

M(10) – 1 SEPTEMBER 2020

Ordinary Council Meeting

Agenda

Notice is hereby given that the next **Ordinary Meeting** of the **Alpine Shire Council** will be held on **1 September 2020** commencing at **4:00pm**.

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 CEO will read the following statement:

The Alpine Shire Council acknowledges the traditional owners of the land we are now on.

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(7) - 7 JULY 2020; M(8) - 4 AUGUST 2020 & SPM(9) - 25 AUGUST 2020

RECOMMENDATION

That the minutes of:

- 1. Ordinary Council Meeting M(7) held on 7 July 2020;**
- 2. Ordinary Council Meeting M(8) held on 4 August 2020; and**
- 3. Special Council Meeting SPM(9) held on 25 August 2020 as circulated be confirmed.**

4. Apologies

5. Obituaries / congratulations

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

6. Declarations by Councillors of conflict of interest

7. Public questions

Due to current social distancing requirements to address COVID-19, 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 prior to the meeting. Questions on Notice will be limited to two questions per person.

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

8. Presentation of reports by officers

8.1 CHIEF EXECUTIVE OFFICER – CHARLIE BIRD

8.1.1 Contracts approved by the CEO

RECOMMENDATION

That the Contracts approved by the CEO be noted.

<i>Contract No:</i>	<i>CT No.2001701</i>	<i>Process:</i>	<i>Public Tender</i>
<i>Title:</i>	<i>Mount Beauty Concrete Path Construction Works</i>		
<i>Tenderer:</i>	<i>McPhersons Earthmoving Contractors Pty Ltd</i>		
<i>\$ (excl. GST):</i>	<i>\$105,144.85</i>		

<i>Contract No:</i>	<i>CT No.20019</i>	<i>Process:</i>	<i>Public Tender</i>
<i>Title:</i>	<i>Landfill Consulting Services</i>		
<i>Tenderer:</i>	<i>SMEC</i>		
<i>\$ (excl. GST):</i>	<i>\$96,972.00</i>		

8.1.2 MomentumOne Shared Services Annual Report

File Number: 1361.00

INTRODUCTION

The purpose of the report is to provide Council with an overview of MomentumOne Shared Services Pty Ltd and for Council to note its Annual Financial Reports for the 2016/17, 2017/18 and 2018/19 years.

RECOMMENDATION

That Council note the 2016/17, 2017/18 and 2018/19 annual financial reports as presented by MomentumOne Shared Services Pty Ltd.

BACKGROUND

MomentumOne Shared Services (MomentumOne) was established by Alpine Shire Council and Towong Shire Council under the entrepreneurial powers set out in section 193 of the Local Government Act 1989. It was registered as a company on 29 October 2015. In addition to obligations under the Local Government Act 1989 and Local Government Act 2020, the Company is governed by the Corporations Act 2001, a Company Constitution and a Shareholders Agreement. The Chief Executive Officers of each Council have been appointed as Company Directors, noting that these are unpaid Director roles.

MomentumOne was established as a way to deliver the benefits of shared services to each of the shareholder councils as well as other councils. Through the use of technology solutions, streamlined administrative overheads and achieving economies of scale, MomentumOne has been able to assist its partner councils to reduce service delivery costs through employment management solutions. Since 2015, MomentumOne has placed about 450 team members with eight partner councils.

MomentumOne's labour-hire model is particularly suited to seasonal pools where it provides a cost-effective seasonal workforce, reduces the administrative overheads associated with a sharp fluctuation in hiring, allows for employees to work across council boundaries (i.e. between Alpine, Indigo, Towong facilities), and provides technology solutions such as rostering and point of sale software to support facility operation.

ISSUES

As a wholly owned subsidiary of Alpine Shire Council and Towong Shire Council, annual audits are undertaken by an external auditor on behalf of the Victorian Auditor General's Office.

MomentumOne must comply with the Victorian Labour Hire Licensing Act 2018. MomentumOne was granted its Labour Hire Licence by the Victorian Labour Hire Authority in May 2020.

MomentumOne maintains its own Public Liability, Professional Indemnity, Management Liability and Workers Compensation Insurance policies.

POLICY IMPLICATIONS

MomentumOne submits tenders or proposals for its services with councils, including Alpine and Towong, in accordance with the procurement policies that apply to each council.

The activities and performance of MomentumOne align with the following Strategic Objective of the Council Plan 2017-2021:

- Highly utilised and well managed community facilities

FINANCIAL AND RESOURCE IMPLICATIONS

MomentumOne has achieved positive financial results over the past three financial years, while reducing costs and achieving efficiencies for Council as well as its other local government partners.

