

M(6) – 1 JUNE 2021

Ordinary Council Meeting

Agenda

Notice is hereby given that the next **Ordinary Meeting** of the **Alpine Shire Council** will be held on **1 June 2021** commencing at **5:00pm**.

Agenda

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1. Recording and livestreaming of Council meetings

The CEO will read the following statement:

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

This meeting is being held online and audio and video is focused on Councillors and Council Officers. Question time will still be held, however questions must be submitted in writing prior to the meeting. By submitting a question, you consent to your question being read aloud and recorded.

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

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

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

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

The Mayor will read the following statement:

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

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

3. Confirmation of minutes

3.1 ORDINARY COUNCIL MEETING – M(5) – 4 MAY 2021

RECOMMENDATION

That the minutes of Ordinary Council Meeting M(5) held on 4 May 2021 as circulated be confirmed.

4. Apologies and Leave of Absence

5. Obituaries / congratulations

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

6. Declarations by Councillors of conflict of interest

7. Public questions

Due to a state lockdown to address the Covid-19 outbreak, the meeting will be held entirely online. The gallery is closed to the public and community members are invited to view the meeting online. Question time will still be held, however questions must be submitted in writing by midday on 1 June 2021 to info@alpineshire.vic.gov.au.

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

8. Presentation of reports by officers

8.1 DIRECTOR ASSETS – WILLIAM JEREMY

8.1.1 Transfer Station Loader Renewal

File Number: CQ21031

INTRODUCTION

This report relates to the award of a Contract for the supply and delivery of an articulated wheel loader for the Myrtleford Transfer Station.

RECOMMENDATION

That Council awards a Contract for the supply and delivery of one new Caterpillar 914K Compact Wheel Loader to William Adams for the lump sum price of \$198,012.36 + GST.

BACKGROUND

The loader used at the Myrtleford Transfer Station is 14 years old and at the end of its useful life. The 2020/21 Annual Budget includes an allocation of funds to replace the loader. The Tender was advertised in the local newspapers, on VendorPanel and on the Alpine Shire Council website. Three conforming submissions were received.

EVALUATION

The evaluation panel consisted of the Director Assets, Manager Asset Maintenance and the Depot Operations Officer.

The quotes were evaluated according to the following key selection criteria:

- Cost
- Suitability and previous performance
- Capacity to deliver
- Environmental sustainability
- Social

Through this evaluation process it was determined that the quote received from William Adams best met the selection criteria.

ISSUES

The existing Myrtleford Transfer Station loader suffered a significant breakdown in March 2021. The machine remains unserviceable, and due to the nature of the breakdown it has been established that it would not be cost effective to repair the machine.

An alternative loader is on hire in order to maintain service provision at the Myrtleford Transfer Station. The hire cost to date is \$7,830; and the estimated future hire cost

through to the delivery of a replacement machine has been a consideration in the evaluation of the Tenders.

POLICY IMPLICATIONS

Quotes were sought and evaluated in accordance with Council's Procurement Policy. The recommendation is in accordance with the following Strategic Objective of the Council Plan 2017-2021:

- Incredible places for our community and visitors

FINANCIAL AND RESOURCE IMPLICATIONS

There is sufficient allocation for the purchase of the articulated wheel loader within the 2020/21 Annual Budget.

CONSULTATION

Input into the decision-making process has been sought from several different councils and civil contractors, including following up on supplier referees and undertaking a demonstration of suitable models.

CONCLUSION

Following a comprehensive assessment process, the tender from William Adams for the supply of a Caterpillar 914K Compact Wheel Loader is deemed to present the best value for Council.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Asset Maintenance
- Depot Operations Officer
- Sustainability Coordinator

ATTACHMENT(S)

Nil

8.1.2 Economic Development Strategy

INTRODUCTION

This report relates to the adoption of the Alpine Shire Economic Development Strategy, and the actions which follow.

RECOMMENDATIONS

That Council:

- 1. Adopts the Alpine Shire Economic Development Strategy;*
- 2. Develops an Action Plan addressing the key themes, strategies and opportunities identified in the strategy; and*
- 3. Prioritises the projects and programs listed in the Action Plan, identifying resources and budget required to deliver each action.*

BACKGROUND

The Economic Development Strategy (Strategy) has been prepared in consultation with communities across the Alpine Shire. The Strategy identifies key themes, opportunities and projects that will contribute to the economic prosperity and sustainability of communities in the Alpine Shire.

The draft Economic Development Strategy was endorsed at the April 2021 Ordinary Council Meeting to be placed on public exhibition. The draft strategy was placed on public exhibition for a period of 28 days and submissions to the strategy invited from the community.

Subject to adoption of the Alpine Shire Economic Development Strategy by Council, the draft Action Plan addressing key themes, strategies and opportunities will be finalised, and the actions prioritised for delivery. Finalisation of the Action Plan is scheduled to be completed before end July.

SUBMISSIONS

Five submissions were received during the public exhibition period, with each of these submissions containing multiple comments on the draft document. Each comment has been considered, and amendments made to the strategy as deemed appropriate. Stakeholders that made a submission have been provided with feedback on how their submission has been considered and influenced the final strategy.

There were no submissions received which recommended changes to the five key themes of the strategy:

- A sustainable visitor economy
- Growing and diversifying agriculture
- Enhanced liveability and resident attraction
- Attracting new industry and investment
- Supporting business

POLICY IMPLICATIONS

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

- A thriving and connected community

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

- Socially connected and supported communities

FINANCIAL AND RESOURCE IMPLICATIONS

The financial and resourcing implications that will result from the adoption of the Economic Development Strategy will be driven by the agreed actions that arise from the strategy and are captured in the Action Plan.

Actions arising from the Economic Development Strategy will be prioritised. The draft 2021/22 Annual Budget includes a provision of \$20,000 for addressing the highest priority actions. In the event that high priority actions are identified for delivery in 2021/22 which exceed the allocated budget, these will be presented to Council for consideration as unbudgeted items. Actions to be delivered from 2022/23 financial year onwards will be funded through the normal Council budgeting processes.

CONSULTATION

Extensive community engagement has been carried out through three stages of the engagement plan over a 12 month period in order to deliver the Economic Development Strategy.

Stage One – Scoping and gathering background data

Engagement commenced in May 2020 when details of the project were shared via articles in the local newspapers, Council's Tourism and Economic Development Newsletter, social media sites and website page, and the community was encouraged to get involved and help to frame the project. The Social Pinpoint website was used to collection information, and 717 site visits were recorded, with 161 unique users registered on the site and 32 questionnaire responses provided.

A total of 33 targeted phone interviews were undertaken with key members of the community and business operators. Small group discussions were convened, to which key stakeholders were invited from different geographical locations across the Shire and representing different areas of interest. A total of 26 people attended these sessions.

Stage Two - Discussion Paper and preparation of the Draft Strategy

The output of stage 1 engagement was used to develop a Discussion Paper, capturing the key themes and opportunities identified through the feedback that was received. Three workshops were then convened across which 25 key business and community stakeholders were in attendance, and during which the content of the Discussion Paper was critically analysed. The output from these workshops was used, together with the

data gathered in the stage one engagement, to prepare the first draft of the Economic Development Strategy.

Stage Three – Economic Development Strategy review

The Draft Economic Development Strategy was endorsed for public submission at the April Ordinary Council Meeting. Public submissions were invited for a 28 day period. The public exhibition process was advertised through the local newspapers, Council's social media site and websites, and Council's Tourism and Economic Development Newsletter. The draft document was also shared with 181 individuals who had previously been engaged through the process, and they were invited to provide comment.

Six formal submissions were received, and the feedback provided through these submissions was used to shape the final strategy document.

CONCLUSION

The Economic Development Strategy identifies key themes, opportunities and projects that will contribute to the economic prosperity and sustainability of communities in the Alpine Shire. The Strategy will inform the Action Plan which will guide Council in its approach to economic development in the future years. The Action Plan will be finalised before end July 2021. It is recommended that Council adopts the Alpine Shire Economic Development Strategy.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Economic and Community Development

ATTACHMENT(S)

8.1.2 Economic Development Strategy

8.1.3 Road Management Plan 2021 (version 5)

File Number: Policy Register

INTRODUCTION

The purpose of this report is to present the Road Management Plan 2021 for adoption by Council.

RECOMMENDATION

That following a review of the Road Management Plan in accordance with the Road Management Act 2004, and the Road Management (General) Regulations 2016, Council adopts the Road Management Plan 2021 (version 5), noting that:

- a. There have been no changes that require a public submission process under the Road Management (General) Regulations 2016; and*
- b. A further review of Council's Register of Public Roads is underway, and where there are changes that trigger a further review of the Road Management Plan (RMP), the RMP will be brought back to Council at a later date.*

BACKGROUND

Requirement to review

The Victorian Government introduced the Road Management Act in 2004. This Act provides the legislative framework for road management plans including the purpose, the contents and the review requirements.

In December 2004, Council adopted its first road management plan which was subsequently reviewed in 2009, 2013 and 2017.

In accordance with the *Road Management (General) Regulations 2016* (Regulation 8), "A municipal council must conduct and complete a review of its road management plan within the period referred to in section 125(1) of the *Local Government Act 1989*" - noting that this must be by 30 June in the year following a general election. Hence, this review is required to be completed by 30 June 2021. It should be noted that the Council Plan is now governed by the *Local Government Act 2020*, where the Council Plan is due by 31 October 2021. However, the link in the Road Management Act still refers to the older timeframe in the 1989 Act.

Content of a Road Management Plan

A Road Management Plan (RMP) sets out the broad management system and standards for the inspection, maintenance and repair of public roads. It is an important document to provide road authorities with a statutory defence against litigation provided they can demonstrate compliance with their adopted Plan.

The purpose of Council's RMP is to:

- Document a management system for the maintenance of roads and road-related infrastructure consistent with the requirements of the *Road Management Act 2004*, while recognising resource limitations; and
- Set relevant standards in relation to the discharge of duties in the performance of those road management functions.

Council's RMP applies a classification-based system in its inspection and maintenance standards to correlate with its hierarchy of roads and pathways. Contents include:

- Roles and responsibilities
- A description of road assets, including roads, footpaths and vehicle crossovers
- Classifications for roads, bridges and pathways
- Inspection and maintenance considerations, intervention levels and response times
- Council's Register of Public Roads.

ISSUES

Road Management Plan review

Council officers have reviewed the Road Management Plan to ensure that the standards in relation to, and the priorities to be given to, the inspection, maintenance and repair of the roads and classes of road to which the plan applies are appropriate. The findings and conclusions of this review are summarised in attachment 2 to this report. Through this review, it has been established that no changes are required to the plan.

Under the *Road Management (General) Regulations 2016 (RM Regulations)*, Council must give public notice in the Victorian Government Gazette (Gazette) and a locally circulating newspaper. Following this Council meeting, the written report will be made available on Council's website www.alpineshire.vic.gov.au, and advertised in the Gazette and Myrtleford Times / Alpine Observer.

Register of Public Roads review

Council's Register of Public Roads is scheduled to be reviewed during the 2021/22 financial year. This review will provide an updated list of roads recommending any shift within the road hierarchy identifying material, financial or resource implications to Council. Where any proposed updates to the Register of Public Roads triggers an update to the Road Management Plan that impact on the determination of a standard of construction, inspection, maintenance or repair, Council will follow the requirements in regulation 10 and 11 of the RM Regulations, and if required, bring an amended RMP back to Council for public consideration.

POLICY IMPLICATIONS

The Road Management Plan 2021 has been reviewed in accordance with section 54 of the *Road Management Act 2004*, and regulations 8-11 of the *Road Management (General) Regulations 2016*.

In accordance with Regulation 8 of the *Road Management (General) Regulations 2016*, Council is required to review its Road Management Plan by 30 June 2021.

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

- Infrastructure and open space that our community is proud of

FINANCIAL AND RESOURCE IMPLICATIONS

Adoption of the Road Management Plan 2021 has no material, financial or resource implications.

CONSULTATION

Review of the Road Management Plan 2021 has been carried out in consultation with the relevant Council Officers, with no amendments recommended. Gazettal will be undertaken prior to 30 June 2021 in the Victorian Government Gazette.

As there have been no proposed amendments to the Road Management Plan 2021 that relate to the determination of a standard of construction, inspection, maintenance or repair, there has been no requirement to release the document for public submissions. Where a future review of the Register of Public Roads triggers a review of the RMP, Council will consult with the public in accordance with the requirements in the RM Regulations.

CONCLUSION

It is proposed that the Alpine Shire Council Road Management Plan 2021 (version 5) be adopted as a conclusion to the review process required by the *Road Management (General) Regulations 2016*.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Asset Maintenance
- Engineering Coordinator
- Assets Coordinator

ATTACHMENT(S)

- 8.1.3.a. Alpine Shire Council Road Management Plan 2021 (version 5)
- 8.1.3.b. Written report - Review of the Road Management Plan

8.1.4 Great Valley Trail Alignment

INTRODUCTION

This report relates to the alignment of the Great Valley Trail between Germantown and Stony Creek (Harrietville Trout Farm).

