

M(11) – 28 NOVEMBER 2023

Ordinary Council Meeting

Minutes

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

PRESENT

COUNCILLORS

Cr John Forsyth

Cr Ron Janas

Cr Katarina Hughes

Cr Tony Keeble - (attendance via electronic means)

Cr Simon Kelley

Cr Sarah Nicholas

Cr Kelli Prime

OFFICERS

Will Jeremy - Chief Executive Officer

Alan Rees - Director Assets

Helen Havercroft - Director Customer and Community

APOLOGIES

Nil

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1. Interim Chairperson

Section 25(3) of the *Local Government Act 2020* (LGA 2020) states that the election of the Mayor must be chaired by the Chief Executive Officer (CEO) and be conducted in accordance with the Governance Rules.

Chapter 2 of Council's Governance Rules further steps out the Procedure for Election of Mayor and Deputy Mayor, including the requirement for the CEO to preside at the election of a Councillor to the office of Mayor. The elected Mayor will then preside over the election of the Deputy Mayor.

The Chief Executive Officer will assume the role of Interim Chairperson to deal with item 2 through to item 9.1.2 of this Agenda.

2. Recording and livestreaming of Council meetings

The CEO read the following statement:

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

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

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

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

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

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

All to stand, the CEO read the following statement:

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

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

4. Confirmation of minutes

4.1 ORDINARY COUNCIL MEETING – M(10) – 31 OCTOBER 2023

Cr Forsyth

Cr Prime

That the minutes of Ordinary Council Meeting M(10) held on 31 October 2023 as circulated be confirmed.

Carried Unanimously

5. Apologies

Nil

6. Obituaries / congratulations

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

7. Declarations by Councillors of conflict of interest

Cr Kelley declared a general conflict of interest with respect to one question on notice in relation to Battery Energy Storage System (BESS).

Alan Rees, Director Assets declared a Conflict of interest with respect to item 9.2.3 Mystic Park and will vacate Council Chambers at the appropriate time.

8. Public questions

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

Written Questions on Notice will be tabled ahead of questions from the floor.

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

Question on Notice regarding BESS item.

Cr Kelley left Council Chambers at 5.23pm while the question on notice was discussed.

Cr Kelley returned to Council Chambers at 5.31pm.

9. Presentation of reports by officers

9.1 CHIEF EXECUTIVE OFFICER – WILL JEREMY

9.1.1 Mayoral Term

The *Local Government Act 2020* (LGA 2020) sets out the requirements for the election of Mayor including the timing of the election of the Mayor and the length of the term.

Section 26(3) of the LGA 2020 requires Council to resolve to elect a Mayor for a term of either one year or two years before electing the Mayor. Whether a Mayor is elected for a one year or two year term, the next election of the Mayor must be held on a day that is as close to the end of that term as is practicable. The Mayoral election was last held in November 2022 and set as a one-year term or up to 6am on the day of the election.

It should be noted that general elections in Victorian councils occur every four years on the fourth Saturday in October, with the next scheduled elections due to be held on 26 October 2024. The term of all Councillors officially ends at 6am on the day of the election, meaning that the term of Mayor will also end on that day. Therefore, it is pertinent to elect the Mayor for a one year term.

Procedure for election of Mayor and Deputy Mayor

Chapter 2 of Council's Governance Rules contains the procedure for the election of Mayor and Deputy Mayor. This includes the requirement for a quorum of at least four Councillors to be in attendance at the meeting to enable a vote to be taken, and a requirement that all Councillors in attendance at the time of the meeting must vote.

A sole candidate must be elected with an absolute majority of votes, and there are no casting votes for the election of the Mayor or Deputy Mayor. If an absolute majority of votes cannot be obtained, Council may resolve to conduct a new election at a later specified time and date.

Section 25(1) of the LGA 2020 requires the meeting to elect the Mayor to be open to the public, where members of the public must be able to attend either in person or by watching the broadcast being livestreamed on the internet.

The Chief Executive Officer will call for a motion to set the term of the Office at one year.

Cr Nicholas

Cr Janas

That the term of office of the Mayor be set for one year, ending at 6am on Saturday 26 October 2024.

Carried Unanimously

9.1.2 Election of Mayor

Introduction

The *Local Government Act 2020* (LGA 2020) sets out the requirements for the election of Mayor.

Any Councillor is eligible for election or re-election to the office of Mayor.

Role of the Mayor

Section 18 of the LGA 2020 sets out the role of the Mayor:

1. The role of the Mayor is to—
 - a. chair Council meetings;
 - b. be the principal spokesperson for the Council;
 - c. lead engagement with the municipal community on the development of the Council Plan;
 - d. report to the municipal community, at least once each year, on the implementation of the Council Plan;
 - e. promote behaviour among Councillors that meets the standards of conduct set out in the Councillor Code of Conduct;
 - f. assist Councillors to understand their role;
 - g. take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer;
 - h. provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings; and
 - i. perform civic and ceremonial duties on behalf of the Council.
2. The Mayor is not eligible to be elected to the office of Deputy Mayor.

Specific powers of the Mayor

Section 19 of the LGA 2020 sets out the specific powers of the Mayor:

1. The Mayor has the following specific powers—
 - a. to appoint a Councillor to be the chair of a delegated committee;
 - b. to direct a Councillor, subject to any procedures or limitations specified in the Governance Rules, to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business;
 - c. to require the Chief Executive Officer to report to the Council on the implementation of a Council decision.
2. An appointment under subsection (1)(a) prevails over any appointment of a chair of a delegated committee by the Council.

The Chief Executive Officer will call for nominations and a seconder for the Office of Mayor in accordance with Chapter 2 of Council's Governance Rules.

The Chief Executive Officer will invite the newly elected Mayor to address the meeting.

Cr Janas nominated Cr Forsyth.

Cr Hughes seconded the nomination.

Cr Forsyth accepted the nomination.

Cr Forsyth was elected as Mayor unopposed.

The Chief Executive Officer vacated the Interim Chair, and the Mayor assumed the Chair.

9.1.3 Office and term of Deputy Mayor

Introduction

Section 20A of the *Local Government Act 2020* (LGA 2020) provides that Council may establish an office of Deputy Mayor.

The LGA 2020 requires Council to establish the term of office of Deputy Mayor for either one year or two years prior to electing the Deputy Mayor.

As with the Mayor, the election of a Deputy Mayor must be held on a day that is as close to the end of that term as possible. The Deputy Mayor election was last held in November 2022 and set for a one-year term.

Where Council chooses not to appoint a Deputy Mayor, it must follow the provisions of 20B of the LGA 2020, and appoint an Acting Mayor where:

- a. the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
- b. the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
- c. the office of Mayor is vacant.

Where Council appoints a Deputy Mayor under Section 20A of the LGA 2020, the Deputy Mayor must perform the role of the Mayor, and may exercise any of the powers of the Mayor in the situations a-c above.

Council has historically set the term of Deputy Mayor to align with the term of the Mayor.

The Chief Executive Officer will call for a motion to create an office of Deputy Mayor and set the term of the Office of the Deputy Mayor which his aligned to the term of office of the Mayor.

Cr Nicholas

Cr Janas

That:

- 1. Council establishes an office of Deputy Mayor; and*
- 2. The term of office of the Deputy Mayor be aligned to the term of the office of the Mayor.*

Carried Unanimously

9.1.4 Election of Deputy Mayor

Introduction

The *Local Government Act 2020* (LGA 2020) requires that the steps for election of Deputy Mayor must follow the same process as for the election of Mayor.

Any Councillor other than the Mayor is eligible for election to the office of Deputy Mayor.

Role of the Deputy Mayor

Section 21 of the LGA 2020 sets out the role and powers of the Deputy Mayor:

The Deputy Mayor must perform the role of the Mayor and may exercise any of the powers of the Mayor if—

- a. the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
- b. the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
- c. the office of Mayor is vacant.

The role of Mayor is set out in item 9.1.2 of this meeting.

The Mayor will call for nominations and a seconder for the Office of Deputy Mayor in accordance with Chapter 2 of Council's Governance Rules.

Cr Hughes nominated Cr Kelley.

Cr Nicholas seconded the nomination.

Cr Kelley accepted the nomination.

Cr Kelley was elected as Deputy Mayor unopposed.

9.1.5 Contracts approved under delegation by CEO

Cr Janas

Cr Hughes

That Capital Project Contracts approved under delegation by CEO be noted.

| | | |
|------------------------|--|---------------------|
| <i>Contract No:</i> | <i>Road Stabilisation and Patching</i> | <i>Process: RFQ</i> |
| <i>Title:</i> | <i>Road Stabilisation and Patching</i> | |
| <i>Tenderer:</i> | <i>Central Vic Stabilising Pty Ltd</i> | |
| <i>\$ (excl. GST):</i> | <i>\$188,977</i> | |

Carried Unanimously

9.1.6 Schedule of Ordinary Council Meetings for 2024

INTRODUCTION

This report seeks Council's endorsement of the proposed ordinary meeting schedule for the 2024 calendar year.

Cr Prime

Cr Kelley

That Council:

- Endorses the schedule of ordinary meetings to be held in 2024 as follows:*

| <i>DATE</i> | <i>TIME</i> | <i>LOCATION</i> |
|--------------------------|-------------|---------------------|
| <i>30 January 2024</i> | <i>5pm</i> | <i>Bright</i> |
| <i>27 February 2024</i> | <i>5pm</i> | <i>Bright</i> |
| <i>26 March 2024</i> | <i>5pm</i> | <i>Myrtleford</i> |
| <i>30 April 2024</i> | <i>5pm</i> | <i>Mount Beauty</i> |
| <i>28 May 2024</i> | <i>5pm</i> | <i>Bright</i> |
| <i>25 June 2024</i> | <i>5pm</i> | <i>Bright</i> |
| <i>30 July 2024</i> | <i>5pm</i> | <i>Bright</i> |
| <i>27 August 2024</i> | <i>5pm</i> | <i>Mount Beauty</i> |
| <i>17 September 2024</i> | <i>5pm</i> | <i>Myrtleford</i> |
| <i>22 October 2024</i> | <i>5pm</i> | <i>Bright</i> |
| <i>26 November 2024</i> | <i>5pm</i> | <i>Bright</i> |
| <i>17 December 2024</i> | <i>5pm</i> | <i>Bright</i> |

- Notes that following declaration of the Victorian Electoral Commission (VEC) election result, incoming Councillor Elects will need to take the Oath / Affirmation of Office before the November 2024 meeting;*
- Publishes the notice of Council's 2024 ordinary meeting schedule on its website;*
- Notes that notice of any change required to the 2024 ordinary meeting schedule (date or location) be given at least six (6) days prior to the earlier of the originally scheduled or revised date; and*
- Notes that meetings held outside of the Council Chambers in Bright cannot be livestreamed and the recordings will be made available on its website the day after the meeting.*

Carried Unanimously

BACKGROUND

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

ISSUES

Scheduling of meetings for 2024 Ordinary Council Meetings

In 2023 Council moved its regular ordinary meeting cycle from the first Tuesday of the month to the last Tuesday of the month. The primary reason for the proposed change was to better align the timing of Council Meetings with administrative deadlines, many of which fall at the end of the month. Council will continue to hold its Ordinary Council Meetings on the last Tuesday of the month except for September, October and December when they will be held on the third Tuesday of the month.

2024 Council Elections

The Victorian Electoral Commission (VEC) will hold general elections in 2024 on the fourth Saturday in October.

VEC has indicated that all results will be declared by no later than 15 November. The *Local Government Act 2020* specifies that a person elected to be a Councillor is not capable of acting as a Councillor unless he or she has taken the oath or affirmation of officer in the manner as prescribed by the regulations.

Timing of September meeting

The September ordinary meeting will be held on the third Tuesday ahead of the official commencement date of caretaker period being 24 September 2024.

Timing of October meeting

The October ordinary meeting will be held on the third Tuesday ahead of the VEC Election date which is to be held on Saturday 26 October 2024.

Timing of December meeting

The December ordinary meeting will be held on the third Tuesday of the month prior to the office closure for 2024.

Start time to Ordinary Council meetings

All meetings are recorded and available for community members to watch after the meeting. Meetings held in the Council Chamber in Bright are live streamed and can be watched in real time. Council will continue to hold its meetings at 5pm.

Alternative locations

Council will host two meetings in Mount Beauty and two meetings in Myrtleford during 2024.

Special meetings of Council

In accordance with Council's Governance Rule C1 a Special Council meeting may be called in the following manner:

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

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

POLICY IMPLICATIONS

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

- 5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

None to report.

RISK MANAGEMENT

No risks to report.

CONCLUSION

That the schedule of proposed meeting dates, locations and times for 2024 be adopted by Council.

DECLARATION OF CONFLICT OF INTEREST

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

- Chief Executive Officer
- Executive Assistant to CEO

ATTACHMENT(S)

Nil

9.2 DIRECTOR CUSTOMER AND COMMUNITY – HELEN HAVERCROFT

9.2.1 Bright Valley Development - Community views

INTRODUCTION

This report outlines the views expressed by the community to Council from February to October 2023 regarding stages 1 and 2 of the proposed residential subdivision on land at Lots 1 and 2 on PS613866 and Lots 1, 2, 4, 5, 7 - 9 on TP859376 – Great Alpine Road, known as the Bright Valley Development. The purpose of this report is to ensure those who provided this material better understand the process and how development proposals on the land are being assessed.

Council previously resolved to approve a Development Plan (DP) for the subject site at the Ordinary Council Meeting held on 5 July 2022. Where a DP is approved under the Development Plan Overlay (DPO), an application for a planning permit is exempt from the usual notice and third-party review rights available to members of the public.

Council will consider an application for stages 1 and 2 of the proposed residential subdivision as a further agenda item at the November 2023 Ordinary Council Meeting.

Cr Nicholas

Cr Hughes

That Council receives and notes the views expressed by the community to Council regarding the proposed Bright Valley Development at Lots 1 and 2 on PS613866 and Lots 1, 2, 4, 5, 7 - 9 on TP859376 – Great Alpine Road.

Carried Unanimously

BACKGROUND

In 2005, the subject site, along with land on the northern side of the Great Alpine Road were identified, through the Alpine Residential Land Review as the preferred area for the urban growth of Bright in order to facilitate additional residential development.

On 20 January 2011, Amendment C15 to the Alpine Planning Scheme was approved by the Minister for Planning and included in the Victoria Government Gazette. Amongst other things, the Amendment identified the subject site and the land to the north of the Great Alpine Road as Urban Growth Area 1 – Great Alpine Road and Stackey Gully Road, Bright. Clause 21.03-2-1 Bright stated:

'Subject to the necessary site investigations and consultation with relevant authorities:

- *potential rezoning of the land to the south of the Great Alpine Road from Rural to Residential 1 and Low Density Residential and applying appropriate development overlays to ensure: a 50m wide buffer from the Great Alpine Road; building envelopes on land included in the Low Density Residential Zone; and no development occurs on land with a slope greater than 20%.*

- *potential rezoning of the land to the north of the Great Alpine Road from Rural to Residential 1 and applying an appropriate development overlay to ensure a buffer from the Great Alpine Road is maintained to the satisfaction of VicRoads and Alpine Shire Council.'*

On 6 August 2015, Amendment C34 to the Alpine Planning Scheme was approved by the Minister for Planning and included in the Victoria Government Gazette. The Amendment was also referred to an independent planning panel to consider all submissions received and to make recommendations to Council ahead of its formal consideration of the amendment. The panel supported the Amendment. Amongst other things, the Amendment rezoned the subject site from the Farming Zone to the General Residential Zone, applied a Development Plan Overlay (DPO) to the land and included Schedule 3 to the DPO at Clause 43.04 of the Alpine Planning Scheme to guide any future residential development.

The DPO is a planning tool used to guide the future use and development of land. A schedule to the DPO is used to specify strategic development intentions for a particular location. Preparation of a DP is a requirement of the DPO in order to coordinate development and/or subdivision before a planning permit can be granted. Generally, the DPO prevents the granting of permits under the overlay before a plan has been approved and any permit granted must be generally in accordance with the approved DP.

A Development Plan (DP) provides a framework for how the various land uses and infrastructure required to support the future residential community will be developed and located. The need for detailed design for matters such as drainage, traffic intersections and landscaping, is then determined at the planning permit stage, once a development plan has been approved for the land.

Council previously resolved to approve a DP for the subject site at the Ordinary Council Meeting held on 5 July 2022. Where a DP is approved under the DPO, an application for a planning permit is exempt from the usual notice and third-party review rights available to members of the public.

A planning application for Stages 1 and 2 of the development was received by Council in October 2022. The application is for a residential subdivision of 78 lots. Council will consider the application as a further agenda item at the November 2023 Ordinary Council Meeting.

FEEDBACK

The Ministerial Planning Practice Note 23: Applying the Incorporated Plan and Development Plan Overlays, September 2022 states that 'responsible authorities should not use non-statutory consultation practices to assist in deciding a planning application'.

Council did, however, receive comments, queries and concerns from the community regarding the proposal.

In the interests of transparency and given the significant community interest in the development of the site, Council provided material on its website regarding the

proposal. For those who wished to provide comments or queries to Council, the following text was provided on Council's website to ensure they were fully aware of the fact that there are no notice and review rights for members of the community in relation to the proposal:

'Council is accepting submissions from community members concerned about any impact this development may have on their personal amenity. The application is exempt from the notice requirements and third party review rights generally available to members of the public.

This means that the permit application has been made under clause 43.04-3 (Development Plan Overlay) of the Alpine Planning Scheme, and is exempt from:

- a. the notice requirements of section 52(1)(a), (b) and (d) of the Act;*
- b. the decision requirements in section 64(1), (2) and (3) of the Act; and*
- c. third party review rights of section 82(1) of the Act.*

We review all submissions that come into Council to help us understand community concerns, guide our communication and identify any areas of confusion that we can address on this page or through regular video updates.'

Council received more than 200 submissions from February to October 2023.