CONSULTATION

Council was consulted during the formation of MomentumOne in September and October 2015. Council has been kept informed of MomentumOne activities and performance through Council briefings.

CONCLUSION

That Council note the annual financial reports of MomentumOne for the previous three financial years.

DECLARATION OF CONFLICT OF INTEREST

Under Section 80C of the *Local Government Act 1989*, the following officers declare that they have no interests to disclose in providing this report.

- Chief Executive Officer

ATTACHMENT(S)

- 8.1.2.a. MomentumOne Annual Financial Report 2016/17 (Confidential)
- 8.1.2.b. MomentumOne Annual Financial Report 2017/18 (Confidential)
- 8.1.2.c. MomentumOne Annual Financial Report 2018/19 (Confidential)
- 8.1.2.d. Victorian Auditor-General's Office Opinion - MomentumOne 2016-17 (Confidential)
- 8.1.2.e. Victorian Auditor-General's Office Opinion - MomentumOne 2017-18 (Confidential)
- 8.1.2.f. Victorian Auditor-General's Office Opinion - MomentumOne 2018-19 (Confidential)

8.2 DIRECTOR ASSETS – WILLIAM JEREMY

8.2.1 Dinner Plain Event Funding Program 2020-21

File Number: 1608.12

INTRODUCTION

This report relates to the recommended distribution of funding to support events in Dinner Plain for the 2020-21 financial year.

RECOMMENDATION

That Council:

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

<i>EVENT NAME</i>	<i>APPLICANT</i>	<i>FUNDING</i>
<i>MTB Park Opening Social Day</i>	<i>Alpine Shire Council</i>	<i>\$2,000</i>
<i>New Year's Eve Festival</i>	<i>Alpine Shire Council</i>	<i>\$8,500</i>
<i>Outdoor Cinema</i>	<i>Alpine Shire Council</i>	<i>\$3,000</i>
<i>Hiking Festival</i>	<i>Alpine Shire Council</i>	<i>\$3,000</i>
<i>Bike & Beer Festival</i>	<i>Alpine Shire Council</i>	<i>\$5,000</i>
<i>Easter Festival</i>	<i>Alpine Shire Council</i>	<i>\$10,000</i>
<i>Feast High Country Longest Lunch</i>	<i>Alpine Shire Council</i>	<i>\$1,000</i>
<i>Opening Weekend Fireworks</i>	<i>Alpine Shire Council</i>	<i>\$6,200</i>
<i>Sled Dog Challenge</i>	<i>Dinner Plain Sled Dog Sprint</i>	<i>\$10,000</i> <i>(\$5,000 in 2020/21,</i> <i>and \$5,000 in</i> <i>2021/22)</i>
<i>Total</i>		<i>\$48,700</i>

- 2. Notes that financial sponsorship will not be provided to event organisers unless government restrictions limiting gatherings as a result of the COVID-19 pandemic are lifted and the event organiser has provided all required documentation to Council, including a risk management plan addressing measures to minimise transmission of COVID-19; and***
- 3. Delegates authority to the CEO to distribute residual or unspent funds to a cumulative total of \$50,000.***

BACKGROUND

Events are vitally important for the economy of Dinner Plain and a key driver of tourism, particularly in the green season.

The recommendation for funding is to support a mixture of event types spread over the year. These include existing successful events and events designed to attract visitation by targeting key school holiday and public holiday periods.

Attracting event organisers to Dinner Plain is challenging, but ongoing event activity is critical for Dinner Plain's economy.

ISSUES

The only external funding application received was from new event organisers of the Sled Dog Challenge. Eight events recommended for funding have been proposed by Alpine Shire Council as a means of supporting the Dinner Plain economy. Council officers will seek expressions of interest from experienced event organisers to deliver events as identified in the table above.

POLICY IMPLICATIONS

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

- A thriving and connected community

FINANCIAL AND RESOURCE IMPLICATIONS

The adopted 2020/21 budget contains an allocation of \$50,000 for events in Dinner Plain. The total recommendation for event funding is \$48,700, including \$10,000 for the Sled Dog Challenge event with \$5,000 to be funded from the 2020/21 financial year budget and \$5,000 to come from the 2021-22 financial year budget. The residual from the 2020/21 financial year budget will be \$6,300.

CONSULTATION

The Event Funding Program was advertised on Council's website. Additionally, details of the program were e-mailed directly to existing event organisers.

