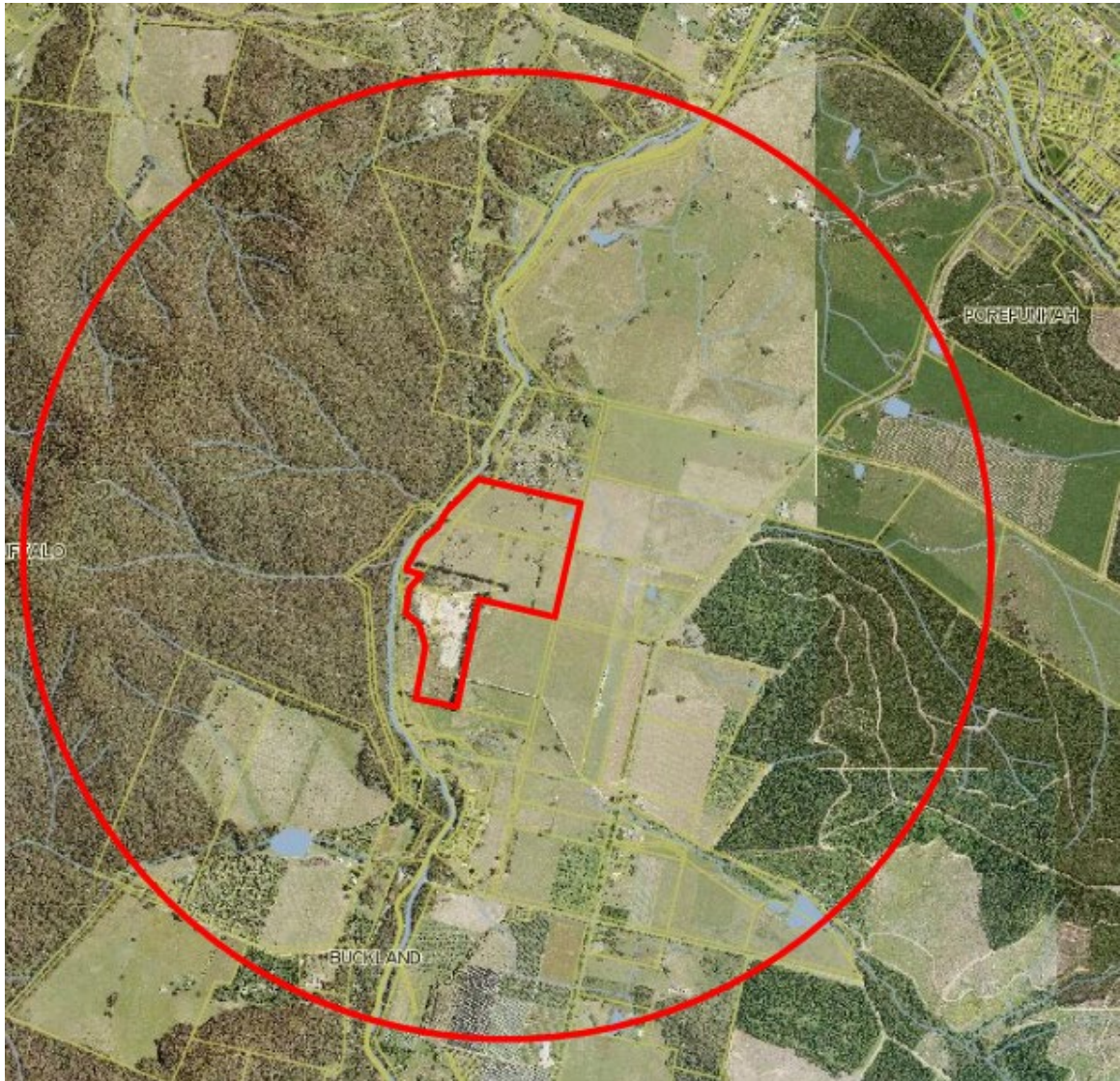


Figure 3: Shows a 2km radius from the development site.

REFERRALS

Referrals / Notice	Advice / Response / Conditions
Section 55 referrals:	<p>No Section 55 Referrals were required.</p> <p>*Note*</p> <p>As part of the Earth Resources consideration of the proposed variation to the Work Authority, referrals to:</p> <ul style="list-style-type: none"> • Department of Environment Land Water and Planning (DELWP) • Goulburn Murray Water (GMW) • Department of Economic Development, Jobs Transport and Resources (DEDJTR) • Heritage Victoria • North East Catchment Management Authority (NECMA) <p>were undertaken exempting the need to undertake these referrals under the planning permit consideration. This is a deliberate process structure to remove an unnecessary process duplication.</p>
Internal / external referrals:	<p>External Section 52 Referrals:</p> <p>Country Fire Authority (CFA)</p> <p>Environmental Protection Authority (EPA)</p> <p>North East Regional Water Authority (NERWA)</p> <p>Regional Roads Victoria (RRV)</p> <p>Internal Referrals:</p> <p>Alpine Shire Council Engineering Department</p> <p>All authorities have granted either conditional or unconditional consent.</p>

PLANNING ASSESSMENT AND RESPONSE TO GROUNDS OF OBJECTION

All applicable policy and decision guidelines can be found in Appendix 8.2.10(b).

Planning Policy Framework

The Planning Policy Framework (PPF) and Local Planning Policy Framework (LPPF) give support to the proposal. Clause 14.03-1S Resource Exploration and Extraction and Clause 14.03-1R Resource Exploration and Extraction - Hume encourage the exploration and extraction of natural resources in accordance with acceptable environmental standards. With regard to quarrying, clearly defined buffers between extractive activities and sensitive land uses must be established and maintained.

Clause 13.05-1S Noise seeks to "[e]nsure that development is not prejudiced, and community amenity is not reduced by noise emissions, using a range of building design,

urban design and land use separation techniques as appropriate to the land use functions and character of the area". EPA guideline Noise from Industry in Regional Victoria (NIRV) should be considered in the assessment of an application where noise from industry may affect sensitive land uses.

Clause 13.06-1S Air Quality Management seeks to "ensure, wherever possible, that there is suitable separation between land uses that reduce air amenity and sensitive land uses". State Environment Protection Policy (Air Quality Management) and Recommended Buffer Distances for Industrial Residual Air Emissions (Environment Protection Authority, 1990) should be considered in decision making.

Clause 14.01-1S Protection of Agricultural Land aims to preserve and protect productive farmland, and Clause 17.03-2S Industrial Development Siting requires "adequate separation and buffer areas between sensitive uses and offensive or dangerous industries and quarries to ensure that residents are not affected by adverse environmental effects, nuisance or exposure to hazards".

The above policy gives clear support to the proposal. The following response can be provided:

- As listed above the applicant present for consideration with this application a variety of targeted reports specifically aimed at addressing the known environmental constraints to the site. In addition to Council's own review of these documents they have been further considered by the ten listed referral authorities. Following these reviews, the proposed conditions requested for inclusion by both Council and the referral authorities to manage the development are all reasonable and readily achievable.
- A noise assessment has demonstrated the development can operate within the requirements of the applicable EPA (NIRV) guidelines. Compliance with such a guideline isn't to say a noise issue may not exist. Therefore, based on the business operator's suggestion a large rock stockpile bund will be constructed. This bund will be south of the screening plant which based on surrounding community feedback is the background noise that could be reduced.
- Known issues with air quality have occurred historically onsite primarily due to vehicles movements on the gravel access road. This access road now has a remotely controlled sprinkler system installed for use as part of its dust management plan. The Endorsed Work Plan considered and assessed the likelihood of excessive dust leaving the proposed Work Authority boundary as unlikely. Inspection of the existing site has shown the existing stockpiles even after prolonged dry periods maintain moisture content justifying this unlikely risk assessment. Should the risk change due to the combination of heat and prevailing winds the operation must cease.

The LPPF seeks to protect agricultural land, preserve landscapes and promote tourism. It is largely silent on stone extraction activities in the Shire. The proposed use and development is an acceptable use in an agricultural setting and will assist in providing a valuable construction material. Importantly, long term the site will become improved as a result of having the large stone materials removed and finer sands left in a level state for pasture improvement.

Clause 21.08 Reference Documents include the Alpine Shire Rural Land Strategy 2015.

This document is available at

<https://www.alpineshire.vic.gov.au/sites/default/files/resources/Alpine-Shire-Rural-Land-Strategy.pdf> and divides the municipality into multiple precincts. Precinct 5 covers the

Buckland Valley (page 38) which gives a number of directions within certain sub-precincts. Sub precinct 1, 2 and 3 cover the valley from the Buckland Bridge north to Porepunkah. Each of the precincts seek to support stone extraction where it does not compromise the landscape.

Whilst the proposed development site is largely very recessive in the valley landscape, the application presented a landscaping plan to address the developments impact where some visibility exists east of the site along the Buckland Valley Road. This landscaping plan is in addition to an existing, recently established wind break planting onsite. A review of the site and proposed plan established there was some deficiencies. In order to satisfactorily address the landscaping impact an amended landscaping plan condition is necessary. Proposed condition 28 requires the widening of the proposed landscaping buffer and an improved selection of plants to include some fast-establishing varieties. The approval and planting of this landscaping is triggered to occur prior to the progression of Stage 1.

Overall it is considered that the proposed use and development of the site has both State and Local planning policy support.