The main themes identified in submissions relevant to the proposal and Council's consideration of the permit application are listed below, not in order of priority:

1. Identification of the land, the rezoning process
2. Bushfire implications
3. Notice and review rights
4. The need for up-to-date traffic counts
5. The future traffic impact of the development
6. Impact of the removal of trees from the avenue of trees along the Great Alpine Road
7. The need to conserve and manage the aesthetic or other significance of the avenue of trees
8. A Development Contributions Plan Overlay should have applied to the land to ensure contributions were made to future community or social infrastructure
9. Does Council have a plan for future infrastructure needs over the next 15 years
10. The rear lot boundary fence appears to be constructed on Crown land
11. The need to prepare a preliminary risk screen assessment
12. Stormwater drainage requirements
13. Capacity of local schools
14. Density of development
15. Will the developer only construct the subdivision or will they also construct houses
16. The need for appropriate house design and style diversity
17. Can Council ensure that any houses built are not short-term/short stay accommodation
18. Will a commercial precinct be constructed on the land
19. Flooding impacts of the development.
20. The need for Affordable Housing

21. Public open space needs

Council officers' responses to each of these themes are outlined in Table 1.

| Concern | Council Officers Response |
|--|--|
| Identification of the land, the rezoning process | <p>From 2005, the land was identified in successive land use planning documents as land that could possibly serve an urban function following the completion of all relevant site investigations showing the land as being suitable for such future uses.</p> <p>Following the completion of these site investigations, Amendment C34 to the Alpine Planning Scheme rezoned the land to the General Residential Zone and applied the DPO to the land in 2015. The Amendment was also referred to an independent planning panel to consider all submissions received and to make recommendations to Council ahead of its formal consideration of the amendment. The panel supported the Amendment.</p> <p>In 2022, a DP was approved for the land to guide its future development.</p> <p>Each of the processes outlined above complied with all relevant Council or Victorian government procedures and requirements, in particular, the <i>Planning and Environment Act 1987</i>.</p> |
| Bushfire implications | <p>The land is included in the Bushfire Prone Area and the Bushfire Management Overlay applies to the land. Bushfire implications have been addressed as part of the Council's consideration of the planning permit application.</p> |
| Notice and review rights | <p>The DPO applies to the land and a DP was approved on 5 July 2022 to guide future development.</p> <p>In accordance with Clause 43.04-3 of the Alpine Planning Scheme, where a DP is approved under the DPO, an application for a planning permit is exempt from the usual notice and third-party review rights available to members of the public of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the <i>Planning and Environment Act 1987</i>.</p> |
| The need for up-to-date traffic counts | <p>Traffic counts have been addressed as part of Council's consideration of the planning permit application.</p> |

| Concern | Council Officers Response |
|--|---|
| The future traffic impact of the development | The traffic requirements of the development have been addressed as part of the Council's consideration of the planning permit application. |
| Impact of the removal of trees from the avenue of trees along the Great Alpine Road | The impact of the removal of trees from the avenue of trees has been addressed as part of Council's consideration of the planning permit application. |
| The need to conserve and manage the aesthetic or other significance of the avenue of trees | <p>Council commissioned an investigation of the heritage and landscape significance of the avenue of trees along the Great Alpine Road. An early output of this work is the 'Great Alpine Road (western gateway), Bright Landscape and Heritage Preliminary Assessment Report'. The purpose of the preliminary assessment was to identify whether the avenue of trees has the potential to reach the threshold of local heritage significance and warrants the preparation of a detailed assessment and application of appropriate planning controls in the Alpine Planning Scheme</p> <p>The preliminary assessment suggests that the avenue of trees is likely to meet the threshold of local significance and may warrant the application of a Heritage Overlay in the Alpine Planning Scheme.</p> <p>Following receipt of this recommendation, Council engaged the consultant to prepare the detailed assessment, which, amongst other things, would include a place citation report, a statement of significance and a curtilage for the heritage place. Once complete, this information can then be used to inform a planning scheme amendment to apply appropriate planning controls to the land. The detailed assessment is expected to be submitted to Council in early 2024 for consideration.</p> <p>Timelines for planning scheme amendments are guided by Ministerial Direction 15 – the planning scheme amendment process. If the planning scheme amendment is progressed by the Minister for Planning, it is expected to take three - six (3-6) months to take effect in the Alpine Planning Scheme. If the planning scheme amendment is progressed by Council, it would take 12-18 months to take effect in the Alpine Planning Scheme.</p> |

| Concern | Council Officers Response |
|--|---|
| <p>A Development Contributions Plan Overlay should have applied to the land to ensure contributions were made to future community or social infrastructure</p> | <p>A Development Contributions Plan (DCP) seeks to identify, design and cost any shared infrastructure that future communities will require, and once finalised, may be applied to land through the application of a Development Contributions Plan Overlay. This process equitably apportions the cost of realising this infrastructure on any land that will derive a benefit from this infrastructure and will be developed for urban purposes.</p> <p>The preparation of DCPs must comply with the requirements of the <i>Planning and Environment Act 1987</i>. DCPs are complex planning tools that are expensive to prepare and implement via a planning scheme amendment. They can last several decades and have onerous reporting and indexing requirements for councils.</p> <p>A DCP is not a feasible or viable planning tool in an Alpine Shire context. They are also generally not considered feasible unless there are multiple landholdings and landowners across a large growth front, which is not the case here.</p> |
| <p>Does Council have a plan for future infrastructure needs over the next 15 years</p> | <p>Council has commenced strategic planning work through the draft Alpine Shire Land Development Strategy 2023 (LDS) to identify land that could provide for the future commercial, employment and residential needs over the next 15 years. If adopted by Council in 2024, the LDS will provide the strategic justification to prepare structure plans for the four main towns of Bright, Porepunkah, Mount Beauty-Tawonga South and Myrtleford. As part of this work, technical investigations into future infrastructure needs will be undertaken.</p> <p>Council will seek to understand whether there is a clear nexus between the future infrastructure needs identified by this work and apportion an equitable portion of these costs to any parcel of land identified for future urban development that will derive a benefit.</p> <p>This work was recommended in the Alpine Shire Planning Scheme Review 2023 adopted by Council at the Ordinary Council Meeting held on 26 April 2023. This is a lengthy and costly task, and it will take significant Council resources and successive financial budgets to fully realise.</p> |

| Concern | Council Officers Response |
|--|--|
| The rear lot boundary fence appears to be constructed on Crown land | As part of any development proposal, a full title and boundary survey will be undertaken. Any development proposed will need to be within these parameters. |
| The need to prepare a preliminary risk screen assessment | Land contamination implications have been addressed as part of Council's consideration of the planning permit application. |
| Stormwater drainage requirements | Stormwater drainage requirements and impacts have been addressed as part of Council's consideration of the planning permit application. |
| Capacity of local schools | This is a matter for the Department of Education. |
| Density of development | The proposed density of the development has been addressed as part of Council's consideration of the planning permit application. |
| Will the developer only construct the subdivision or will they also construct houses | The developer has previously advised that they intend to sell house and land packages and not vacant lots. |
| The need for appropriate house design and style diversity | House design and style diversity has been addressed as part of Council's consideration of the planning permit application. |
| Can Council ensure that any houses built are not short-term/short stay accommodation | There are no controls in place to prevent or limit the use of new housing within this development for short-term/short-stay accommodation. |
| Will a commercial precinct be constructed on the land | The land in Stages 1 and 2 has been identified for residential purposes only. The planning permit application does not seek approval for any commercial uses on the land. |
| Flooding impacts of the development. | The Land Subject to Inundation Overlay applies to part of the land. Flood mitigation implications are addressed as part of Council's consideration of the planning permit application. |
| The need for Affordable Housing | Affordable Housing has been addressed as part of Council's consideration of the planning permit application. |

| Concern | Council Officers Response |
|-------------------------|--|
| Public open space needs | Open space requirements have been addressed as part of Council's consideration of the planning permit application. |

Table 1: Feedback received to the proposal and Council officers' responses

Council received a petition on 28 February 2023 containing 118 signatures. The petition was noted at the Ordinary Council Meeting on the same day, and a response provided at the March 2023 Ordinary Council Meeting.

Subsequent to the March 2023 Ordinary Council Meeting, Council continued to receive further material containing approximately 4,000 total individual signatures which related to the same petition which had already been responded by Council. A further 700 signed proforma letters were also received by Council.

Community members organised an online petition, which has, to date, attracted 27,418 online signatures. This petition also does not meet Council's Governance Rules and has not been formally recognised by Council.

The feedback received from the community cannot be considered as part of Council's assessment of the permit application, but Council officers have prepared this report to ensure those who provided this material better understand the process and how development proposals on the land are being assessed.

POLICY IMPLICATIONS

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

- 5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

The content of this report does not result in financial or resource implications.

RISK MANAGEMENT

| Risk | Likelihood | Impact | Mitigation Action / Control |
|---|------------|--------|---|
| Community members are dissatisfied with the responses provided to their feedback. | Possible | Minor | <ul style="list-style-type: none"> • The planning permit assessment process has been undertaken within the bounds of the <i>Planning and Environment Act 1987</i>. |

CONCLUSION

That the views expressed by the community to Council regarding the proposed Bright Valley Development at Lots 1 and 2 on PS613866 and Lots 1, 2, 4, 5, 7 - 9 on TP859376 – Great Alpine Road be received and noted.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Customer and Community
- Manager Customer Experience

ATTACHMENT(S)

Nil

9.2.2 Planning Application P.2022.150 – Great Alpine Road Bright

| | |
|--|---|
| <i>Application number:</i> | <i>P.2022.150</i> |
| <i>Proposal:</i> | <i>Staged multi lot subdivision of land into 78 lots, creation of access to a road in a Transport Zone 2, road works within the Land Subject to Inundation Overlay and removal of native vegetation</i> |
| <i>Applicant's name:</i> | <i>Buffalo Valley Pty Ltd c/o Human Habitats</i> |
| <i>Owner's name:</i> | <i>Buffalo Valley Pty Ltd</i> |
| <i>Address:</i> | <i>Great Alpine Road, Bright 3471</i> |
| <i>Land size:</i> | <i>8ha</i> |
| <i>Current use and development:</i> | <i>Vacant Farmland</i> |
| <i>Site features:</i> | <i>Cleared for grazing with the exception of two perpendicular rows of Cottonwood Poplars</i> |
| <i>Why is a permit required?</i> | <ul style="list-style-type: none"> • <i>Clause 32.08-3 – A permit is required to subdivide land</i> • <i>Clause 44.04-2 – A permit is required to carry out road works within the Land Subject to Inundation Overlay, where the water flow path is redirected or obstructed</i> • <i>Clause 44.04-3 – A permit is required to subdivide land</i> • <i>Clause 44.06-2 – A permit is required to subdivide land</i> • <i>Clause 52.29 – A permit is required to create or alter access to a road in a Transport Zone 2</i> • <i>Clause 52.17-1 - A permit is required to remove native vegetation</i> |
| <i>Zoning:</i> | <i>Clause 32.08 – General Residential Zone Schedule 1</i> |
| <i>Overlays:</i> | <i>Clause 44.04 – Land Subject to Inundation Overlay</i> <i>Clause 44.06 – Bushfire Management Overlay</i> <i>Clause 43.04 – Development Plan Overlay</i> |
| <i>Restrictive covenants on the title?</i> | <ul style="list-style-type: none"> • <i>Clause 52.29 – Land Adjacent to Principal Road Network</i> • <i>Clause 53.02 – Bushfire Planning</i> • <i>Clause 56 – Subdivision Clause 55 – Two or More Dwellings on a Lot and Residential Buildings</i> |

| | |
|-----------------------|----------------------------|
| <i>Date received:</i> | <i>24 October 2022</i> |
| <i>Planner:</i> | <i>Contractor Planning</i> |

Cr Nicholas

Cr Janas

That Council issues a planning permit for a staged multi lot subdivision, creation of access to a road in a Transport Zone 2, road works within the Land Subject to Inundation Overlay and removal of Native Vegetation in accordance with the plans submitted with the application, subject to the conditions included in Appendix 9.2.2.a.

Carried

A Division was called for by Cr Kelley

For *Crs Forsyth, Janas, Nicholas, Hughes, Prime, Keeble*

Against *Cr Kelley*

PROPOSAL

The application proposes the subdivision of land into 78 lots, creation of access to a road in a Transport 2 Zone, road works within the Land Subject to Inundation Overlay and removal of Native Vegetation.

The subdivision will be staged, with Stage 1 containing 50 lots and Stage 2 28 lots. A varied lot mix is proposed with lots sizes ranging from 200sqm to over 700sqm proposed. The proposal also includes the provision of 1.43 hectares of public open space to be provided as a linear corridor through the development.



Figure 1: Proposed Subdivision and Landscape Layout (inc. Legend)

LEGEND

1. Retained Existing Trees
 - a. Existing poplars to be retained within open space when appropriate.
2. Ponds & Ephemeral Streams
 - a. Drainage integrated with open space creates water feature. Opportunity for small bridge crossings and wetland planting.
3. Bush Planting
 - a. Dense planting on steep slopes serve not only to stabilise the landscape but to create points of interest with naturalised areas.
4. Active Spaces
 - a. Flatter areas with less slope can be activated with specific programming. Gym equipment, play areas etc.
5. Grassed Areas
 - a. Grassed areas scattered throughout allow passive recreation.

6. Civic Structures

- a. Programmed civic structure to punctuate the open space reserve. Potential for BBQ areas, amphitheatre etc.

The application proposes a revised staging than what is identified in the Development Plan (the DP) approved by Council on 5 July 2022 (see Figure 2). The central avenue that follows an existing row of Cottonwood Poplars is to be brought forward from Stage 8 to Stage 1 and will form the main entrance to the development from the Great Alpine Road (GAR). This will result in the eastern access point to the GAR (which was proposed in the DP to be the Stage 1 access) being delivered at a later stage and subject to a future permit application.

The internal road network includes a variety of street typologies including the main access avenue and local access streets with varying cross sections. Pedestrian and bicycle movements will be accommodated within footpaths provided on all road reserves and an off-road shared path. Furthermore, pedestrian links are provided in a northeast-southeast direction providing a connection between the east and west side of the monocline.

The central monocline open space is also proposed to form part of Stage 1. Additionally, a portion of what is identified as Stage 4 in the DP is also proposed to be brought forward to Stage 1.

Varying lot sizes are distributed throughout the subdivision with larger lots proposed on the western side of the monocline where the land is steeper and smaller lots proposed to the east of the monocline closer to GAR where the land is generally flat.

In relation to open space and landscaping a Landscape Masterplan was submitted with the application which sets out a landscaping vision for the site. Figure 1 sets out the proposed open space layout and potential embellishment opportunities, noting that the proposal indicates the open space infrastructure as indicative only and subject to further discussion and detailed design.

The application proposes a staged drainage system for Stages 1 and 2 which includes a sediment/detention basin to be constructed as part of Stage 1. The proposed drainage will include a drain, to be located in the designated 50 metre amenity buffer shown on the DP to the GAR. The sediment/detention basins will be located to the north of Stages 1 and 2 with an interface to the GAR. These basins are in the same location as approved by the DP. In relation to the development's drainage outfall, an outfall to the Ovens River is proposed. The alignment of the outfall will likely run through public land owned by the Department of Energy, Environment & Climate Change Action (DEECA). Any approvals required by DEECA do not form part of this permit application.

Native vegetation removal is proposed in the form of three scattered trees due to the applicant indicating these trees are incompatible with development. These trees are clustered together centrally within the site. The native vegetation report submitted with the application states "that the native vegetation is not in an area mapped as an endangered Ecological Vegetation Class, sensitive wetland or coastal area. Removal of

less than 0.5ha in this location will not have a significant impact on any habitat for a rare or threatened species.”

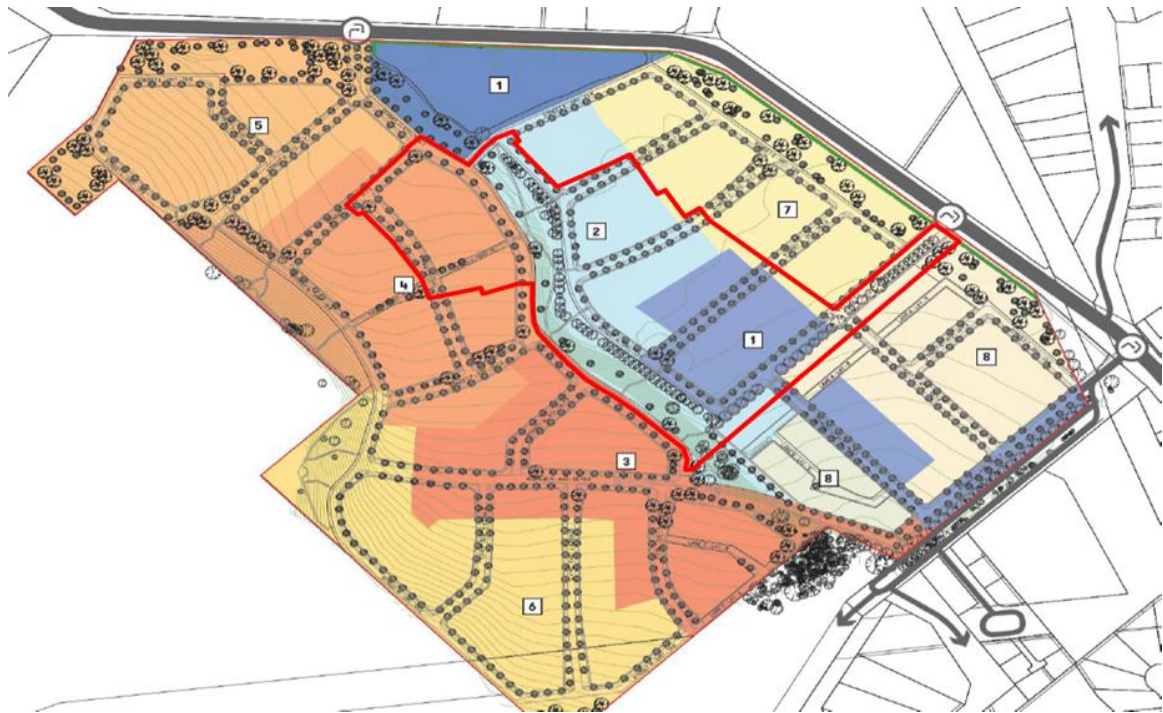


Figure 2: Bright Valley Development Plan and red line reflecting proposed variation to staging boundaries for permit application.

SUBJECT LAND AND SURROUNDS

The land known as the Bright Valley Development comprises nine parcels formally known as Lot 1 and 2 on Plan of Subdivision 613866 and Lots 1, 2, 4, 5, 7, and 9 on Title Plan 859376 which together have an area of approximately 35ha.

The subject land that is the subject of this Council Report comprises four parcels formally known as Lot 2 on Plan of Subdivision 613866 and Lots 1, 4, and 7 on Title Plan 859376X. It is noted the permit application area for Stages 1 and 2 is approximately 8ha.

The land has been predominantly cleared for grazing with the exception of two perpendicular rows of Cottonwood Poplars through the centre of the site and the south-eastern boundary. The land falls from the south-west to the north-east and features a steep monocline through the centre that runs from east to west across the land.

Vehicle access to the land is provided via two informal access points from the GAR and one informal access point from Tower Hill Road. The GAR abuts the land on the northern boundary and is seen as the "Gateway to Bright" with Oak and Elm trees lining the road on both sides.

The land is located approximately 2km to the north-west of the Bright town centre along the GAR/Gavan Street. Land surrounding the subject land to the north and west is within the Farming Zone while the land to the east is within the General Residential and Low Density Residential Zones (see Figure 3). The land immediately to the south/south-west is a timber plantation owned by HVP Plantations (see Figure 4).