An assessment panel including two Dinner Plain community members, the Dinner Plain Marketing and Events Officer and Manager of Economic and Community Development assessed the application received under the Event Funding Program, considered other proposed events, and provided the recommendations contained in the report.

CONCLUSION

Events are a key driver of visitation to Dinner Plain and investment in event activities is essential to support the Dinner Plain economy. The recommendation for funding contained in this report will support a mixture of event types spread over the year. These

include existing successful events and events designed to attract visitation by targeting key school holiday and public holiday periods.

DECLARATION OF CONFLICT OF INTEREST

Under Section 80C of the *Local Government Act 1989*, the following officers declare that they have no interests to disclose in providing this report.

- Director Assets
- Manager Economic and Community Development
- Dinner Plain Marketing and Events Officer

ATTACHMENT(S)

- Nil

8.2.2 Diner Plain Bus

File Number: CT1707301

INTRODUCTION

This report details the recommendation to extend the existing contract with Alpine Spirit Pty Ltd to operate the service for the 2021 ski season.

RECOMMENDATION

That Contract No. 1707301 between Council and Alpine Spirit Pty Ltd for the provision of a shuttle bus service between Dinner Plain and Mount Hotham be extended to include the 2021 ski season for the price of \$159,588 + GST + CPI.

BACKGROUND

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

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

ISSUES

As a result of the COVID-19 pandemic impacting on the operation of the Mount Hotham ski season, Alpine Spirit was unable to successfully complete the final year of the existing contract. The service was only able to operate two weeks out of a usual 17 week ski season. Alpine Spirit has requested that Council consider a further one year term to the existing contract, to operate a service for the 2021 ski season.

Mount Hotham Resort Management Board (MHRMB) contracts Alpine Spirit to operate the intra village bus services for the Hotham village with the contract being awarded for the 2018, 2019 and 2020 ski seasons. MHRMB has also received a request from Alpine Spirit seeking a further one year term to the existing contract. It is beneficial for the contract terms of the agreements between Alpine Spirit and Council, and Alpine Spirit and the MHRMB to remain aligned, as this provides the best opportunity for cost efficiencies when this service is next tendered.

POLICY IMPLICATIONS

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

- A thriving and connected community

FINANCIAL AND RESOURCE IMPLICATIONS

The recommendation is for Council to extend the current contract with Alpine Spirit Pty Ltd to operate for the 2021 ski season at a cost of \$159,588 plus the applicable CPI increase. There is a further cost to the Dinner Plain bus service being gate entry for visitors to the Hotham resort, paid to MHRMB. Based on previous years' bus patronage, an amount of \$100,000 will be budgeted for gate entry. Annual subsidies from Vail Resorts (for staff transportation between the Dinner Plain and Hotham villages) and Bright P12 College (for student transportation between the Dinner Plain and Hotham villages) will be sought and the 2021-22 financial year expense budget reduced by the subsidies achieved.

CONSULTATION

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

CONCLUSION

The bus service between Dinner Plain and Hotham is a key element contributing to the success of Dinner Plain as a winter destination. Alpine Spirit has successfully delivered the winter bus service for the 2018 and 2019 ski seasons. The COVID-19 pandemic and resulting government restrictions affecting travel across the state and from interstate has significantly impacted on the normal operation of a ski season at all Victorian ski resorts. It is recommended that Alpine Spirit be awarded a further one year term to the current contract. MHRMB has resolved to offer Alpine Spirit a further one year term to the current contract.

DECLARATION OF CONFLICT OF INTEREST

Under Section 80C of the *Local Government Act 1989*, the following officers declare that they have no interests to disclose in providing this report.

- Director Assets
- Manager Economic and Community Development

ATTACHMENT(S)

- Nil

8.2.3 Mount Beauty Airport Upgrade

INTRODUCTION

The purpose of this report is to brief Council on the status of the Mount Beauty Airport Upgrade project and to highlight changes in the scope of the upgrade since submission of the funding application.

RECOMMENDATION

That Council notes the revised scope of the Mount Beauty Airport Upgrade project and authorises the negotiation of a grant agreement on the basis of the revised scope with a Council commitment of no more than \$1,555,910 + GST.

BACKGROUND

Alpine Planning Scheme Amendment C038 was gazetted on 2 March 2017. The amendment was the culmination of more than ten years of planning, facilitating an upgrade of the Mount Beauty Airport and allowing for the development of Air Park facilities with direct access to the runway.