Zoning and land use

The subject land is located in the Farming Zone. A planning permit is required for the use and development of the land for stone extraction. The use and development is consistent with the Farming Zone purpose and decision guidelines as follows:

- With emissions of noise and dust from the site kept at levels as recommended by EPA guidelines, the extraction of stone from the site should not impact on the operations of nearby agricultural uses and or airfield activities. The proposed conditions requiring the developments activities to accord with the dust and noise management measure gives clear direction to the operator and certainty to the surrounding community.
- The development has proposed a surface water management strategy that NECMA have approved, which ensure neighbouring lands are not impacting during any future flood events. The depth of the extraction will not enter the ground water table and all runoff water will be captured and appropriately managed and reused on site for dust suppression to ensure no impact on surrounding agricultural properties.
- Beyond the life of the stone extraction use the farming land will be restored less the large rocks and crater like landscape left behind following the historic dredging of the valley floor. The resulting progressive rehabilitation of this farmland will deliver an improved agricultural outcome as the soil profile will be improved long term and become more productive than it is currently able to be.
- The purpose and decision guidelines of the Farming Zone aim to protect agriculture from non-agricultural uses and the protection of the amenity of rural residential uses

in the Zone is not contemplated. However, the existing permit that currently approves the extraction onsite contains many conditions aimed at amenity protection, particularly for those residents in Wallace Drive. The amenity-based conditions from the existing planning permit are proposed to be carried across to any approval given. Importantly in many cases these conditions are now able to be improved upon due to an increased understanding of the use already conducted onsite combined with the ability to reference the detailed reports that justify the proposal.

Overlays

Clause 42.03 Significant Landscape Overlay - Schedule 4 (Buckland Valley Significant Landscape Area)

A planning permit is required for the works pursuant to the overlay.

The purpose of the overlay is

- to implement the Municipal Planning Strategy and the Planning Policy Framework.
- to identify significant landscapes.
- to conserve and enhance the character of significant landscapes.

Schedule 4 (Buckland Valley Significant Landscape Area) to the overlay is identified as applying to the subject land. A statement as to the nature and key elements of the landscape provides:

The Buckland Valley is a pastoral valley, wide at its northern end, narrowing in its upper reaches. The key element of this landscape is the steep and rugged contrast of Mount Buffalo against the cleared valley floor.

It identifies the following landscape character objectives to be achieved:

Maintain the contrasts in landform and land use between the valley floor and the imposing Mt. Buffalo.

Maintain the existing pastoral landscape of the valley floor.

Maintain the view of Mt. Buffalo from the valley.

Encourage appropriately sited development to reduce ribbon development along the Buckland Valley Road and the impact on the views to Mt. Buffalo on the western side of the road.

Encourage rural development of a "human" scale and form.

Minimise vegetation clearance along the Buckland River, creeks and roadsides.

In response to the above the following is submitted:

1. The development site is setback from roadways and isn't located in a section of the valley floor that is readily visible from surrounding public vantage locations.
2. This existing use benefits from the remaining perimeter trees of a pine plantation to screen it from the east. However, the proposed new expansion area moving to the north doesn't enjoy the same existing established vegetation buffer.

3. The proposed landscaping solution, to plant a new vegetation screen around the parts of the new northern and southern boundary not currently treed and the entire easterly boundary is a workable solution to help preserve the valley floor vista.
4. Following detailed discussion at the planning forum and site visits, a proposed conditional request for a revised landscaping plan and its implementation prior to stage 1 commencing has been drafted. The revised position requests three rows of trees be expanded to five and plant species be mixed to provide for some quick establishing species like wattles.
5. Based on the current extraction rate the north westerly corner of the proposed work authority area isn't likely to be accessed for 20 or more years if approval is granted. The landowner has made it known that they intend to plant out a firewood lot in this area. Consequently, the proposed landscaping condition provides for an opportunity to show this additional planting.
6. Based on the landscaping requirements set out in proposed condition 28 combined with the Council involvement of ensuring rehabilitation is consistent with the surrounding farmland pasture (condition 26) the development addresses the objectives of SLO4.

The site is subject to the Bushfire Management Overlay however there is no permit requirement for the use and development under the overlay provisions.

Clause 52.06 Car Parking

Where a use of land is not specified in Table 1 to Clause 52.06-5, car parking spaces must be provided to the satisfaction of the responsible authority before a new use commences. Stone extraction is not listed in Table 1 therefore car parking must be provided to Council's satisfaction.

Clause 52.08 Earth and Energy Resources Industry

A planning permit is required to use and develop land for the earth and energy resources industry under this clause. Stone extraction is a use associated with this industry. The clause has a purpose but no decision guidelines for stone extraction. The Clause's additional purpose is to ensure the need for the applicant to have an approved work plan that has received statutory endorsement under section 77TD of the Mineral Resources (*Sustainable Development*) Act 1990 prior to applying for a Planning Permit at Council.

Clause 52.09 Extractive Industry and Extractive Industry Inters Area

With the permit requirement captured via Clause 52.08, Clause 52.09 provides the specific decision guidelines around the proposed extraction development.

The listed decision guidelines are:

'The effect of the proposed extractive industry on any native flora and fauna on and near the land.

The impact of the proposed extractive industry on sites of cultural and historic significance, including any effects on Aboriginal places.

The effect of the proposed extractive industry on the natural and cultural landscape of the surrounding land and the locality generally.

The ability of the proposed extractive industry to contain any emissions within the boundaries of the land in accordance with relevant legislation.

The effect of vehicular traffic, noise, blasting, dust and vibration on the amenity of the surrounding area.

The ability to rehabilitate the affected land to a form or for a use which is compatible with the natural systems or visual appearance of the surrounding area.

The ability to rehabilitate the land so it can be used for a purpose or purposes beneficial to the community.

The effect of the proposed extractive industry on groundwater quality and the impact on any affected water uses.

The impact of the proposed extractive industry on surface drainage and surface water quality.

Any proposed provisions, conditions or requirements in a work plan that has received statutory endorsement under the Mineral Resources (Sustainable Development) Act 1990.'

In response to the above the following is submitted:

1. Minimal native vegetation is impacted under this development. However, the native vegetation removal that is needed to facilitate this development has already been consented to via the endorsement of the Work Plan by Earth Resources. The native vegetation consideration is therefore exempt from consideration under this application.
2. The entire mapped Aboriginal Sensitivity area that is within 200m of the Buckland River has been impacted by mechanical gold dredging. No Cultural Heritage Management Plan is necessary.
3. See above assessment under SLO4.
4. The dust management plan submitted with this proposal and the risk analysis of it done by Earth Resources assessment team is an acceptable outcome for the area. Significant dust shouldn't leave the proposed Work Authority Area if processes are followed.
5. Vehicle traffic won't change beyond the current frequency to the site as per the last 10 years of use. The previous permit didn't limit truck movement to the site, a limit on numbers of trucks has now been proposed. No blasting is proposed.
6. The rehabilitation of the site has historically been monitored by only Earth Resources compliance team. Given the high-quality landscape value the proposed recommendation sees Council also responsible for monitoring rehabilitation which will ensure the landscape aesthetics are considered and, therefore, likely beyond Earth Resources accepted rehabilitation standard.

7. No impact based on the consent to Surface Water Management Strategy report, the limitation set for extraction depths and should ground water be struck the operation must cease.
8. The statutory endorsed work plan has been supplied and considered.

Response to Submission

The following responses are provided to relevant planning matters:

Very long extraction and processing lifetime of the use

Clause 52.09-5 states that a permit must not contain a condition to cease the use unless the applicant suggests it. The applicant has not suggested any such condition.

Adverse landscape impact

The landscaping impact has been discussed and addressed above. Based on the discussion held at the Planning Forum meeting it was acknowledged that some visual impact would be unavoidable, however, with effective screen planting established that the site can be hidden before stage 2 onwards gets underway.

Dust from truck movements

The dust management plan requires the use of the recently installed sprinkler system to be used as needed along the access road. Council has inspected and witnessed the successful use of this system and irrespective of the outcome of this proposal will continue to monitor its use.

Noise Impacts

Whilst the acoustic assessment demonstrated compliance with the NIRV and Council had no reason to question its finding. It is evident from the surrounding residents to the south that some nuisance noise can still be audible even though compliant. Following discussion with the site operator it is proposed that a 6m high rock bund be constructed to the south of the future plant establishment area (condition 16). Council's consultation with acoustic consultant has previously shown that earth and rock bunds around these exact uses significantly lessen the noise emissions.

Insufficient screening proposed

Proposed condition 28 has now alleviated this concern.

Negative environmental impacts

No adverse environmental impacts are expected as a result of the development. Sufficient conditions are proposed so that in an unexpected event, compliance action can be undertaken to rectify any issues.

Adjoining airport usage issues due to anticipated dust

The existing stone extraction use has operated for more than 10 years in close proximity to the airfield. There are no reported issues or instances of dust impacting the airfield use. With ongoing dust management practices conducted no additional issues towards the airfield are expected.

Concern over previous progressive site rehabilitation

The site operator has acknowledged some delays in finalising some rehabilitation of the already approved Work Authority area. Ensuring completion of this is a compliance matter separate to the consideration of this proposal. However, if approved, condition 25 proposes to ensure a minimum of 2ha is rehabilitated south of the central road reserve before development can commence north of this same road reserve.

Insufficient community consultation

The applicant undertook its own community consultation, prior to Council undertaking its process. Sufficient community input time has been provided for in both instances.

Number of truck movements and their travelling speed

Truck movements were previously unlimited to this site. The proposal is now for a maximum of 10 trucks per day (20 movements) with an average of two (2) per day.

The conducting of on-site purchasing of material

This activity isn't proposed, see condition 10.

Potential for the importation of waste

The importation of clean fill is permitted; however, no waste products are proposed to be imported. An additional planning permit approval would be required should this scenario change in future.

Flood management controls

A hydrologist has prepared the surface water management strategy which requires the construction of drains around the site. This strategy has been consented to by the Floodplain Manager at NECMA.

Concerns with the proposed fuel storage

EPA condition 35 addressing this matter.

CONCLUSION

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

- The proposed development is generally consistent with the relevant provisions of the Planning Policy Framework and Local Planning Policy Framework.
- The proposal is consistent with the purpose and decision guidelines of Clause 35.07 Farming Zone as the proposed use and development would not adversely affect the use of the land including nearby land for agriculture and the Porepunkah Airfield and will result in the land progressively over time being rehabilitated and returned to a more usable agricultural area.
- The proposal has addressed the purpose and submitted the requirements of Clause 52.08 Earth and Energy Resources Industry.
- The proposal has appropriately and satisfactorily addressed the guidelines of Clause 52.09 Extractive Industry and Extractive Industry Interest Areas.
- With appropriate conditions imposed, as discussed above, and as outlined in appendices 8.3.5(a), the amenity of the rural residential properties in the surrounding area will be managed and protected.