RECOMMENDATION

That:

1. *Council adopts the proposed alignment of the Great Valley Trail as shown in the attachments to this report; and*
2. *The proponents of an alternative alignment for a section of the trail in Smoko are advised of the decision.*

BACKGROUND

Construction of a shared trail from Bright to Harrietville has been a long-term community aspiration. In response to the January 2013 Harrietville bushfires, the Victorian Government provided \$1.0m of grant funding which enabled the following two sections of the shared trail to be completed:

- Pioneer Park, Harrietville to Stony Creek (Harrietville Trout Farm) - 5km.
- Centenary Park, Bright to Germantown - 5.5km.

Since their completion in 2014, the local communities have been campaigning for the remaining section of shared trail to be delivered, linking Bright to Harrietville through Smoko and Freeburgh along a combined trail length of approximately 26km. A petition received by Council in February 2016 listed 468 signatures and requested completion of the next planned section of trail from Germantown to Freeburgh.

In March 2018, Council secured a commitment of \$1.3m from the Australian Government to enable the remaining section of shared trail to be constructed between Germantown and Stony Creek, which will complete the trail connection from Bright to Harrietville. Council has subsequently secured additional commitments from the Victorian Government's Local Sports Infrastructure Fund (\$800,000), Sustainable Infrastructure Fund (\$300,000), and from Regional Roads Victoria (\$250,000).

In the 6 April 2021 Council Meeting, Council resolved, subject to the consent of the Taungurung Land and Waters Council (TLaWC), to award a Contract for the civil construction component of the trail.

ISSUES

On 12 April 2021, Council received written notification of an objection to the proposed alignment of the Great Valley Trail from landowners in Smoko whose freehold land is located adjacent to the proposed trail alignment. The objectors have proposed an alternative alignment for consideration by Council. Council officers have completed an assessment of the proposed alternative alignment, including two site visits to inspect

both the proposed and alternative alignments. The key points of difference between the two alignments are summarised below.

Adjacent landowner support

The two co-owners of titles CA69 and CA71 Parish of Freeburgh have submitted a written objection to the proposed alignment of the trail. The freehold land in question is jointly owned, zoned 'Farming' and undeveloped. The proposed alignment of the trail passes through Crown Land running between the freehold land and the Ovens River. The Crown Land is zoned 'Public Conservation and Resource Zone' (PRCZ).

The basis for the objection is their assessment that the shared trail development in the proposed alignment will irrevocably impact their future plans to develop a tourism venture on their property, through 'loss of privacy, peace, tranquillity' and in doing so 'jeopardising their financial future'.

Council officers have been engaging in good faith with one of the landowners since September 2020, believing them to be accepting of the current alignment. At no time during this engagement did the owner highlight the existence of a co-owner of the land. Council officers became aware of other owner of the land (co-owner) on 8 April 2021.

The alternative alignment is also located within Crown Land zoned PCRZ, running away from the current course of the river and through both native vegetation and cleared land. The alternative alignment would bring the trail onto land which is located immediately adjacent to two dwellings. The owner of one of these dwellings is supportive of the trail in either of the proposed or alternative alignment, and keen to see the trail construction completed without delay. The owner of the second dwelling will strongly object if the trail is moved into the alternative alignment, due to the resulting impact on their amenity as a result of the trail passing within close proximity and being visible from their dwelling.

Cultural Heritage and Traditional Owner engagement

A Cultural Heritage Management Plan (CHMP) has been completed for the proposed trail alignment. The alignment has been inspected by Taungurung Elders and Taungurung Clans Aboriginal Corporation is supportive of the alignment.

A cultural heritage investigation and amendment of the overall CHMP would be required for the alternative trail alignment. The cost of the cultural heritage assessment and amendment of the CHMP is estimated to be \$7,000.

Taungurung Elders would need to be invited to inspect the alternative alignment, and Taungurung support for this alignment negotiated. The estimated cost for this inspection and subsequent negotiations is \$10,000.

Impact on native vegetation

Native vegetation assessment has been carried out on the proposed trail alignment, and this alignment has been established to have very low impact on native vegetation as it utilises predominantly existing tracks and areas of cleared vegetation. No loss of large

native trees will occur. Vegetation offsets have been determined based on the native vegetation assessment report.

Native vegetation assessment would be required on the alternative alignment, and the cost of this work is estimated to be \$5,000. It is anticipated that an alignment could be identified where the trail weaves between existing trees and does not require the physical removal of any large native trees during construction. However, for the purposes of calculating the necessary vegetation offset payments, the Department of Environment, Land, Water and Planning (DELWP) will consider trees to be lost where the trail passes on undisturbed land across the root zone of the tree. As a result, it is likely that vegetation offset payments for loss of native trees will be necessary, even though physical loss will not occur during construction. The cost of these vegetation offsets would be established through the completion of a native vegetation assessment.

Construction Costs

The civil works construction contract which has been awarded by Council, subject to the consent of the TLaWC, is based on the proposed trail alignment. In the event that the trail alignment is changed, it will be necessary to negotiate a variation to the scope of the contract, taking into consideration any difference in the total length of trail to be constructed, and the type of terrain that the trail will cross. It is anticipated that changing to the alternative alignment will likely result in a reduction in construction cost, estimated to \$10,000 - \$15,000.

Flood risk

The Ovens Valley is subject to flooding, and a proposed flood overlay exists which extends either side of the Ovens River to varying degrees for the entire length of the trail from Germantown through to Stony Creek, including the section of trail subject to the objection. The proposed trail alignment passes through areas impacted by the proposed flood overlay at various points. The trail will be closed when there is a likelihood of flooding, and the trail will be designed and constructed to minimise the impact of flooding on the trail.

The alternative alignment runs along a previous course of the Ovens River. It is not subject to a proposed flood overlay, and whilst historic flood data is not available to the team, the flood risk along this alignment is considered likely to be lower than that along the proposed alignment.

State Government Agency support and impact on streamside management

The proposed trail alignment is located on Crown Land adjacent to the Ovens River. DELWP is currently the land manager, and the North East Catchment Management Authority (NECMA) is involved as the floodplain manager. Both DELWP and NECMA are supportive of the proposed trail alignment because of the opportunity that it presents to connect members of the public with this stretch of the Ovens River.

Council officers expect DELWP to be supportive of the alternative alignment, and NECMA will not be a key stakeholder in the alternative alignment.

Amenity considerations

The proposed trail alignment runs alongside the Ovens River. NECMA has recently completed works to remove blackberry infestation and willows from the banks of the river, and revegetation works are planned. Native revegetation is expected to improve the amenity of this proposed section of the Great Valley Trail.

The alternative trail alignment passes through native vegetation along approximately 50% of the length, and then into a largely clear grassed area for the remainder. The native vegetation is attractive, and this section of the trail offers glimpses through the trees up to Mount Feathertop. Once clear of the trees, the remainder of this section of the trail offers good views of Mount Feathertop, which is consistent with other sections of the current trail alignment where it deviates away from the river.

POLICY IMPLICATIONS

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

- Incredible places for our community and visitors

FINANCIAL AND RESOURCE IMPLICATIONS

The financial implications to the project of a change from the proposed to the alternative trail alignment are anticipated to be minor, with the cost of further investigations and approvals for the alternative alignment expected to be largely offset by a reduction in the construction costs.

A change to the alternative alignment will impact on the schedule for the delivery of the works, as a result of delays whilst cultural heritage and native vegetation assessments are completed, and revised approvals sought. Whilst the delays will likely result in interim project funding milestones being missed, it is anticipated that through changing the civil works construction program it will remain possible to meet the final milestone date for completion of the project in June 2022.

CONSULTATION

Extensive public engagement has been carried at in order to establish a proposed trail alignment which best meets the competing needs and aspirations of different stakeholder groups and individuals.

Prior to the commencement of the formal public consultation period, the following activities were progressed:

- Engagement with all relevant land managers (Parks Victoria, DELWP, NECMA, TLaWC, HVP and VicRoads)
- Engagement with four landowners where existing Crown Licences were considered likely to be impacted by the delivery of the project based on the preliminary trail alignment.

- The preliminary alignment of the trail was shared with the Harrietville Community Forum, which indicated support for the alignment.
- The preliminary trail alignment was shared with members of the Freeburgh community, and particularly the residents of Dibbin Lane. Adjustments were made to the preliminary alignment to accommodate community feedback, following which the community feedback was positive.
- The preliminary alignment was shared with members of the Germantown Streamside Reserve Committee of Management, which indicated support for the alignment.
- The Freeburgh horse riding community was engaged and indicated their support to the preliminary alignment.
- The key proponent of a 2016 petition to Council in relation to the trail extension to Freeburgh was engaged and indicated support for the preliminary alignment. The preliminary alignment was then shared more broadly across the Freeburgh community by this community member.

On the basis of the key stakeholder support for the preliminary trail alignment, a formal public engagement process was instigated to establish the degree of support for the alignment across the broader community.

The public consultation period commenced on the 27 August 2020. It included a Facebook post, which received 93 comments, as well as maps and information on the Major Projects tab on the Alpine Shire Council website. On 2 September 2020 an article was published in the Alpine Observer calling for public comment. A Variable Message Sign (VMS) board with the message "Great Valley Trail route" "Have your say" "www.alpineshire.vic.gov.au" was maintained alongside the Great Alpine Road in Harrietville where it was readily visible to passing traffic. The VMS board was maintained in this location for a period of three weeks. Large temporary project information signs were also placed in the front windows of Cyclepath and All Terrain Cycles in Bright CBD. Both bicycle shops were given details of the preliminary route and a full set of maps and had them available for customers that wanted to discuss the preliminary route.

One week into the formal consultation period, on 3 September 2020, a public Zoom Webinar was held, where 19 attendees participated in discussions and had the opportunity to receive responses to their queries and suggestions. The Webinar was recorded and subsequently made available on Council's website.

A separate video with information about the trail was also recorded and posted to Council's website on 10 September 2020. The webinar and the video detailed the ways in which members of the community could share feedback within the constraints of the existing COVID-19 restrictions.

All the identified stakeholder groups were engaged, encouraged to provide feedback and to advise other members of the community about the opportunity for comment on the preliminary trail alignment. All landowners were contacted directly where adjustments to existing grazing licences or boundary fence lines would be necessary as a result of the preliminary trail alignment.

Feedback was received throughout the period of engagement and until 23 September. All of these comments were documented and have been taken into consideration in establishing the proposed trail alignment.

Following the completion of the formal public engagement processes and in order to facilitate the completion of consultant investigations and formal notification to referral authorities and the TLaWC, Council's Director Assets endorsed the proposed trail alignment as the basis for progressing further work, including the negotiation of the civil construction contract.

The following key engagement activities have subsequently been progressed:

- DELWP has provided their in-principle agreement to Council being appointed Committee of Management over the proposed trail alignment where it passes through Crown Land managed by DELWP. Negotiations with Parks Victoria are ongoing to finalise their approvals.
- Detailed on-ground assessment has been completed with all land managers (Parks Victoria, DELWP, NECMA, HVP). All are supportive of the proposed alignment
- Flora and Fauna assessment of entire corridor has been completed, including the preparation of an Arborist report covering all significant trees in the proposed trail corridor.
- Cultural Heritage Management Plans have been progressed, with one plan approved, and one pending approval.
- Survey of the relevant property boundaries has been completed.

CONCLUSION

The proposed alignment of the Great Valley Trail between Germantown and Stony Creek is located on Crown Land either under management by DELWP or Parks Victoria, under licence to HVP, or within road reserve. It does not encroach on any freehold land.

Based on consistent feedback received during community engagement and with the aim of delivering the best user experience, the approach taken in establishing the proposed trail alignment has been to use public land alongside the Ovens River wherever it is possible and practicable to do so, and to minimise the length of trail which runs alongside or in close proximity to the Great Alpine Road.

Landowners impacted by the proposed trail alignment have been engaged in order to establish their support and to identify any constraints or conditions associated with this support. Where it is possible and remains within the interests of the community to do so, Council has committed to work within these constraints and to fulfil these conditions.

The proposed alignment is considered to deliver the best outcome from the project for both residents and visitors to the Shire.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Asset Development

ATTACHMENT(S)

8.1.4a. Overview of Great Valley Trail proposed alignment, including elevations.

8.1.4b. Map of Great Valley Trail proposed alignment

8.2 DIRECTOR COMMERCIAL – RUTH KNEEBONE

8.2.1 Procurement Policy

File Number: Policy File

INTRODUCTION

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

Under Section 186A of the Local Government Act 1989 it must be reviewed at least once in each financial year.

The purpose of this report is to propose amendments to the Procurement Policy and seek Council's adoption of the revised Policy.

RECOMMENDATION

That Council:

- 1. notes that the 2021 review of the Procurement Policy No. 089 has been completed*
- 2. revokes Alpine Shire Council Procurement Policy No. 089, Version 7*
- 3. adopts Alpine Shire Council Procurement Policy No. 089, Version 8*
- 4. signs and seals Alpine Shire Council Procurement Policy No. 089, Version 8 at the appropriate time of the meeting.*

BACKGROUND

There is currently transition occurring between the *Local Government Act 1989* ("LGA 1989") and the *Local Government Act 2020* ("LGA 2020"), some provisions within LGA 1989 are still in effect and are yet to be repealed and replaced by LGA 2020; and some provisions within LGA 2020 have yet to come into effect and the corresponding provisions in LGA 1989 repealed. For the remainder of the paper reference is made to the Act which is in effect as relevant to the given provision.