An opportunity became available in 2019 to apply for significant Australian Government funding to progress the upgrade which had been foreshadowed through the planning scheme amendment. The window of opportunity to prepare and submit an application the Regional Airports Program Round 1 was short, and an external consultant was engaged to compile the documentation required to support the funding application.

At the Special Council Meeting on 3 December 2019, Council authorised the submission of a grant application to upgrade the Mount Beauty Airport, with a Council commitment of no more than \$1.6 million. The application was submitted on 13 December 2019.

On 13 June 2020, Council learned that its application had been successful, and it had been allocated \$1,555,910 of funding for the upgrade.

ISSUES

Following the funding announcement and before the grant funding agreement was finalised, a number of discrepancies were identified between the content of the funding application and earlier masterplan reports. The nature of these discrepancies raised concern that elements of the upgrade scope as proposed in the funding application were not technically achievable given the physical constraints of the airport and surrounding terrain.

The Australian Government Civil Aviation Safety Authority (CASA), the regulatory body responsible for aviation safety, has enacted new legislation which relates to the design and operation of aerodromes. The 'Part 139 (Aerodromes) Manual of Standards 2019' became effective on 13 August 2020 and applies to the upgrade of the Mount Beauty Airport. The technical information on which the funding application was based preceded the new legislation.

Council engaged specialist airport consultant to carry out a peer review of the funding application, and to establish a revised concept design which is technically achievable and compliant with the current legislation and standards, whilst achieving the desired objective to future proof emergency services access to the airport.

Work on the revised concept design is well progressed and the key changes between the scope of the funding application and the revised concept design are summarised in table 1 below.

Table 1 - Comparison of funding application and revised concept

	Funding Application	Revised Concept
Runway extension	Usable runway length to be increased to 1100m.	Usable runway length to be increased. Usable length to be confirmed.
Runway widening	Runway width to be increased to 18m	Runway width to be increased. Width to be confirmed.
Drainage	Drainage upgrade necessary to facilitate runway extension.	No change
Runway lighting	Installation of permanent Pilot Activated Airfield Lighting Control (runway lighting).	No permanent runway lighting to be installed.
Terrain obstacle lighting	Installation of obstacle lighting on towers/hills.	No obstacle lighting to be installed.
Apron area	Pavement of the apron area for helicopters and visiting aircraft.	Upgrade of the apron area to be confirmed.
Navigation System	Installation of an R-NAV system.	No navigation system to be installed.
Airport classification	Change to a Certified Airport.	Remain an Aircraft Landing Area (ALA)
Fencing	Not included.	Airport fencing upgrade to be confirmed.

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 Australian Government Department of Infrastructure has allocated \$1,555,910 of funding towards the Mount Beauty Airport Upgrade, based on a matching Council co-contribution and resulting in a total project budget of \$3,111,820.

A grant agreement has not been signed and the funding has not been confirmed. Council has committed to providing the funding agency with a revised concept design and updated cost estimate by 25 September 2020. The grant agreement will be negotiated on the basis of this revised submission.

CONSULTATION

Significant community engagement preceded the 2017 gazettal of the planning scheme amendment which facilitated the upgrade to the airport and development of the adjacent Airpark.

The timeframe available to prepare and submit an application to the Regional Airports Program was limited and did not support broad community engagement. Targeted engagement was carried out during the preparation of the funding application to ensure that the key stakeholder requirements and constraints were understood.

The Australian Government Department of Industry, Science, Energy and Resources is administering the Regional Airports Program Round 1. When discrepancies were identified in the funding application, Council Officers advised the Department and sought approval to defer the signing of the grant agreement whilst the upgrade scope was confirmed. Regular engagement is taking place between Council Officers and the Department.

A Stakeholder Reference Group has been established to ensure that input from the key organisations and groups using the airport can be considered as the revised concept design is developed, and subsequently as the project is delivered. This group includes representatives from the Mount Beauty Airport Management Committee, Air Ambulance Victoria, Forest Fire Management Victoria, Mount Beauty Gliding Club, Kiewa Valley Modellers and the North East Victorian Hang Gliding Club.

A landowner group has been established to which each of the landowners whose land abuts the airport has been invited. This group is being kept updated as the revised concept design is developed, and also has the opportunity to provide input into the concept design process for consideration.

The broader community was engaged at the time of the funding announcement and will be engaged further as the revised concept design nears completion and then throughout the delivery of the project.

CONCLUSION

Council has been allocated funding to upgrade the Mount Beauty Airport, however the funding agreement has not been signed and a revision to the airport upgrade scope has

become necessary. The revised upgrade scope will fulfil the original project objective of future proofing emergency services access to the airport.