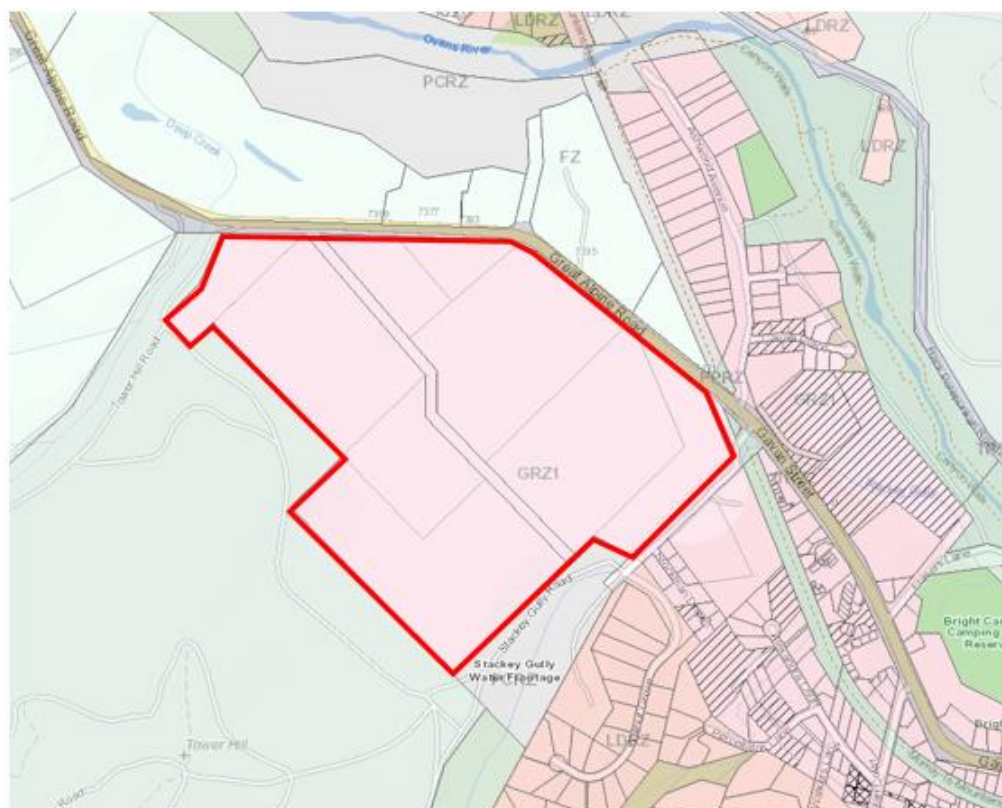


Figure 3: Zoning of subject site and surrounding land



Figure 4: Subjects site and surrounding including the HVP Plantations

RESTRICTIONS ON TITLE

Covenant J291220 is listed on the title which restricts the construction of any buildings, structures or obstructions over the 2m wide sewerage easement adjacent to the north eastern boundary of the site. The Covenant also requires payment to the relevant Water Authority for any costs incurred as a result of any buildings, structures or obstructions being placed on said piece of land. The proposal provides a minimum 3m offset from the north eastern boundary to the closest building which is well clear of the restricted area. A driveway is proposed over the restricted area, but this is not considered to be an obstruction as it can easily be removed. North East Water did not raise any issues with the driveway being located over the easement. As such, the proposal does not breach the Covenant.

ABORIGINAL CULTURAL HERITAGE

Regulation 7 of the Aboriginal Heritage Regulations 2018 states:

A cultural heritage management plan is required for an activity if—

- a. all or part of the activity area for the activity is an area of cultural heritage sensitivity and*
- b. all or part of the activity is a high impact activity.*

The subject site is within an area of cultural heritage sensitivity and subdivision is classified as a High Impact Activity. There are no exemptions that apply and as such, a Cultural Heritage Management Plan (CHMP) is required to be provided prior to the issue of a Planning Permit in accordance with Section 52 of the Aboriginal Heritage Act 2006. The applicant provided an approved Cultural Heritage Management Plan No. 13768 by Red-Gum Environmental Consulting addressing this requirement.

Council officers sought legal advice in regards to the CHMP and whether CHMP No. 13768 reasonably covers or contemplates the activity proposed in the Permit Application and can be relied on for the Permit Application. The legal advice confirmed that the CHMP did reasonably cover the proposed permit application.

In relation to the drainage outfalls works, the legal advice noted there was nothing preventing Council from issuing a planning permit in response to the Permit Application, prior to a CHMP for the outfall works being approved. However, it is noted that CHMP No. 19547 was approved on 25 September 2023 for the outfall works.

In relation to works associated with the intersection on the GAR, the legal advice noted that no planning permit is required for the intersection works, therefore there is nothing preventing Council from issuing a planning permit in response to the Permit Application, prior to a CHMP for the intersection works being approved (if it is determined that one is required).

In relation to any other works external to the site the legal advice states that as long as they comprise of pipelines of less than 500 metres, powerlines of fewer than 10 power poles, and all other works would be less than 100 metres in length or 25 square metres in affected area, then there is no requirement for a CHMP. It is noted that the permit application has not provided any detail to suggest they will exceed these requirements, however this is a detailed design matter post issuing of a planning permit, and the applicant will be required to ensure any cultural heritage requirements are met.

PUBLIC NOTIFICATION

Pursuant to Clause 43.04-3 of the Alpine Planning Scheme, an application under any provision of the planning scheme is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if a development plan has been prepared.

The Bright Western Gateway Development Plan (V06 June 2022) was adopted by Council in July 2022; therefore, this application is exempt from the notice requirements.

Notwithstanding the above, the application has been made available in accordance with the public availability requirements of the *Planning and Environment Act 1987* (Section 197A(2)(c)) by placing a copy on Council's website (noting this was informal notification outside of the statutory planning processes) and a number of submissions were received from community members. Key issues raised by the submitters include concerns in relation to land contamination, bushfire, the impact the development will have on the GAR trees and development contributions. As the application is exempt from the notice requirements, these submissions do not hold any statutory weight as part of the assessment of the application.

RESTRICTIONS ON TITLE

There are no encumbrances listed on the title.

REFERRALS

| Referrals / Notice | Advice / Response / Conditions |
|-----------------------|--|
| Section 55 referrals: | <ul style="list-style-type: none"> • North East Water – Conditional Consent dated 19 December 2022 • CFA – conditional consent dated 13 December 2022 (amended 2 November 2023) • Department of Transport – Conditional Consent dated 6 January 2023 (amended 2 November 2023) • NECMA – Conditional Consent dated 13 April 2023 • SP AusNet- Condition Consent dated 10 August 2023 • Goulburn Murray Water – Conditional Consent dated 5 December 2022 |
| Internal referrals: | <ul style="list-style-type: none"> • Engineering Department – No objection subject to conditions |

PLANNING ASSESSMENT

Municipal Planning Strategy and Planning Policy Framework

The relevant Clauses from the Municipal Planning Strategy and Planning Policy Framework are listed below.

Clause 02.03-1 Settlement

This clause identifies Bright’s role in servicing the surrounding settlements in the Shire. It states that opportunities for development within the Shire are influenced by the surrounding land, proximity to road infrastructure, and community, health and recreational opportunities.

The development proposal offers a unique subdivision in Bright that responds to the existing character and natural environment of the surrounding land, while considering road and servicing infrastructure, and the availability of community facilities to leverage Bright’s key role as a recreational and service hub within the Shire.

Clause 02.03-2 Environmental and Landscape Values

The protection of biodiversity, native vegetation and waterways is a key objective of this clause. The proposed subdivision is designed to respond to the environmental and landscape values in the surrounding area, including minimising the impact to the trees on the GAR.

The application provides a site responsive design that has a diverse range of lots sizes. This includes the DP having larger lots on the periphery of the DP area and steeper land,

noting that the subject permit application is located inboard within the site and does not have any direct interfaces to adjoining land.

Clause 02.03-5 Built Environment and Heritage

Strategic directions for built environment and heritage within the Shire ensure that new development is consistent with the existing township character and responds to built and natural landscapes. This includes an emphasis on aesthetics, liveability and environmentally sustainable development. This clause states that residential land within the Alpine Shire is characterised by a variety of lot sizes and shapes including irregular battle axe type allotments.

The proposed development provides a range of lot sizes that allow for development of a variety of dwelling sizes while also protecting and enhancing the surrounding natural landscapes. Key character elements for Bright include deciduous European alpine and avenue plantings that create linear spaces within the public realm, as well as a network of safe and accessible shared paths.

The proposed development will provide a significant avenue retaining existing vegetation consistent with the existing character of Bright, similar to Delany Avenue and Wood Street. Additionally, the development offers a design featuring convenient road networks and safe and attractive spaces for walking and cycling. To continue the strong linear aspect within the public realm, the walkways throughout the subdivision are oriented east to west providing an open space thoroughfare through the development.

Clause 11 Settlement & Clause 11.01-1L-02 Bright

The objective of Clause 11 is to anticipate and respond to the needs of existing and future communities through the provision of zoned and serviced land for housing.

The proposed subdivision creates a unique and site responsive residential development that offers a diversity of lot sizes therefore opportunity for a range of housing types.

Under Clause 11.01-1L-02, local policy aims to maintain and enhance the character of Bright as a vibrant place to visit and live.

The proposed subdivision responds to the established and valued character of Bright, through a subdivision design that has considered the topography and features of the land, carefully considered landscaping, the provision of a network of shared paths and the preservation of existing tree-rows where possible.

Clause 11.02-S Supply of Urban Land

Clause 11.02-S includes the objective to ensure there is sufficient land available to meet forecast demand.

The proposal responds to the current and future residential demand, providing 78 residential lots in a variety of sizes, strategically located within the Bright township.

Clause 11.03-2S Growth Areas

This clause includes the objective to locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas.

The proposed subdivision manages its interfaces with conservation areas, hillsides, neighbouring residential and forestry land to mitigate the land constraints and maximise the benefits of the surrounding area. The proposed internal layout provides safe and convenient access and site permeability, with connections to the surrounding road network.

Clause 11.03-6S Regional and Local Places

This clause includes the objective to facilitate integrated place-based planning, along with the following strategies:

- Integrate relevant planning considerations to provide specific direction for the planning of sites, places, neighbourhoods and towns.
- Consider the distinctive characteristics and needs of regional and local places in planning for future land use and development.

The proposal responds to the existing physical environment and local character using a place-based planning and design approach. The proposal offers landscaping and an internal layout that ensures the future development respects and enhances the aesthetic context of Bright while corresponding with the existing built environment and natural values.

Clause 12.05-2S & Clause 12.05-2L – Landscapes

These clauses seek to protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.

The proposed subdivision has been designed to adequately respond to and celebrate the surrounding landscape environment. The DP includes larger lot sizes on the hillside that will allow a balanced relationship between the built form and existing topography while smaller lots are proposed closer to the GAR. Additionally, stages 1 and 2 are setback within the site and subject to CFA conditions on permit will assist in mitigating potential bushfire risk and subsequent environmental impacts.

Clause 13.02 Bushfire

The objective of this Clause is "To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life." The policy seeks to protect life and community well-being from bushfire, as well as ensuring that development does not exacerbate the risk of environmental hazards.

The subject site is within a Bushfire Prone Area and is affected by the Bushfire Management Overlay. The site is within the General Residential Zone and accordingly Clause 52.03 AM5.2 applies.

The proposal appropriately responds to and reduces bushfire risk. This is addressed in greater detail below in response to the Bushfire Management Overlay (BMO). It has been demonstrated that the proposed subdivision can comply with the requirements of AM5.2.

Clause 13.03-1S Floodplain Management

This clause includes the objective to assist the protection of life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows. It also assists the protection of flood carrying capacity and storage function of waterways, as well as environmentally significant floodplain areas.

While a Land Subject to Inundation Overlay (LSIO) does apply to the land the proposed residential development that forms part of this permit application area is not within the LSIO and will require addressing as part of a future application. However, it is noted that the main entrance road from the GAR is partially located within the LSIO. As a result, a statutory referral to North East Catchment Management Authority (NECMA) was undertaken. NECMA consented to the grant of a planning permit, subject to conditions which have been included on the permit.

Clause 13.04-1S – Contaminated and potentially contaminated land

This clause seeks to ensure that contaminated and potentially contaminated land is used and developed safely.

The land has historically been used for tobacco harvesting which required the use of pesticides. As such Council requested that a Preliminary Site Investigation (PSI) and Desktop Hydrological Assessment (HA) be undertaken on the subject land to determine the suitability of the site for future sensitive uses, including residential development. The PSI concluded that the site has a Medium Potential for contamination and a Preliminary Risk Screen Assessment (PRSA) was recommended to be undertaken.

Accordingly, following discussions between Council and the applicant it was agreed that the applicant would commence a PRSA prior to the permit being issued, however a condition on permit will require the PRSA to be completed to the satisfaction of the Council prior to any works commencing.

Clause 15.01-3S & Clause 15.01-4S - Subdivision Design and Healthy Neighbourhoods

Clause 15.01-3S and Clause 15-01-4S seek to ensure the design of subdivisions achieves attractive, safe, accessible and diverse and sustainable neighbourhoods that foster healthy and active living.

The proposed subdivision achieves this objective by providing a range of lot sizes that allow for development of a variety of dwelling sizes while also protecting the natural landscapes on the land. Furthermore, a convenient road network and safe and attractive spaces for walking and cycling are provided throughout the subdivision. A series of

walkways are provided in a generally east to west alignment that will act as a thoroughfare between the residential subdivision and the hillside open space to the west of the subject site. These walkways in addition to the internal road network with pedestrian paths will enable active forms of transportation and provide convenient access to key destinations surrounding the subject land. Additionally, the internal road network and external connections will provide for safe and efficient vehicle movements within and around the proposed subdivision. The landscape masterplan submitted with the application sets out an overall landscaping vision for the development including proposed road pavement treatments which includes changed materiality to designate pedestrian crossing and shared spaces which all contribute to creating a healthy and active living environment.

Clause 15.01-5S Neighbourhood Character

The objective of Clause 15.01-5S is to recognise, support and protect neighbourhood character, cultural identity and sense of place by ensuring development responds to its context and reinforces the valued features and characteristics of the local environment.

The proposal is considered to respond to this clause by utilising the existing features of the land including the existing Cottonwood poplars which will create an attractive entrance to the development. Additionally, the existing topographical features of the site have been carefully considered for example through the provision of a landscaped reserve along the steep monocline running through the centre of the site. The pattern of subdivision and open spaces are responsive to the growing community and will allow for housing products and open spaces that have the ability to contribute to Bright's existing neighbourhood character.

Clause 15.03-2S Aboriginal Cultural Heritage

The objective of Clause 15.03-2S is to ensure the protection and conservation of places of Aboriginal cultural heritage significance.

The subject land is within an area of Cultural Heritage Sensitivity and subdivision is classified as a High Impact Activity. An approved CHMP No. 13768 by Red-Gum Environmental Consulting has been provided to address the objectives of this clause.

Zoning and land use

Clause 32.08 General Residential Zone – Schedule 1

The land is within the General Residential Zone – Schedule 1 (GRZ). The purpose of the General Residential Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

Pursuant to Clause 32.08-3, a permit is required to subdivide land and must meet the requirements of all the objectives and requirements of Clause 56 except for 56.03-5. A Clause 56 assessment is provided as Appendix 8.2.2.b

Overlays:

Clause 43.04 Development Plan Overlay Schedule 3

The land is affected by the Development Plan Overlay Schedule 3 (DPO3) The purpose of the DPO is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.*
- *To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.*

Pursuant to Clause 43.04-2 a permit must not be granted to use or subdivide land or construct or carry out works until a Development Plan has been prepared. As a DP was adopted by Council in July 2022, a permit granted must be generally in accordance with the approved DP and include any conditions or requirements specified in a schedule to the overlay.

The approved DP has been prepared to respond to all applicable site constraints, including environmental, land use, character, and infrastructure conditions. It consists of the following three sections:

- A Textual List of Requirements;
- A Graphic Plan; and
- An indicative Staging Plan.

The proposed subdivision has been assessed against the requirements of the approved DP. The proposal is consistent with these requirements and the strategic intent for the land as it:

- Integrates the existing and proposed land uses, road networks and intersections;
- Identifies, manages, and protects all sites of conservation, heritage, archaeological significance or with landscape values;
- Provides a range of lot sizes, with lot sizes generally increasing in size within the Upper Neighbourhood;
- Demonstrates that landscaping can be delivered and maintained in accordance with the relevant bushfire mitigation requirements, noting conditions on permit requiring detailed landscape plans be submitted for each stage of the development;
- Has the ability to comply with the Bushfire Mitigation requirements of DPO3;
- Demonstrates through the Property Services Report submitted in support of the application and subsequent conditions from Referral Authorities that the development can be appropriately serviced;
- Demonstrates that the proposal does not have any further detrimental impacts on the overland flow volumes identified by the LSIO;
- Works within the LSIO have been approved by NECMA;
- Includes the provision of a central reserve along the natural monocline, inclusive of both natural and formalised spaces responding to the change in gradient;
- Retains the dominant established tree rows, with losses minimised;
- Establishes an expansive path network with provision for pedestrians and cyclists of different abilities;
- Adheres with the primary road layout with minor revisions to streetscape design of the central avenue, and local access streets to prioritise pedestrian and cyclist permeability;
- The modified staging was allowed under the DP as the staging identified in the DP was indicative only;
- Respects the views of the land from the GAR, including the 50 metre amenity buffer within the site which will be subject to conditions on permit requiring landscape master planning;
- Through conditions proposed on permit in relation to minimising loss of mature GAR trees will assist in protecting the existing landscape values that contribute to the character of Bright; and
- In relation to the landscape masterplan submitted with the application, the masterplan sets out at a high level the landscape vision for the development. The masterplan provides a range of exemplar imagery and indicates a proposal that has the ability to achieve a highly embellished landscape and open space outcome. However, ultimately Council will be responsible for the ongoing maintenance of these open spaces and streetscapes, and it is therefore important to ensure the landscape outcome is one that Council can effectively manage on an ongoing basis without significant cost implications. A condition on permit is proposed that requests the masterplan be amended to simplify the graphics that clearly stipulate key themes, landscape principles and character that is proposed within specific locations of the subdivision. This will provide Council officers an opportunity to work through the

level of embellishment within the open space to ensure they are manageable to Council on an ongoing basis while also meeting the needs of the community.

The overall proposal is considered to be generally in accordance with the DP.

Clause 44.06 – Bushfire Management Overlay

The site is included in the Bushfire Management Overlay which has the purpose:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.
- To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.
- To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

Pursuant to Clause 44.06-2, a permit is required to subdivide land. An application must be accompanied by a bushfire hazard site assessment, a bushfire hazard landscape assessment and a bushfire management statement. The applicant supplied a Bushfire Development Report which addressed the application requirements of Clause 44.06-3.

The mandatory condition listed under Clause 44.06-5 will be included on any permit issued (see draft conditions Appendix). The application was referred to the CFA and revised conditional consent was provided in November 2023 which includes a number of conditions that will be included on the permit. The application has been considered against the decision guidelines of Clause 44.06-8 and can be supported as the proposal positively responds to the Municipal Planning Strategy and the Planning Policy including bushfire provisions.

Clause 44.04 Land Subject to Inundation Overlay

A portion of the subject site is affected by the Land Subject to Inundation Overlay (LSIO). The purpose of the LSIO is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To minimise the potential flood risk to life, health and safety associated with development.*
- *To reflect a declaration under Division 4 of Part 10 of the Water Act, 1989.*
- *To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline*

discharges to minimise the risks to the environmental quality of water and groundwater.