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 Commercial
- Acting Director Corporate Performance
- Manager Planning & Amenity
- Planning Coordinator

APPENDICIES

8.2.10(a) Conditions

8.2.10(b) Policy and decision guidelines

8.2.10(a) CONDITIONS**GENERAL CONDITIONS**

1. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. All buildings and works are to be constructed and/or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority.
2. The use and development hereby approved must be carried out generally in accordance with the Work Plan (which includes but not limited to a Rehabilitation and Closure Plan, Community Engagement Plan, Surface Water Management Strategy, Imported Materials Management Plan, Risk Management Plan, Risk Based Plan and Fire Response Readiness Plan) approved under WA 1401 this includes compliance with the following, unless otherwise approved by the Responsible Authority:
 - a. no blasting or use of explosives onsite
 - b. the total area of extraction must be no greater than 22.2ha
 - c. product stockpiles must be less than 8 metres in height and must be located within the excavated area
 - d. a water cart must be onsite and used during summer conditions or on dry windy days to prevent dust emissions leaving the site boundaries
 - e. the average depth of excavation must not exceed approximately 3 metres
 - f. no washing of stone, gravel or sand materials is to occur onsite
 - g. no fixed plant equipment onsite
 - h. no permanent buildings associated with the use are to be erected onsite
 - i. no oil changes, washing or degreasing of mobile equipment and no maintenance except for greasing and minor running maintenance, is to be conducted on the site
 - j. all engine powered equipment must be fitted with mufflers and spark arresters and firefighting equipment, which must be maintained to be fully effective at all times
 - k. all lubricant containers and wastes must be collected and removed from the site
 - l. marker posts must clearly define the extraction area and must be maintained in position
 - m. any domestic waste must be contained in bins and removed from the site on a regular basis
 - n. the works authority boundary must be marked with an electric stock fence and
 - o. no wastewater is to be treated onsite.
3. Access to the site must be provided and constructed to the satisfaction of the Responsible Authority.
4. Warning signs to the satisfaction of the Responsible Authority are to be erected and maintained to warn or remind drivers of trucks entering and leaving the land of the possible presence of aircraft landing or taking off from the adjoining airfield.
5. Loading and unloading vehicles must not be greater than 12.5 metres in length (excluding trailer).

6. Proper truck loading and covering techniques must be employed to the satisfaction of the Responsible Authority to ensure that extracted material is not spilled on to public roads.
7. Except with the written consent of the Responsible Authority no extracting, moving or processing of material is to be carried out except between the hours of 8.00 am and 6.00 pm on weekdays and 8.00 am and 1.00 pm on Saturdays with no such activities to occur on Sundays or Public Holidays.
8. The use hereby permitted, the processes carried on, the materials used or stored, machinery employed or transportation of materials, goods and commodities to and from the premises must not cause injury or prejudicially affect the amenity of the locality by reason of the appearance of such building, works or materials or by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or the presence of vermin or otherwise.
9. Except with the consent of the Responsible Authority no signs or advertising are to be erected in conjunction with the development.
10. No direct retail sales of any goods/material from the subject site are permitted unless otherwise approved by the responsible authority.
11. No stormwater contaminated with waste including sediment is to be discharged beyond the boundary of the premise.
12. Gravel extraction must cease if groundwater flows into the excavation and the wastewater cannot be managed onsite.
13. Construction must follow sediment control principles outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991).
14. The extraction area including stockpiles must be located a minimum of 100 metres from the Buckland River.
15. Prior to the commencement of Stage 1, Planning Permit 5.2009.49 must be cancelled via an application to VCAT.

NOISE MANAGEMENT CONDITIONS

16. The screen plant must operate at the base of previously extracted area once space for the equipment becomes available or alternatively a bund wall no less than 6m high located immediately to the south (but not limited to) of the screen area must be maintained to the satisfaction of the responsible authority.
17. All mobile equipment must be fitted with the new generation, broadband reverse alarms, which vary their noise output according to the ambient noise level and are only audible close to the machine to which they are attached.
18. Except with the consent of the Responsible Authority no broadcast or loudspeaker system, external alarm or telephone ringer (apart from mobile telephones) is to operate on the site.

DUST MITIGATION PLAN CONDITION

19. Prior to the use and development commencing, a Dust Mitigation Plan (DMP) must be prepared by a suitably qualified person and submitted to the Responsible Authority for approval. The DMP must detail, but not be limited to, a risk management strategy addressing measures to reduce air emissions to acceptable

levels at nearby sensitive locations and to address the potential for nuisance dust off-site including details of the following:

- a. a baseline monitoring program of nuisance dust which must be completed prior to the commencement of the use
- b. how activities which generate dust on site will be managed to minimise dust emissions
- c. the circumstances in which quarrying activities will cease on site due to weather conditions that will result in visible dust being discharged beyond the boundaries of the premises
- d. how dust will be monitored if requested, such monitoring to be in compliance with the State Environmental Protection Policy (Air Quality Management) 2001 and to include use of dust deposition gauges following the receipt of complaints at locations to be determined in consultation with the Responsible Authority.
- e. contingency measures to deal with any elevated dust conditions or upset conditions.

Once approved, the DMP will be endorsed and will form part of this permit.

20. The use and development must at all times be conducted in accordance with the DMP to the satisfaction of the Responsible Authority.

COMPLAINTS REGISTER

21. The operator must keep a register of any complaints by the public concerning the operations and the register must be made available to the Responsible Authority on request.

TRUCK MOVEMENTS

22. The number of trucks accessing the site is limited to 10 per day (20 movements total) unless otherwise agreed to in writing by the Responsible Authority.
23. All trucks must be covered to minimise dust generation from the load, prior to leaving the site.

REHABILITATION CONDITIONS

24. Prior to the development occurring north of the unmade government road, rehabilitation of no less than 2ha must have been completed south of the unmade government road to the satisfaction of the Responsible Authority.
25. Each phase of rehabilitation conducted must be approved by the Responsible Authority. Rehabilitation must be completed to a standard so as to ensure visual consistency with the surrounding broader farming landscape.
26. Grazing on the rehabilitated areas must only recommence following a satisfactory inspection from the Responsible Authority.

LANDSCAPING CONDITIONS

27. Before the commencement of Stage 1, a landscape plan generally in accordance with the Human Habitats dated 2/11/2020 must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions. The plan must show:
- A revised permitter landscaping buffer strip. The landscaping strip must be in the same location and dimensioned no less than 6m in width and contain a minimum of 5 rows of plantings. The planting species selected must contain a variety of species consisting of fast establishing plants.
 - The planting species selected must contain a variety of established evergreen vegetation no less than 2 metres in height at the time of planting.
 - Details of the proposed woodlot plantation to be established in the north easterly corner of the work authority area.

All species selected must be to the satisfaction of the Responsible Authority.

28. Before the commencement of Stage 1b or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
29. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

ENGINEERING CONDITIONS

Rural Drainage Works

30. Prior to commencement of use, all stormwater and surface water discharging from the site, buildings and works must be retained and treated on site to the satisfaction of the Responsible Authority. No effluent or polluted water of any type will be allowed to enter the stormwater drainage system or Buckland River. Once treated to the satisfaction of the Responsible Authority, the stormwater shall be conveyed to the legal point of discharge to the satisfaction of the Alpine Shire Council /North East Catchment Management Authority.

Road Upgrade

31. Prior to commencement of use, the vehicular crossing shall be upgraded to the satisfaction of the Alpine Shire Council, and shall comply with the following:
- 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.
 - The eastern road shoulder fronting the entrance at Buckland Valley Road to be sealed for 20m both directions.

- c. 'Trucks Turning Ahead' Signage to be installed 60m from crossing on both directions

EPA CONDITIONS

- 32. Nuisance dust and/or airborne particles must not be discharged beyond the boundaries of the premises.
- 33. Noise emitted from the premises must not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011) or as amended.
- 34. A secondary containment system must be provided for liquids, which if spilt, are likely to cause pollution or pose an environmental hazard, in accordance with the EPA Publication 347 Bunding Guidelines 1992 or as amended.
- 35. Stormwater contaminated with waste oil, grease, chemicals, leachate or sediments must not be discharged beyond the boundary of the premises.

EXPIRY CONDITION

- 36. This permit will expire if one of the following circumstances applies:
 - a. the development and use are not started within five years of the date of this permit.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires or within six months afterwards if the development has not lawfully commenced.

Notes:

CFA recommends the site complies with the Guideline for Mineral Exploration Projects 2019 to help prepare a risk treatment plan to mitigate risks from bushfires burning onto the licence area and from fires igniting on-site and escaping to surrounding areas.

Road Opening/Non-Utility Minor Works on Municipal Road Reserve/Consent for Works on Road Reserves Permit Required. A road opening/crossing permit must be obtained from the Alpine Shire Council prior to working in or occupying the road reserve with construction equipment or materials. Applications may be accessed via the following link [Work on Council land permit](#), or from the Alpine Shire Council website.