The Procurement Policy ("the Policy") is a key instrument in supporting Council to achieve best value outcomes. Each year the Policy is reviewed to ensure that it best supports Council's purchasing objectives, that it is clear and easy to understand, and that it is fit-for-purpose given the obligations it sets out for people undertaking procurement on behalf of Council.

ISSUES

The Policy has been reviewed in conjunction with Council's senior management as well as Council's Audit Committee. Officers assessed the impacts of lifting the thresholds to balance efficiency with internal control. This involved examining the number of suppliers in each threshold category, assessing the cost/benefit of various procurement scenarios and determining the appropriate bracket for each layer of increased procurement

control. The revision recommends that Council retain its current approach to procurement and amend three of the thresholds to improve efficiencies.

| Current Threshold | Proposed Threshold | Conditions |
|--------------------------|---------------------------|--|
| Up to \$1K | Up to \$1K | Seek and receive at least one quote No purchase order required |
| >\$1K-\$2.5K | >\$1K-\$10K | Seek and receive at least one quote Purchase order required |
| >\$2.5K- \$10K | >\$10K- \$30K | Seek and receive at least two quotes Purchase order required |
| >10K - \$75K | >30K - \$75K | RFQ published on Council's tender website RFQ open to response from any supplier Purchase order required |
| >\$75K - \$150K | >\$75K - \$150K | RFQ published on Council's tender website RFQ open to response from any supplier Written contract required |
| >\$150K | >\$150K | ITT published in newspaper ITT published on Council's tender website ITT open to response from any supplier ITT open to response from any supplier Written contract required |

Figure 1: Spend Threshold Table

POLICY IMPLICATIONS

The Policy has been reviewed in accordance with Sections 186 and Section 186A of the *Local Government Act 1989*. It is noted that a review must also be completed between 1 July and 31 December 2021 to reflect amended provisions under the Local Government Act 2020 which becomes effective on 1 July 2021.

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

- A responsible and sustainable organisation

FINANCIAL AND RESOURCE IMPLICATIONS

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

It is noted that the proposed amendments will redirect workload for Council officers from lower threshold transactions to more complex or higher valued transactions.

CONSULTATION

The proposed Policy amendments have been based on consultation with senior Council officers.

CONCLUSION

Changes are proposed to the Procurement Policy, primarily to strengthen Council's purchasing practises and to ensure that best value is obtained for ratepayers. The amended Procurement Policy is presented for Council's consideration and adoption.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Commercial
- Manager Corporate
- Commercial Officer

ATTACHMENT(S)

8.2.1 Alpine Shire Council Procurement Policy No.089 version 8

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

File Number: Delegations register

INTRODUCTION

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

RECOMMENDATION

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

1. *the member of Council staff referred to in attachments 8.2.2 "S11A – Instrument of Appointment and Authorisation – Planning & Environment Act 1987" (the instruments) be appointed and authorised as set out in the instruments*
 - a. *Manager Planning and Amenity*
 - b. *Director Commercial.*
2. *the instruments come into force immediately the common seal of Council is affixed to the instrument and remains in force until Council determines to vary or revoke it.*
3. *on the coming into force of the instrument, the previous "S11A – Instrument of Appointment and Authorisation – Planning and Environment Act 1987" for the following members of Council staff, as dated, be revoked;*
 - a. *Director Corporate dated 1 September 2020*
 - b. *Planning Officer (AD), dated 2 July 2019.*
4. *The instrument be signed and sealed at the appropriate stage of this meeting.*

BACKGROUND

Council staff involved in planning roles require current and accurate authorisations to fulfil their duties. Council has engaged a new Manager Planning and Amenity, and the Director Commercial has taken over interim responsibility from the Director Corporate following her resignation. Once a new Director Corporate Performance is appointed, they will resume oversight of the planning department, and a new authorisation will be presented to Council. One of Council's Planning Officers has also resigned so their authorisation needs to be revoked.

ISSUES

Authorised Officers

Section 224(1) of the *Local Government Act 1989* (LGA 1989) provides that "a Council may, appoint any person other than a Councillor to be an authorised officer for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of Council". Legislation other than the LGA 1989 also empowers a Council to delegate certain powers, duties or functions, and appoint authorised officers.

It should be noted that the power to appoint authorised officers remains in the LGA 1989 and is not transitioning to the *Local Government Act 2020* (LGA 2020). However, the power to institute proceedings has been transitioned to the LGA 2020, meaning that staff who are likely to institute proceedings on behalf of Council require an updated authorisation. Council must utilise s224 of the LGA 1989 to appoint officers under various legislation, including the ability to institute proceedings under s313 of the LGA 2020.

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

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

Planning and Environment Act 1987

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

Maddocks Delegations and Authorisations Service

Council utilises the delegations and authorisations service provided by law firm Maddocks. This is a template system used by many councils and provides a detailed way of ensuring that appropriate delegations and authorisations are given to Council staff.

POLICY IMPLICATIONS

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

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

- A well planned and safe community

FINANCIAL AND RESOURCE IMPLICATIONS

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

CONSULTATION

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

CONCLUSION

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

DECLARATION OF CONFLICT OF INTEREST

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

- Director Commercial
- Manager Corporate
- Governance Officer

ATTACHMENT(S)

8.2.2.a S11A – Instrument of Appointment and Authorisation – *Planning & Environment Act 1987* - Manager Planning and Amenity

8.2.2.b S11A - Instrument of Appointment and Authorisation - *Planning & Environment Act 1987* - Director Commercial

8.2.3 Quarterly Performance Report – Council Plan

File Number: SU600.03

INTRODUCTION

This report provides the third quarterly report for 2020/21 against the Alpine Shire Council Plan 2017-2021 (review 2020).

RECOMMENDATION

That Council receives and notes the Alpine Shire Council Plan Quarterly Performance Report ending 31 March 2021.

BACKGROUND

The Alpine Shire Council Plan 2017-2021 outlines the strategic objectives, strategies and indicators determining Council's direction for the four-year term of the Plan. The document is reviewed by Council annual and will remain in place until 30 June 2021.

A new Council Plan Council Plan must be adopted by 31 October 2020 and will be effective from 1 July 2021.

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

By reporting quarterly, Council ensures that progress against the Council Plan is on schedule, and that actions and indicators are maintained as priorities throughout the year.

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

HIGHLIGHTS

A high performing organisation

Council welcomed a \$4.6 million boost for two key local projects during February, as part of a funding program aimed at stimulating growth and building economic resilience in bushfire affected regions. The Great Alpine High-Country Connectivity: Dargo High Plains Road Upgrade project will receive \$2.6 million, while the Gateway to Alpine Adventure: Dinner Plain Activation project will receive \$2 million.

Council commenced community consultation that will contribute to development of the Community Vision and Council Plan. A community panel is being established to undertake deliberative engagement in Q4.

The Victorian Parliament announced that a regional sitting of the Legislative Council would take place in Bright during April.

A responsible and sustainable organisation

Council continued the rollout of a new health and safety management system, and a new customer request management system.

Libraries recommenced key services such as hosting community group meetings, story and rhyme time for children and hosted visiting authors. These had been on hold during COVID-19 restrictions.

Incredible places for our community and visitors

Council continues to deliver key capital projects. The completion of the Buckland Bridge was a highlight for Q3, the upgraded bridge will provide access for critical firefighting and emergency response vehicles. Many other projects received additional scoping and are due for completion during Q4.

Infrastructure and open space that our community is proud of

Council continued to maintain the open spaces across the Shire to a high standard. Maintenance programs for civil infrastructure and road maintenance continue to be delivered.

Highly utilised and well managed community facilities

A successful summer swimming season was supported by Council at both its outdoor pools in Myrtleford and Mt Beauty.

Council commenced preparation for the development of a Climate Action Plan, with the aim of Council reducing its greenhouse emissions and carbon footprint. This will encompass areas such as energy use, fleet, renewable energy infrastructure/systems, procurement, and the circular economy. A draft is due at the end of Q4.

A well planned and safe community

Council completed the first stage of consultation on the Land Development Strategy in conjunction with the Community Vision/Council Plan engagement sessions.

Part 1 of Planning Amendment C60 was sent to the Minister for approval, with the balance referred to an Independent Planning Panel for review. A hearing is scheduled during Q4.

A thriving and connected community

Bushfire Recovery support continued during Q3, with the hosting of Community Agency Response breakfasts in Myrtleford and Porepunkah.

Bushfire Recovery Events were held across Bright, Myrtleford, Mount Beauty and Harrietville. Each of the session attracted 200-300 people.

Day trip and overnight visitation to the Alpine Shire during January was at a level commensurate with pre-bushfires and pre-COVID.

POLICY IMPLICATIONS

The current Council Plan is a specific requirement of the *Local Government Act 1989* and is a guiding document for Council until 30 June 2021. The Council Plan and Budget identify and commit Council to the completion of specific initiatives each year.

A new Council Plan will be developed in accordance with the *Local Government Act 2020*, which will be effective from 1 July 2021.

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

- A high performing organisation

FINANCIAL AND RESOURCE IMPLICATIONS

The Council Plan is a key document informing the financial and human resources required to achieve Council's objectives.

CONSULTATION

The Council Plan is subject to public exhibition prior to being adopted by Council.

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

CONCLUSION

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

DECLARATION OF CONFLICT OF INTEREST

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

- Directors
- Managers
- Governance Officer

ATTACHMENT(S)

8.2.3 Alpine Shire Council Quarterly Performance Report – ending 31 March 2021

8.2.4 Finance Report - Quarterly Review

INTRODUCTION

The purpose of this report is to note the Finance Report - Quarterly Review for the period ending 31 March 2021.

RECOMMENDATION

That Council receives and notes the Finance Report - Quarterly Review for the period ending 31 March 2021.

BACKGROUND

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

ISSUES

Quarter Three Report Highlights

Council is forecasting a full year surplus of \$5.1m, which is \$2.8m higher than the budgeted surplus of \$2.3m.

The major driver of the forecasted increase in the surplus is additional grant income received of \$4.2m. The most significant items are for:

- Working for Victoria \$1.3m.
- 2019/20 Bushfire Recovery \$0.7m.
- Great Valley Trail \$0.5m.
- Various other infrastructure projects \$1.0m.

This increased income is partially offset by a forecast increase in employee costs and materials and services totalling \$1.7m, predominately as a result of additional expenditure related to the Working for Victoria grant of \$1.3m.

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

- Buckland Bridge income - changes in accounting standards has increased the income recognised by \$115k.
- Buckland Bridge expenditure – additional expenditure has been carried over from 2019/20.
- Bay Creek Bridge - \$95k additional project partially funded from Bridges Renewal Program.
- Tawonga Caravan Park Upgrade - \$150k additional grant funding and expenditure for this project as the grant funding agreement was finalised after the budget for 2020/21 was completed.

- Great Valley Trail income - \$460k higher than budgeted income as additional funding is forecast from the Local Roads and Community Infrastructure Program.
- Alpine View Children's Centre Expansion Project- \$350k additional project partially funded from the Department of Education.
- Mount Beauty Airport Upgrade- \$244k unbudgeted project which includes cost for design, flood modelling and government road purchase.
- Dinner Plain Activation – the forecast has been reduced as a result of project delays due to additional community engagement to clarify scope, and subsequent delay in planning approvals and native vegetation offset by DELWP.
- Gavan Street Pedestrian Crossings - \$226k of unbudgeted expenditure as additional expenditure has been carried over from 2019/20.
- Porepunkah Landfill Rehabilitation - Design ongoing with construction tender pending and works will be contracted in the 21/22 FY.

POLICY IMPLICATIONS

The Report has been prepared in line with the requirements of the *Local Government Act 1989* (LGA 1989) and *Local Government Act 2020* (LGA 2020), as both Acts are relevant for the reporting period.

Section 138(1) of the LGA 1989 (Quarterly statements) was repealed on 24 October 2020 but is relevant for the Q1 report– "At least every 3 months, the Chief Executive Officer must ensure that a statement comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date is presented to the Council at a Council meeting which is open to the public".

Section 97(1) of the LGA 2020 (Quarterly budget report) commenced on 24 October 2020 and is relevant for the Council meeting at which the Q1 report is presented - "As soon as practicable after the end of each quarter of the financial year, the CEO must ensure that a quarterly budget report is presented to the Council at a Council meeting which is open to the public".

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

- A responsible and sustainable organisation

FINANCIAL AND RESOURCE IMPLICATIONS

Financial performance to date indicates a full year surplus of \$5.1m, which is \$2.8m higher than the budgeted surplus of \$2.3m.

CONSULTATION

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

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

CONCLUSION

The Finance Report - Quarterly Review for the period ending 31 March 2021 is presented for noting.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Commercial
- Manager Corporate
- Accountant

ATTACHMENT(S)

8.2.4 Finance Report - Quarterly Review for the period ending 31 March 2021.

8.2.5 Information Privacy Policy

File Number: Policy Register

INTRODUCTION

Council is in the process of finalising a holistic review of its policies. This report relates to the review and adoption of the Information Privacy Policy.