- *To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.*

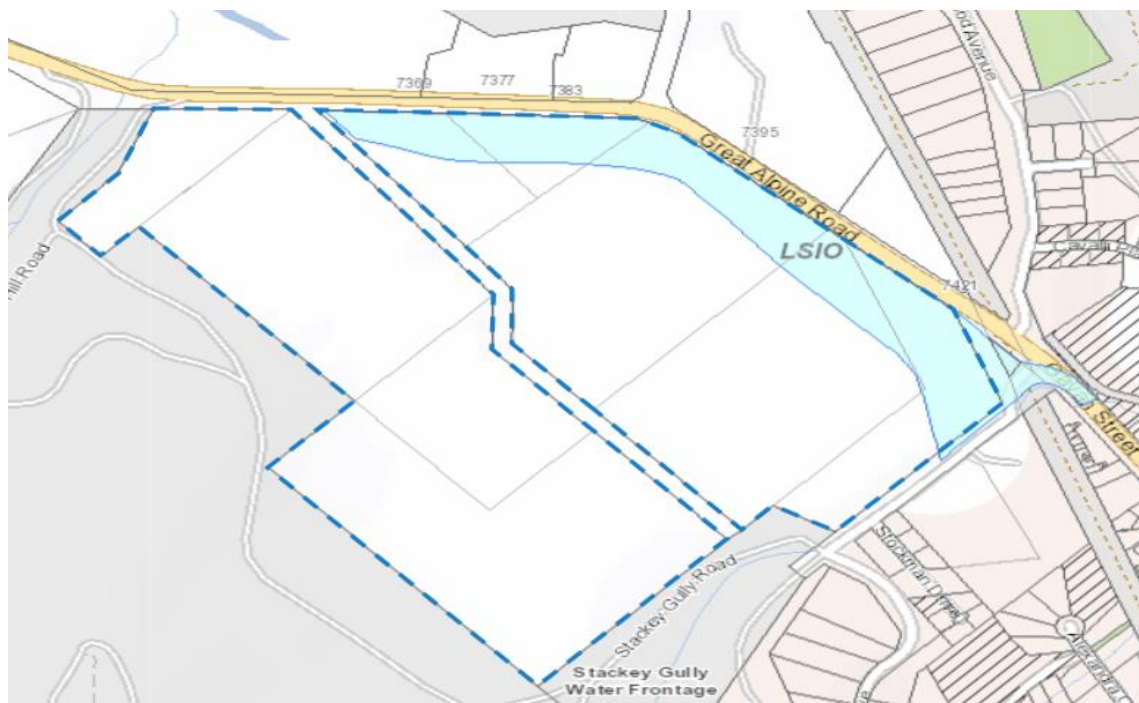


Figure 5: Subject site and LSIO

Pursuant to Clause 44.04-3, a permit is required to subdivide land as well as roadworks if the water flow path is redirected or obstructed. While no residential lots are proposed within the LSIO, the access road into the subject site will extend into the area affected by the overlay.

Pursuant to Clause 44.04-7 the application was referred to North East Catchment Management Authority (NECMA). NECMA consented to the grant of a planning permit, subject to conditions which have been included on the permit.

Particular Provisions

Clause 52.17 Native Vegetation Removal

The objective of this clause is to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation.

This is achieved by avoiding the removal, destruction or lopping of native vegetation; minimising impacts from the removal, destruction or lopping of native vegetation that cannot be avoided; and providing an offset to compensate for the biodiversity impact if a permit is granted to remove, destroy or lop native vegetation.

The development proposal will require the removal of three scattered trees. Under clause 52.17, a permit is required for their removal.

The extent of native vegetation removal totals 0.063 hectares and includes no large trees. The native vegetation is not in an area mapped as endangered Ecological Vegetation Class, sensitive wetland or coastal area. Removal of less than 0.5 hectares in this location will not have a significant impact on any habitat or a rare or threatened species.

The proposal to remove this native vegetation must meet the application requirements of the Basic Assessment Pathway and it will be assessed under the Basic Assessment Pathway. Applications in the Basic Assessment Pathway do not require a site assessment by an accredited native vegetation assessor. Under Clause 66.03 the application will not require referral to DEECA because it is not a Detailed Assessment Pathway, and a Property Vegetation Plan does not apply to the site.

Conditions on permit will ensure compliance with offset requirements.

Clause 52.29 Land Adjacent to the Principal Road Network

The purpose of this clause is to ensure appropriate access to the Principal Road Network and appropriate subdivision of land adjacent to the Principal Road Network.

Pursuant to Clause 52.29-2 a permit is required to create or alter access to a road in a Transport Zone 2 and to subdivide land adjacent to a road in a Transport Zone 2.

The application was referred to the Department of Transport & Planning (DTP) as the relevant road authority for the GAR, pursuant to Section 55 of the *Planning and Environment Act 1987*. DTP have consented to the application subject to conditions relating to the endorsement of Functional Layout Plans prior to certification and the construction of roadworks prior to the issue of Statement of Compliance.

Clause 53.02 Bushfire Planning

Clause 53.02 applies to an application under Clause 44.06 – Bushfire Management Overlay. The purpose of this clause is to ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.

Clause 53.02-4.4 – Subdivision Objectives specifies bushfire protection measures to develop on land zoned for residential purposed to be implemented at the subdivision stage.

The Bushfire Development report submitted as part of this application includes a *Bushfire Management Statement* which details how the proposal responds to the requirements and objectives of Clause 53.02. The subject land is within the General Residential Zone, therefore AM5.2 applies, and it has been demonstrated that the proposed subdivision can comply with the requirements of AM 5.2. However, in the Council Peer Review of the bushfire report, several recommendations were made in relation to bushfire which exceed the applicant's Bushfire Development Report submitted with the permit application. The CFA has provided an amended response that largely aligns with the recommendations of the peer review and therefore the CFA conditions have been applied to the permit. The CFA was not provided with a copy of the peer review.

Clause 56 Subdivision

The purpose of Clause 56 is to create liveable and sustainable neighbourhoods with character and identity and achieve residential subdivision outcomes that appropriately respond to the site and its context.

Pursuant to Clause 32.08-3, an application to subdivide land must meet the requirements of all the objectives and requirements of Clause 56 except for 56.03-5.

- A Clause 56 assessment is provided as Appendix 9.2.2.b.

General Provisions:***Clause 65.01 and Clause 65.02 - Decision Guidelines***

For all planning permit applications made under the Alpine Planning Scheme, consideration must be given, as appropriate, to the decision guidelines at Clause 65.01 and 65.02.

The assessment of the application has included an assessment against these guidelines and found that the proposal is consistent with relevant zones, overlays, provisions and policy in the Planning Scheme and should be supported.

KEY ISSUES FOR CONSIDERATION

The proposal offers a subdivision that responds to the existing character of Bright and the natural hazards of the surrounding land, however it also raises a variety of key issues including:

- The proposed intersection with the GAR which will have an impact on some of the existing trees within the road reserve;
- Bushfire risk;
- A proposed deviation of an existing (unmade) road reserve that runs through the centre of the subdivision;
- Land contamination and ensuring it is safe for a sensitive use to occur on the land.

Proposed Great Alpine Road Intersection

The GAR abuts the subject land on its north and north-east boundary and is considered locally as the "Gateway to Bright". The GAR is a two-way road with no pedestrian path on either side. Notably, the road is lined by generally well established Oak and Elm trees which greatly contribute to the amenity value of the vicinity but also the character of Bright. While the GAR does contain a number of mature trees, they are not contiguous in nature with a number of smaller semi mature trees also present.

The ongoing preservation of the GAR trees is recognised as critical in order to protect the character, amenity, landscape and biodiversity values the trees provide to Bright. Despite these recognised values, the DP has anticipated an intersection with the GAR in the same location proposed by the permit application therefore recognising some impact to the GAR trees to allow for the intersection. While the DP does not directly reference the GAR trees it does state the following:

- *Respect and enhance views of the site from the Great Alpine Road and have regard to the transect of interfaces along Great Alpine Road through Bright.*
- *Identify, manage, and protect all sites of conservation, heritage, archaeological significance or with landscape value.”*

Council officers acknowledge that a recent report, prepared by GML Heritage for Alpine Shire Council, indicated that part of the avenue of trees on the Great Alpine Road may meet the threshold for inclusion in a Heritage Overlay. At present, the Landscape and Heritage Preliminary Assessment Report is only a reference document and further work is required to confirm the heritage values of the trees. In considering the permit application, the DP requires an assessment of the impact the intersection will have on the existing landscape values.



Figure 6: Great Alpine Road Existing Conditions

In relation to the proposed intersection design, the intersection proposed can be described as a modified T intersection which includes left and right turn lanes out of the site, a short left deceleration lane to turn into the site and a right hand storage lane to allow vehicles to store and turn right into the site. In order to design the intersection as described, in accordance with the standards required by the Department of Transport & Planning (DTP) some road widening will be required.

The design of the intersection and associated impact on the trees have been part of ongoing discussions with the applicant since the planning permit application was lodged. As a result, there have been a number of iterations of the intersection design. Council Officers have continually raised concerns in relation to the potential impact on the trees and consistently sought clarification in regards to exactly which trees will be lost and/or impacted.

The applicant provided an arborist report which included details on the existing trees and the expected impact as a result of the new intersection. As such, twenty-six (26) trees were assessed, and the report concluded that the removal of two mature trees would be required in addition to the relocation of two others trees (semi mature). However, Council engaged an arborist to peer review the applicants report who made the following comments:

“while the subject report states excavation will be required within multiple Tree Protection Zones (TPZ) and Structural Root Zones (SRZ), it does not demonstrate long-term viability of the retained trees or quantify the potential impacts. Importantly, it does not provide details on the impact of the existing structures in proximity to the subject trees and the influence this has on root distribution.

As the trees have grown alongside the existing road it is likely that they have an asymmetric root distribution, as such encroachment calculations based on an indicative (circular) TPZ does not provide adequate insight into the potential impacts. The impact assessment fails to consider that the impact on the existing trees will be higher due to works being closer to the tree where higher concentration of roots exist as a result of an asymmetrical root distribution.”

At present, plans provided in support of the intersection design and reports submitted by the applicant demonstrate that the overall impact can be limited to the permanent removal of two mature trees from along the GAR. Council Officers consider that the true impact of any intersection may not be as straightforward to determine and will likely be better known at the detailed design stage, which is typically undertaken once a planning permit has been issued. Council Officers are satisfied that the loss of two mature trees is in accordance with Alpine planning policy and the requirements of the DP and can be approved. The Plan (see below at Fig 7) which has undergone numerous iterations identifies Trees 18 and 19 as the mature trees that will be lost to accommodate the left turn lane as well as Trees 17, 21 and 22 proposing to be relocated.

Furthermore, it is clear that some trees and their root system may be impacted as part of the road widening, however until works commence and it is determined where the root system is located it is unknown what trees may be impacted. To mitigate this concern, a condition proposing the preparation of a Tree Management Plan (TMP) prior to any works commencing on the intersection will be required to be submitted and approved by Council. The requirements of the TMP include the applicant to identify the protection measures proposed to ensure minimal impact on the trees occurs. Further, conditions on permit requires the applicant to manage the ongoing health of any trees that have been impacted as a result of the intersection construction for a 5 year period.

Whilst ideally Council would have a clear understanding of tree loss and impact prior to recommending the issue of a permit, the circumstances of being able to clearly understand the impact have been challenging to establish. Including conditions that limit the number of mature trees allowed to be lost, requirements to protect the trees root systems during construction and the ongoing health of the trees provides for a practical way forward to ensure the ‘Gateway to Bright’ and its amenity, landscape and biodiversity values are protected.

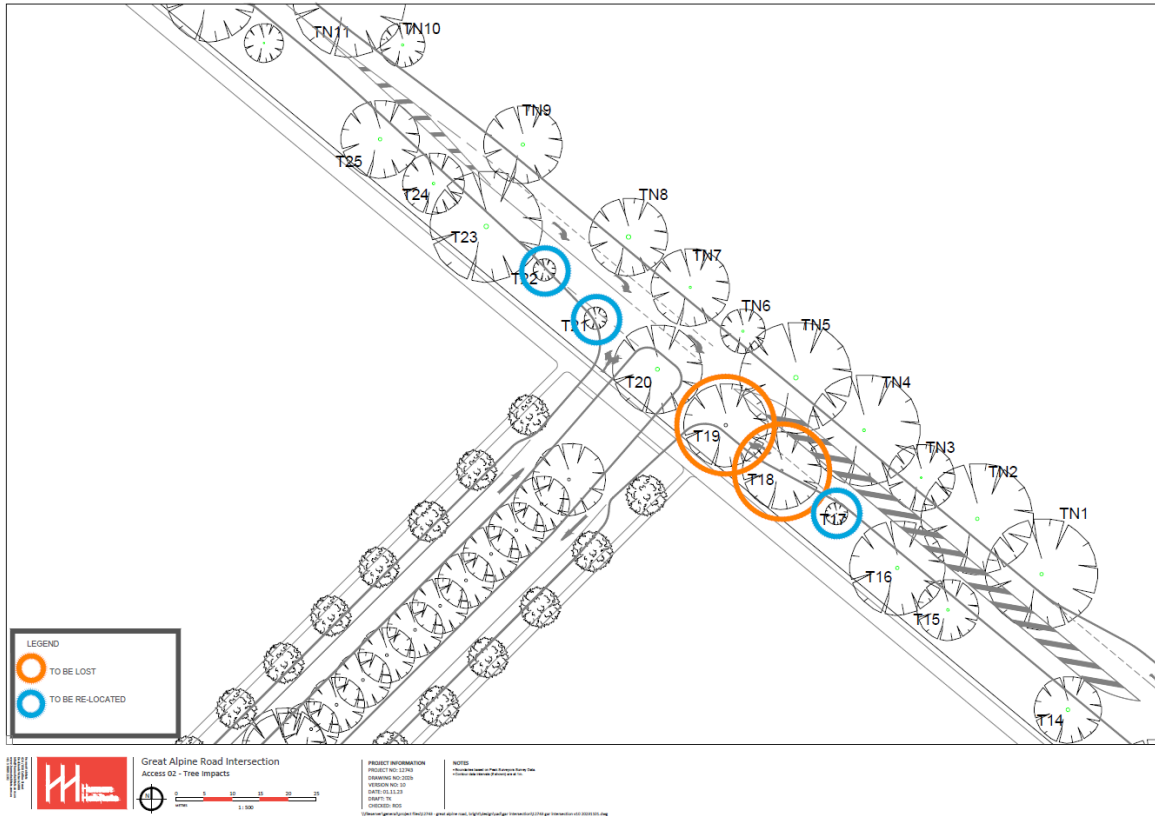


Figure 7: Indicative intersection design, with existing trees on the GAR proposed for removal and relocation

Bushfire Risk

Taking into consideration the location of the subject land, bushfire has been carefully considered throughout the application process to ensure the development appropriately responds to the bushfire hazard and prioritises the protection of human life as required by the policy objectives of Clause 13.02-1S.

The applicant submitted a bushfire report which Council has had peer reviewed by a bushfire expert. The peer review provided a detailed assessment of the proposal, including a timeline of relevant Bushfire policy (Table 1 below). The timeline sets out the evolution of bushfire controls and how they have applied to the subject land over the past 10 years.

| Date | Explanation |
|------|---|
| 2011 | The bushfire planning provisions, including the BMO were introduced into the Victorian Planning Provisions and Planning Schemes. |
| 2015 | Amendment C34 of the Alpine Planning Scheme rezoned the subject site from Farming Zone to General Residential Zone and applied the Development Plan Overlay - Schedule 3. Schedule 3 of the DPO incorporates requirements to respond to bushfire risk. |

| Date | Explanation |
|----------|--|
| 2017 | VPP Amendment VC140 amended Clause 10 and Clause 13.05 to focus on the prioritization of human life over other policy considerations. |
| Apr 2022 | CFA provided correspondence to Alpine Shire Council expressing concern on the Development Plan (the DP) and its ability to meet the bushfire policy requirements within Clause 13.02-1S |
| Jun 2022 | CFA provided recommendations to Alpine Shire Council and expressed concerns about the proposed Development Plan. |
| Jul 2022 | The Bright Valley Western Gateway Development Plan was adopted by Council. The DP does not address the issues raised in previous correspondence from the CFA. |
| Nov 2022 | Planning permit application (this application) for the subdivision of Stages 1 & 2 of the DP was submitted to Alpine Shire Council. The application included a Bushfire Management Statement (BMS) prepared by Terramatrix. The BMS states that as the approval process for the DP requires consideration of the bushfire risk under Clause 13.02-1S it is assumed that the development is able to mitigate the bushfire risk to an appropriate level through application of the BMO. |
| Dec 2022 | CFA provided conditional consent to the planning permit application of stages 1 & 2 of the DP. *It is important to note that the April and June 2022 correspondence came from a different division and office within the CFA than the letter of conditional consent in December 2022. |
| Nov 2023 | CFA provided a revised consent to the planning permit application which supersedes their December 2022 response. |

Table 1: Bushfire Policy Timeline

It is clear from the chronology of events above, that the applicant's bushfire assessment that was lodged as part of the permit application, makes the assumption that the DP process addressed the requirements of Clause 13.02-S, however the requirements of Clause 13.02-1S were not satisfactorily addressed as part of the approved DP.

The peer review concludes that while bushfire has been considered throughout the decision making process associated with the approved DP and subsequent permit application, the key considerations of bushfire planning policy have changed throughout the process. As such, careful consideration must be given to the current bushfire policy and implications of future development on the subject land.

The bushfire mitigation measures set out in the Development Plan Overlay, Schedule 3 (DPO3) are considered an appropriate response to the policy position at the time, however it is noted that prioritisation of human life was not a key focus of the policy until 2017. Consequently, while the proposed subdivision meets the requirements of the DPO3, it is not considered that the bushfire response adequately addresses the changes in policy that took place following the incorporation of the DPO3.

As a way forward, in order to address the objectives of Clause 13.02-1S, the peer review recommended a number of conditions be placed on the permit to ensure the development is constructed to a satisfactory standard to minimise bushfire impact. The key recommendations and subsequent proposed permit conditions include:

- Dwellings are to be constructed to a minimum construction standard of BAL-29 to adequately respond to the high landscape risk of the of the site.
- All outbuildings and, ancillary structures, fencing, screening materials and retaining walls must be constructed of non-combustible materials.
- All retaining walls or hard landscaping features must be constructed of non-combustible materials or hardwood species.
- An emergency access and egress point approved by CFA for emergency services in the event of an emergency (note this should be in the form of a carriageway easement).

CFA provided a revised referral (dated 1 November 2023) response which supersedes their December 2022 response. The revised CFA response includes conditions that are in alignment with the peer review recommendations. The CFA conditions are therefore considered satisfactory in order to address bushfire mitigation and Council is not required to put their own conditions on the permit to manage bushfire risk.

Further, the peer review and the 1 November CFA referral response have both made a number of recommendations for the balance of the land within the approved DP, which, in order to address will require a number of modifications to the layout of the DP. This will require further discussions with the applicant outside of this permit application process.

Land Contamination

Council requested that a Preliminary Site Investigation (PSI) and Desktop Hydrological Assessment (HA) be undertaken on the subject site as part of the permit application to determine the suitability of the site for future sensitive uses, including residential development. A PSI and Desktop HA was submitted by the applicant as part of the RFI response for this application. The report concludes that the only contaminating activity on the site is the historical use of pesticides on tobacco crops approximately 40 years ago. Furthermore, a Soil Investigation was completed by the applicant and concluded that contamination associated with previous site activities is unlikely to pose an unacceptable risk to human health and the site has 'Medium Potential' for contamination and a Preliminary Risk Screen Assessment (PRSA) was recommended to be undertaken.

Council engaged a contamination expert to undertake a peer review of the applicants reports. The peer review formed the view, consistent with the applicants report that a

PRSA should be undertaken which will ultimately determine if an Environmental Audit is required or not.