DECLARATION OF CONFLICT OF INTEREST

Under Section 80C of the Local Government Act 1989, the following officers declare that they have no interests to disclose in providing this report.

- Director Assets

ATTACHMENT(S)

- Nil

8.2.4 Asphalt Overlay Contract 2020-21

File Number: CT 20032

INTRODUCTION

This report relates to the award of the Asphalt Overlay (2020-21) Tender. Council undertakes asphalt overlaying each year as part of its local roads' renewal program.

RECOMMENDATION

That Council awards Contract No. 2003201 for 'Asphalt Overlay (2020-21)' to Szabolics Construction Pty Ltd for the lump sum price of \$149,230.68 + GST.

BACKGROUND

The 2020-21 Asphalt Overlay program is based in the Kiewa Valley and will be carried out in Mount Beauty, Tawonga South and Tawonga. Council undertakes asphalt overlay works each year by a process of overlaying existing sprayseal with asphalt to prolong the life of selected road segments. These segments are typically court bowls and carparks.

The Tender was advertised in the Herald Sun, and on the Tenders.net and Alpine Shire Council websites on 8 July 2020. The Tender documents were downloaded by eight prospective tenderers with five tenders being submitted to Council.

EVALUATION

The evaluation panel consisted of the Director Assets and Project Officer. The Tenders were evaluated according to the key selection criteria listed in the Invitation to Tender:

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

All tender submissions were evaluated. Capability to complete the works both safely and within the required timeframe were important considerations in evaluating the tender submissions.

ISSUES

It is important that the asphalt overlay works are completed by no later than end December 2020, otherwise this will impact on the delivery of the road resealing works which follows the asphalt overlay works in the same locations and is scheduled to commence in January 2021.

The tenderer scoring highest in the detailed assessment is based in Melbourne within the area currently subject to COVID-19 Stage 4 restrictions. Melbourne's Stage 4 restrictions are currently due to end on 13 September 2020, however it is possible that the restrictions could be extended beyond this date. Workers are permitted to leave the

Stage 4 restriction area for work subject to receipt of a permit from their employer. However, encouraging travel from an area subject to Stage 4 restrictions into the Alpine Shire is not recommended due to the risk of inadvertently bringing COVID-19 into the local community.

A delay in completing in the asphalt works could delay the delivery on road reseals works. If road reseal works are completed late in the season when the average day time temperatures drop the quality of the road seal can be compromised, which can result in a sub-standard outcome (bleeding or road reseals) for many years after works are completed.

On this basis, the recommendation in this report is for award to the tenderer scoring second highest in the assessment of the Tenders. This contractor is based in Wodonga.

POLICY IMPLICATIONS

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

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

- Incredible places for our community and visitors

FINANCIAL AND RESOURCE IMPLICATIONS

Sufficient budget has been allocated in 2020/21 financial year to cover the award of this Contract.

CONSULTATION

External customers directly impacted during the delivery of the works will be notified by mail in advance of the works commencing. The works schedule will also be advertised on the Alpine Shire Council website.

CONCLUSION

That a Contract be awarded to Szabolics Construction Pty Ltd to undertake Council's annual asphalt overlay works in the Kiewa Valley.

DECLARATION OF CONFLICT OF INTEREST

Under Section 80C of the Local Government Act 1989, the following officers declare that they have no interests to disclose in providing this report.

- Director Assets
- Project Officer

ATTACHMENT(S)

- Nil

8.2.5 Reseals Contract 2020-21

File Number: CT20033

INTRODUCTION

This report relates to the award of the Resealing (2020-21) - Sprayseal Tender. Council undertakes road resealing each year as part of its local roads' renewal program.

RECOMMENDATION

That Council awards Contract No. 2003301 for 'Resealing (2020-21) - Sprayseal' to LFT Bitumen for the lump sum price of \$357,820.26 + GST.

BACKGROUND

The 2020-21 resealing program is based in the Kiewa Valley and resealing will be carried out in Mount Beauty, Tawonga South, Tawonga, Coral Bank, Gundowring, Upper Gundowring, Dederang and Glen Creek. The list of roads to be resealed is compiled from the annual Sealed Roads Condition Inspection program. A total road area of approximately 71,800m² (11km in length) is scheduled to be resealed this year.

The Tender was advertised in the Herald Sun on 8 July 2020, and on the Tenders.net and Alpine Shire Council websites on 29 June 2020. The Tender documents were downloaded by 12 prospective tenderers with five tenders being submitted.