RECOMMENDATION

That Council:

- 1. adopts the Information Privacy Policy No. 45, version 3;*
- 2. revokes the Provision of Information and Privacy Policy No. 45, version 2 dated 11 November 2014; and*
- 3. signs and seals the Information Privacy Policy No. 45, version 3, at the appropriate stage of this meeting.*

BACKGROUND

Council must have a privacy policy to provide guidance on the way the organisation collects, holds, uses, and discloses personal and health information of individuals. The policy also outlines how individuals can request access to their information and provides a process for privacy complaints.

The Provision of Information and Privacy Policy was last adopted by Council in November 2014, following the introduction of the *Privacy and Data Protection Act 2014* (PDP Act). The PDP Act sets out 11 Information Privacy Principles (IPPs), which provide the minimum standard for how Victorian public sector organisations must manage personal information. The IPPs are:

1. Collection
2. Use and disclosure
3. Data quality
4. Data security
5. Openness
6. Access and Correction
7. Unique identifiers
8. Anonymity
9. Transborder data flows
10. Sensitive information

The *Health Records Act 2001* has similar Health Privacy Principles (HPPs), with 1-9 being the same as IPPs. HPP 10 and 11 deal with transfer of health information in the event of a health service being discontinued.

ISSUES

Review of existing policy

During 2019, the Office of the Victorian Information Commissioner (OVIC) reviewed privacy policies across the local government sector. Generally, it was recommended that Councils schedule regular reviews of their privacy policies, ensure that there is an explanation of the process for accessing and correcting personal information, and that Councils consider plain English drafting principles. Policies should also ensure that there is a clear explanation and process for making a privacy complaint.

Proposed updates to policy

Council engaged external assistance in reviewing several of its policies during 2020, including the privacy policy. Improvements in terminology have been made throughout, with two key additions, the first being a commitment to providing staff training not only at the induction of new staff, but ongoing as well. The second addresses the OVIC requirement, to outline the process for making a privacy complaint.

The previous policy did not refer to the *Health Records Act 2001* - this has now been linked in the updated policy. The readability and layout of the policy has also been improved.

POLICY IMPLICATIONS

Adoption of a current privacy policy assists Council in meeting the requirements of the *Privacy and Data Protection Act 2014*, and the *Health Records Act 2001*.

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

- A high performing organisation

CONSULTATION

The Director Commercial and Manager Corporate were consulted in the review of these policies. Council also engaged external assistance in providing an initial review of the privacy policy. The assistance was budgeted for in the 2020/21 Budget.

CONCLUSION

The regular review and update of policies is important to ensure that Council is providing adequate and correct guidance for its officers. The Information Privacy Policy has been reviewed to ensure that it meets legislative requirements and presented for adoption.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Commercial
- Manager Corporate
- Governance Officer

ATTACHMENT(S)

8.2.5 Information Privacy Policy, No. 45, version 3.

8.2.6 Revocation and amendment of policies

File Number: Policy Register

INTRODUCTION

Council is in the process of finalising a holistic review of its policies. This report relates to the completed review of the Accounting Policy - Property, Plant and Equipment, and a correction to the number of the Councillor Expenses Policy.

RECOMMENDATION

That Council:

- 1. revokes Accounting Policy - Property, Plant and Equipment Policy No. 58, Version 1, 2 November 2005; and*
- 2. rennumbers Councillor Gift Policy No. 118, Version 1, 6 April 2021, to Policy No. 119.*

BACKGROUND

Over time Council has developed several policies outlining its position in relation to a range of diverse issues. Council is coming to the end of a holistic review of policies that have been in place for many years and are now out of date or have been replaced.

As part of reviewing these policies, officers discovered that the Councillor Gift Policy had been erroneously allocated policy number 118, which is currently the number for the Community Engagement Policy. For the avoidance of doubt, this report recommends renumbering the Councillor Gift Policy to number 119.

ISSUES

Accounting Policy - Property, Plant and Equipment Policy No. 58

This policy was originally adopted in 2005 in response to a requirement in the Australian Accounting Standards (AASB 27). This policy should now be revoked and replaced with policies that reflect the current financial practices required by Council.

Section 102 of the *Local Government Act 2020* (LGA 2020) commences on 1 July 2021 and requires Councils to adopt financial policies that give effect to the Financial Management Principles in the LGA 2020. Council will develop new policies in accordance with the LGA 2020, and the Australian Accounting Standards.

Council must revoke the Accounting Policy - Plant, Property and Equipment No. 58, as it was originally adopted by Council. As any replacement policies will be operational policies, they will be approved by the Chief Executive Officer. Replacement policies include the Assets Held for Sale Policy, Intangible Assets Policy and Investment Policy, which are ready for signature.

Councillor Gift Policy - update of numbering

The Councillor Gift Policy was adopted by Council on 6 April 2021. At the time of adoption, it was assigned as policy number 118. Following the Council meeting, officers discovered that policy number 118 had previously been assigned to the Community Engagement Policy.

While the policy numbering could be updated more simply through administrative processes, the motion adopting the Councillor Gift Policy specifically listed the policy number as follows:

That Council:

- 1. adopt the Councillor Gift Policy (Policy 118, version 1);*
- 2. notes that all references to "elected members" in the Gifts, Benefits and Hospitality Policy (Policy 65) are superseded on the adoption of the Councillor Gift Policy (Policy 118, version 1); and*
- 3. sign and seal the Councillor Gift Policy (Policy 118, version 1) at the appropriate stage of this meeting.*

For the avoidance of doubt, officers are requesting Council to endorse the updated number 119 for the Councillor Gift Policy. There is no change proposed to the content of the policy, and the policy does not need to be re-adopted. The adoption date of 6 April 2021 remains.

POLICY IMPLICATIONS

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

- A high performing organisation

FINANCIAL AND RESOURCE IMPLICATIONS

No financial or resource implications - policy review and development is conducted by officers.

CONSULTATION

The Director Commercial and Manager Corporate were consulted in the review of these policies.

CONCLUSION

The review of policies has established that the Accounting Policy - Property, Plant and Equipment is no longer current and requires revocation by Council, with new policies to be adopted in line with the *Local Government Act 2020*, and Australian Accounting Standards. The updated policy number for the Councillor Gifts Policy removes any confusion over policy numbering. Both the revocation and numbering updates will assist Council in finalising the review of policies.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Commercial
- Manager Corporate
- Governance Officer

ATTACHMENT(S)

Nil

8.2.7 Planning Application P.2020.123 - Group Accommodation, Tawonga Gap Road

| | |
|--|--|
| <i>Application number:</i> | <i>P.2020.123</i> |
| <i>Proposal:</i> | <i>Use and Buildings and Works for Group Accommodation, and Alterations of Access to Road in a Road Zone Category 1</i> |
| <i>Applicant's name:</i> | <i>Mr Nick Vlahandreas (Mountain Planning)</i> |
| <i>Owner's name:</i> | <i>Jennifer Chalwell</i> |
| <i>Address:</i> | <i>101 Tawonga Gap Road, Bright (Crown Allotment 1 Section P Parish of Bright)</i> |
| <i>Land size:</i> | <i>2.866 hectares</i> |
| <i>Current use and development:</i> | <i>Dwelling and associated shedding</i> |
| <i>Site features:</i> | <i>The site is triangular in shape and located at the intersection of the Tawonga Gap Road and Back Germanton Road. The site has an average slope downwards of 6.88% from the northern to southern corner. The site contains some scattered native trees, a centrally sited, single storey dwelling, and associated outbuildings. The dwelling is surrounded by manicured gardens. The remainder of the site is used for the grazing of sheep and alpacas. Vehicle access to the dwelling is via an existing crossover located near the north east corner of the site, off Tawonga Gap Road.</i> |
| <i>Why is a permit required?</i> | <i>Clause 35.07-1 Use (FZ) Clause 35.07-4 Buildings and Works (FZ) Clause 44.06-2 Buildings and Works (BMO) Clause 52.29-2 Alter access to a road in a Road Zone Category 1</i> |
| <i>Zoning:</i> | <i>Farming Zone (FZ)</i> |
| <i>Overlays:</i> | <i>Bushfire Management Overlay (BMO)</i> |
| <i>Restrictive covenants on the title?</i> | <i>None</i> |
| <i>Date received:</i> | <i>24 August 2020</i> |
| <i>Statutory days:</i> | <i>252 days at 17 May 2021</i> |
| <i>Planner:</i> | <i>James Trimble</i> |

RECOMMENDATION

That a Notice of Decision to grant a planning permit be issued for Use and Buildings and Works for Group Accommodation, and Alterations of Access to a Road in a Road Zone Category 1 in accordance with the conditions outlined in Appendix 8.2.7(a) and the following summarised reasons:

- 1. The proposal generally meets the relevant provisions of the:

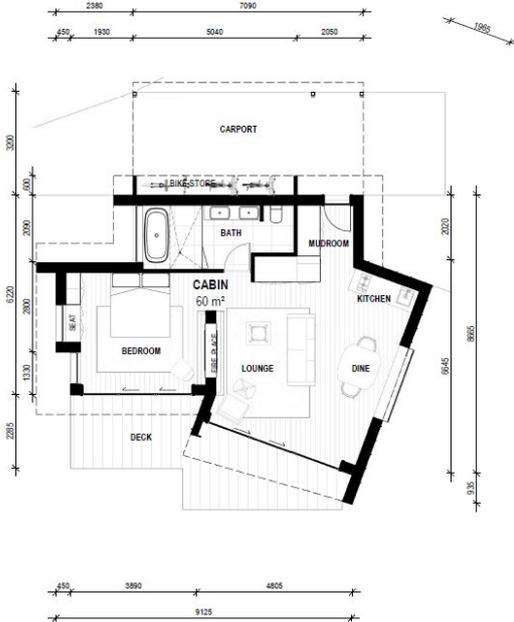
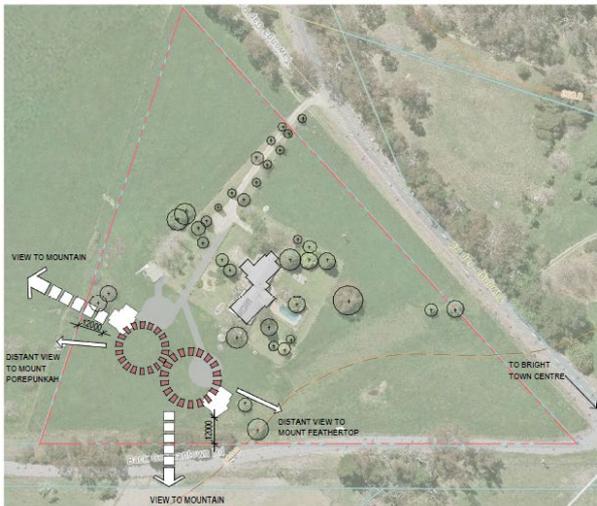
 - a. State and Local Planning Policy Framework*
 - b. Farming Zone*
 - c. Particular provisions including clause 52.06 Car Parking, 52.29 Land Adjacent to a Road in Road Zone - Category 1 and 53.02 Bushfire Planning*
 - d. Decision Guidelines at Clause 65.01.**
- 2. The proposal is compatible with adjoining and nearby land uses and has minimal potential to limit the operation and expansion of adjoining and nearby agricultural uses.*

PROPOSAL

The proposal involves Use and Buildings and Works for Group Accommodation, and Alterations of access to Road in a Road Zone Category 1.

Two (2) cabins of identical design are proposed with each having a single carport, bike store, deck, one (1) bathroom, one (1) bedroom, and an open plan kitchen/dining/lounge room. The cabins are proposed with a minimum setback of 12 metres from the south-western and north-western lot boundaries. Each cabin has an approximate total floor area of 96.48sqm and a maximum height of five (5) metres. The proposed cabins will be used for short term accommodation. Onsite effluent disposal is proposed for each cabin. A 22,250-litre capacity water supply tank is proposed in close proximity of each cabin.

An extension of the existing vehicle access which connects with Tawonga Gap Road is proposed, to provide vehicle access to the carport associated with each cabin.