Accordingly, following discussions between Council and the applicant it was agreed that the applicant would commence a PRSA. The applicant has commenced preparation of the PRSA and a proposed condition on permit requires the PRSA to be completed to the satisfaction of the Council prior to any works commencing.

Road Deviation

There is unmade crown road reserve, outlined in black in Figure 8, that runs generally across the middle of the subject land from the north-west property boundary to the south-east property boundary.

The proposed road alignment does not precisely line up with the existing road reserve, and as such the applicant proposes the road reserve to be adjusted to align with the proposed internal road network. The proposed road deviation is required to better align the road reserve with the endorsed DP and provide an improved future intersection alignment with the GAR at the north-western end as identified in the DP. It is noted that this road deviation does not form part of this application as it is to be addressed via a separate process under the *Local Government Act 1989*. The existing and revised road alignment is identified in Figure 8.



Figure 8: Existing road reserve and proposed road network

CONCLUSION

In summary it is considered the permit application delivers an appropriate planning outcome that is consistent with the Alpine Planning Scheme including the approved Development Plan, subject to conditions on permit.

While the permit application process has raised a number of issues in particular around land contamination, the GAR trees and bushfire it is considered these matters have been resolved or appropriately addressed through permit conditions.

In relation to the GAR, while it would be ideal to have an exact understanding of the tree impact prior to issuing a permit, the level of detail required to determine this exceeds the level of information generally required to support a permit application. This is due to the true impact likely not being known until detailed design of the intersection is undertaken and when works on site commence which will determine where the existing root systems are located.

Nevertheless, the permit conditions clearly stipulate that a maximum of two (2) mature trees may be removed and should the detailed intersection design require more than two (2) mature trees to be removed the applicant will need to amend their planning permit, which will provide Council with the opportunity to further consider the proposal. The requirements for a Tree Management Plan and ongoing health checks will assist in ensuring trees that may have their root system impacted are appropriately managed.

In relation to bushfire, the peer review and CFA response clearly recognise the potential bushfire risk for the development of the land. The mitigation measures proposed by CFA in their permit conditions are considered an acceptable and reasonable response that has had due consideration to minimising the loss of human life consistent with the requirement of the Alpine Planning Scheme.

The additional contamination work to be undertaken (as per proposed condition on permit) prior to any works commencing on site will ensure that any potential contamination risk is addressed, and the land is suitable for a sensitive use.

Overall, the proposal provides for a site responsive development outcome that will assist in meeting the housing needs for Bright in the future. It is therefore recommended that a planning permit is issued subject to conditions on permit.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Customer and Community
- Statutory Planning Coordinator

APPENDICIES

9.2.2.a Conditions

9.2.2.b Clause 56 Assessment

Appendix 9.2.2.a CONDITIONS

AMENDED PLANS

1. Before the plan of subdivision for the first stage is certified under the *Subdivision Act 1988*, amended subdivision plans must be submitted to, and approved by, the Responsible Authority. When approved, the plans will be endorsed and form part of the permit. The plans must be drawn to scale with dimensions and provided in an electronic format. The plans must be generally in accordance with Permit Plans” (References 001-004 inclusive, and 007) submitted on 06 April 2023, but modified to show:
 - a. All roads and hierarchy of roads in accordance with the Infrastructure Design Manual (IDM) unless otherwise agreed with the Responsible Authority.
 - b. A revised Staging Plan which clearly identifies all infrastructure to be constructed within each stage.
 - c. Be consistent with the Vegetation Retention and Removal Plan endorsed under Condition 24.
 - d. Be consistent with the requirements and documents endorsed/approved under the CFA conditions on this permit.
2. The subdivision of land must be generally in accordance with the plan/s endorsed under this permit and subject to the conditions set out in this permit.
3. The layout of the subdivision and access as shown on the endorsed plan/s must not be altered without the written consent of the Responsible Authority.
4. The subdivision of the land must proceed in the order of stages shown on the endorsed plan/s except with the prior written consent of the Responsible Authority.

PRELIMINARY RISK SCREENING ASSESSMENT OR ENVIRONMENTAL AUDIT

5. Prior to the commencement of works, unless otherwise agreed by the Responsible Authority, the owner must provide, to the satisfaction of the Responsible Authority:
 - a. A Preliminary Risk Screening Assessment (PRSA) under Part 8.3, Division 2 of the Environment Protection Act 2017 which states that the level of contamination risk to human health on the site is suitable for the sensitive land use and development facilitated by this permit, and that an Environmental Audit is not required; or
 - b. An Environmental Audit Statement (EAS) under Part 8.3, Division 3 of the Environment Protection Act 2017 which states that the site is suitable for the use and development allowed by this permit; or
 - c. An Environmental Audit Statement (EAS) under Part 8.3, Division 3 of the Environment Protection Act 2017 which states that the site is suitable for the use and development allowed by this permit if the recommendations made in the statement are complied with.

If an EAS provided under Condition 5(c) above contains recommendations of the environmental audit statement that must be complied with prior to commencement of use of the site, the owner must enter into an agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987*. The agreement must be registered on the land and require written confirmation of compliance to be provided by a suitably qualified environmental consultant or other suitable person acceptable to the responsible authority. Compliance sign-off must be in accordance with any requirements in the environmental audit statement recommendations regarding verification of works.

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

GENERAL CONDITIONS

6. Land required for community facilities, public open space, easements or road widening must be transferred to or vested in the relevant public agency with any designation (e.g. road, reserve or lot) nominated by the relevant agency.
7. The costs associated with effecting the transfer or vesting of land required for community facilities, public open space, easements or road widening must be borne by permit holder.

PUBLIC OPEN SPACE

8. Public open space in accordance with the land budget plan (References 001-004 inclusive, and 007) submitted on 06 April 2023, must be provided at each stage of the subdivision to the satisfaction of the Responsible Authority.

SECTION 173 AGREEMENT

9. Prior to the issue of Statement of Compliance for the first stage of the subdivision under the *Subdivision Act 1988*, the owner must enter into an agreement(s) with the responsible authority under Section 173 of the *Planning and Environment Act 1987*. The agreement must be registered on the land and state:

Plantation

- a. the surrounding land is used for plantation forestry. Plantation forestry is a farming activity which will generate noise (including night time noise) at the time of harvest, as well as increased truck movements and possible associated dust. The removal of the tree crop will result in the loss of visual amenity and can result in increased water run-off. Chemicals can be applied to the plantation (including aerial application 200 metres from any residence) to control weeds and pests and to promote growth.

Bushfire - Mandatory

- b. 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.
- c. Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.
- d. 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.

Water Sensitive Urban Design

- e. If onsite tanks on Lots for Water Sensitive Urban Design (WSUD) purposes are required as part of the subdivision design then, Prior to the issue of Statement of Compliance for any stage of the subdivision 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 be registered on the land and state:
 - f. The owner will install and maintain an onsite rainwater tank/s plumbed to capture the dwelling's roof rainfall runoff and for suitable re-use within the dwelling. Tank size and use shall be as required by the approved water quality system design. Tanks are not to be modified without prior written approval from the responsible authority.
 - i. The owner shall allow duly authorised officers of the responsible authority to inspect the system at mutually agreed times.
 - ii. The owner will pay for all costs associated with the construction and maintenance of each onsite detention or water quality system.
 - iii. Include the relevant plan or schedule relating to the onsite treatment and storage required.

Interim or a Temporary Drainage Systems

- g. If any works are proposed to be interim or a temporary drainage systems is required beyond the construction period. The agreement must state:
 - i. The owner will be responsible for the maintenance and operation of the interim or temporary drainage systems until such time these are redundant at no cost to the responsible authority.
 - ii. In the event that these interim or temporary drainage systems are not adequately maintained and operated by the owner within 14 days of notification, Council are permitted to undertake the required maintenance and charge these costs to the owner.
 - iii. The owner is responsible for the reinstatement of the interim and temporary drainage works in accordance with approved ultimate engineering and landscape plans to the satisfaction of the responsible authority.

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

NATIVE VEGETATION REMOVAL

10. To offset the removal of 0.063 hectares of native vegetation, the permit holder must secure a native vegetation offset, in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017) as specified below:
 - a. A general offset of 0.014 general habitat units located within the North East Catchment Management Authority boundary or Alpine Shire municipal district with a minimum strategic biodiversity score of at least 0.352.
11. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the Responsible authority. The offset evidence must be:
 - a. An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10 year management actions and ongoing management of the site; and/or
 - b. credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

LANDSCAPE

12. Before the plan of subdivision for the first stage is certified under the *Subdivision Act 1988*, an amended landscape masterplan for the subject site to the satisfaction of the Responsible Authority 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 and one (1) copy must be provided in an approved electronic format. The plans must be generally in accordance with the Stage 01-02 Landscape Masterplan V03 prepared by Human Habitats but modified as follows:
 - a. Simplified graphics that clearly stipulate key themes, landscape principles and character that is proposed within specific locations of the subdivision.
 - b. The type of species to be used for street and open space tree planting in various locations with the subdivision.
 - c. Locations of any protected trees or patches of protected native vegetation to be retained.
 - d. The tree protection zone for each protected tree must be clearly shown on the site plan.
 - e. The principles and graphical concepts of the proposed treatment of the open space and drainage or waterway management reserves, including the 50m setback to the Great Alpine Road.
 - f. An understanding of the purpose and future use of the existing earth mounds within the 50m setback of the Great Alpine Road.
 - g. The masterplan layout to be consistent with any other endorsed plan or document under this permit.

- h. Identification of landscaping assets of a quality that Council will be willing to maintain.
 - i. Ongoing maintenance obligations.
13. Before the plan of subdivision for each stage is certified under the *Subdivision Act 1988* a Detailed Landscape Plan must be submitted to and approved by the Responsible Authority. The landscape plan must be generally in accordance with the landscape masterplan, approved under the relevant condition of this permit. The plan must show:
- a. The details and locations of all landscaping works.
 - b. Dimensions, north point and be drawn to scale.
 - c. A detailed plant schedule for all plant species including botanical name, stock size, mature height & width, quantities/density.
 - d. Planting details.
 - e. Services locations clearly labelled and reference in a drawing key. A service offset table for all below and above-ground service allocations in the nature strips.
 - f. Existing vegetation that is to be retained.
 - g. Lot numbers and street names.
 - h. Directly adjoining stage numbers and lot numbers.
 - i. Boundary fencing to all lots that have a common boundary with any existing or future municipal reserve.
 - j. The proposed location and final set out of paths, areas of pavement, playgrounds, play items, structures and street furniture.
 - k. Site contours and any proposed changes to existing levels, including any structural elements such as retaining walls.
 - l. Details and locations of the proposed surface finishes of pathways including slip resistance.
 - m. Vehicular exclusion devices (fence, bollards, or other suitably approved method).
 - n. Maintenance vehicle access including a vehicle crossover and removable bollards set into concrete or a lockable gate.
 - o. Details of noxious weed, rubbish, debris and spoil removal.
 - p. 1:10 and 1:100 flood levels.
 - q. Additional supporting information, such as certified structural designs or building forms.
 - r. Detailed construction drawings.
 - s. An accompanying works specification.
 - t. An estimate of costs for all landscape construction and maintenance.
14. Prior to the issue of Statement of Compliance for each stage of the subdivision under the *Subdivision Act 1988*, the landscape works shown on the approved detailed landscape plan for that stage (including any public art) must be carried out and completed to the satisfaction of the Responsible Authority or by agreement with the Responsible Authority.

15. Prior to the issuing of Statement of Compliance for the subdivision for each stage of the subdivision under the *Subdivision Act 1988*, the following fees must be paid to the Responsible Authority:
 - a. Plan Checking fee equating to 0.75% of the value of works.
 - b. Supervision fee equating to 2.5% of the value of works.

Plan Checking fees and Supervision fees will be calculated at the time the Landscape Detail Plan Approval is requested. An accurate Opinion of Probable Costs must be submitted with the Detailed Landscape Plans to determine the Plan Checking and Supervision fees prior to the Landscape Plan Approval letter being issued.
16. Prior to the issue of Statement of Compliance for each stage of the subdivision under the *Subdivision Act 1988*, the landscaping works shown on the approved landscape plan must be carried out and completed to the satisfaction of the Responsible Authority, or bonded (if agreed to in writing by the Responsible Authority). If the Responsible Authority agrees to bonding of outstanding works, a time by which the works must be completed will be specified by the Responsible Authority.
17. Prior to the issue of Statement of Compliance with deferment of Landscape Works for the subdivision:
 - a. The landscaping works shown on the endorsed landscape plan must be carried out and completed to the satisfaction of the Responsible Authority, or otherwise bonded at 150% of the agreed estimated cost.
 - b. The maintenance of landscape works for the period identified in this permit must be bonded at 40% of the construction costs identified in the approved Opinion of Probable Costs, prior to the issue of Certificate of Practical Completion.
18. If the Responsible Authority agrees to bonding of the outstanding works, the works must be completed by the date specified on the letter of agreement. If the works are not completed prior to the date specified, the permit holder may apply for an extension of time for the works bonded. This extension of time must be agreed upon in writing by the Responsible Authority. Where the works have not been completed within a reasonable timeframe, the permit holder shall waive any rights to obstruct Council's claim on the bond to undertake the works.
19. The Construction Bond will only be returned after practical completion of the relevant landscape works is achieved, including rectification of any defects or outstanding works identified in the practical completion letter.
20. A Certification of Compliance (Design) must be provided to the Responsible Authority by a suitably qualified practitioner for all structural works to verify they have been designed in accordance with relevant Australian Standards.
21. A Certification of Compliance (Construction) must be provided to the Responsible Authority by a suitably qualified practitioner for all structural works to verify they have been completed in accordance with relevant Australian Standards.

22. Prior to the issue of Statement of Compliance for each stage of the subdivision, all as constructed plans and digital information must be submitted to and approved to the satisfaction of the Responsible Authority.
23. The landscaping shown on the endorsed landscape plan must be maintained to the satisfaction of the Responsible Authority for a minimum of 24 months from the date of practical completion of the landscaping. All maintenance activities are to be undertaken until a Certificate of Final Completion is issued by the Responsible Authority. During this period:
- a. Any dead, diseased or damaged plants or landscaped areas must be repaired or replaced except for within the final 12 months of the maintenance period whereby trees must not be replaced without approval from Council.
 - b. The Responsible Authority may direct maintenance activities to be undertaken. The direction to undertake maintenance activities must be completed within 14 days of the written notification being received from the Responsible Authority.

TREE PROTECTION

24. Before the plan of subdivision for the first stage is certified under the *Subdivision Act 1988*, a Vegetation Retention and Removal Plan for the subdivision (including vegetation on the Great Alpine Road) must be prepared by a suitably qualified Arborist (to the satisfaction of the Responsible Authority) and submitted to and approved by the Responsible Authority. When approved, the Plan will be endorsed and will then form part of the Permit.
25. The loss of trees from the Great Alpine Road reserve must be minimised in line with the concept designs submitted to the Responsible Authority, with an anticipated loss of no more than two maturing trees.

For the avoidance of doubt, the 'maturing' trees are identified within the Arboricultural Impact Assessment & Tree Protection Plan, prepared by High Country Arborist Reports and dated 29 August 2023.

26. Any trees removed from the Great Alpine Road reserve must be relocated/replaced in an agreed location with the Responsible Authority, at a ratio of one replacement/relocated tree for each semi-mature tree removed, and two replacement trees for each maturing tree lost to the satisfaction of the Responsible Authority.

For the avoidance of doubt, the 'maturing' and 'semi-mature' trees are identified within the Arboricultural Impact Assessment & Tree Protection Plan, prepared by High Country Arborist Reports and dated 29 August 2023.

27. For any tree proposed to be replaced the size and species of the replacement tree must be agreed to and approved by the Responsible Authority.

28. Before the commencement of any works, a Tree Management Plan (TMP) prepared by a suitably qualified Arborist (AFQ 5 or higher) which demonstrates how the trees on the Great Alpine Road are to be protected during construction, and which generally follows the layout of Section 5 of AS4970 Protection of trees on development sites must be submitted to and approved by Council. The TMP must include:
- a. A plan detailing all Tree Protection Zones (TPZ) and Structural Root Zones (SRZ), for all trees to be retained in the vicinity of proposed works including:
 - i. The plan must be legible, accurate and drawn to scale.
 - ii. Show the location of all tree protection measures to be utilised.
 - iii. Include a key describing all tree protection measures to be utilised
 - b. The appointment of a project arborist detailing their role and responsibilities (min AFQ 5).
 - c. Monitoring and certification by the project arborist of implemented protection measures.
 - d. Detail tree protection measures to be implemented and at what stages they are to be implemented.
 - e. Stages of development at which the project arborist will inspect tree protection measures.
 - f. A requirement that any pruning that is required to be done to the canopy of any tree to be retained/ the (specify particular tree(s)) is to be done by a qualified arborist to Australian Standard – Pruning of Amenity Trees AS4373-1996. Any pruning of the root system of any tree to be retained/the (specify particular tree(s)) is to be done by hand by a qualified arborist.
29. Prior to the issue of practical completion for the intersection with the Great Alpine Road, the TMP must be submitted for final certification. The TMP must document any trees likely to suffer adverse impacts as a result of the works and outline any specific ongoing maintenance works required for such trees.
30. For a period of five (5) years after the completion and issue of practical completion for the intersection, annual health assessments must be undertaken by a minimum AFQ level 5 arborist and must:
- a. Monitor the condition of all trees in the vicinity of the works and compare it to that of their pre-works condition.
 - b. Certify (where possible) that maintenance works recommended within the final TMP certification have been undertaken.
 - c. Document any additional maintenance works required.
- Any tree that dies or has to be removed as a result of the works, within the 5 year period must be replaced and maintained for a period of 12 months.
31. Any tree on the Great Alpine Road that is agreed to be relocated must be relocated to a location that is satisfactory to the Responsible Authority.

32. Any relocated tree must be maintained for a minimum of 12 months to the satisfaction of the Responsible Authority.
33. Prior to felling of any tree which may be removed, the tree must be examined by a suitably qualified zoologist for the presence of fauna in hollows or external nests. Whenever possible tree removal should not occur during spring and early summer to avoid disturbing active nests. If native fauna species are located, they must be salvaged and relocated to the closest suitable vegetation, in consultation with DEECA and the Responsible Authority.
34. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Zones/s without the written consent of the Responsible Authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zones.
35. Before works (including clearing or demolition) starts, a tree protection fence must be erected around all the tree(s) nominated to be retained in accordance with the approved TMP. The fence must be constructed of (specify star pickets and chain mesh or similar) to the satisfaction of the Responsible Authority.
36. The tree protection fence must remain in place until construction is completed.
37. All existing vegetation shown on the endorsed plans to be retained must not be removed, destroyed, pruned or lopped without the written consent of the responsible authority, all tree pruning must be carried out by a qualified arborist to AS 4373, Pruning of Amenity Trees.