8.2.10 (b) POLICY AND DECISION GUIDELINES

Planning Policy Framework

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

Clause 11.01 Settlement

Clause 11.01-1R Settlement - Hume

Clause 13.05 Noise

Clause 13.06 Air Quality

Clause 13.07 Amenity and Safety

Clause 14.01 Agriculture

Clause 14.03-1S Resource Exploration and Extraction

Clause 14.03-1R Resource Exploration and Extraction - Hume

Clause 17.01 Employment

Clause 17.04 Tourism

Clause 18 Transport

See: <https://www.planning.vic.gov.au/schemes-and-amendments/browse-planning-scheme/planning-scheme?f.Scheme%7CplanningSchemeName=alpine>

Planning Policy Framework

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

Clause 21.03-2 Rural residential living

Clause 21.05-1 Tourism

Clause 21.05-3 Agriculture

Clause 21.07-11 Rural Precincts

Clause 22.03-1 Tourist use and development

Clause 22.03-2 Agriculture

See: <https://www.planning.vic.gov.au/schemes-and-amendments/browse-planning-scheme/planning-scheme?f.Scheme%7CplanningSchemeName=alpine>

Zone

The subject land is zoned Farming 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.api.delwp.vic.gov.au/schemes/vpps/35_07.pdf?_ga=2.10116725.1793305565.1621219198-1986562058.1620805910](https://planning-schemes.api.delwp.vic.gov.au/schemes/vpps/35_07.pdf?_ga=2.10116725.1793305565.1621219198-1986562058.1620805910)

Overlays

The planning permit application must address the objective of the Significant Landscape Overlay - these provisions plus the schedule number 4 for the Buckland Valley can be found at the following links:

https://planning-schemes.api.delwp.vic.gov.au/schemes/vpps/42_03.pdf?_ga=2.75627733.1793305565.1621219198-1986562058.1620805910

https://planning-schemes.api.delwp.vic.gov.au/schemes/alpine/ordinance/42_03s04_alpi.pdf?_ga=2.120339656.1793305565.1621219198-1986562058.1620805910

Particular Provisions that Require, Enable or Exempt a Permit

Clause 52.06 Car Parking

Clause 52.08 Earth and Energy Resources Industry

Clause 52.09 Extractive Industry and Extractive Industry Interest Areas

General Provisions

Clause 65 of the Alpine Planning Scheme provides for the general decision guidelines applicable to all application, see: https://planning-schemes.api.delwp.vic.gov.au/schemes/vpps/65_01.pdf?_ga=2.22109819.1793305565.1621219198-1986562058.1620805910

8.2.11 Planning Application P.2020.156 – 35 Station Street, Porepunkah

Application number:	<i>P.2020.156</i>
Proposal:	<i>Two (2) Lot Subdivision and Common Property, Use and Buildings and Works for the Construction of a Retail Premises, Buildings and Works for the Construction of a Dwelling.</i>
Applicant's name:	<i>Mr Nick Vlahandreas (Mountain Planning)</i>
Owner's name:	<i>Craig James Martin</i>
Address:	<i>35 Station Street, Porepunkah VIC 3740 (Lot 2 PS 635322L)</i>
Land size:	<i>1000sqm</i>
Current use and development:	<i>The site is currently used as a store and developed with several shipping containers.</i>
Site features:	<i>The site is of a rectangular shape and relatively flat. The site contains several sea containers sited towards the rear and is fenced on all sides. There is an existing crossover located near the southern corner of the site. There is a sealed footpath, two (2) small street trees and a constructed kerb and channel in the verge in front of the site. There is a 6 metre wide drainage easement along the rear lot boundary of the site to the benefit of Alpine Shire.</i>
Why is a permit required?	<i>Clause 32.05-2 Use (TZ) Clause 32.05-5 Subdivision (TZ) Clause 32.05-10 Buildings and Works (TZ) Clause 44.06-2 Buildings and Works (BMO)</i>
Zoning:	<i>Township Zone (TZ)</i>
Overlays:	<i>Bushfire Management Overlay - Schedule 1 (BMO1)</i>
Restrictive covenants on the title?	<i>None</i>
Date received:	<i>11 May 2021 (amended plans)</i>
Statutory days:	<i>38 days at 18 June 2021</i>
Planner:	<i>James Trimble</i>

RECOMMENDATION

That a Notice of Decision to grant a planning permit be issued for a Two (2) Lot Subdivision and Common Property, Use and Buildings and Works for the Construction of a Retail Premises (excluding Adult Sex Shop, Convenience Shop, Supermarket, Gambling Premises, Landscape Gardening Supplies, Market, Trade Supplies, Bar, Convenience Restaurant, Hotel and Restaurant), and Building and Works for the Construction of a Dwelling in accordance with the conditions outlined in Appendix 8.2.11(a) and the following summarised reasons:

- 1. The proposal generally meets the relevant provisions of the:*
 - a. State and Local Planning Policy Framework*
 - b. Township Zone*
 - c. Particular provisions including clause 52.06 Car Parking, 53.02 Bushfire Planning, 53.18 Stormwater Management in Urban Development, and 56 Residential Subdivision*
 - d. Decision Guidelines at Clauses 65.01 and 65.02.*
- 2. The proposal provides an appropriate design and respects the existing and desired neighbourhood character.*

PROPOSAL

The proposal involves a Two (2) Lot Subdivision and common property, Use and Buildings and Works for the Construction of a Retail Premises, and Buildings and Works for the construction of a Dwelling.

Two (2) Lot Subdivision and common property

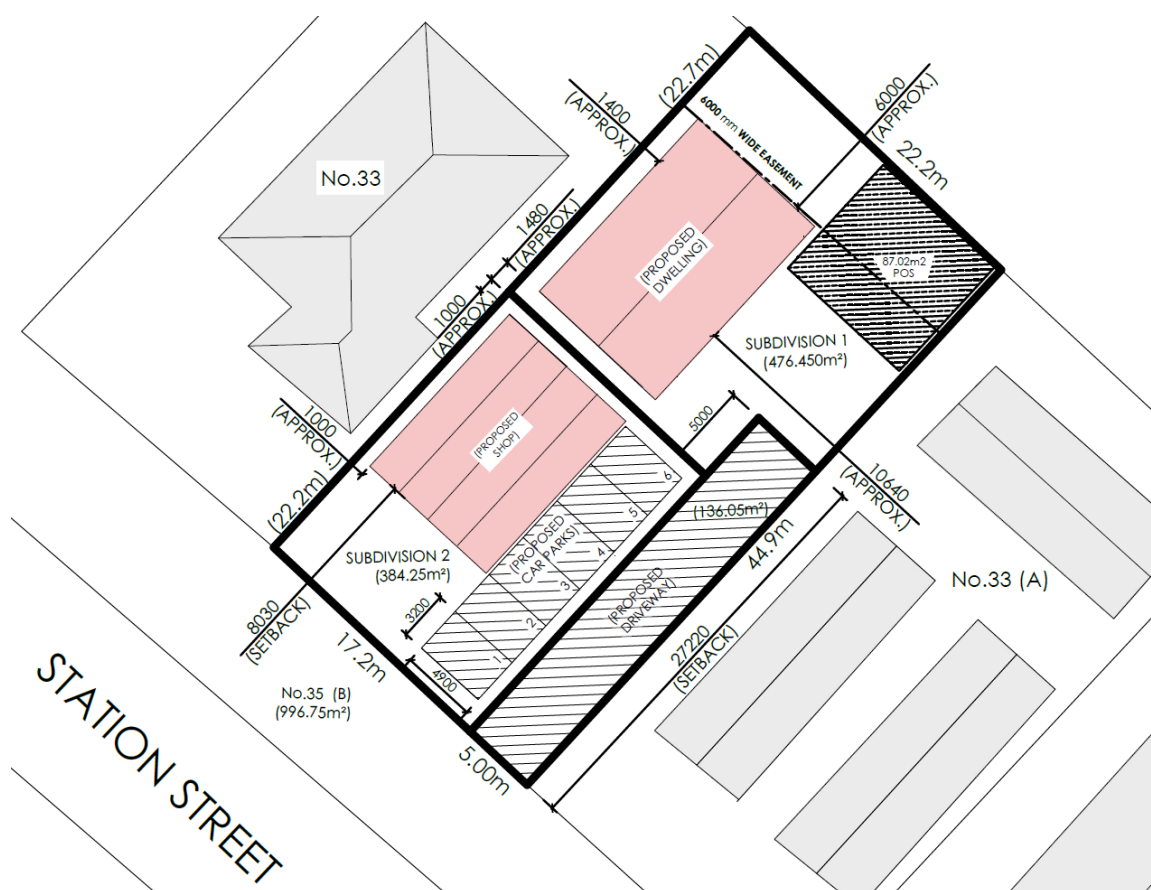
The subdivision component of the proposal involves a Two (2) Lot Subdivision and common property. The front lot has an area of 384.25sqm, and the rear lot has an area of 476.45sqm. Both lots can accommodate a building envelope measuring 10 metres by 15 metres. The rear lot is only accessible via the common property. The common property has an area of 136.05sqm and a minimum width of 5 metres. The common property generally aligns with an existing constructed crossover in the verge abutting the site.