1 SITE ANALYSIS
FE03 1:1500

2 FLOOR PLAN
FE03 1:100

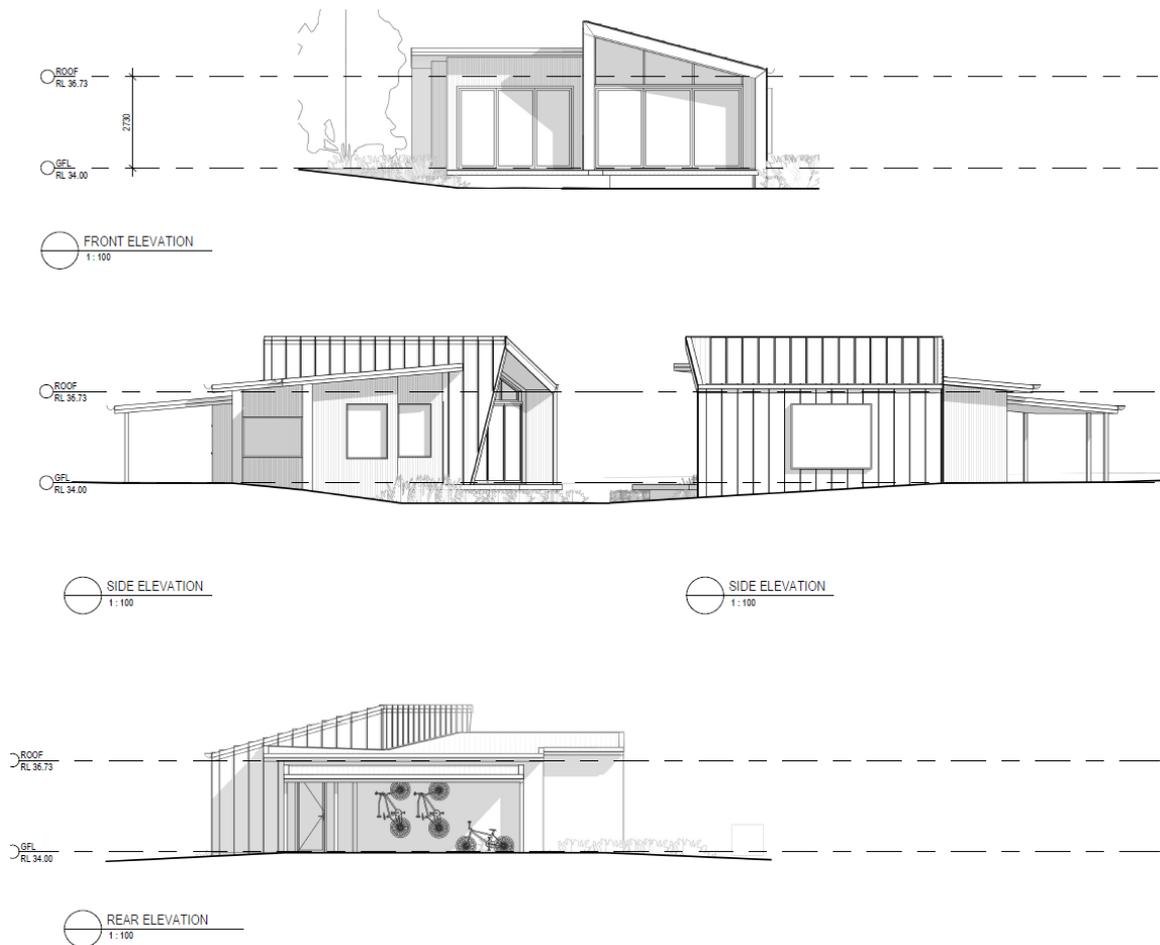


Figure 2: Shows the development layout on site.

SUBJECT LAND AND SURROUNDS

The site has a total area of 2.866 hectares, is triangular and located at the intersection of the Tawonga Gap Road and Back Germanton Road. The site has a slope down of approximately 20 metres from the northern to southern corner, over approximately 290.4 metres, with an average slope of 6.88%. The site contains some scattered native trees, and an existing centrally sited, single storey dwelling, and associated outbuildings. Minor overhead powerlines traverse the site to the east of the dwelling. The dwelling is surrounded by manicured gardens. The remainder of the site is used for the grazing of sheep and alpacas.

Vehicle access to the dwelling is via an existing crossover located near the north east corner of the site, off Tawonga Gap Road, which is zoned Road Zone - Category 1.

Surrounding lot sizes vary from 5965sqm at 36 Tawonga Gap Road to 22.5 hectares at 178 Tawonga Gap Road. Most surrounding sites contain an existing dwelling. The land to the north of the site at 111 Tawonga Gap Road is used for farming activities including chestnut farming and cattle grazing. Surrounding land is predominantly zoned Farming Zone.



Figure 3: Subject land.

PUBLIC NOTIFICATION

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

1. Impact of the proposal on existing farming activities, which includes spraying, haymaking, use of heavy noisy machinery at all times, farming cattle and harvesting chestnuts with spraying. Do not want existing farming activities to be challenged because of this proposal.
2. Will there be dogs? Dogs are not a good mix with cattle as they may cause distress.
3. The increased noise from the proposal and/or the barking of dogs in close proximity to an existing residence.
4. Safety concerns with the proposed vehicle entry/exit point.
5. The impact of the proposed effluent field on the quality of drinking water.
6. ... it appears to open the way for other rural property owners to supplement their income with a similar proposal.

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

1. We are happy with a Section 173 agreement to make the owner and occupiers aware of the adjoining farming operations.
2. Dogs will not be permitted.
3. No response.

4. The access is existing and provides logical entry to the site. Any other access points would require VicRoads approval and they would be reluctant to allow an additional entrance to the subject land.
5. Effluent disposal is downstream of the bore and will not impact water quality.
6. No response.

The assessing officer's response is provided as follows:

1. Relevant provisions of the applicable SPPF, LPPF and the Farming Zone include:
 - i. Ensure that use or development of land is compatible with adjoining and nearby land uses.
 - ii. Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.
 - iii. Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.
 - iv. Consider the impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
 - v. Consider the compatibility between the proposed or likely development and the existing use of the surrounding land.
 - vi. Avoid the loss of productivity to adjoining land owners arising from land use conflict.
 - vii. Consider whether the proposal is compatible with adjoining and nearby land uses.
 - viii. The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.

The applicant has agreed to a Section 173 Agreement which acknowledges that the land is within a rural area where there is agricultural activity where there may emission of noise, odour, dust, amenity changes, from time to time, and that the owner of 101 Tawonga Gap Road must notify any occupier of the proposed group accommodation of the above. The proposal is compatible with adjoining and nearby land uses and has minimal potential to limit the operation and expansion of adjoining and nearby agricultural uses, subject to conditions if approved. *The site is not currently used for any substantial agricultural purpose, and is currently removed from agriculture, due to an existing centrally sited dwelling, and the site having an area of less than 4 hectares. Both Dwelling and Group Accommodation are nested within Accommodation.*

2. Dogs onsite associated with guests of the proposed Group Accommodation is not a relevant planning consideration.
3. The Environmental Protection Authority has legislation which controls noise, beyond the Planning and Environment Act 1987. The proposal is not considered to result in a situation which would breach this legislation.
4. The application was referred to Regional Roads Victoria (previously VicRoads) and Alpine Shire Engineering Department for comment. Conditional consent was

provided by both. Specific design requirements apply to the proposed vehicle access point which take into consideration safety.

5. The application was referred to Goulburn Murray Water and Alpine Shire Council's Environmental Health Department. Conditional consent was provided by both. Further approvals are required in relation to onsite wastewater management.
6. All other planning applications for similar proposals will be assessed on their own merits. Should this application be approved, it does not provide any guarantee that other applications for similar proposals would be approved.

An objectors' forum was held on 23 February 2021. As a result of this forum the applicant prepared a draft Section 173 Agreement for consideration by the objector. The objector generally agreed with the proposed Section 173 Agreement however further requested:

1. That the proposed group accommodation buildings be setback a minimum of 30 metres from the common lot boundary with 111 Tawonga Gap Road, Bright; and
2. Text be added to the section 173 agreement referring to the use of chemicals, and that no further dwelling (group accommodation) buildings will be permitted to be built on the property.

The assessing officer's response is provided as follows:

1. The proposal as currently submitted, which indicates a minimum 12 metre lot boundary setback, from the common boundary with 111 Tawonga Gap Road, Bright is compatible with adjoining and nearby land uses, and has minimal potential to limit the operation and expansion of adjoining and nearby agricultural uses, subject to conditions if approved.
2. The section 173 agreement drafted by the applicant states ' the subject land is in a rural area where there is agricultural activity where there may be emission of noise, odours, dust, amenity changes, etc. from time to time.' This statement is considered to cover the use of chemicals as it states amenity changes, etc from time to time. Further planning permit approval is required from Alpine Shire Council for buildings and works for additional cabins on the site, in addition to those identified in the subject proposal. Such an application may be subject to public notification. It is not considered appropriate to include a restriction within the section 173 agreement prohibiting any further group accommodation cabins on the site, as there is a requirement to obtain further planning permit approval from Alpine Shire, for such buildings and works.

REFERRALS

| Referrals / Notice | Advice / Response / Conditions |
|----------------------|---|
| Section 55 referrals | Country Fire Authority - No objection, subject to conditions. Goulburn Murray Water - No objection, subject to conditions. Regional Roads Victoria - No objection, subject to conditions. |

| Referrals / Notice | Advice / Response / Conditions |
|---------------------|--|
| Internal referrals: | <p>Alpine Shire Health Department - No objection, subject to conditions.</p> <p>Alpine Shire Engineering Department - No objection, subject to conditions.</p> |

PLANNING ASSESSMENT

All applicable policy and decision guidelines can be found in Appendix 8.2.7(b).

State Planning Policy Framework

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

14.04-1S Facilitating Tourism as the proposal encourages tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination, as it:

- Encourages the development of a well-designed and sited tourist facility;
- Promotes tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions;
- Creates an innovative tourism experience; and
- Encourages investment that meets demand and supports growth in tourism.

Local Planning Policy Framework

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

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

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

Zoning

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

- The proposed non-agricultural use does not adversely affect the use of land for agriculture. The site is not currently used for any substantial agricultural purpose, and

is currently removed from agriculture, due to an existing centrally sited dwelling, and the site having an area of less than 4 hectares.

- The site is capable of accommodating the proposed use and development including the disposal of effluent.
- The proposal is compatible with adjoining and nearby land uses, subject to conditions if approved; and the
- The proposal has minimal potential to limit the operation and expansion of adjoining and nearby agricultural uses, subject to conditions if approved.

Bushfire Management Overlay

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

Particular Provisions

Clause 52.06 - Car Parking

There is no specified required number of car parking spaces for the proposal. Car parking spaces must be provided to the satisfaction of responsible authority. Each cabin is proposed with a single carport, and space within the site is proposed for vehicle access and manoeuvring. A detailed assessment of the proposal against the provisions of Clause 52.06 is contained on the planning file – reference no. P.2020.123. The application is considered to meet the relevant requirements of this clause.

Clause 52.29 - Land Adjacent to a Road Zone Category 1

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

Clause 53.02 – Bushfire Planning

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

General Provisions

Clause 65.01 of the Alpine Planning Scheme provides the general decision guidelines that must be considered before deciding on an application. A detailed assessment of the proposal against the provisions of Clause 65.01 is contained on the planning file – reference no. P.2020.123. The proposal is generally in accordance with the decision guidelines.

CONCLUSION

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

1. The proposal generally meets the relevant provisions of the:
 - a. State and Local Planning Policy Framework;
 - b. Farming Zone;
 - c. Particular provisions including 52.06 Car Parking, 52.29 Land adjacent to a road in Road Zone Category 1 and 53.02 Bushfire Planning;
 - d. Decision Guidelines at Clause 65.01.
2. The proposal is compatible with adjoining and nearby land uses and has minimal potential to limit the operation and expansion of adjoining and nearby agricultural uses, subject to conditions if approved.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Commercial
- Planning Coordinator
- Planning Officer

PPENDICIES

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

8.2.7(a) Conditions

Amended Plans

1. Before the use and/or development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. Carparking and vehicle access areas designed, constructed and delineated in accordance with clause 52.06-9 Design standards for Car Parking within the Alpine Planning Scheme and current standards,
 - b. An amended Bushfire Management Plan in accordance with the requirements of condition 32 within this permit.

Section 173 Agreement Required

2. Before the use starts, the owner must enter into an Agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 to provide the following:
 - a. The owner acknowledges that the subject land is located in a rural area where there is agricultural activity where there may be adverse amenity impacts from noise, odour, dust, chemicals, light, etc. from time to time.
 - b. In the event that the owner makes the cabins authorised by this permit available to accommodate persons away from their normal place of residence, the owner is obliged to notify any occupier of the cabin/s as far as is reasonably possible, that the property is located in a rural area where agricultural activity takes place from time to time as described in 1. a. above, and that adverse amenity impacts may be experienced.

The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement. Evidence of the registration of the section 173 agreement must be provided to the responsible authority prior to the commencement of the use authorised by this permit.

Endorsed Plans

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

Development Use

4. Occupants of the approved Group Accommodation approved under this permit must only use the premise on a short-term basis. Any occupant of the approved premises must not reside onsite for any more than 60 days in a calendar year unless otherwise approved by the responsible authority.

External Building Colour Reflectivity

5. The external materials of the building(s) including the roof must be constructed of materials of muted colours to enhance the aesthetic amenity of the area. No materials having a highly reflective surface shall be used. For the purpose of this clause "highly reflective" shall include unpainted aluminium, zinc or similar materials.

Construction Requirements

6. Silt fencing material or straw hay bales (staked and keyed into the ground surface) must be placed at the bottom of the construction area prior to the commencement of construction to prevent storm water runoff entering a drainage line. Batters steeper than 2:1 (horizontal: vertical) must have a layer of straw over the entire batter to retain the topsoil.
7. An area for the storage of construction materials must be designated prior to the arrival of equipment and materials onsite. Wherever possible, disturbed areas should be used rather than areas of good quality indigenous vegetation and significant stands of trees. At the completion of construction all excess materials must be removed and the site should be regenerated to the satisfaction of the Alpine Shire.