ENGINEERING

38. At the discretion of the Responsible Authority, the Responsible Authority may allow bulk earthworks to commence prior to approval of detailed engineering (road, drainage and ancillary) plans. The following requirements must be complied with to the satisfaction of the Responsible Authority for any stage of subdivision:
 - a. Functional Layout Plans and Bulk Earthwork Plans must be submitted and approved by the Responsible Authority before any earthworks commence.
 - b. Bulk Earthworks must be contained to stage boundaries. No batter slope overruns shall be allowed without relevant plans.
 - c. No structures, including but not limited to retaining walls, shall be permitted with early Bulk Earthworks.
 - d. Bulk Earthworks must not commence prior to the approval of a Construction Management Plan for the works. Once approved the Construction Management Plan will form part of the endorsed set of planning documents.
 - e. Bulk Earthworks must not commence under the requirements of Conditions 5 have been satisfied.

- f. A Geotechnical Report completed by a suitably qualified geotechnical engineer must be submitted to and be to the satisfaction of the Responsible Authority. Civil (road, drainage and ancillary) works shall not commence until the Report is to the satisfaction of the Responsible Authority. All Bulk Earthworks shall be done under "Level 1 inspection and testing" conditions, as per Australian Standard AS3798.
 - g. Agreed tree protection measures.
39. Before the commencement of works, a written report and photos of any prior damage to public infrastructure must be submitted to the Responsible Authority. The report must include details of the condition of kerb & channel, footpath, seal, street lights, 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 any public infrastructure caused as a result of the development or use permitted by this permit.
40. Before the plan of subdivision for each stage is certified under the *Subdivision Act 1988*, detailed civil functional layout plans must be submitted to, and approved by, the Responsible Authority. When accepted, detail design plans can be submitted. The plans must be drawn to scale with dimensions and provided in PDF & CAD file format versions. The plans must have regard to the Alpine Shire's 'Development Approval Check Sheet, for Submission of Construction Plans', this planning permit, and the IDM. They will include all proposed:
- a. Roads;
 - b. Intersections;
 - c. Kerb and channel;
 - d. Drainage pipes & pits;
 - e. Interim or temporary drainage systems;
 - f. Footpaths;
 - g. Shared paths;
 - h. Retardation Basins;
 - i. WSUD systems;
 - j. Services alignments;
 - k. Drainage channels (including outfall drainage);
 - l. 1% AEP overland flow paths. All Lots to be 300mm above the 1%AEP flood event level, unless otherwise approved by the responsible authority; and
 - m. Areas of identified for significant cut and fill.
41. Before the commencement of works for each stage, detailed construction plans must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and provided in PDF & CAD file format versions. The plans must have regard to the Alpine Shire's 'Development Approval Check Sheet for

Submission of Construction Plans', this planning permit, and the IDM. They will include all proposed:

- a. Roads;
 - b. Intersections;
 - c. Kerb and channel;
 - d. Drainage pipes & pits;
 - e. Interim or temporary drainage systems;
 - f. Footpaths;
 - g. Shared paths;
 - h. retardation Basin/s – both ultimate and staged;
 - i. WSUD systems – both ultimate and staged;
 - j. Services alignments;
 - k. Drainage channels (including outfall drainage);
 - l. Earthworks (cut and fill plans);
 - m. Street lighting;
 - n. Signage & line marking; and
 - o. 1%AEP Climate Change flood modelling and report by a suitably qualified flood modelling engineer for the Stackey Gully Creek breakout flow management in accordance with ARR2019 and to meet Industry flood management criteria. The modelling must be to the satisfaction of NECMA and Council.
42. Prior to the issue of a Statement of Compliance for each stage under the *Subdivision Act 1988*, all road and drainage infrastructure must be designed and constructed in accordance with plans and specifications approved by the Responsible Authority.
 43. Before the plan of subdivision for each stage is certified under the *Subdivision Act 1988* or the approval of engineering plans, 0.75% of the value of the works must be paid to the Council as plan checking fees.
 44. Prior to the issue of Statement of Compliance for each stage under the *Subdivision Act 1988*, 2.5% of the value of the works must be paid to the Council as supervision fees.
 45. Prior to the issue of Statement of Compliance for each stage under the *Subdivision Act 1988*, the applicant shall provide "As Constructed" drawings and schedule of quantities detailing infrastructure assets that Council will be inheriting from this development in a format and detail to the satisfaction of the Responsible Authority.
 46. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.
 47. Substations, kiosk sites and the like must not be located on/address/front any land identified as public open space (including encumbered open space) or land to be

used for any municipal purpose unless otherwise agreed by the Responsible Authority.

48. All disturbed surfaces on the land resulting from the subdivision must be revegetated and stabilised to the satisfaction of the Responsible Authority.
49. Prior to the issue of a Statement of Compliance for each stage under the *Subdivision Act 1988*, land on each lot to be used for a dwelling must be filled and compacted in accordance with Australian Standard AS3798:2007. The results of the tests must be produced and be to the satisfaction of the Responsible Authority.
50. Unless otherwise approved in writing by the Responsible Authority, prior to certification of the Plan of Subdivision, drainage easements and/or reserves shall be created as required to facilitate drainage to the legal point of discharge and the treatment of stormwater.
51. Unless otherwise approved in writing by the Responsible Authority, prior to certification of the Plan of Subdivision, drainage easements, appropriate licences, and/or permission for drainage shall be created as required to facilitate outfall drainage to the legal point of discharge and the treatment of stormwater at no cost to the Responsible Authority.
52. Unless otherwise approved in writing by the Responsible Authority, Interim or Temporary Drainage works must be maintained by the owner at no cost to the Responsible Authority.
53. Before the plan of subdivision for the first stage is certified under the *Subdivision Act 1988* and prior to submission of Functional layout and detailed design plans, an amended Stormwater Management Plan in accordance with ARR2019 and the current IDM must be submitted to and approved by the Responsible Authority. The amended Management Plan must include:
 - a. full precinct and staged catchment plans;
 - b. full precinct and staged catchment assessment;
 - c. full precinct and staged Model Urban Stormwater Improvement Conceptualisation (MUSIC) modelling;
 - d. full precinct and staged Basin storage modelling;
 - e. full precinct and staged 1%AEP permanent overland flow paths;
 - f. ongoing temporary works (post Statement of Compliance);
 - g. nominated point of discharge;
 - h. Hydrology (eg: Rorb) & Water Quality (Eg: MUSIC) models digital files must be provided for review and approval. Models must include both the ultimate and staged subdivision scenarios; and
 - i. all existing and proposed features that may have impact (including trees to be retained, crossings, services, fences, abutting buildings, existing boundary levels etc).

All works must be undertaken in accordance with the approved stormwater management plan.

54. Before a certificate of practical completion is issued for each stage, CCTV results for the full length of all stormwater drainage pipes where Council is the responsibility authority, must be submitted for assessment. The submitted information is to be to the satisfaction of the Responsible Authority.
55. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.
56. Each lot shown on the endorsed plans must be drained to the point of discharge as approved by the responsible authority.
57. Unless otherwise approved in writing by the Responsible Authority, prior to certification of the Plan of Subdivision, drainage easements and/or reserves shall be created as required to facilitate drainage to the legal point of discharge and the treatment of stormwater.
58. Unless otherwise approved in writing by the Responsible Authority, prior to certification of the Plan of Subdivision, drainage easements, appropriate licences, and/or permission for drainage shall be created as required to facilitate outfall drainage to the legal point of discharge and the treatment of stormwater at no cost to the responsible authority.
59. Unless otherwise approved in writing by the Responsible Authority, Interim or Temporary Drainage works must be maintained by the owner at no cost to the responsible authority.
60. 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 telecommunication services to each lot shown on the endorsed plan in accordance with that authority's requirements and relevant legislation at the time.

CONSTRUCTION

61. Construction must be in accordance with sediment control principles as outlined in "Construction Techniques for Sediment Pollution Control" EPA 1991.
62. Prior to the commencement of works, an Environmental Management Plan (EMP) must be prepared and the EMP must be endorsed by the Responsible Authority. The EMP must be implemented to the satisfaction of the Responsible Authority. The EMP must include:
 - a. Contractors working on the site must be inducted into an environmental management program for construction work;
 - b. All native vegetation permitted to be removed must be clearly marked on site;

- c. A Vegetation Protection Plan;
 - d. Proposed working hours;
 - e. Haulage routes to the site;
 - f. Methods of dust suppression;
 - g. Sediment control and gross pollutant management;
 - h. Procedures to ensure that no significant adverse environmental impacts occur as a result of the development;
 - i. Location of stockpiling, machinery wash down, lay down, storage and personnel rest areas and vehicle exclusion areas;
 - j. A Weed Management Plan, which outlines measures to manage weeds before, during and post works to the satisfaction of the Responsible Authority. The Weed Management Plan must be implemented to the satisfaction of the Responsible Authority. This plan must include (not limited to):
 - i. Protocols for management of weeds before, during and post works.
 - ii. All vehicles, earth-moving equipment and other machinery must be cleaned of soil and plant material before entering and leaving the site to prevent the spread of weeds and pathogens.
 - iii. Location of a designated washdown area to achieve the above.
 - iv. All declared noxious weeds must be controlled.
 - v. All weed infestations resulting from soil disturbance and/or the importation of sand, gravel and other material must be controlled.
 - k. All construction stockpiles and machinery must be placed away from areas supporting native vegetation to be retained and watercourses/drainage lines to the satisfaction of the Responsible Authority;
 - l. Measures must be taken to ensure that no polluted water and/or sediment laden runoff is to be discharged directly or indirectly into stormwater drains or watercourses during the works (including the removal of native vegetation);
 - m. All earthworks must be undertaken in a manner that will minimise soil erosion and adhere to Construction Techniques for Sediment Pollution Control (EPA 1991) and Environmental Guidelines for Major Construction Sites (EPA 1995);
 - n. Water run-off must be designed to ensure that native vegetation to be protected on adjacent sites and watercourses are not compromised; and
 - o. Non-compliance must be rectified immediately to the satisfaction of the Responsible Authority and at no cost to Council.
63. Prior to the commencement of onsite works, a Construction Management Plan must be prepared and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The Construction Management Plan must include, but not limited to the following:
- a. Proposed working hours;
 - b. Haulage routes to the site;
 - c. Methods of dust suppression;
 - d. Sediment control and gross pollutant management;
 - e. Procedures to ensure that no significant adverse environmental impacts occur as a result of the development;

- f. Earthworks (Consistent with Construction Techniques for Sediment Pollution Control (EPA, 1991);
- g. Showing where stockpiling, machinery wash down, lay down, storage and personnel rest areas occur;
- h. Vehicle exclusion areas; and
- i. Weed management measures to be undertaken during and post construction.

In addition, the Construction Management Plan must ensure:

- a. All machinery brought on site to be weed and pathogen free;
 - b. All machinery wash down, lay down and personnel rest areas to be clearly fenced and located in disturbed areas;
 - c. Contractors working on the site to be inducted into an environmental management program for construction work; and
 - d. Best practice erosion and sediment control techniques to be used to protect any native flora and fauna.
64. The contractor is to convey soil, earth, sand, loose debris and like loose materials to or from the site in a manner that will prevent dropping of materials on streets or effect amenity through dust, noise, and sediment.
65. The contractor will promptly remove any materials, which are deposited on streets or adjacent areas.
66. Before the commencement of works, an "Asset Protection Permit" must be obtained from Council for any of the following circumstances:
- a. Entering a building site by means of a motor vehicle having a gross weight exceeding two tonnes or
 - b. Occupying a road for works or
 - c. Connecting any land to a stormwater drain or
 - d. Opening, altering or repairing a road or
 - e. Opening, altering or repairing a drain or
 - f. Accessing a building site from a point other than a crossover or
 - g. Constructing/repairing/widening/removing any crossover.

WASTE MANAGEMENT

67. Before the plan of subdivision for the first stage is certified under the *Subdivision Act 1988*, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Waste Management Plan must:
- a. Be prepared by a suitably qualified expert.
 - b. Provide detail of the proposed arrangements for collection of waste from the land.
 - c. Be consistent with relevant guidelines prepared by Alpine Shire Council with respect to waste management for new residential and mixed use developments.

TELECOMMUNICATIONS

68. The owner of the land must enter into an agreement with:
- a. A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan/s in accordance with the provider's requirements and relevant legislation at the time; and
 - b. A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan/s in accordance with industry specifications or any standards set by the Australian Communications and Media Authority, unless the owner of the land can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
69. 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
 - b. A suitably qualified person that fibre ready telecommunications 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.

CLAUSE 66

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

HEAD, TRANSPORT FOR VICTORIA (Department of Transport and Planning)

73. Only one access will be permitted from the subject land to Great Alpine Road located as shown on the plan appended to the application.

74. Before the plan of subdivision is submitted to the Responsible Authority for certification under the *Subdivision Act 1988*, unless otherwise agreed in writing by the Head, Transport for Victoria, a Functional Layout Plan for the intersection of proposed Subdivisional Road and Great Alpine Road must be submitted to and approved by the Head, Transport for Victoria. When approved by the Head, Transport for Victoria, the plans must be endorsed by the Responsible Authority and will then form part of the permit. The plans must show:
- a. Short Auxiliary left-turn treatment (AUL(s)).
 - b. Short Channelised right-turn Treatment (CHR(s)).
75. Prior to the certification of the plan of subdivision, a Functional Layout Stage Road Safety Audit must be submitted to and approved by the Head, Transport for Victoria. The Road Safety Audit must be undertaken by a suitably qualified road safety auditor.
76. Prior to the issue of a Statement of Compliance, the following roadworks on Great Alpine Road must be completed to the satisfaction of and at no cost to the Head, Transport for Victoria unless otherwise agreed in writing by the Head, Transport for Victoria:
- a. Short Auxiliary left-turn treatment (AUL(s)).
 - b. Short Channelised right-turn Treatment (CHR(s)).
 - c. Any other works required.
- Note:** Separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act 2004. For the purposes of this application the works will include provision of:
- a. Short Auxiliary left-turn treatment (AUL(s)).
 - b. Short Channelised right-turn Treatment (CHR(s)).
 - c. Any other works required.

NORTH EAST WATER

77. The owner of the subject land (or applicant in anticipation of becoming the owner) is required to enter into a legal agreement with North East Water detailing the works to be constructed, and other requirements to be met, necessary for the provision of reticulated water supply to each of the lots and proposed dwellings, within the development, at the owners cost, to the satisfaction of North East Water, provided:
- a. Where the development is staged, a number of agreements may be required for separate stages; and
 - b. Each agreement must be in accordance with North East Water policy and requirements applying at the time of entry into the relevant agreement.
78. The owner of the subject land (or applicant in anticipation of becoming the owner) is required to enter into a legal agreement with North East Water detailing the works to be constructed and other requirements to be met, necessary for the provision of reticulated sewerage services to each of the lots and proposed dwellings, within the development, at the owners cost, to the satisfaction of North East Water, provided:

- a. Where the development is staged, a number of agreements may be required for separate stages; and
 - b. Each agreement must be in accordance with North East Water policy and requirements applying at the time of entry into the relevant agreement.
79. The works required to be constructed for the provision of water supply and sewerage services must include, where so required by and to the satisfaction of, North East Water:
- a. works external to the subject land to allow connection to the North East Water water supply and sewerage systems;
 - b. the vesting at no cost of such of those works required by North East Water, to North East Water ("Developer Works");
 - c. works to ensure compatibility with and allowance for, other developments being served through existing and future North East Water infrastructure, including the Developer Works; and
 - d. internal or private works within the development, in accordance with applicable plumbing standards and providing adequate pressure and service levels.
80. Any modification to the development approved under this permit, including an increase or decrease in the number of dwellings or lots (or both) or the inclusion of additional land, requires the further consent of and may be subject to modified conditions, to the satisfaction of, North East Water.
81. Prior to the issue of a Statement of Compliance, the applicant must pay a new customer contribution determined in accordance with North East Water's policy for development charges applicable to the water supply system currently servicing the area in which the subject land is located.
82. Prior to the issue of a Statement of Compliance, the applicant must pay a new customer contribution determined in accordance with North East Water's policy for development charges applicable to sewers and disposal systems currently servicing the area in which the subject land is located.
83. The applicant must create easements to the satisfaction of and in favour of North East Water, over all existing and proposed sewerage facilities within the proposed subdivision.
84. The applicant must ensure that private water services do not traverse property boundaries and are independently supplied from a point of supply approved by North East Water.
85. The applicant must provide easements through other land, to the satisfaction of North East Water, if such easements are considered necessary for the efficient and economic servicing of the subject land.

86. That the applicant pays applicable charges determined in accordance with North East Water's policy for development charges, applicable from time to time towards North East Water's sewers and disposal systems servicing the area to which the permit applies.
87. Where the subject land is developed in stages, the North East Water conditions will apply to any subsequent stage of the subdivision.
88. Where an easement created in favour of North East Water is located within a proposed road reserve in a future stage, prior to the certification of the plan of subdivision for that stage, the applicant must formally remove the easement from the title to the land.
89. North East Water's consent to the issue of a Statement of Compliance under the *Subdivision Act 1988* is conditional upon completion of all works, and meeting all requirements set out in this permit and any relevant agreement with, North East Water.
90. The plan of subdivision for certification must be referred to North East Water in accordance with Section 8 of the *Subdivision Act 1988*.
91. The Bright Valley development sewer pump station is to be limited to a maximum outflow of 10 l/s. It is to achieve this through the provision of an on-site wet weather storage at a minimum volume of 40m³.
92. The Bright Valley development sewer pump station rising main is to discharge to the 225mm diameter gravity sewer at an approved location between Alexandra Court and Fraser's Lane.

The Bright Valley development water supply is to be connected into the 200mm diameter uPVC trunk water main at an approved location between Stackey Gully Road and Great Alpine Road.

NORTH EAST CATCHMENT MANAGEMENT AUTHORITY

93. Prior to issue of a Statement of Compliance for Stages 1 and 2, the proposed compound channel along the Great Alpine Road to cater for breakout flows from Stackey Gully Creek, consistent with the Property Servicing Report (Rev E, February 2023), shall be constructed to the satisfaction of the Responsible Authority.
94. All proposed residential lots must be filled at least to the 1% AEP flood level (inclusive of the impacts of stormwater) or such higher level as may be required by the Infrastructure Design Manual (IDM). The finished floor level of all future dwellings must be constructed no less than 300 mm above 1% AEP level (inclusive of the impacts of stormwater).

95. Development of the site is required to demonstrate that all stormwater discharged from the site complies with storm water quality and quantity treatment objectives (VPP Clause 56.07-4 Stormwater management objectives, Standard C25). Treatment of stormwater quality and quantity must occur prior to discharge to receiving waterways to ensure protection of downstream waterways. For each stage of subdivision, stormwater management measures must be constructed and operational to the satisfaction of the Responsible Authority prior to the issue of a Statement of Compliance.

COUNTRY FIRE AUTHORITY (CFA)

Second Access/Entry

96. Before certification is issued, a second access/entry point must be added to the subdivision.
97. Before statement of compliance is issued, two access/entry points must be constructed and in a useable condition.

Endorsement of Bushfire Management Plan

98. Before certification is issued, an amended Bushfire Management Plan must be prepared to the satisfaction of CFA before being endorsed by the Responsible Authority. The plan must include information generally in accordance with the plan prepared by Terramatrix (17 October 2022). The plan must be amended to include:

The Plan

- a. The plan must be a separate plan that can be endorsed. It must include the following minimum general information, in addition to bushfire specifics:
 - i. A title, scale, north point, date and lot numbers;
 - ii. Stage numbers;
 - iii. Building envelopes;
 - iv. Roads and access points to and from the subdivision;
 - v. Setbacks from bushfire hazards; and
 - vi. The location and identification of ongoing and temporary bushfire hazards.