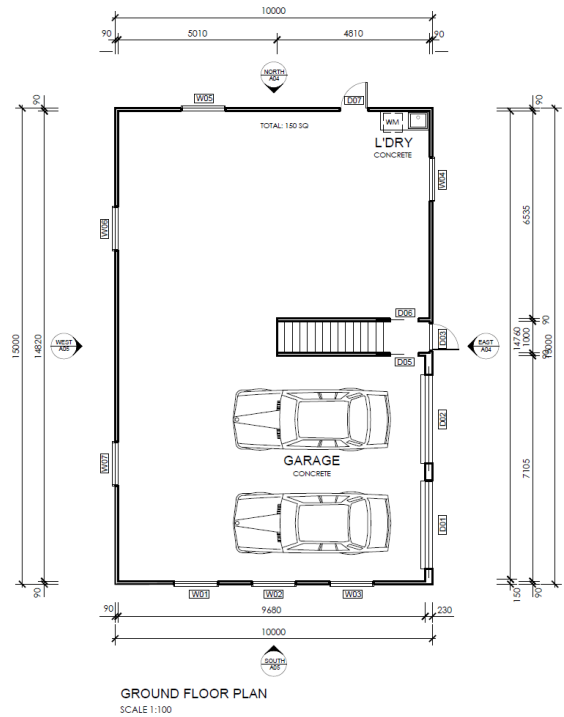
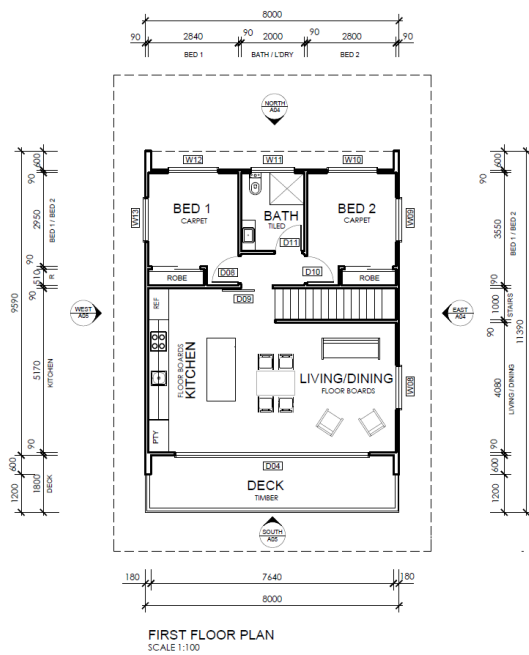
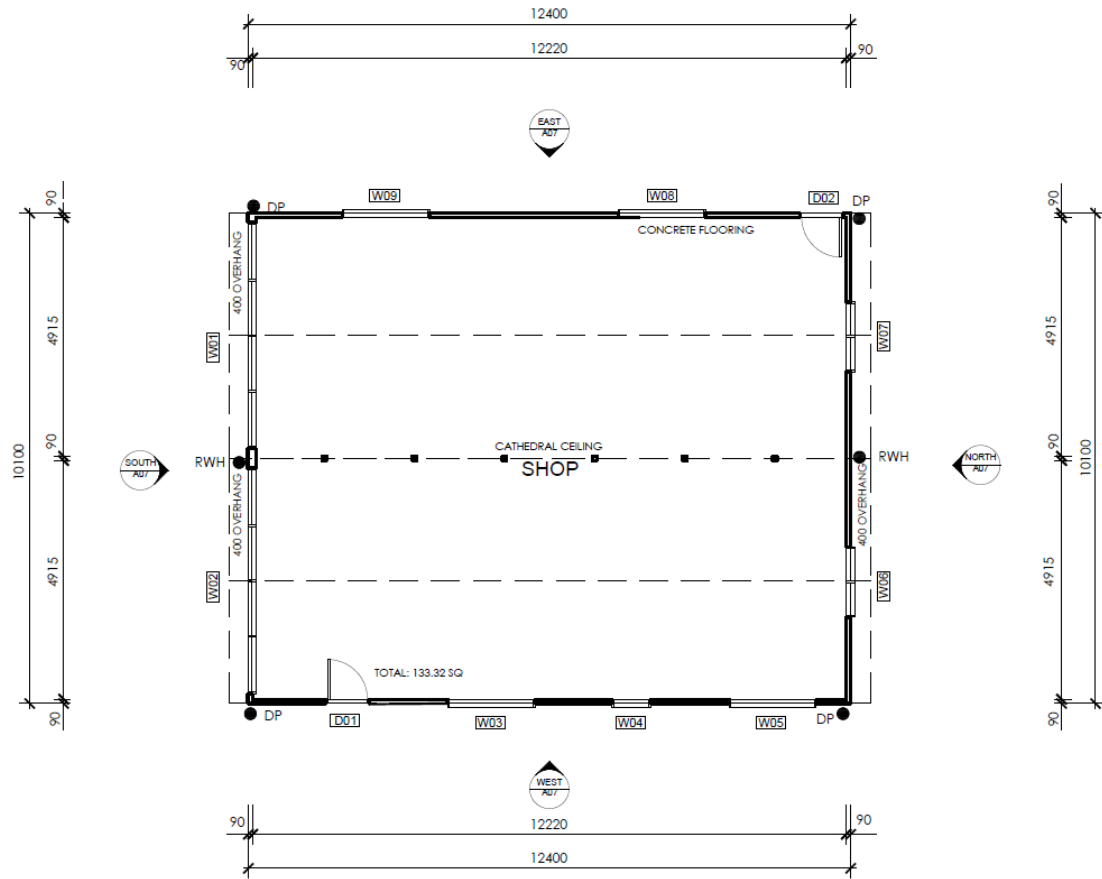
Use and Buildings and Works for the Construction of a Retail Premises

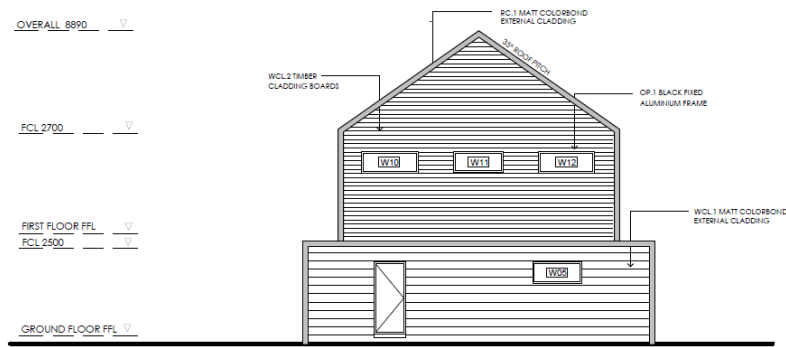
The Use and Buildings and Works for the Construction of a Retail Premises component involves a 125.24sqm, single story building sited on the proposed 384.25sqm lot. This building has a height of 4.77 metres. The external wall materials include Matt Colorbond Wall Cladding and Timber cladding boards to the external eave. The roofing material is Matt Colorbond External Cladding. The roof has a pitch of 35 degrees. Windows are on all sides of the building. This building has a setback of 8.03 metres from Station Street, a 1 metre setback from the side (north-western) lot boundary and rear (north-eastern) lot boundary. Six (6) car spaces are proposed on the south-eastern side of the building. Vehicle access to the car spaces are via the common property.

Buildings and Works for the construction of a Dwelling.

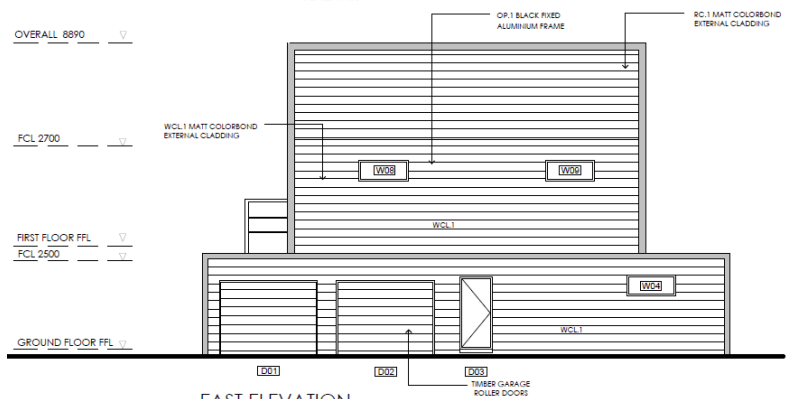
The Buildings and Works for the construction of a Dwelling component involves a two (2) storey building, sited on the proposed 476.45sqm lot. The ground floor includes an open plan double garage, storage, and laundry. The upper floor includes 2 bedrooms, 1-bathroom, front deck, and an open plan kitchen/living/dining room. This building has a height of 8.89 metres. The external wall materials include Timber Cladding Boards, and Matt Colorbond External Cladding. The roofing material proposed is Matt Colorbond External Cladding. The roof has a pitch of 35 degrees. Windows are on all sides of the building. This building has a setback of 6 metres from the rear lot boundary, 1.48 metres from the south-western lot boundary and 1.4 metres from the north-western lot boundary.