Car Parking

8. Car parking areas must be well lit and clearly signed to the satisfaction of the responsible authority.
9. No less than 2 car space(s) must be provided on the land for the use and development, including spaces clearly marked for use by disabled persons (if required).
10. Areas set aside for car parking, and movement of vehicles as shown on the endorsed plans must be made available for such use and must not be used for any other purpose.
11. Prior to the commencement of use authorised by this permit, the area(s) set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a. constructed to an appropriate standard, and treated to prevent dust generation;
 - b. properly formed to such levels that they can be used in accordance with the endorsed plans;
 - c. drained;
 - d. line marked to indicate each car space and all access lanes;
 - e. clearly signed directing drivers to the area(s) set aside for car parking. (Such signs are to be sited and maintained to the satisfaction of the responsible authority, and not exceed a display area of 0.3 square metres);
 - f. all to the satisfaction of the responsible authority.

Noise

12. Noise levels emanating from the premises must not exceed those required to be met under State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2 (SEPP N-2).
13. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.

Garbage

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

External Lighting

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

Security Alarms

16. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.

Mandatory Bushfire Condition

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

Alpine Shire Environmental Health Conditions

18. An application must be made for a Permit to Install a Septic Tank System to the satisfaction of Council's Environmental Health Officer prior to a building permit being issued in accordance with the requirements of the Building Act 1993. The septic system must comply with the Code of Practice – onsite Wastewater Management Publication 891.4 and AS1546.1 to 1546.4 and generally be in accordance with the Land Capability Assessment (Project. 401427 Revision 0 –June 2020) from SJE Consulting

Alpine Shire Engineering Department Conditions

Rural Drainage Works

19. Prior to occupation of the buildings, all stormwater and surface water discharging from the site, buildings and works must be retained and treated on site to the satisfaction of responsible authority. No effluent or polluted water of any type will be allowed to enter council's stormwater system or the natural waterways. Once treated

to the satisfaction of the responsible authority, the stormwater shall be conveyed to the legal point of discharge to the satisfaction of the responsible authority.

Drainage Discharge Plan

20. Prior to issue of building permit, a properly prepared drainage discharge plan with computations must be submitted to, and approved by, the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The information submitted must show the details listed in Council's Infrastructure Design Manual and be designed in accordance with the requirements of that manual. The information and plan must include:
- a. details of how the works on the land are to be drained and/or retarded.
 - b. connection points for drainage for each cabin
 - c. drains conveying stormwater to the legal point of discharge from each cabin
 - d. measures to enhance stormwater discharge quality from the site and protect downstream waterways

Prior to occupation of the buildings authorised by this permit, all works constructed or carried out must be in accordance with those plans to the satisfaction of the responsible authority.

Construction Management

21. Mud on the roads, dust generation and soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the responsible authority. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise.

No Mud on Roads

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

Goulburn Murray Water Conditions

23. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
24. All wastewater requiring disposal to land must be treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant or equivalent. The system must be an EPA approved system, installed, operated and maintained in accordance with the relevant EPA Code of Practice and Certificate of Conformity. Peak and intermittent flow must be managed to the satisfaction of Council's Environmental Health Department.
25. The wastewater management system must be appropriately designed to manage the potential volume of wastewater generated under full occupancy (based on a

minimum 2 double occupancy bedrooms), including an appropriately sized disposal area based on a full water balance specific to the proposal and subject land.

26. All wastewater must be applied to land via pressure-compensating sub-surface irrigation installed along the contour.
27. The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.
28. The accommodation units and their wastewater management systems must not encroach on the existing wastewater treatment system (for dwelling) or disposal area or breach the minimum setback distances specified in the relevant EPA Code of Practice – Onsite Wastewater Management.

Regional Roads Victoria Conditions

29. Only one access will be permitted from the subject land to the Tawonga Gap Road as shown on the plan appended to the application.
30. Prior to the occupation of the dwelling, the access must be constructed and sealed in accordance with VicRoads standard drawing - GD4010 Typical Access to Rural Properties (as applicable) to the satisfaction of and at no cost to the Roads Corporation.
31. The driveway/s must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the roadway).

Country Fire Authority Conditions

Bushfire Management Plan

32. Before the development starts, an amended Bushfire Management Plan (BMP) which is generally in accordance with BMP prepared by Mountain Planning, drawing Rev: 0, dated 19/08/2020 must be submitted to and endorsed by the Responsible Authority. The plan must show the following bushfire protection measures, unless otherwise agreed in writing by the CFA and the Responsible Authority:
 - a. Defendable Space

Show an area of defendable space for a distance of 32m around the proposed building where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:

 - i. Grass must be short cropped and maintained during the declared fire danger period.
 - ii. All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
 - iii. Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.

- iv. Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
 - v. Shrubs must not be located under the canopy of trees.
 - vi. Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
 - vii. Trees must not overhang or touch any elements of the building.
 - viii. The canopy of trees must be separated by at least 5 metres.
 - ix. There must be a clearance of at least 2 metres between the lowest tree branches and ground level.
- b. Construction Standard
Nominate a minimum Bushfire Attack Level of BAL – 29 that the buildings will be designed and constructed.
- c. Water Supply
Show 10,000 litres of effective water supply for firefighting purposes which meets the following requirements:
- i. Be stored in an above ground water tank constructed of concrete or metal.
 - ii. Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
 - iii. Include a separate outlet for occupant use.
 - iv. Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.
 - v. Be located within 60 metres of the outer edge of the approved building.
 - vi. The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.
 - vii. Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling (64 millimetre CFA 3 thread per inch male fitting).
 - viii. Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling)
- d. Access
Show the access for firefighting purposes which meets the following requirements:
- i. All weather construction.
 - ii. A load limit of at least 15 tonnes.
 - iii. Provide a minimum trafficable width of 3.5 metres
 - iv. Be clear of encroachments for at least 0.5 metre on each side and at least 4 metres vertically.
 - v. Curves must have a minimum inner radius of 10m.
 - vi. The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.
 - vii. Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

- viii. Incorporate a turning area for fire fighting vehicles close to the building by one of the following:
 - A. A turning circle with a minimum radius of eight metres.
 - B. A driveway encircling the dwelling
 - C. The provision of vehicle turning heads – such as a T or Y head – which meets the specification of Austroad Design for an 8.8 metre Service Vehicle.

Bushfire Emergency Plan

33. Before the development is occupied or the use commences, a bushfire emergency plan (BEP) to the satisfaction of the Responsible Authority and CFA must be submitted to and endorsed by the Responsible Authority. The BEP must clearly describe the proposed emergency management arrangements and should address the following matters:
- a. Premises details
 - i. Describe property and business details.
 - ii. Identify the purpose of the BEP stating that the plan outlines procedures for:
 - A. Closure of premises on any day with a Fire Danger Rating of Code Red & Extreme for the North East District.
 - B. Evacuation (evacuation from the site to a designated safer off-site location).
 - C. Shelter-in-place (remaining on-site in a designated building).
 - b. Review of the BEP
 - i. Outline that the plan must be reviewed and updated annually prior to the commencement of the declared Fire Danger Period.
 - ii. Include a Version Control Table.
 - c. Roles & Responsibilities
 - i. Detail the staff responsibilities for implementing the emergency procedures in the event of a bushfire.
 - d. Emergency contact details
 - i. Outline organisation/position/contact details for emergency services personnel
 - e. Bushfire monitoring procedures
 - i. Details the use of radio, internet and social networks that will assist in monitoring potential threats during the bushfire danger period.
 - ii. Describe and show (include a map) the area to be monitored for potential bushfire activity.
 - f. Action Statements – trigger points for action
 - i. Prior to the Fire Danger Period

- A. Describe on-site training sessions and fire equipment checks.
- B. Identify maintenance of bushfire protection measures such as vegetation management (including implementation of protection measures required by any endorsed Bushfire Management Plan).
- ii. Closure of premise during forecast Fire Danger Rating of Code Red & Extreme days for the North East District
 - A. Outline guest notification procedures and details of premises closure (including timing of closure).
- iii. Evacuation
 - A. Identify triggers for evacuation from site. For example, when evacuation is recommended by emergency services.
 - B. Details of the location/s of the offsite emergency assembly location.
 - C. Transport arrangements for staff and guests including details such as:
 - Number of vehicles required
 - Name of company providing transportation
 - Contact phone number for transport company
 - Time required before transportation is likely to be available
 - Estimated travelling time to destination
 - D. - Actions after the bushfire emergency event.
- iv. Shelter-in-place
 - A. - Show the location and describe the type of shelter-in-place.
 - B. - Triggers for commencing the shelter-in-place option.
 - C. - Procedures for emergency assembly in the shelter-in-place building.

Premises closure

1. The use of the Group Accommodation Buildings approved under this permit must not operate after 10.00am on any day with a declared Fire Danger Rating of Code Red & Extreme for the North East District

- End of CFA Conditions -

Expiry

1. This permit will expire if one of the following circumstances applies:
 - a. the development is not started within two (2) years of the date of this permit.
 - b. the development is not completed within four (4) years of the date of this permit.
 - c. the use has not commenced within four (4) years of the date of this permit.

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

End of Conditions

Planning Notes

1. The proposed development requires the construction of a crossover. Separate approval under the Road Management Act for this activity will be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.
2. A road opening/crossing permit must be obtained from the Alpine Shire Council prior to working in or occupying the road reserve with construction equipment or materials. Applications may be accessed via the following link [Work on Council land permit](#), or from the Alpine Shire Council website
3. This permit does not authorise approval under the Building Act. It is the responsibility of the applicant to determine if a building permit is required for the proposed buildings and works.
4. This permit does not authorise the removal of any native vegetation from the site.
5. Unless no permit is required under the planning scheme, no sign must be displayed without a further permit.
6. It is noted that on the Bushfire Management Plan (BMP) submitted the incorrect distance of 75m was detailed in the Defendable Space conditions. It needs to read 32m as depicted on the plan.
7. Additionally, the Water Supply conditions on the BMP needs to state that the water supply is "for firefighting purposes". This condition needs to be amended to reflect this correct wording to ensure 10,000 litres is always available for firefighting purposes.
8. The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for firefighting water supply.

8.2.7(b) POLICY AND DECISION GUIDELINES

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

State Planning Policy Framework

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

- 11.03-6S Regional and local places
- 13.01-1S Natural hazards and climate change
- 13.02-1S Bushfire planning
- 13.07-1S Land use compatibility
- 14.01-1S Protection of agricultural land
- 14.01-2S Sustainable agricultural land use
- 14.02-1S Catchment planning and management
- 15.01-2S Building design
- 15.01-6S Design for rural areas
- 17.04-1S Facilitating tourism
- 18.02-3S Road system
- 18.02-4S Car parking

Local Planning Policy Framework

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

- 21.03-1 Townships and villages
- 21.03-3 Rural lifestyle, subdivision and dwellings
- 21.04-3 Landscapes
- 21.04-4 Environmental risk
- 21.04-6 Catchments and waterways
- 21.05-1 Tourism
- 21.05-3 Agriculture
- 21.06-1 Infrastructure
- 21.07-11 Rural precincts
- 22.03-1 Tourist use and development
- 22.03-2 Agriculture

Zone

The land is zoned Farming Zone.

Overlays

The land is covered by the Bushfire Management Overlay.

Particular Provisions

52.06 Car Parking

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

53.02 Bushfire Planning

General Provisions

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

8.2.9 Planning Application P.2020.182 - 301 Buckland Valley Road

| | |
|--|---|
| Application number: | <i>P.2020.182</i> |
| Proposal: | <i>USE AND DEVELOPMENT OF LAND FOR AN EXTRACTIVE INDUSTRY (STONE EXTRACTION)</i> |
| Applicant's name: | <i>Mountain Planning - Nick Vlahandreas</i> |
| Owner's name: | <i>Ann Wallace</i> |
| Address: | <i>301 Buckland Valley Road - 301 BUCKLAND VALLEY ROAD, POREPUNKAH - CA: 9 & 9C, SEC 10 PARISH OF POREPUNKAH and LOTS 1, 2, 3, 4 & 5 on TP: 382143</i> |
| Land size: | <i>Subject Land is 53.44ha Development area is 34.58ha</i> |
| Current use and development: | <i>Extractive Industry and Agriculture (Grazing)</i> |
| Site features: | <i>Existing Stone Extraction and processing area and predominately cleared fenced paddocks, cleared and improved to pasture which gently undulates due to historic mechanical dredging.</i> |
| Why is a permit required? | <i>A planning permit is required: - to use and develop the land for stone extraction pursuant to Clause 35.07-1 and Clause 35.07-4 respectively of the Farming Zone - Buildings and works on land affected by the Significant Landscape Overlay - Schedule 4, pursuant to Clause 42.03-2 - to use and develop land for earth and energy resources industry pursuant to Clause 52.08-1 of Clause 52.08 Earth and Energy Resources Industry</i> |
| Zoning: | <i>Farming zone (FZ)</i> |
| Overlays: | <i>Significant Landscape Overlay - Schedule 4 (SLO4) Bushfire Management Overlay (BMO) - Not Applicable Land Subject to Inundation Overlay (LSIO)</i> |
| Restrictive covenants on the title? | <i>None</i> |
| Date received: | <i>18 November 2020</i> |
| Statutory days: | <i>194</i> |

| | |
|-----------------|-------------------|
| Planner: | Sam Porter |
|-----------------|-------------------|