Building envelopes

- b. The plan must show a building envelop for each lot which is setback a minimum distance of 19 metres from any bushfire hazard.
- c. No building can be constructed outside of the nominated building envelope except non habitable outbuildings associated with a dwelling.

Construction Standards (all lots)

- d. Any dwelling to be constructed within a nominated building envelop must be constructed to a minimum standard of BAL-29.
- e. Any future outbuildings or other ancillary structures on any lot must be constructed from non-combustible materials.
- f. All future fencing and screening devices must be constructed from non-combustible materials.

Defendable Space

- g. Defendable space requirements and nominations must be in accordance with the information included in the Terramatrix plan of 17/10/22.

Water supply

- h. Water supply requirements and nominations must be in accordance with the information included in the Terramatrix plan of 17/10/22.

Access

- i. A second access/entry to the subdivision must be provided and shown/nominated on the plan.

Endorsed BMP

- 99. Before statement of compliance is issued, the endorsed Bushfire Management Plan must be included as an annexure to the section 173 agreement prepared to give effect to clause 44.06-5 of the Planning Scheme.
- 100. The BMP must not be altered unless agreed to in writing by CFA and the Responsible Authority.

Housing Design Guidelines

- 101. Before statement of compliance is issued, the Housing Design Guidelines must be amended to the satisfaction of CFA, to ensure that they are consistent with bushfire requirements associated with defendable space and construction standards and restricts the use of combustible materials for external elements of a building.

Implementation of defendable space

- 102. Before the statement of compliance is issued under the *Subdivision Act 1988*, the defendable space shown on the endorsed Bushfire Management Plan must be implemented to the satisfaction of the Responsible Authority.

Construction Management and Bushfire Risk Reduction

103. Before the commencement of works, a Construction Site Management Plan that addresses bushfire risk during, and where necessary, after construction must be approved by the Responsible Authority. The plan must specify:
- a. The staging of development and the likely bushfire risks at each stage.
 - b. Nominate an area of land between the development edge and non-urban areas consistent with the separation distances specified in the approved BMP.
 - c. The land management measures to be undertaken by the developer to reduce the risk from fire within any surrounding rural or undeveloped landscape to protect residents and property from the threat of grassfire and bushfire.
 - d. Provision of adequate access and egress to minimise grass and bushfire risks to new residents prior to the full completion of the development area.

Fire hydrants

104. Before the statement of compliance is issued under the *Subdivision Act 1988*, the following requirements must be met to the satisfaction of CFA:
- a. Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries and other obstacles.
 - b. The hydrants must be identified with marker posts, vertical surface markers, white road triangles and blue road reflectors (as applicable) as specified in the CFA publication titled 'Identification of Street Hydrants for Firefighting Purposes' (available under publications on the CFA website www.cfa.vic.gov.au).

Roads

105. Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
- a. The average grade must be no more than 1 in 7 (14.4%) (8.1 degrees) with a maximum of no more than 1 in 5 (20%) (11.3 degrees) for no more than 50 meters. Dips must have no more than a 1 in 8 (12%) (7.1 degree) entry and exit angle.
 - b. Curves must have a minimum inner radius of 10 metres.
 - c. Have a minimum trafficable width of 3.5 metres and be clear of encroachments for at least 0.5 metres on each side and 4 metres above the access way. Roads more than 60m in length from the nearest intersection must have a turning circle with a minimum radius of 8m (including roll-over kerbs if they are provided) T or Y heads of dimensions specified by the CFA may be used as alternatives.

GOULBURN-MURRAY WATER

106. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
107. Any Plan of Subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.
198. Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.
109. Stormwater from the site must be discharged to a legal point as nominated by the Responsible Authority. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.

EXPIRY

110. This permit will expire if one of the following circumstances applies:
 - a. The first stage of the plan of subdivision has not been certified within two years of the date of this permit.
 - b. All stages of the plan of subdivision have not been certified within ten years of the date of this permit.
 - c. A statement of compliance is not issued within four years of the date of certification of a particular stage of subdivision.

The Responsible Authority may extend the periods referred to in part (a) and (b) above if a request is made in writing before the permit expires or within six months afterwards.

9.2.2b. Appendix - Clause 56 Assessment

| Clause 56 Objective and Standard | Complies | Response |
|--|----------|--|
| 56.01 Subdivision Site and Context Description and Design Response | | |
| 56.01-1 Subdivision and Site Context Description | Yes | The Planning Application Report includes a detailed site and context description that appropriately responds to the requirements of Clause 56.01-1. |
| 56.01-2 Subdivision Design Response | Yes | Please see planning application report for a written design response and Figure 1 of the Council Report shows the proposed Subdivision Layout Plan. |
| 56.02 Policy Implementation | | |
| <p><u>56.02-1 Strategic implementation:</u> <i>To ensure that the layout and design of a subdivision is consistent with and implements any objective, policy, strategy or plan for the area set out in this scheme.</i></p> <p>Standard C1</p> | Yes | The proposal complies with the Objectives and Standards of this Clause. The proposed subdivision layout has been designed in response to the objectives, requirements and guidelines of the Alpine Planning Scheme and other relevant policy and objectives. |
| 56.03 Liveable and Sustainable Communities | | |
| <p><u>56.03-1 – Compact and Walkable Neighbourhoods</u> <i>To create compact neighbourhoods that are oriented around easy walking distances to activity centres, schools and community facilities, public open space and public transport.</i></p> <p><i>To allow easy movement through and between neighbourhoods for all people.</i></p> <p>Standard C2</p> | Yes | <p>The proposal complies with the Objectives and Standards of this Clause. The proposed subdivision layout adequately responds to the approved Development Plan and allows for convenient movement networks through the proposed lots and open space. Landscaped walkways are proposed through the subdivision which will provide opportunities for pedestrian movement while a variety of roads are provided for vehicle movements.</p> <p>The subject site is approximately 2km from the Bright town centre which will provide future residents with access to commercial/retail centre and community facilities.</p> |

| Clause 56 Objective and Standard | Complies | Response |
|---|----------|---|
| <p><u>56.03-2 Activity centre</u> <i>To provide for mixed-use activity centres, including neighbourhood activity centres, of appropriate area and location.</i></p> <p>Standard C3</p> | N/A | <p>There is no “relevant activity centre strategy, plan or policy” for the subject site, and no activity centre is proposed on the subject site</p> |
| <p><u>56.03-3 Planning for community facilities objective</u> <i>To provide appropriately located sites for community facilities including schools, libraries, preschools and childcare, health services, police and fire stations, recreation and sports facilities.</i></p> <p>Standard C4</p> | N/A | <p>No community facilities are identified in the relevant policy to be located within the subject site.</p> |
| <p><u>56.03-4 Built environment:</u> <i>To create urban places with identity and character</i></p> <p>Standard C5</p> | Yes | <p>The proposal complies with the Objectives and Standards of this Clause.</p> <p>The proposed subdivision layout will deliver a functional, safe and attractive outcome with a sense of place and cultural identity. The subdivision is well integrated with the landscape features of the site and provides a safe and functional living environment.</p> <p>The proposed subdivision layout demonstrates a clear response to the site conditions.</p> |
| <p>56.04 Lot Design</p> | | |

| Clause 56 Objective and Standard | Complies | Response |
|---|----------|---|
| <p><u>56.04-1 Lot diversity and distribution:</u> <i>To achieve housing densities that support compact and walkable neighbourhoods and the efficient provision of public transport services.</i></p> <p><i>To provide higher housing densities within walking distance of activity centres.</i></p> <p><i>To achieve increased housing densities in designated growth areas.</i></p> <p><i>To provide a range of lot sizes to suit a variety of dwelling and household types.</i></p> <p>Standard C7</p> | Yes | <p>The proposal complies with the Objectives and Standards of this Clause.</p> <p>A variety of lot sizes are proposed for the subject site to meet the needs of a diverse community. The proposed lots vary in size from 226sqm to 752 sqm and dwelling products that can be accommodated within the lots range from 2 bedrooms to 5+ bedrooms.</p> <p>The proposed development will provide a diverse range of housing options within the site and surrounding area.</p> <p>The overall development will deliver 78 lots within a net developable area of 6.62ha.</p> |
| <p><u>56.04-2 Lot area and building envelopes:</u> <i>To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.</i></p> <p>Standard C8</p> | Yes | <p>The proposal complies with the Objectives and Standards of this Clause.</p> <p>The diverse allotment sizes within the subdivision have been designed to comply with relevant provisions in the Alpine Shire Planning Scheme and the relevant planning provisions that enable appropriate built form outcomes and retain significant vegetation where possible.</p> |
| <p><u>56.04-3 Solar orientation of lots:</u> <i>To provide good solar orientation of lots and solar access for future dwellings.</i></p> <p>Standard C9</p> | Yes | <p>The proposal complies with the Objectives and Standards of this Clause.</p> <p>All allotments are orientated to maximise natural sunlight and visual amenity whether generally positioned in a north-south or east-west orientation.</p> |

| Clause 56 Objective and Standard | Complies | Response |
|---|----------|--|
| <p><u>56.04-4 Street orientation:</u> <i>To provide a lot layout that contributes to community social interaction, personal safety and property security</i></p> <p>Standard C10</p> | Yes | <p>The proposal complies with the Objectives and Standards of this Clause.</p> <p>The proposed allotments have been fronted to local streets where possible with some lots fronting the central avenue that provides access into the subject site from Great Alpine Road. The proposed layout allows for all future dwellings to have an active frontage, with some lots siding onto green links and public open space where it exists.</p> |
| <p><u>56.06-5 Common areas:</u> <i>To identify common areas and the purpose for which the area is commonly held.</i></p> <p><i>To ensure the provision of common area is appropriate and that necessary management arrangements are in place.</i></p> <p><i>To maintain direct public access throughout the neighbourhood street network.</i></p> <p>Standard C11</p> | Yes | <p>The proposal complies with the Objectives and Standards of this Clause.</p> <p>No common property is to be created by the subdivision, with the open space to be vested in and managed by Council.</p> |
| <p><i>56.05 Urban Landscape</i></p> | | |

| Clause 56 Objective and Standard | Complies | Response |
|--|----------|--|
| <p><u>56.05-1 Integrated urban landscape:</u></p> <p><i>To provide attractive and continuous landscaping in streets and public open spaces that contribute to the character and identity of new neighbourhoods and urban places or to existing or preferred neighbourhood character in existing urban areas.</i></p> <p><i>To protect and enhance native habitat and discourage the planting and spread of noxious weeds.</i></p> <p><i>To incorporate natural and cultural features in the design of streets and public open space where appropriate.</i></p> <p><i>To provide for integrated water management systems and contribute to drinking water conservation.</i></p> <p>Standard C12</p> | Yes | <p>The proposal complies with the Objectives and Standards of this Clause.</p> <p>The proposed subdivision layout will provide for a visually appealing development that leverages off the existing landscape features with appropriate measures to protect and enhance the site's existing landscape identity.</p> <p>As shown on the landscape masterplan there is generous opportunity for canopy planting to maintain and enhance the landscape identity of Bright. The majority of existing vegetation on the subject site is to be retained, particularly the established Cottonwood Poplars. The natural features of the site, such as the monocline running through the entire of the subject site have been well integrated into the design with the provision of an enhanced landscaped corridor which will allow for areas of passive recreation. Additionally, drainage infrastructure will be integrated into public open spaces to ensure the landscape values of the site are maximised.</p> |

| Clause 56 Objective and Standard | Complies | Response |
|---|----------|---|
| <p><u>56.05-2 Public open space provision:</u></p> <p><i>To provide a network of quality, well-distributed, multi-functional and cost-effective public open space that includes local parks, active open space, linear parks and trails, and links to regional open space.</i></p> <p><i>To provide a network of public open space that caters for a broad range of users.</i></p> <p><i>To encourage healthy and active communities.</i></p> <p><i>To provide adequate unencumbered land for public open space and integrate any encumbered land with the open space network.</i></p> <p><i>To ensure land provided for public open space can be managed in an environmentally sustainable way and contributes to the development of sustainable neighbourhoods.</i></p> <p>Standard C13</p> | Yes | <p>The proposal complies with the Objectives and Standards of this Clause.</p> <p>The development proposes unencumbered linear open space that has the ability to cater for a range of users while providing quality and multi functional open spaces.</p> <p>The linear nature of the open space will ensure is easily accessible for all lots within Stage 1 and 2 of the development.</p> |

| Clause 56 Objective and Standard | Complies | Response |
|--|----------|---|
| <p><u>56.06-1 Integrated mobility</u></p> <p><i>To achieve an urban structure where compact and walkable neighbourhoods are clustered to support larger activity centres on the Principal Public Transport Network in Metropolitan Melbourne and on the regional public transport network outside Metropolitan Melbourne.</i></p> <p><i>To provide for walking (including persons with impaired mobility), cycling, public transport and other motor vehicles in an integrated manner.</i></p> <p><i>To contribute to reduced car dependence, improved energy efficiency, improved transport efficiency, reduced greenhouse gas emissions and reduced air pollution.</i></p> <p>Standard C14</p> | Yes | <p>The proposal complies with the Objectives and Standards of this Clause.</p> <p>The proposed development has included a road network that has been designed as an integrated mobility network.</p> |
| <p><u>56.06-2 Walking and cycle networks:</u></p> <p><i>To contribute to community health and wellbeing by encouraging walking and cycling as part of the daily lives of residents, employees and visitors.</i></p> <p><i>To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists.</i></p> <p><i>To reduce car use, greenhouse gas emissions and air pollution</i></p> <p>Standard C15</p> | Yes | <p>The proposal complies with the Objectives and Standards of this Clause.</p> <p>The subject site has been designed to contribute to reducing car dependency and encouraging active transport through the provision of a network of paths that connects to open spaces and has the ability to connect to a broader path network when future stages of the development are undertaken.</p> |

| Clause 56 Objective and Standard | Complies | Response |
|---|----------|---|
| <p><u>56.06-3 Public transport network</u> <i>To provide an arterial road and neighbourhood street network that supports a direct, efficient and safe public transport system.</i></p> <p><i>To encourage maximum use of public transport</i></p> <p>Standard C16</p> | N/A | <p>Ideally the development would have good access to public transport, given the limited public transport within Bright, direct services from the site are unlikely to be available. The design of the proposal will allow for integration with any future public transport network, should this become available.</p> |
| <p><u>56.06-4 Neighbourhood street network:</u> <i>To provide for direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network.</i></p> <p>Standard C17</p> | Yes | <p>The proposal complies with the Objectives and Standards of this Clause. The proposed internal road network will be designed and constructed to provide safe and easy movement throughout the subdivision for all users. The road network will be designed to provide adequate clearances in accordance with the access requirements of service and emergency vehicles. The road networks will be designed and constructed in accordance with the relevant provisions of the Infrastructure Design Manual.</p> |
| <p><u>56.06-5 Walking and cycle network detail:</u> <i>To design and construct footpaths, shared path and cycle path networks that are safe, comfortable, well-constructed and accessible for people with disabilities.</i></p> <p><i>To design footpaths to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.</i></p> <p>Standard C18</p> | Yes | <p>The proposal complies with the Objectives and Standards of this Clause. All proposed footpaths, and shared paths are designed and will be constructed in accordance with the relevant standards.</p> |

| Clause 56 Objective and Standard | Complies | Response |
|---|----------|---|
| <p><u>56.06-6 Public transport network detail:</u> <i>To provide for the safe, efficient operation of public transport and the comfort and convenience of public transport users.</i></p> <p><i>To provide public transport stops that are accessible to people with disabilities.</i></p> <p>a Standard C19</p> | Yes | <p>The proposal complies with the Objectives and Standards of this Clause.</p> <p>It is expected that the proposed road alignment and geometry along bus routes will provide for the efficient, unimpeded movement of buses and the safety and comfort of passengers, and that each stop will be accessible to people with disabilities.</p> |
| <p><u>56.06-7 Neighbourhood street network:</u> <i>To design and construct street carriageways and verges so that the street geometry and traffic speeds provide an accessible and safe neighbourhood street system for all users.</i></p> <p>Standard C20</p> | Yes | <p>The proposal complies with the Objectives and Standards of this Clause.</p> <p>All roads have been designed to provide a safe and accessible street network. See standard C17 for further detail.</p> |
| <p><u>56.06-8 Lot access:</u> <i>To provide for safe vehicle access between roads and lots</i></p> <p>Standard C21</p> | Yes | <p>The proposal complies with the Objectives and Standards of this Clause.</p> <p>All lots have been designed to ensure safe vehicle access to and from the lots can be achieved.</p> |
| <i>56.07 Integrated Water Management:</i> | | |
| <p><u>56.07-1 Drinking water supply:</u> <i>To reduce use of drinking water.</i></p> <p><i>To provide adequate cost effective drinking water.</i></p> <p>Standard C22</p> | Yes | <p>The proposal complies with the Objectives and Standards of this Clause.</p> <p>The lots will be adequately serviced in accordance with the requirements of the relevant water authority.</p> |

| Clause 56 Objective and Standard | Complies | Response |
|---|----------|--|
| <p><u>56.07-2 Reused and recycled water:</u> <i>To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water</i></p> <p>Standard C23</p> | Yes | The proposal complies with the Objectives and Standards of this Clause. |
| <p><u>56.07-3 Waste water management:</u> <i>To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.</i></p> <p>Standard C24</p> | Yes | The proposal complies with the Objectives and Standards of this Clause. Wastewater systems will be designed and constructed to the requirements of the relevant water authority and EPA. Reticulated wastewater systems will be connected as per the requirements of this clause. |

| Clause 56 Objective and Standard | Complies | Response |
|---|----------|--|
| <p>56.07-4 Stormwater management: <i>To minimise damage to properties and inconvenience to residents from stormwater.</i></p> <p><i>To ensure that the street operates adequately during major storm events and provides for public safety.</i></p> <p><i>To minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater.</i></p> <p><i>To encourage stormwater management that maximises the retention and reuse of stormwater.</i></p> <p><i>To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.</i></p> <p>Standard C25</p> | Yes | <p>The proposal complies with the Objectives and Standards of this Clause.</p> <p>The urban stormwater management infrastructure will be designed and constructed in accordance with the relevant Australian standards and per the requirements of this clause.</p> |
| 56.08 Site Management | | |

| Clause 56 Objective and Standard | Complies | Response |
|---|----------|--|
| <p><u>56.08-1 Site management:</u> <i>To protect drainage infrastructure and receiving waters from sedimentation and contamination.</i></p> <p><i>To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.</i></p> <p><i>To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</i></p> <p>Standard C26</p> | Yes | <p>The proposal complies with the Objectives and Standards of this Clause.</p> <p>A site management plan will be provided as a condition of permit, prior to construction and works which will outline the protection of infrastructure and other various sustainable practices within the development.</p> |
| 56.09 Utilities | | |
| <p><u>56.09-1 Shared trenching:</u> <i>Maximise opportunities for shared trenching.</i></p> <p><i>Minimise constraints on landscaping within street reserves.</i></p> <p>Standard C27</p> | Yes | <p>The proposal complies with the Objectives and Standards of this Clause.</p> <p>Reticulated services for will be connected per the requirements of this clause.</p> |
| <p><u>56.09-2 Electricity, telecommunications and gas:</u> <i>To provide public utilities to each lot in a timely, efficient and cost effective manner.</i></p> <p><i>To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.</i></p> <p>Standard C28</p> | Yes | <p>The proposal complies with the Objectives and Standards of this Clause.</p> <p>The electricity supply, telecommunications and gas supply systems will be as per the requirements of this clause.</p> |

| Clause 56 Objective and Standard | Complies | Response |
|---|----------|---|
| <p><u>56.09-3 Fire Hydrants:</u> <i>To provide fire hydrants and fire plugs in positions that enable fire fighters to access water safely, effectively and efficiently.</i></p> <p>Standard C29</p> | Yes | The proposal complies with the Objectives and Standards of this Clause. |
| <p><u>56.09-4 Public lighting objective:</u> <i>To provide public lighting to ensure the safety of pedestrians, cyclists and vehicles.</i></p> <p><i>To provide pedestrians with a sense of personal safety at night.</i></p> <p><i>To contribute to reducing greenhouse gas emissions and to saving energy.</i></p> <p>Standard C30</p> | Yes | The proposal complies with the Objectives and Standards of this Clause. The requirements of this clause will be met and shown in Functional Layout Plans. |

Alan Rees, Director Assets declared a conflict of interest with relation to item 9.2.3 Mystic Park Licence Agreement and left Council Chambers at 7.27pm.