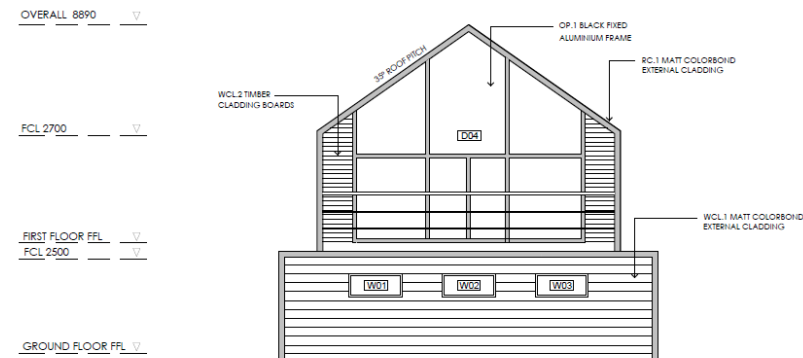




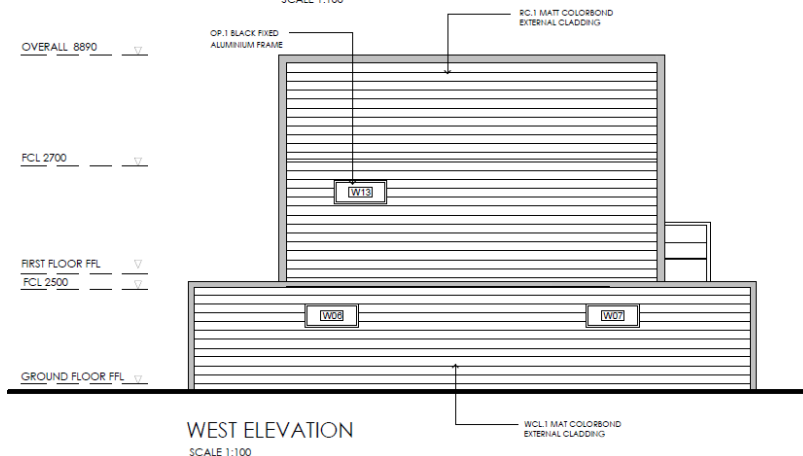
NORTH ELEVATION
SCALE 1:100



EAST ELEVATION
SCALE 1:100



SOUTH ELEVATION
SCALE 1:100



WEST ELEVATION
SCALE 1:100

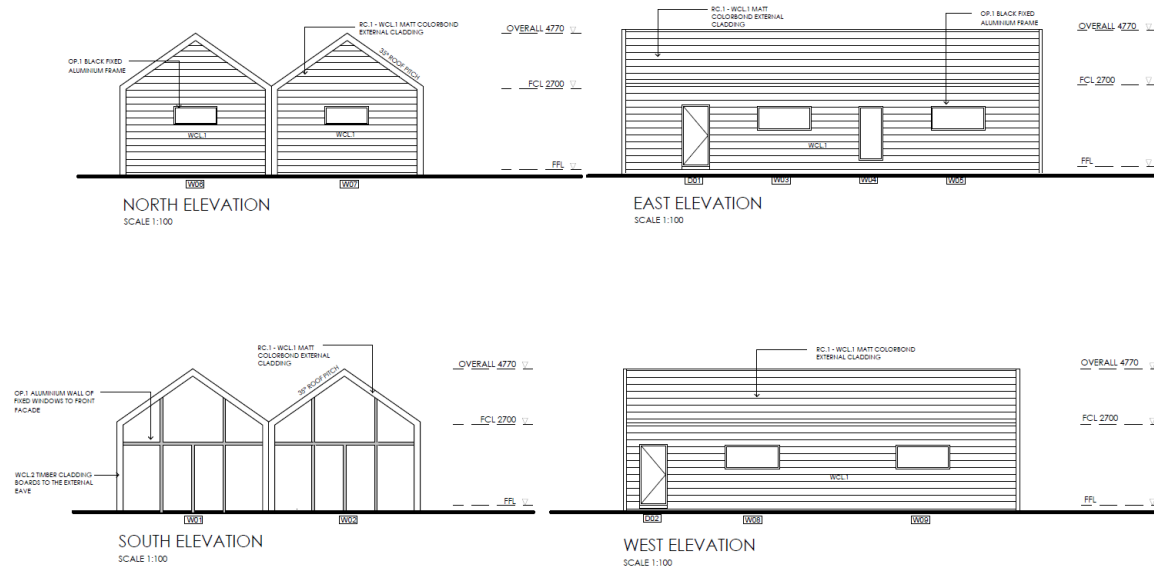


Figure 2: Shows the subdivision and development layout on site.

SUBJECT LAND AND SURROUNDS

The site has a total area of 1,000sqm, is rectangular in shape and is relatively flat. The site is currently used as a store, has several shipping containers sited towards the rear, and is fenced on all sides. There is a 6-metre-wide drainage easement along the entire rear lot boundary, to the benefit of Alpine Shire.

Vehicle access to the site is via an existing sealed crossover located near the southern corner of the site. There is a sealed footpath, two (2) small street trees and a constructed kerb and channel in the verge in front of the site.

All surrounding sites are zoned Township Zone. Within 5 sites of the subject site in all directions, lot sizes range from approximately 405sqm at 1/24 Station Street to 17287sqm at 47 Station St, Porepunkah. Adjoining sites to the north, south and west contain an existing dwelling. The dwelling at adjoining 33 Station Street has an approximate street setback of 9 metres.

39 Station Street, 43 Station Street, 45C Station Street and 47 Station Street in close proximity of the site are developed and used for non-residential purposes. The smallest of these sites has an area of approximately 978sqm. The buildings at adjoining 39 Station Street have been approved with a street setback of 8 metres.



Figure 3: Subject land.

PUBLIC NOTIFICATION

The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987*. Notice of the application was sent to surrounding landholders and occupiers. A sign was displayed on the site. Four (4) objections were received and maintained. The matters raised in the objection have been summarised as follows:

1. Potential noise impacts created by the retail premises, specifically exhaust fans.
2. Potential odour impacts created by the retail premises, specifically smell of food preparation and smell from exhaust fans.
3. Lighting impacts.
4. Operating hours associated with the retail premises and noise outside normal working hours.
5. Lack of onsite parking associated with the retail premises.
6. Request for notification by the planning department of future business application for the site.
7. Loss of privacy as a result of overlooking by the dwelling. Do not want north facing windows that enable viewing into adjoining properties and loss of privacy.
8. Noise impacts of existing adjoining timber milling on the proposed dwelling.
9. Potential environmental impacts of the retail premises, specifically rubbish and litter
10. Not consistent with policies 15.01-2S Building Design and 15.01-5S Neighbourhood Character. Does not respect the existing neighbourhood character.
11. Safety concerns, specifically in relation to pedestrians, cyclists and vehicles.
12. Station Street is unable to accommodate the associated traffic movements.
13. Negative amenity impacts created by off-street delivery vehicles.

14. The proposed lot sizes are insufficient to accommodate development of the land for residential and commercial use.

The applicant provided a partial response to some of the matters raised in the objections which have been summarised as follows:

1. through 3. and 13. standard amenity conditions should be included to ensure that the residential amenity is not impacted.
6. The application is for a retail premises and the exact end use is not known.
8. Section 173 Agreement agreed to, to make future landowners aware of the surrounding land uses and in particular the sawmill.

The assessing officer's response is provided as follows:

1. The Environmental Protection Authority (EPA) - Noise from Industry in Regional Victoria and State Environment Protection Policy (Control of Music Noise from Public Premises) No N-2, provides recommended maximum noise levels from Commerce/Industry. Should the application be supported, suitable conditions and notes would be included to give legal effect to the relevant legislation and the recommended noise levels. The proposal could be undertaken in accordance with this legislation. The EPA can issue notices that can require a business to
 - stop an activity that is making noise
 - reduce the noise
 - install or maintain equipment
 - tell EPA how they will control the noise
 - monitor and report on the noise.
2. The *Environment Protection Act 1970* covers air pollution, including odour. Section 41 says that businesses must not pollute the air to make it unsafe or offensive to others. Should the application be supported, suitable notes would be included providing reference to this legislation. The proposal could be undertaken in accordance with this legislation.
3. Australian Standard AS 4282-1977 Control of the obtrusive effects of outdoor lighting, includes controls around outdoor lighting. External lighting normal to a dwelling is exempt from needing a planning permit. Should the application be supported suitable conditions and notes would be included to manage lighting impacts.
4. The applicant has not provided details of the operating hours of the proposed retail premises. There is no requirement to provide this information within the Alpine Planning Scheme. The maximum noise level requirements within the Noise from Industry in Regional Victoria and State Environment Protection Policy (Control of Music Noise from Public Premises) No N-2 would apply, should this application be supported. The noise requirement for evening hours is a lesser decibel than during daytime.
5. The application proposes 6 onsite car spaces associated with the retail premises. Pursuant to the provisions of Table 1 within clause 52.06 Car Parking within the Alpine Planning Scheme, a Shop Use which is nested within Retail Premises, requires

- the provision of 5 car spaces onsite. Should the application be supported, all other uses with a higher prescribed car parking requirement, nested within Retail Premises, would not be authorised by the permit.
6. Should the application be supported, it would grant approval for all uses nested within Retail Premises, excluding those with a car parking requirement higher than a shop use. A retail premises includes the following land uses, food and drink premises, take away food premise, betting agency, gaming premises, garden supplies, plant nursery, manufacturing sales, motor vehicle and boat sales, car sales, postal agency, primary produce sale, shop, beauty salon, bottle shop, dry cleaning agent, department store, hairdresser, laundromat, restricted retail premises, equestrian supplies, party supplies, and timber yard. Should this application be supported, there would be no further public notification by the planning department of a future business application for the site.
 7. All north facing habitable room windows on the proposed dwelling have a minimum sill height of 1.7 metres above the relevant finished floor level. The north-eastern lot boundary of the site is currently fenced with solid fencing. Rescode provisions which include overlooking controls would be taken into consideration in any future building permit application for the proposed dwelling.
 8. The site and surrounding sites have the same zoning. The applicant has agreed to a Section 173 Agreement on title that makes future landowners aware of the surrounding sawmill.
 9. The proposal is able to accommodate suitably sized onsite screened bin storage area/s. Should the application be supported, suitable conditions would be included in relation to bin storage area/s.
 10. In relation to 15.01-2S Building Design - the proposed built form is generally consistent with existing development in the area. In relation to 15.01-5S - Neighbourhood Character:
 - The area considered to form the existing neighbourhood character was all lots with the same zoning, within 5 sites in all directions. Lots within this area range from approximately 405sqm at 1/24 Station Street to 17,287sqm at 47 Station St, Porepunkah. The subject site has an area of 1,000sqm.
 - 39 Station St, 43 Station St, 45C Station and 47 Station St are developed and used for non-residential purposes. The smallest of these sites has an area of approximately 978sqm.
 - Respecting character does not mean preventing change. The neighbourhood character standard is not intended to result in the replication of existing building stock or stop change. In simple terms, respect for the character of a neighbourhood means that the development should try to 'fit in'.
 - The level of density proposed is similar to that existing within the area.
 - A minimum 8 metre street setback is proposed to single storey development. This is similar to existing development in the area.
 - The proposal is not considered to result in change in the streetscape and neighbourhood characteristics.

- The total site coverage proposed is less than other existing sites within close proximity of the site.
 - There is opportunity for additional onsite landscaping. Should the application be supported, suitable conditions would be included to require onsite landscaping within the street setback area.
11. The application was referred to Alpine Shire Engineering Department, and conditional consent was provided. Should the application be supported, suitable conditions would be included to ensure compliance with the requirements of clause 52.06-9 Design standards for car parking within the Alpine Planning Scheme. All car parking spaces and driveways will need to be designed to allow all vehicles to drive forwards both when entering and leaving the property.
 12. Comments provided by Alpine Shire Engineering Department indicate roughly between 1,000 and 2,000 vehicle movements per day on Station Street, and that there is ample capacity within Station Street to cater for the additional vehicle movements as a result of this proposal.
 13. The application proposes onsite un/loading associated with the retail premises. Should the application be supported, conditions would be included to manage the impacts of the un/loading of associated goods. The car spaces associated with the retail premises are sited away from the nearest adjoining dwelling.
 14. There is no prescribed minimum lot size for the site. The application is for subdivision and associated buildings and works. It has been demonstrated that the proposed lot sizes are capable of accommodating the development of the proposed lots for residential and commercial use.