RECOMMENDATION

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

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

PROPOSAL

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

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

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

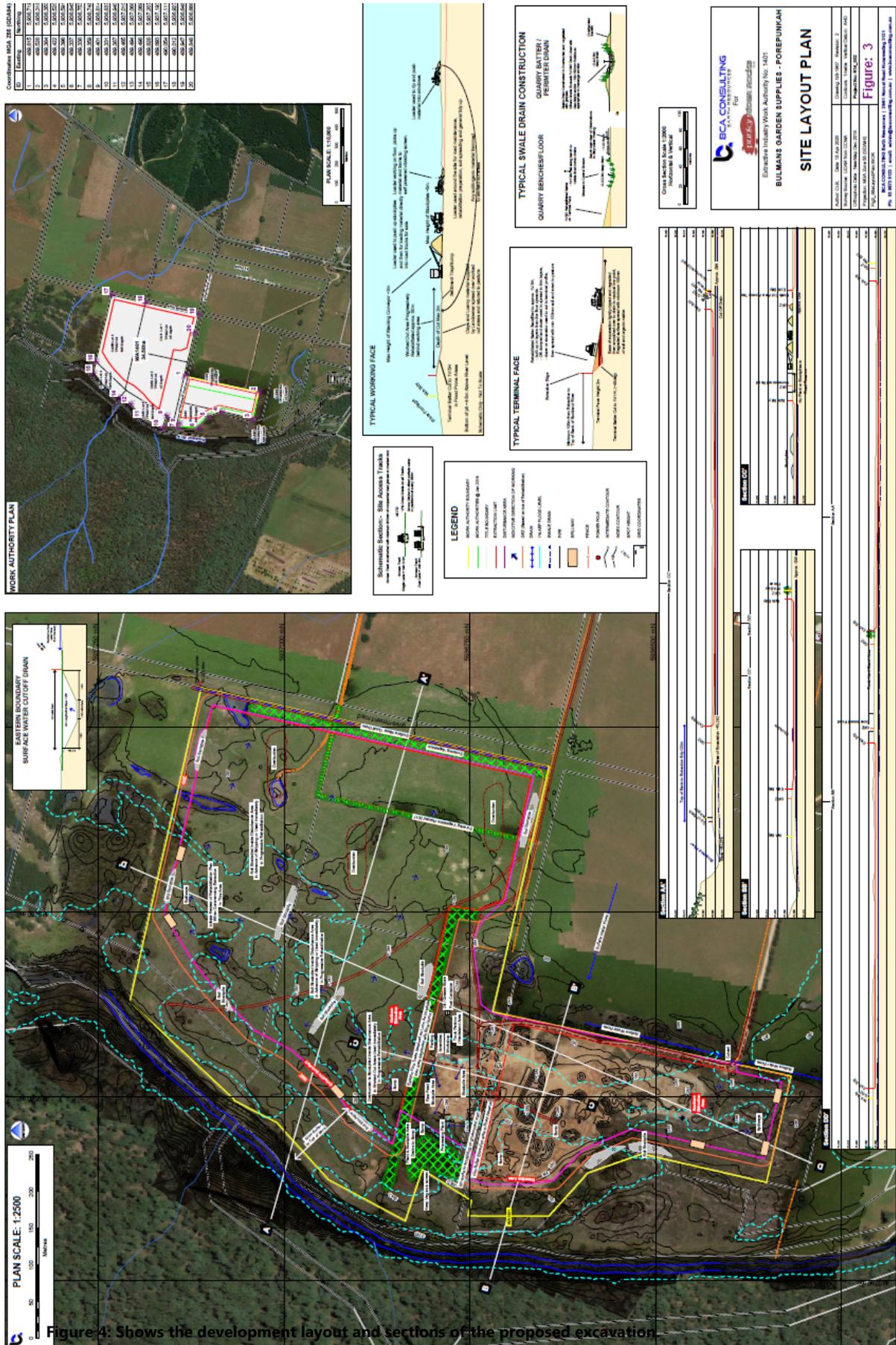


Figure 4: Shows the development layout and sections of the proposed excavation

SUBJECT LAND AND SURROUNDS

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

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

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

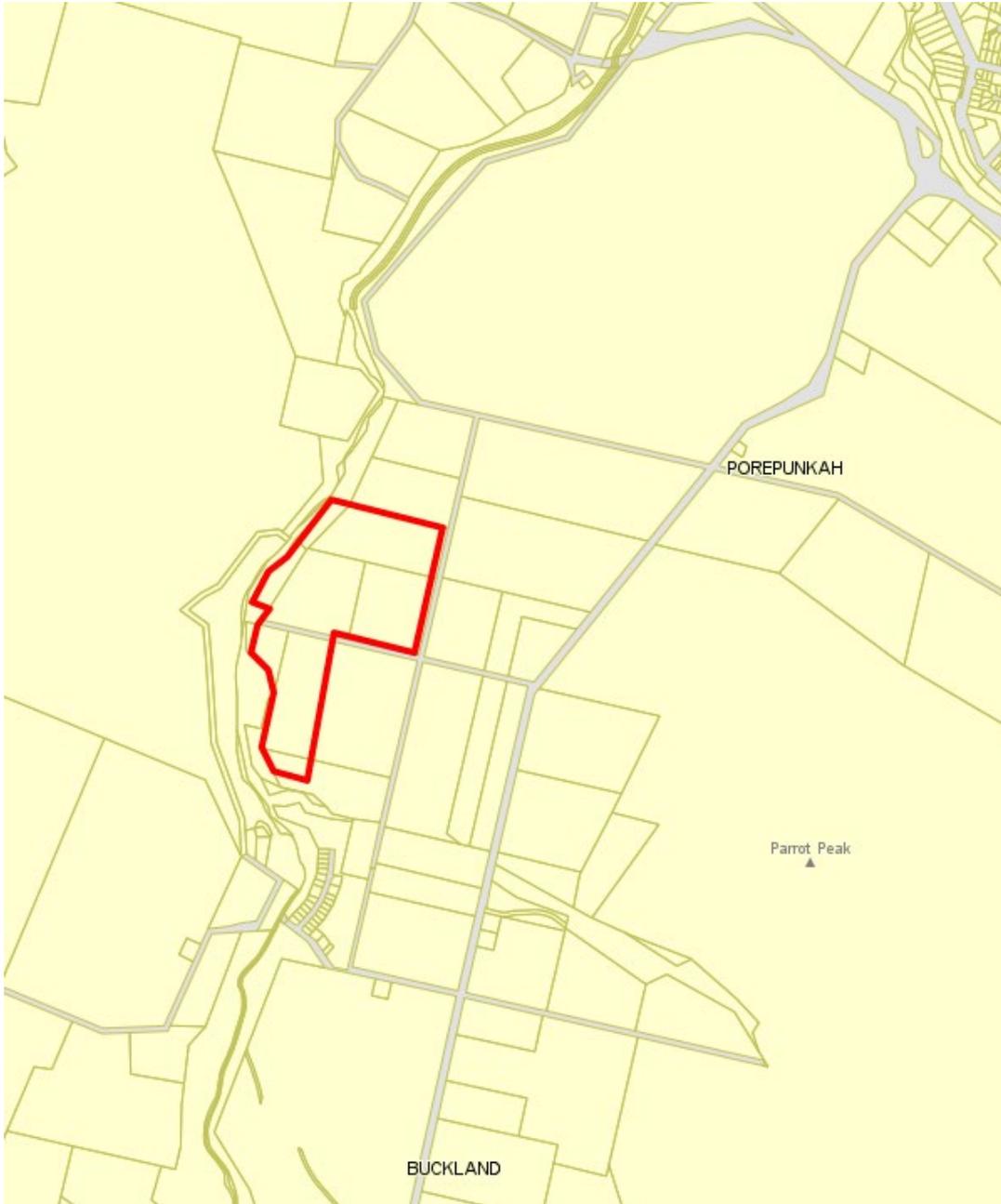
These surrounding residences are concentrated in Wallace Drive which presents as a residential street setting, located between 450m and 800m south of the subject land. Wallace Drive contains 23 dwellings on small lots ranging from between approximately 675m² and 1,670m². Five more dwellings are located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

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

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

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

Figure 2.



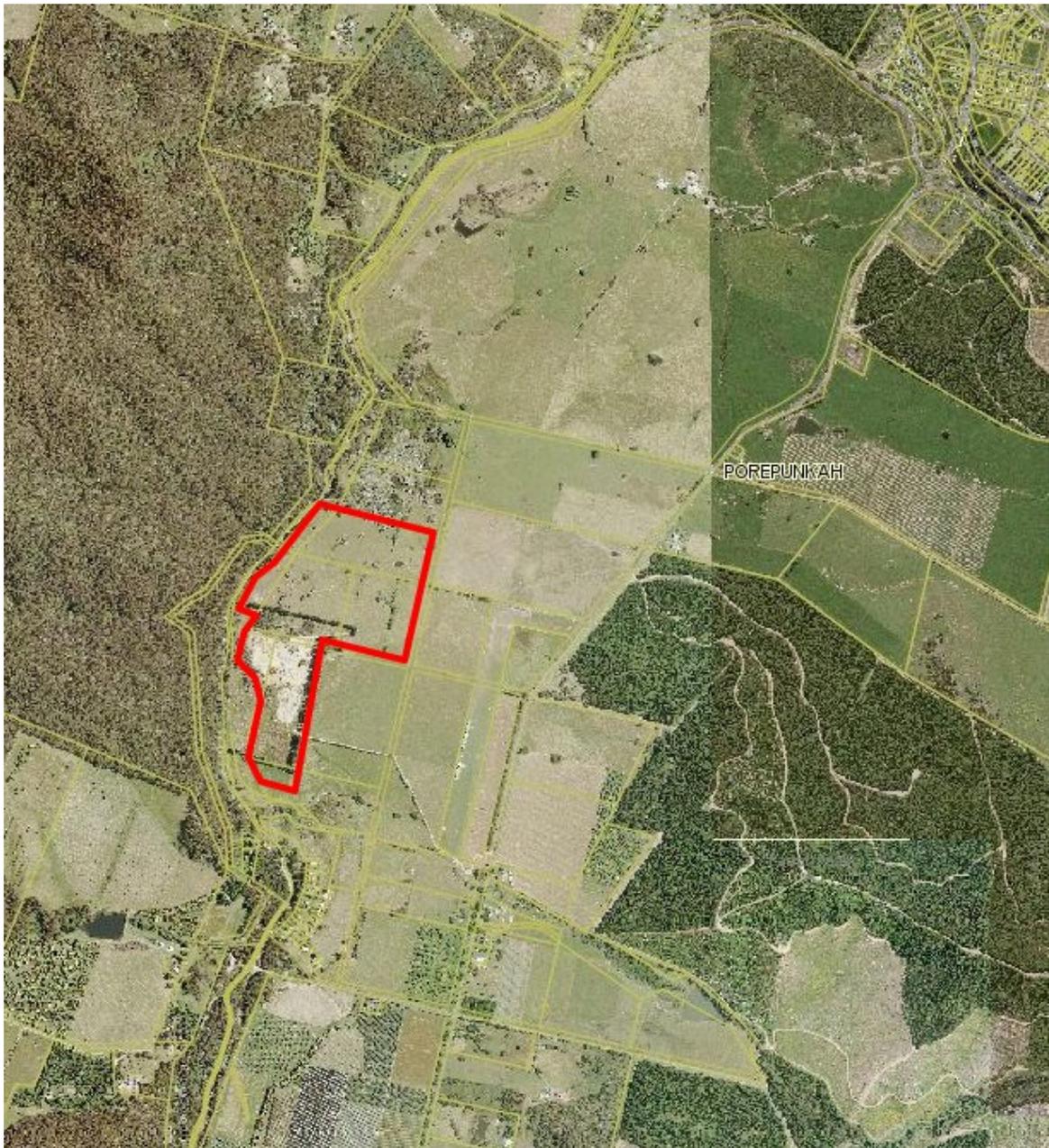


Figure 2: Shows the Subject land marked red in two images one with aerial imagery and one without.