9.2.3 Mystic Park Licence Agreement

INTRODUCTION

This report relates to the establishment of a sustainable operating model for Mystic Park.

Cr Hughes
Cr Nicholas

That Council:

- 1. Notes the findings of the Mystic Mountain Bike Park Risk Assessment and Financial Assessment; and*
- 2. Authorises the Chief Executive Officer to sign all documents associated or necessary to give effect to a 'Licence for the Management of Organised Recreational and Educational Activities on HVP Plantations' Land in the Alpine Shire' over a licenced area of approximately 400 Hectares for an initial period of five (5) years with the option for a further term of five (5) years and a licence fee commencing in year two (2) at an annual amount of \$6,400 and subject to annual CPI indexation thereafter.*

Carried Unanimously

BACKGROUND

In Victoria, plantations and land intended for long term plantation use are vested in the Victorian Plantations Corporation pursuant to the *Victorian Plantations Corporation Act (1993)*.

In December 1998, the Victorian Plantations Corporation licensed Hancock Victorian Plantations (HVP) in perpetuity to manage approximately 170,000 hectares of plantation land for the purposes of timber production.

Alpine Community Plantation Inc. (ACP) was incorporated in 2013 as a community-based not-for-profit partnership between Alpine Shire Council, HVP and three community groups being Alpine Cycling Club, North East Victoria Hang Gliding Club, and the Bright and District Chamber of Commerce.

ACP is governed by a volunteer board, representing each of the member organisations that form part of the partnership.

ACP and HVP entered into a licence agreement for ACP to manage organised recreational and educational activities on the almost 20,000 hectares of HVP Plantations' land in the Alpine Shire. This recreational management in working pine plantations has had a focus on mountain bike activity. An area of land in Bright within this licensing arrangement is known as Mystic Park and covers approximately 400 hectares. It is the main mountain bike precinct within this area and contains more than 50km of trails

across 84 separate trails, including flow, climbing, downhill and technical mountain bike trails.

Mystic Park has experienced a period of rapid growth since 2016 following the opening of the Hero Trail in December 2016 and Shred Kelly's Last Stand in December 2018. In an assessment carried out in 2022, Mystic Park was estimated to attract approximately 58,000 visitors to the Alpine Shire each year, contributing an estimated \$27.1 million into the local economy and supporting 227 local jobs. The success of Mystic Park is a testament to the vision of the founding members of ACP, and the hard work and commitment of the volunteer ACP Board members over the last 10 years.

The licence agreement between HVP and ACP expires on 23 December 2023. The ACP constituent organisations all broadly agree that, following rapid expansion in the Park, change is needed to the existing governance structure to establish a sustainable model for the future.

Council Officers have explored collaboratively with HVP a number of alternative governance models for Mystic Park, which included maintaining the existing ACP organisation with modified 'skills-based' membership and paid Director positions on the Board.

Following consideration of the alternatives, the remaining available option to secure Mystic Park's future is for Alpine Shire Council to commit to assuming governance and operational management responsibilities for the Park via a licence agreement with HVP. This is in light of Council being recognised as being best positioned to ensure the governance, financial, operational, stakeholder and risk management responsibilities for the benefit of the Alpine Shire community.

ISSUES

Risk Assessment

The most significant park risks which have been identified are injury to park users, and the impact of a potential bushfire on the Park.

The risk of injury to park users can be managed to an acceptable level by adopting best practice measures from across the industry, recognising the significant experience in the management of mountain bike parks that now exists within Australia and further afield. In addition to this, detailed planning and implementation of active risk reduction measures for simultaneous forestry and recreational use of the park will continue in collaboration with HVP.

Bushfire risk to users of the Park can be managed through adhering to the CFA conditions on the planning permit which governs the Park's operation, and through park closure on Code Red and Extreme Fire Rating days. However, bushfire remains a significant risk to the park infrastructure even with all reasonable risk mitigation measures implemented.

The most significant operational risk is presented by the upcoming harvesting schedule through which some of the Park's more popular trails will be removed in mid-2024 and

late 2025. Development of new trails to replace those impacted by the harvesting operations will be necessary to maintain visitation to the Park.

Council already has governance and operational responsibility for mountain bike trails in Dinner Plain and those running through Crown Land for which Council has been appointed Committee of Management by DEECA. Entering into a licence with HVP over Mystic Park will not introduce a new service into Council's overall portfolio, however it will result in a significant expansion in the extent of the mountain bike trail network under Council's oversight.

Financial Modelling

Financial modelling has been carried out to establish that the park can be operated in a way which is financially sustainable and does not result in a financial liability for Council. The financial modelling has utilised actual data from ACP's operations, including membership fees. Benchmarking has also been carried out against other similar mountain bike parks.

The financial modelling has established that Mystic Park can be operated under a model which is financially sustainable, providing an attractive opportunity for a commercial operator at the same time as providing income to Council which is sufficient to cover its costs relating to supporting the operations of Mystic Park and the relationship with HVP.

POLICY IMPLICATIONS

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

- 4.3 Accessible parks that promote active and passive recreation

FINANCIAL AND RESOURCE IMPLICATIONS

To support the transition process from an ACP licence to a Council sub-licence with HVP it will be necessary for Council to commit resources over the period through to mid-2024. The cost of these resources is estimated to be \$80,000 and this cost will be unbudgeted in the current financial year.

Based on the financial modelling that has been completed, it is anticipated that once an operator has been appointed and the Park has achieved steady state operations under this new operator, there will be no net cost to Council of this operation.

RISK MANAGEMENT

A comprehensive risk assessment and financial modelling has been carried out. Through this work it has been established that committing to a licence with HVP and taking on governance and operational management of the Park will change Council's risk profile, however it is considered that these risks can be managed to an acceptable level by following best practice across the industry. Financial modelling has shown that the Park

can be operated sustainably without imposing an ongoing financial burden on Council. The risk assessment report is attached and has been edited to remove the commercial-in-confidence financial assessment.

CONSULTATION

Extensive consultation has been undertaken with ACP and HVP to ensure alignment on the future operating model for Mystic Park.

The community will be informed of Council's decision through the normal channels - media release, social media post and direct communication to key stakeholders.

It is anticipated that the change in governance and operational management can be implemented without significant impact on the users of the Park.

CONCLUSION

Consideration of a range of options beyond expiration of the current licence with Alpine Community Plantation Inc. concluded that no other options are feasible to secure the future of the Park. HVP has recognised Alpine Shire Council as the organisation best qualified to fulfil the governance and operational management responsibilities for the recreational use of Mystic Park for the benefit of the Alpine Shire 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 Customer and Community
- Manager Growth and Future
- Project Officer (Strategic Planning)

ATTACHMENT(S)

- 9.2.3a. Draft Sub-License Agreement
- 9.2.3.b Mystic Mountain Bike Park Risk Assessment
- 9.2.3c. Mystic 2023 Trail Master Plan

Alan Rees, Director Assets re-entered Council Chambers at 7.58pm

9.2.4 Appointment of Councillors to represent Council on Committees and Boards

INTRODUCTION

Council operates and participates on a range of special, advisory and external committees and groups. Appointment of councillors to the various committees and groups will enable good governance and decision making for the 2024 year.

Cr Kelley

Cr Janas

That:

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

| <i>Committee</i> | <i>Current Councillor representative appointed</i> | <i>Councillor representative to October 2024</i> |
|--|--|--|
| <i>Municipal Association of Victoria</i> | <i>Mayor John Forsyth Deputy Mayor Tony Keeble</i> | <i>Mayor Forsyth Deputy Mayor Cr Kelley</i> |
| <i>Hume Region Local Government Network</i> | <i>Mayor John Forsyth</i> | <i>Mayor John Forsyth</i> |
| <i>Rural Councils Victoria (RCV)</i> | <i>Cr Sarah Nicholas</i> | <i>Cr Sarah Nicholas Cr Tony Keeble</i> |
| <i>Alpine Shire Council - Finance Committee</i> | <i>Cr Ron Janas Cr Simon Kelley</i> | <i>Mayor John Forsyth Cr Keeble</i> |
| <i>Alpine Shire Council – Audit and Risk Committee</i> | <i>Mayor John Forsyth Cr Simon Kelley</i> | <i>Mayor John Forsyth Cr Janas</i> |
| <i>Alpine Resilience Partnership (formerly known as Alpine Resilience Committee)</i> | <i>Cr Ron Janas Cr Simon Kelley</i> | <i>Cr Simon Kelley Cr Ron Janas</i> |
| <i>Alpine Children's Services Inc.</i> | <i>Cr Katarina Hughes</i> | <i>Cr Katarina Hughes</i> |
| <i>Goulburn Murray Climate Alliance</i> | <i>Cr Sarah Nicholas Cr Kelli Prime</i> | <i>Cr Sarah Nicholas</i> |
| <i>L2P Program</i> | <i>Cr Katarina Hughes</i> | <i>Cr Katarina Hughes</i> |

Carried Unanimously

BACKGROUND

Council Representation

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

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

Appointments

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

Roles and Responsibilities

The roles and responsibilities of councillors will vary depending on the position they are appointed to.

External Legal Entities

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

Council Advisory Committees

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

Responsibilities

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

- Declaring conflicts of interest.
- Maintaining confidentiality of information.
- Recognising and abiding by their extent of authority i.e., not making decisions on behalf of Council.

| Council appointed delegates to non-executive groups and committees | |
|--|--|
| Committee | Overview |
| Municipal Association of Victoria (MAV) | Each member council of the MAV must appoint a representative to attend State Council meetings, exercise their council's vote and provide regular reports to their council on MAV activities. Appointments for MAV representatives are made annually by each council. |

| Council appointed delegates to non-executive groups and committees | |
|--|--|
| Committee | Overview |
| Hume Region Local Government Network (HRLGN) | <p>Non-discretionary appointment</p> <p>HRLGN is comprised of 12 member Councils in the Hume Region. It represents a shared regional perspective on local government issues and can provide advocacy and submissions on issues of joint interest. The CEO and Mayor from each Council participate in the HRLGN.</p> |
| Rural Councils Victoria (RCV) | <p>Rural Councils Victoria represents Victoria 37 rural councils, supporting and promoting sustainable, liveable, prosperous rural communities.</p> |
| Alpine Shire Council – Audit and Risk Committee | <p>An advisory committee of council responsible for:</p> <ul style="list-style-type: none"> • Monitoring compliance of Council policies and procedures with the LGA 2020, regulations, governance principles and Ministerial directions. • Monitoring Council financial and performance reporting. • Monitoring and providing advice on risk management and fraud prevention systems and controls. • Overseeing internal and external audit functions. |
| Alpine Shire Council – Finance Committee | <p>An advisory committee of Council that provides advice on the prudent, fair and transparent management of Council's finances.</p> |
| Alpine Shire Council - The Alpine Resilience Partnership (formerly known as the Alpine Resilience Committee) | <p>The Alpine Resilience Partnership (ARP) is a partnership of emergency management agencies, health and social welfare agencies plus community representatives hosted by Alpine Shire Council with a focus on planning to increase community resilience and preparedness for response and recovery.</p> <p>ARP is the forum for government and non-government agencies and community representatives to develop strategies and frameworks to support coordinated resilience planning for Alpine Shire communities and the adjoining alpine resorts.</p> <p>ARP will support communities to understand the nature of shocks and disasters and to actively prepare, plan for and mitigate against the impacts of emergencies.</p> |
| Alpine Children's Services Inc. | <p>A not-for-profit organisation that provides early childhood services to families.</p> |

| Council appointed delegates to non-executive groups and committees | |
|--|---|
| Committee | Overview |
| Goulburn Murray Climate Alliance | The Goulburn Murray Climate Alliance was established in 2007 to promote regional action on climate change and consists of representatives from regional Catchment Management Authorities, DEECA and twelve local government municipalities. |

POLICY IMPLICATIONS

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

- 5.3 Bold leadership, strong partnerships and effective advocacy

FINANCIAL AND RESOURCE IMPLICATIONS

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

CONSULTATION

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

RISK MANAGEMENT

| Risk | Likelihood | Impact | Mitigation Action / Control |
|--|------------|---------------|---|
| Councillors are unable to commit to time being on the Committees | Possible | Insignificant | <ul style="list-style-type: none"> • Where a councillor is not able to meet their appointment, Council will appoint a new delegate based on experience and areas of interest to maintain continuity. |

CONCLUSION

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

DECLARATION OF CONFLICT OF INTEREST

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

- Director Customer and Community
- Governance Officer
- Executive Assistant to CEO

9.2.5 Dinner Plain Event Funding Program 2023/24

INTRODUCTION

This report relates to the recommended distribution of funding to support events in Dinner Plain for the 2023/24 financial year.

Cr Nicholas

Cr Prime

That Council:

- 1. Allocates financial sponsorship to support events in Dinner Plain as follows:*

| <i>EVENT NAME</i> | <i>APPLICANT</i> | <i>REQUESTED</i> | <i>FUNDING</i> |
|---|---|------------------|-----------------|
| <i>Dinner Plain Outdoor Cinema Event</i> | <i>Dinner Plain Community Association</i> | <i>\$5,000</i> | <i>\$5,000</i> |
| <i>Dinner Plain Winter Markets</i> | <i>Dinner Plain Community Association</i> | <i>\$10,000</i> | <i>\$5,000</i> |
| <i>Dinner Plain Sled Dog Sprint</i> | <i>Dinner Plain Sled Dog Sprint</i> | <i>\$10,000</i> | <i>\$10,000</i> |
| <i>Official Opening Big Muster Distilling Company</i> | <i>Big Muster Distilling Company</i> | <i>\$10,000</i> | <i>\$2,000</i> |

- 2. Allocates up to \$25,000 of the Dinner Plain Events budget to support the delivery of the Dinner Plain Easter Festival and snow season opening weekend festivities, with budget and event specifics to be coordinated by Council's Events team; and*
- 3. Delegates authority to the CEO to distribute residual or unspent funds to a cumulative total of \$60,000.*

Carried Unanimously

BACKGROUND

Events are a key driver of visitation to Dinner Plain and investment in event activities is essential to support the Dinner Plain economy.

Council provides annual financial support to events across the Alpine Shire through its Event Funding Program. Applications for this program open in May each year. Two applications were received for Dinner Plain events during the first round of applications in May. Alpine Environmental Workshop was allocated \$5,000 through that funding round.

Given the Events Funding Program's proximity to the start of the snow season, a second round of Dinner Plain Event Funding was opened in September to ensure businesses, event operators and community members had the opportunity to apply.

Four applications were received during the September/October round of funding.

Funding eligibility criteria listed in the framework, including consideration of the anticipated social, environmental, and economic impact of each event has been applied to the assessment of these events, and underpins the recommendation for funding amounts.

ISSUES

Two events have been recommended for funding to an amount less than they have applied for, due to a range of factors including extension of business, equity with off-mountain events, estimated attendance and anticipated economic impact.

An additional event was supported from the first event funding round 16 May and 30 June 2023.

POLICY IMPLICATIONS

Funding recommendations in this report are aligned with the Event Permitting and Funding Framework in the Alpine Events Strategy.

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

- 2.1 Diverse reasons to visit

FINANCIAL AND RESOURCE IMPLICATIONS

The adopted 2023-24 budget contains an allocation of \$60,000 for events in Dinner Plain.

The total awarded event funding from the two event funding rounds totals \$27,000 (\$5,000 round 1 and \$22,000 round 2).

The two standing Dinner Plain events include the Dinner Plain Easter Festival and opening snow weekend festivities, which will have a combined budget of up to \$25,000.

RISK MANAGEMENT

| Risk | Likelihood | Impact | Mitigation Action / Control |
|---|------------|----------|--|
| Community expectations not able to be met within the available funding. | Possible | Moderate | <ul style="list-style-type: none"> • Additional value management and communication with the community to ensure awareness and understanding to deliver the maximum value possible with the available funding. |

CONSULTATION

The Dinner Plain Event Funding Program for the 2023/24 financial year was open for applications between 16 May and 30 June 2023 (round 1), and between 18 September and 30 October 2023 (round 2). The program was promoted through local media, on Council's website and Facebook page and details were emailed directly to existing event organisers, Dinner Plain businesses, and community groups.

An assessment of the funding application received was undertaken by the Development Officer (Events) and Events Coordinator for an initial assessment. The event funding applications were considered by a panel including Manager Customer Experience, Economic Development Coordinator and Development Officer (Tourism).

CONCLUSION

Events are a key driver of visitation to Dinner Plain and investment in event activities is essential to support the Dinner Plain economy. The recommendations for funding contained in this report will support key cornerstone events continuing in Dinner Plain and support local community members and businesses to bring new events to the village.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Customer and Community
- Manager Customer Experience
- Economic Development Coordinator
- Development Officer (Tourism)
- Events Coordinator
- Development Officer (Events)

ATTACHMENT(S)

Nil

9.3 DIRECTOR ASSETS – ALAN REES

9.3.1 Nil Reports

10. Informal meetings of Councillors

Introduction

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

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

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

Cr Kelley
Cr Hughes

That the summary of informal meetings of Councillors for October / November 2023 be received.

Carried Unanimously

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 10.0 to this report.

| Date | Meeting |
|-------------|------------------|
| 31 October | Briefing Session |
| 14 November | Briefing Session |
| 21 November | Briefing Session |

Carried Unanimously

Attachment(s)

- 10.0 Informal meetings of Councillors – October / November 2023

11. Presentation of reports by delegates

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

12. General business

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

13. Motions for which notice has previously been given

Nil

14. Reception and reading of petitions

14.1 Petition – Upper Kiewa Valley Community Association

Cr Nicholas

Cr Janas

That Council notes and receives the petition containing 156 signatures from Upper Kiewa Valley Community Association requesting at least one charging station for electric vehicles / cars to be established in the central business area of Mount Beauty which is available to serve locals and tourist alike.

That a report be prepared for the next Ordinary Council Meeting.

Carried Unanimously

15. Documents for sealing

Nil

There being no further business the Chairperson declared the meeting closed at 8:28p.m.

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Chairperson