An objector's forum was held on 6 May 2021. As a result of this forum the applicant submitted amended plans which included:

1. The provision of 6 onsite car spaces associated with the retail premises;
2. The northern, eastern and western upper floor dwelling windows having a minimum sill height of 1.7 metres, above the upper finished floor level;
3. The layout of the subdivision and buildings and works being flipped, with the provision of vehicle access on the south-eastern side of the lot;
4. An increased street setback of the retail premises building from Station Street.
5. The provision of 136.05sqm of common property, in lieu of this land previously forming part of the proposed rear lot.

These amended plans were circulated to all objectors.

REFERRALS

Referrals / Notice	Advice / Response / Conditions
Section 55 referrals	Country Fire Authority - No objection, subject to conditions. Ausnet - No response provided within the required timeframe. No objection, subject to conditions, was provided on the original plans.

Referrals / Notice	Advice / Response / Conditions
Section 52 referrals	North East Catchment Management Authority - No objection, subject to conditions.
Internal referrals:	Alpine Shire Engineering Department - No objection, subject to conditions. Alpine Shire Arborist Department - No response within required timeframe.

PLANNING ASSESSMENT

All applicable policy and decision guidelines can be found in Appendix 8.2.11(b).

State Planning Policy Framework

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

11.02-1S Supply of urban land:

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

15.01-2S Building design:

The building design will contribute positively to the local context and enhance the public realm, as the proposed form, scale, and appearance of development will enhance the function and amenity of the public realm. The development can provide safe access and egress for pedestrians, and vehicles.

15.01-3S Subdivision design

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

15.01-5S Neighbourhood character

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

16.01-1S Housing Supply

The proposal facilitates well-located, integrated and diverse housing, as it increases the proportion of housing in an established urban area and reduces the share of new dwellings in greenfield, fringe and dispersed development areas.

17.01-1S Diversified economy

The proposal will strengthen and diversify the economy, as it will improve access to jobs closer to where people live.

17.02-1S Business

The proposal encourages development that meets the community's needs for retail, entertainment, and other commercial services.

Local Planning Policy Framework

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

21.06-1 Infrastructure

The proposal assists in consolidation of the Shire's population in the main towns and some villages, to make effective use of existing infrastructure.

21.07-5 Porepukah

The proposal includes residential development within the Porepukah township boundaries. The proposal is of a scale and bulk that reflects that of existing development in the area. The proposed lot sizes are appropriate to the area and have regard to the existing lot size and density of development in the Porepukah neighbourhood.

The subject land is located in the former railway goods area, service and light industrial uses are encouraged in this area. The proposed retail premise building could accommodate a service industry use.

Zoning

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

- The proposal respects the neighbourhood character of the area.
- The proposal includes a non-residential use which will serve local community needs in an appropriate location.
- The design, heights, setbacks and appearance of the proposed buildings and works are appropriate for the site.
- The proposal includes appropriate provision of onsite car parking and loading bay facilities, subject to conditions.
- The section 173 agreement proposed by the applicant will make future landowners aware of the existing sawmill in close proximity of the site.
- The scale and intensity of the use and development is appropriate for the site, subject to conditions.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal are appropriate for the site, subject to conditions.
- The pattern of subdivision is appropriate for the site.

Bushfire Management Overlay

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

Particular Provisions

Clause 52.06 - Car Parking

There is no prescribed car parking requirement for a Retail Premises use within this clause. The application proposes the provision of onsite car spaces in accordance with a Shop use, which is nested within Retail Premises. Should this application be supported it would not grant approval for any land use nested within Retail Premises with a prescribed car parking requirement higher than a Shop use. A detailed assessment of the proposal against the provisions of Clause 52.06 is contained on the planning file – reference no. P.2020.156. The application is considered to meet the relevant requirements of this clause, subject to conditions if approved.

Clause 53.02 – Bushfire Planning

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

Clause 53.18 – Stormwater Management in Urban Development

The application was referred to the North East Catchment Management Authority (NECMA) and Alpine Shire Engineering Department for comment. Conditional consent was provided by both. The application is considered to meet the relevant requirements of this clause, subject to conditions.

Clause 56 - Residential Subdivision

The application must meet the requirements of clause 56. A detailed assessment of the proposal against the provisions of clause 56 is contained on the planning file – reference no. P.2020.156. The application is considered to meet the relevant requirements of this clause, subject to conditions.

General Provisions

Clause 65.01 and 65.02 of the Alpine Planning Scheme provides the general decision guidelines that must be considered before deciding on an application. A detailed assessment of the proposal against the provisions of Clauses 65.01 and 65.02 is contained on the planning file – reference no. P.2020.156. The proposal is generally in accordance with the decision guidelines.

CONCLUSION

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

1. The proposal generally meets the relevant provisions of the:
 - a. State and Local Planning Policy Framework;
 - b. Township Zone;

- c. Particular provisions including 52.06 Car Parking, 53.02 Bushfire Planning, 53.18 Stormwater Management in Urban Development, and 56 Residential Subdivision.
 - d. Decision Guidelines at Clause 65.01 and 65.02.
2. The proposal provides an appropriate design and respects the existing and desired neighbourhood character.

DECLARATION OF CONFLICT OF INTEREST

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

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

APPENDICIES

8.2.11.a. Conditions

8.2.11.b. Policy and decision guidelines

Appendix 8.2.11.a. Conditions

Amended Plans Required - Development

1. Before the development start(s), amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. The identification of onsite bin storage area(s), which includes screening from public view, and sited as far away from existing dwellings as reasonably practicable to the satisfaction of the responsible authority.
 - b. The provision of an onsite un/loading space within proposed Lot 2 (Subdivision 2) for the retail premises building.
 - c. An amended Bushfire Management Plan in accordance with the requirements of the conditions of this permit.
 - d. The floor level of the dwelling and the retail premises being elevated a minimum of 500 mm above surrounding natural surface levels.
 - e. 3 metre wide landscaping strip along the Station Street setback of lot 2 (reducing in width at southern end to accommodate car space 1), which must include bushes and trees. Details of the landscaping must include:
 - i. A planting schedule of all proposed trees, bushes and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant
 - ii. The means of watering/irrigation proposed to be used
 - iii. Landscaping consistent with the vegetation management requirements of clause 53.02 Bushfire Planning within the Alpine Planning Scheme.

Amended Plans Required - Subdivision

2. Prior to the issue of a statement of compliance under the Subdivision Act 1988 amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. An amended Bushfire Management Plan in accordance with the requirements of the conditions of this permit.

Endorsed Plans

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

Law, or for any other reason) without the prior written consent of the Responsible Authority.

Section 173 Agreement Required

5. Before the statement of compliance is issued under the *Subdivision Act 1988*, or prior to commencement of use of the dwelling (whichever occurs first), the owner must enter into an agreement with the responsible authority under section 173 of the *Planning and Environment Act 1987* the agreement must provide the following:
 - a. The site is within a designated commercial/industrial area which includes an existing timber mill in close proximity, and may be subject to adverse noise, dust, odour and amenity impacts.

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

External Materials and Colours

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

Landscaping Works

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

Construction Site Storage Area

9. An area for the storage of construction materials must be designated prior to the arrival of equipment and materials onsite. At the completion of construction all excess materials must be removed and the site should be regenerated to the satisfaction of the responsible authority.

Mandatory Bushfire Conditions

10. 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.

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

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

The above-mentioned section 173 Agreement does not apply to proposed Lot 2 (Subdivision 2), as indicated on the plans forming part of this permit.

Garbage Storage

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

Disturbed Surfaces

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

Construction of Car Parking

14. Before the commencement of the retail premises use authorised by this permit starts, the car parking spaces, access lanes, driveways and associated works and landscaping as shown on the endorsed plans must be:
 - a. constructed and available for use in accordance with the plans approved by the responsible authority
 - b. formed to such levels and drained so that they can be used in accordance with the plans
 - c. treated with an all-weather seal or some other durable surface
 - d. line-marked or provided with some other adequate means of showing the car parking spaces

all to the satisfaction of the responsible authority.

Vehicle Manoeuvring

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

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

Car Parking

17. The car parking spaces associated with the retail premises must be well lit and clearly signed to the satisfaction of the responsible authority.
18. No less than 4 car space(s) must be provided on the land for the retail premise use, including spaces clearly marked for use by disabled persons (if required).
19. Areas set aside for car parking, the loading/unloading of goods, and movement of vehicles as shown on the endorsed plans must be made available for such use and must not be used for any other purpose.

Noise

20. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2 and EPA Guideline Noise from Industry in Rural Victoria.
21. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.
22. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
23. Any exhaust fans associated with the retail premises must be fitted with silencers and sited as far away from existing dwellings as far as reasonably practical.

Un/loading of Goods

24. The un/loading of goods must only be carried out within designated onsite un/loading spaces, and must not substantially impede on vehicular, cyclist and pedestrian movements, to the satisfaction of the responsible authority.

Goods Storage

25. All goods, refuse and packaging material associated with the development must be stored within the premises at all times unless the Responsible Authority has approved, in writing, alternative arrangements.

Illumination

26. All external lighting provided on the site must be suitably baffled so that no direct light is emitted beyond the boundaries of the site and no nuisance is caused to adjoining properties, to the satisfaction of the responsible authority.

Common Property Construction Requirements

27. Before the statement of compliance is issued under the Subdivision Act 1988 or occupation of any building authorised by this permit (whichever occurs first), the common property driveway as shown on the endorsed plans must be:
 - a. designed to allow all vehicles to drive forwards when entering and leaving the property
 - b. constructed and drained to prevent diversion of flood and drainage watersall to the satisfaction of the responsible authority.

Street Trees

28. The existing street tree(s) must not be removed or damaged.
29. Before the development (including demolition) starts, a tree protection zone fence must be erected around the existing street tree, to define a tree protection zone. The fence must be constructed of (star pickets and chain mesh or similar) to the satisfaction of the responsible authority. The tree protection fence must remain in place until construction is completed. The tree protection zone fencing is to be installed in accordance with Australian Standard AS 4970.
30. No vehicular or pedestrian access, trenching or soil excavation is to occur within the tree protection zone without the written consent of the responsible authority. No storage or dumping of tools, equipment or waste is to occur within the tree protection zone.
31. Any pruning that is required to be done to the canopy and/or root system of the street tree is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996.