PUBLIC NOTIFICATION

The application was advertised in accordance with Section 52 of the Planning and Environment Act 1987. Notice of the application was sent to 97 surrounding landholders and occupiers within a 2km radius of the site, Figure 3 below. A sign was displayed on the subject land and a notice was published in the local newspaper (Alpine Observer) six (6) objections were received, the reasons for objecting are as follows:

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

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

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

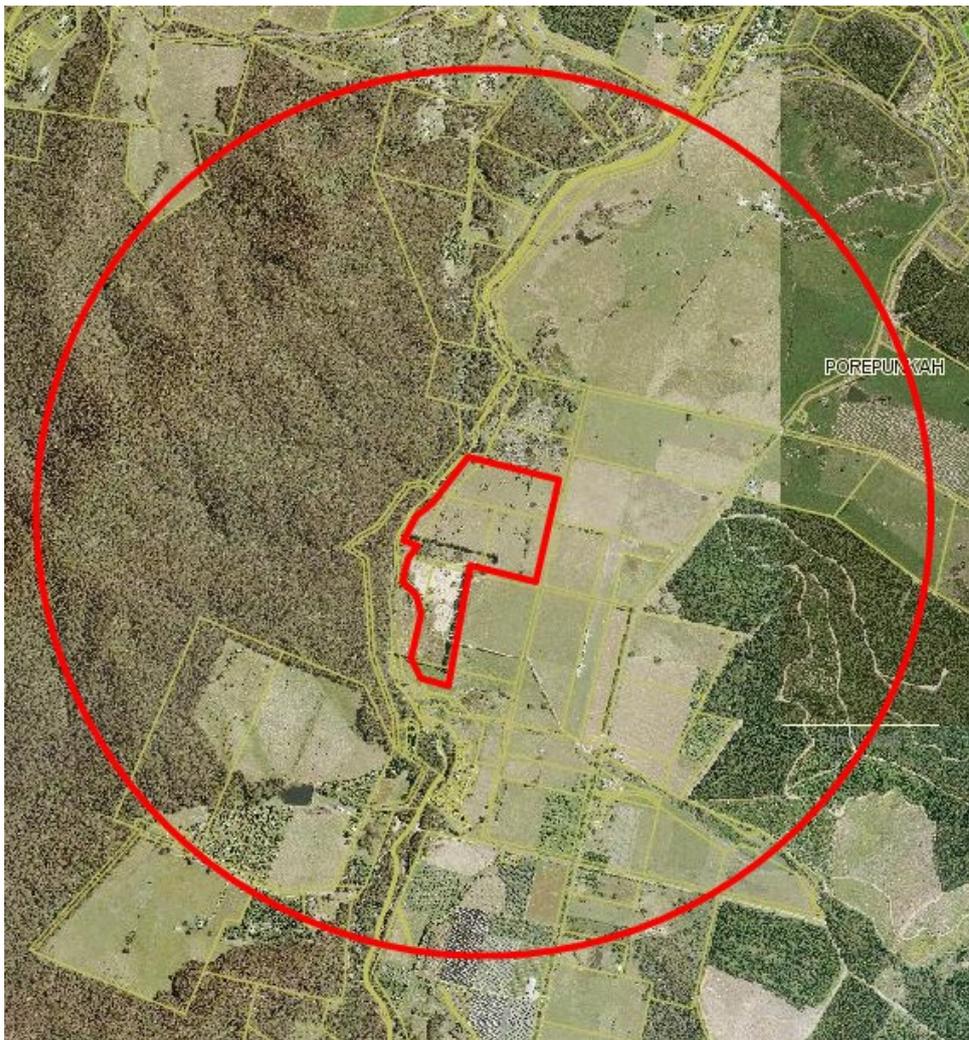


Figure 3: Shows a 2km radius from the development site.

REFERRALS

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

PLANNING ASSESSMENT AND RESPONSE TO GROUNDS OF OBJECTION

All applicable policy and decision guidelines can be found in Appendix 8.2.8(b).

Planning Policy Framework

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

Clause 13.05-1S Noise seeks to "[e]nsure that development is not prejudiced, and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area". EPA guideline NIRV should be considered in the assessment of an application where noise from industry may affect sensitive land uses.

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

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

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

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

The LPPF seeks to protect agricultural land, preserve landscapes and promote tourism. It is largely silent on stone extraction activities in the Shire. The proposed use and development is an acceptable use in an agricultural setting and will assist in providing a valuable construction material. Importantly, long term the site will become improved as

a result of having the large stone materials removed and finer sands left in a level state for pasture improvement.

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

This document is available at

<https://www.alpineshire.vic.gov.au/sites/default/files/resources/Alpine-Shire-Rural-Land-Strategy.pdf> and divides the municipality into multiple precincts. Precinct 5 covers the Buckland Valley (page 38) which gives a number of directions within certain sub-precincts. Sub precinct 1, 2 and 3 cover the valley from the Buckland Bridge north to Porepunkah. Each of the precincts seek to support stone extraction where it does not compromise the landscape.

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

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

Zoning and land use

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

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

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

Overlays

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

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

The purpose of the overlay is

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

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

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

It identifies the following landscape character objectives to be achieved:

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

Maintain the existing pastoral landscape of the valley floor.

Maintain the view of Mt. Buffalo from the valley.

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

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

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

In response to the above the following is submitted:

1. The development site is setback from roadways and isn't located in a section of the valley floor that is readily visible from surrounding public vantage locations.

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

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

Clause 52.06 Car Parking

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

Clause 52.08 Earth and Energy Resources Industry

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

Clause 52.09 Extractive Industry and Extractive Industry Inters Area

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

The listed decision guidelines are:

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

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

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

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

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

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

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

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

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

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

In response to the above the following is submitted:

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

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

Response to Submission

The following responses are provided to relevant planning matters:

Very long extraction and processing lifetime of the use

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

Adverse landscape impact

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

Dust from truck movements

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

Noise Impacts

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

Insufficient screening proposed

Proposed condition 28 has now alleviated this concern.

Negative environmental impacts

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

Adjoining airport usage issues due to anticipated dust

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

Concern over previous progressive site rehabilitation

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

Insufficient community consultation

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

Number of truck movements and their travelling speed

Truck movements were previously unlimited to this site. The proposal is now for a maximum of 10 trucks per day (20 movements) with an average of two (2) per day. The applicant has further offered to avoid running trucks on the Buckland Valley Road during school bus hours, see condition 24.

The conducting of on-site purchasing of material

This activity isn't proposed, see condition 10.

Potential for the importation of waste

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

Flood management controls

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

Concerns with the proposed fuel storage

EPA condition 35 addressing this matter.

CONCLUSION

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

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

DECLARATION OF CONFLICT OF INTEREST

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

- Director Commercial
- Manager Planning & Amenity
- Planning Coordinator

APPENDICIES

8.2.8(a) Conditions

8.2.8(b) Policy and decision guidelines

8.2.8(a) CONDITIONS

GENERAL CONDITIONS

1. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority. All buildings and works are to be constructed and/or undertaken in accordance with the endorsed plans to the satisfaction of the Responsible Authority.
2. The use and development hereby approved must be carried out generally in accordance with the Work Plan (which includes but not limited to a Rehabilitation and Closure Plan, Community Engagement Plan, Surface Water Management Strategy, Imported Materials Management Plan, Risk Management Plan, Risk Based Plan and Fire Response Readiness Plan) approved under WA 1401 this includes compliance with the following, unless otherwise approved by the Responsible Authority:
 - a. no blasting or use of explosives onsite
 - b. the total area of extraction must be no greater than 24.4ha
 - c. product stockpiles must be less than 8 metres in height and must be located within the excavated area
 - d. a water cart must be onsite and used during summer conditions or on dry windy days to prevent dust emissions leaving the site boundaries
 - e. the average depth of excavation must not exceed approximately 3 metres
 - f. no washing of stone, gravel or sand materials is to occur onsite
 - g. no fixed plant equipment onsite
 - h. no permanent buildings associated with the use are to be erected onsite
 - i. no oil changes, washing or degreasing of mobile equipment and no maintenance except for greasing and minor running maintenance, is to be conducted on the site
 - j. all engine powered equipment must be fitted with mufflers and spark arresters and firefighting equipment, which must be maintained to be fully effective at all times
 - k. all lubricant containers and wastes must be collected and removed from the site
 - l. marker posts must clearly define the extraction area and must be maintained in position
 - m. any domestic waste must be contained in bins and removed from the site on a regular basis
 - n. the works authority boundary must be marked with an electric stock fence and
 - o. no wastewater is to be treated onsite.
3. Access to the site must be provided and constructed to the satisfaction of the Responsible Authority.
4. Warning signs to the satisfaction of the Responsible Authority are to be erected and maintained to warn or remind drivers of trucks entering and leaving the land of the possible presence of aircraft landing or taking off from the adjoining airfield.
5. Loading and unloading vehicles must not be greater than 12.5 metres in length (excluding trailer).

6. Proper truck loading and covering techniques must be employed to the satisfaction of the Responsible Authority to ensure that extracted material is not spilled on to public roads.
7. Except with the written consent of the Responsible Authority no extracting, moving or processing of material is to be carried out except between the hours of 7.00 am and 6.00 pm on weekdays and 7.00 am and 1.00 pm on Saturdays with no such activities to occur on Sundays or Public Holidays.
8. The use hereby permitted, the processes carried on, the materials used or stored, machinery employed or transportation of materials, goods and commodities to and from the premises must not cause injury or prejudicially affect the amenity of the locality by reason of the appearance of such building, works or materials or by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or the presence of vermin or otherwise.
9. Except with the consent of the Responsible Authority no signs or advertising are to be erected in conjunction with the development.
10. No direct retail sales of any goods/material from the subject site are permitted unless otherwise approved by the responsible authority.
11. No stormwater contaminated with waste including sediment is to be discharged beyond the boundary of the premise.
12. Gravel extraction must cease if groundwater flows into the excavation and the wastewater cannot be managed onsite.
13. Construction must follow sediment control principles outlined in Construction Techniques for Sediment Pollution Control (EPA, 1991).
14. The extraction area including stockpiles must be located a minimum of 100 metres from the Buckland River.
15. Prior to the commencement of Stage 1, Planning Permit 5.2009.49 must be cancelled via an application to VCAT.

NOISE MANAGEMENT CONDITIONS

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

DUST MITIGATION PLAN CONDITION

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

management strategy addressing measures to reduce air emissions to acceptable levels at nearby sensitive locations and to address the potential for nuisance dust off-site including details of the following:

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

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

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

COMPLAINTS REGISTER

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

TRUCK MOVEMENTS

22. The number of trucks accessing the site is limited to 10 per day (20 movements total) unless otherwise agreed to in writing by the Responsible Authority.
23. All trucks must be covered to minimise dust generation from the load, prior to leaving the site.
24. No truck movements may occur to or from the subject site between hours 8am - 9am and 3:30 pm and 4:30pm on any school day.

REHABILITATION CONDITIONS

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

LANDSCAPING CONDITIONS

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

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

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

ENGINEERING CONDITIONS

Rural Drainage Works

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

Road Upgrade

32. Prior to commencement of use, the vehicular crossing shall be upgraded to the satisfaction of the Alpine Shire Council, and shall comply with the following:
- a. crossings are to be concrete or have a bituminous seal applied where they abut a sealed road. If the road is unsealed the crossing may remain an unsealed crushed rock pavement. Dimensions and roadside drainage treatments are to be generally in accordance with IDM drawing SD255.
 - b. The eastern road shoulder fronting the entrance at Buckland Valley Road to be sealed for 20m both directions.
 - c. 'Trucks Turning Ahead' Signage to be installed 60m from crossing on both directions

EPA CONDITIONS

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

EXPIRY CONDITION

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

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

Notes:

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

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

8.2.8 (b) POLICY AND DECISION GUIDELINES

Planning Policy Framework

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

Clause 11.01 Settlement

Clause 11.01-1R Settlement - Hume

Clause 13.05 Noise

Clause 13.06 Air Quality

Clause 13.07 Amenity and Safety

Clause 14.01 Agriculture

Clause 14.03-1S Resource Exploration and Extraction

Clause 14.03-1R Resource Exploration and Extraction - Hume

Clause 17.01 Employment

Clause 17.04 Tourism

Clause 18 Transport

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

Planning Policy Framework

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

Clause 21.03-2 Rural residential living

Clause 21.05-1 Tourism

Clause 21.05-3 Agriculture

Clause 21.07-11 Rural Precincts

Clause 22.03-1 Tourist use and development

Clause 22.03-2 Agriculture

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

Zone

The subject land is zoned Farming Zone pursuant to the Alpine Planning Scheme. The purpose of the zone and applicable decision guidelines can be found at the following link: <https://planning->

[schemes.api.delwp.vic.gov.au/schemes/vpps/35_07.pdf?_ga=2.10116725.1793305565.1621219198-1986562058.1620805910](https://planning-schemes.api.delwp.vic.gov.au/schemes/vpps/35_07.pdf?_ga=2.10116725.1793305565.1621219198-1986562058.1620805910)

Overlays

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

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

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

Particular Provisions that Require, Enable or Exempt a Permit

Clause 52.06 Car Parking

Clause 52.08 Earth and Energy Resources Industry

Clause 52.09 Extractive Industry and Extractive Industry Interest Areas

General Provisions

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

9. Informal meetings of Councillors

Introduction

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

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

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

RECOMMENDATION

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

Background

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

| Date | Meeting |
|--------|------------------|
| 6 May | Briefing Session |
| 11 May | Planning Forum |
| 18 May | Briefing Session |

Attachment(s)

- 9.0 Informal meetings of Councillors – May 2021

10. General business

11. Motions for which notice has previously been given

12. Reception and reading of petitions

13. Documents for sealing

RECOMMENDATION

That the following documents be signed and sealed.

- 1. Contract No. CT20118 in favour of Colin Joss & Co Pty Ltd trading as Joss Facility Manager for the Bright Sports Centre structural repairs / construction be signed and sealed.*
- 2. Contract No. CQ21003 in favour of Modus Projects for the Alpine View Children's Centre Expansion Project be signed by and sealed.*
- 3. Deed of Variation - Collection Transport and Disposal of Kerbside Recyclables - Contract No 17026 be signed;*
- 4. Information Privacy Policy No. 45, version 3;*
- 5. Procurement Policy No. 89, version 8;*
- 6. S11A – Instrument of Appointment and Authorisation – Planning & Environment Act 1987 - Manager Planning and Amenity*
- 7. S11A - Instrument of Appointment and Authorisation - Planning & Environment Act 1987 - Director Commercial;*
- 8. Contract No 2100801 in favour of North East Civil Constructions Pty Ltd for the Great Valley Trail Civil Works be signed.*

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

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Chairperson