Construction management

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

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

All to the satisfaction of the responsible authority.

Township Zone Dwelling Requirements

- 33. Prior to occupation the dwelling must be connected to reticulated sewerage to the satisfaction of the responsible authority.
- 34. Prior to occupation the dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply, with appropriate storage capacity, to the satisfaction of the responsible authority.
- 35. Prior to occupation the dwelling must be connected to a reticulated electricity supply or have an alternative energy supply to the satisfaction of the responsible authority.

Subdivision Conditions

Existing Buildings to be Removed

- 36. Prior to issue of Statement of Compliance under the *Subdivision Act 1988*, existing buildings and works on all proposed lots and within the common property area must be demolished and removed from site to the satisfaction of the Responsible Authority.

Covenant Condition

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

Common Property Management

- 38. Prior to the issue of a statement of compliance, the submission and approval of a to scale and dimensioned plan and report identifying:
 - a. The common area to be owned by the body corporate, including any streets and open space
 - b. The reasons why the area should be commonly held
 - c. Lots participating in the body corporate
 - d. The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.

Telecommunications

- 39. The owner of the land must enter into an agreement with:
 - a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and

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

General

41. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunications services to each lot shown on the endorsed plan in accordance with that authority's requirements and relevant legislation at the time.
42. All existing and proposed easements and sites for existing or required utility services and road on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
43. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of the Act.

- North East Catchment Management Authority Conditions -

44. Before the statement of compliance is issued under the *Subdivision Act 1988* the owner must enter into an agreement with the responsible authority under Section 173 of the *Planning and Environment Act 1987*. The agreement must ensure that:
- a. The floor level of both the dwelling and the retail premises shall be elevated a minimum of 500 mm above surrounding natural surface elevation.

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

45. The development shall make appropriate provision for drainage within the site to avoid impacts to adjacent properties from flooding resulting from local stormwater runoff.

**- Alpine Shire Engineering Department Conditions –
Urban Drainage Works**

46. Before the statement of compliance is issued under the *Subdivision Act 1988* or the occupation of any building authorised by this permit (whichever occurs first), all stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge by underground pipe to the satisfaction of the responsible authority. No effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system.

Drainage Discharge Plan

47. Prior to certification of the Plan of Subdivision under the *Subdivision Act 1988* or the commencement of any works authorised by this permit (whichever occurs first), a properly prepared drainage discharge plan with computations must be submitted to, and approved by, the responsible authority. When approved, the plans will be endorsed and will then form part of 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. a maximum pre-development discharge rate from the site is to be determined by computation to the satisfaction of Council
 - c. computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by Alpine Shire Council
 - d. connection points for drainage for each lot
 - e. underground pipe drains conveying stormwater to the legal point of discharge for each allotment
 - f. measures to enhance stormwater discharge quality from the site and protect downstream waterways, including the expected discharge quality emanating from the development and design calculation summaries of the treatment elements
 - g. maintenance schedules for treatment elements.

Before the statement of compliance is issued under the *Subdivision Act 1988* or the occupation of any building authorised by this permit (whichever occurs first), all works constructed or carried out must be in accordance with those plans to the satisfaction of the responsible authority.

Urban Vehicle Crossing Requirements

48. Before the statement of compliance is issued under the *Subdivision Act 1988* or the occupation of any building authorised by this permit (whichever occurs first), vehicular crossings shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the Alpine Shire Council, and shall comply with the following:

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

Prior to Commencement of Construction

49. Before any road/drainage works start, the following items must be satisfied:
- a. Issue of the certified Plan of Subdivision.
 - b. Approval of the construction plans

Construction Management Plan

50. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the responsible authority.
51. Prior to commencement of any works authorised by this permit, a construction management plan shall be submitted to and approved by the responsible authority. The plan must outline how issues such as mud on roads, dust generation and erosion and sediment control will be managed, on site, during the construction phase. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise.

No Mud on Roads

52. 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 responsible authority.

Defect identification - Council's Assets

53. 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.

- Ausnet Conditions –

54. 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*.

55. The applicant must –

- Enter into an agreement with AusNet Electricity Services Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.
- Provide electricity easements internal and external to the subdivision in favour of AusNet Electricity Services Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by AusNet Electricity Services Pty Ltd. The provision of reserves for electricity substations may also be required.

- Country Fire Authority Conditions -

56. Bushfire Management Plan

Before the development starts, an amended Bushfire Management Plan (BMP) which is generally in accordance with BMP prepared by Mountain Planning, drawing ref: 35 Station St, Porepunkah BMP, dated 8/10/2020 must be submitted to and endorsed by the Responsible Authority. The plan must show the following bushfire protection measures, unless otherwise agreed in writing by the CFA and the Responsible Authority:

- Defendable Space - Lots 1 and 2

Show an area of defendable space to the property boundary where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:

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

- Construction Standard – Lots 1 and 2

Nominate a minimum Bushfire Attack Level of BAL – 12.5 that the buildings will be designed and constructed.

- Water Supply - Lot 1 and 2

Show 2,500 litres of effective water supply for firefighting purposes which meets the following requirements:

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

- Access

Show the access for firefighting purposes which meets the following requirements:

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

Expiry

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

- a. the development is not started within two (2) years of the date of this permit.
- b. the development is not completed within four (4) years of the date of this permit.
- c. the plan of subdivision is not certified within two (2) years of the date of this permit.
- d. the registration of the subdivision is not completed within five (5) years of the date of certification of the plan of subdivision.

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

- End of Conditions -

Planning Notes

1. This permit does not authorise approval under the Building Act. It is the responsibility of the applicant to determine if a building permit is required for the proposed buildings and works.
2. A road opening/crossing permit must be obtained from the responsible authority prior to working in or occupying the road reserve with construction equipment or materials. Applications may be accessed from the Alpine Shire Council website.
3. Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.
4. The facilities approved by this permit shall be constructed and maintained to accord with all relevant legislation (Federal or State), Australian Standards, or any other design requirements relating to access or other issues affecting people with disabilities to the satisfaction to the responsible authority. (Disabled car parking may be required. If disabled car parking is required, it is recommended that the blank space be provided in front of the main pedestrian entrance to the retail premises building.)
5. The *Environment Protection Act 1970* covers air pollution, including odour. Section 41 says that businesses must not pollute the air to make it unsafe or offensive to others. For further information it is recommended that you contact Alpine Shire Environmental Health Department and the Environmental Protection Authority.
6. Australian Standard AS 4282-1977 Control of the obtrusive effects of outdoor lighting, includes controls around outdoor lighting.
7. It is recommended that, at an early date the applicant commences negotiations with AusNet Services for a supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued without delay (the release to the municipality enabling a Statement of Compliance with the conditions to be issued).
8. Arrangements for the supply will be subject to obtaining the agreement of other Authorities and any landowners affected by routes of the electric power lines required to supply the lots and for any tree clearing.
9. Prospective purchasers of lots on this plan should contact this office to determine the availability of a supply of electricity. Financial contributions may be required.

10. The amended plans have altered the layout from those that were previously submitted with the application and therefore an amended Bushfire Management Plan is required:
- matching the amended plans
 - with the above conditioned mitigation measures.

APPENDIX 8.2.11.b. POLICY AND DECISION GUIDELINES

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

State Planning Policy Framework

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

- 11.02-1S Supply of urban land
- 11.03-6S Regional and local places
- 13.01-1S Natural hazards and climate change
- 13.02-1S Bushfire planning
- 13.03-1S Floodplain management
- 13.07-1S Land use compatibility
- 14.02-1S Catchment planning and management
- 15.01-2S Building design
- 15.01-3S Subdivision design
- 15.01-5S Neighbourhood character
- 16.01-1S Housing Supply
- 16.01-2S Housing Affordability
- 17.01-1S Diversified economy
- 17.02-1S Business
- 18.02-4S Car parking

Local Planning Policy Framework

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

- 21.03-1 Townships and villages
- 21.03-4 Built form and heritage
- 21.04-4 Environmental risk
- 21.04-6 Catchments and waterways
- 21.05-2 Commercial and industrial
- 21.06-1 Infrastructure
- 21.07-5 Porepunkah
- 22.01-1 Battle-axe blocks policy

22.04-4 Urban stormwater management

Zone

The land is zoned Township Zone.

Overlays

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

Particular Provisions

52.06 Car Parking

53.02 Bushfire Planning

53.18 Stormwater Management in Urban Development

56 Residential Subdivision

General Provisions

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

9. Informal meetings of Councillors

Introduction

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

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

the Chief Executive Officer must ensure that a summary of the matters discussed at the meeting are tabled at the next convenient Council meeting, and are recorded in the minutes of that Council meeting.

RECOMMENDATION

That the summary of informal meetings of Councillors for May / June 2021 be received.

Background

The written records of the informal meetings of Councillors held during the previous month are summarised below. Detailed records can be found in Attachment 9.0 to this report.

Date	Meeting
25 May	Briefing Session
1 June	Briefing Session
8 June	Briefing Session
15 June	Briefing Session
22 June	Briefing Session

Attachment(s)

- 9.0 Informal meetings of Councillors – May / June 2021

10. General business

11. Motions for which notice has previously been given

12. Reception and reading of petitions

13. Documents for sealing

RECOMMENDATION

That the following documents be signed and sealed.

- 1. Contract No CQ21003 in favour of Modus Projects Pty Ltd for the design and construction contract for Alpine View Children's Centre Expansion.*
- 2. Alpine Resilience Committee revised Terms of Reference.*
- 3. Finance Committee Charter Version 3.*
- 4. S11A – Instrument of Appointment and Authorisation – Planning and Environment Act 1987 - Director Corporate Performance (Acting).*
- 5. Lease of Lot 26 on PS 612929 being Hangar located at Buckland Valley Road, Porepunkah in favour of Belinda Chin Quan.*
- 6. S5 - Instrument of Delegation from Council to the Chief Executive Officer (instrument S5).*
- 7. S18 - Instrument of Sub-Delegation to Members of Council Staff (EPA 2017).*

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

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Chairperson