EVALUATION

The evaluation panel consisted of the Director Assets and Project Officer. The Tenders were evaluated according to the key selection criteria listed in the Invitation to Tender:

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

All tender submissions were evaluated. Capability to complete the works both safely and within the required timeframe were important considerations in evaluating the tender submissions.

Through this evaluation process it was determined that the tender from LFT Bitumen best met the selection criteria.

ISSUES

The works involve a large crew and intense heavy vehicle and plant movements at multiple locations. Therefore, a high standard of traffic management and site safety is required by the contractor.

There have been issues in the past with bleeding of seals which can be caused by sealing under colder conditions. The delivery of the 2020-21 resealing program has brought forward to earlier in the year to mitigate this risk.

POLICY IMPLICATIONS

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

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

- Incredible places for our community and visitors

FINANCIAL AND RESOURCE IMPLICATIONS

Sufficient budget has been allocated in 2020/21 financial year to cover the award of this Contract.

CONSULTATION

External customers directly impacted during the delivery of the works will be notified by mail in advance of the works commencing. The works schedule will also be advertised on the Alpine Shire Council website.

CONCLUSION

That a Contract be awarded to LFT Bitumen to undertake Council's annual road resealing works in the Kiewa Valley.

DECLARATION OF CONFLICT OF INTEREST

Under Section 80C of the *Local Government Act 1989*, the following officers declare that they have no interests to disclose in providing this report.

- Director Assets
- Project Officer

ATTACHMENT(S)

- Nil

8.2.7 Community Bushfire Recovery Grants Program

INTRODUCTION

This report relates to the allocation of funding under the Community Bushfire Recovery Grant funding program.

RECOMMENDATION

That Council:

- 1. Delegates authority to the CEO to approve the allocation of funds through the Community Bushfire Recovery Grants program as recommended by the Alpine Community Recovery Committee; and***
- 2. Notes that the funding allocation approved under delegation to the CEO will be presented to a future meeting of Council for noting.***

BACKGROUND

\$420,000 of State Government 'Local Government Bushfire Recovery Funding' was allocated in Council's 2020/21 Budget for community-led initiatives. \$20,000 has been allocated through Council's Community Grants Program, and the balance of \$400,000 remains available for allocation through the Community Bushfire Recovery Grants Program.

A two-stage application process will be implemented; an Expression of Interest (EOI) followed by submission of a Full Application.

The Alpine Community Recovery Committee (CRC) will evaluate the EOIs and will decide which of these should proceed through to detailed planning and submission of a Full Application. The reason for implementing an Expression of Interest stage is to avoid applicants spending a lot of time on preparing detailed applications for proposals which are unlikely to gain the support of the CRC for funding through this program.

The CRC will also evaluate the Full Applications and provide a recommendation for allocation of the available funding to Council for a formal decision.

A broad range of proposals is being encouraged, with the key requirements being that they are 'community-led' and can be demonstrated to support recovery and building resilience.

A number of proposals received at the EOI stage may be sufficiently well defined and supported by the community that further detailed planning is not necessary prior to the CRC making a recommendation to allocate funding. Under this scenario and with the support of the CRC, it is preferable that a formal funding decision can be made immediately and on the basis of the information submitted with the EOI, without having to delay the decision until the submission period closes for the Full Applications. This will allow communities and community groups which are well advanced in their understanding of their recovery needs to proceed with initiatives to support their recovery without unnecessary delay.

ISSUES

The Expression of Interest process is scheduled to close during the Council Election Period. The earliest opportunity at which the new Council will be able to make a decision on funding allocation will be at the December Ordinary Council Meeting. Awaiting this meeting before announcing the allocation of funding could result in a two-month delay for applicants who are nominated for funding based on the information submitted with their Expression of Interest.

POLICY IMPLICATIONS

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

- A thriving and connected community.

FINANCIAL AND RESOURCE IMPLICATIONS

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

CONSULTATION

The guidelines for the Community Bushfire Recovery Grants Program have been established in collaboration with the Alpine Community Recovery Committee.

The funding program will be advertised to the public for a six-week period, during which time the individual community representatives on the CRC will engage with their communities to encourage participation in identifying initiatives and projects that are community driven to assist with recovery.

Applications that are not successful in this funding round may be captured in community recovery plan for alignment with future funding opportunities as they arise.

CONCLUSION

It is beneficial for the CEO to be delegated the authority to approve the allocation of funds under the Community Bushfire Recovery Grants Program. This will avoid unnecessary delay in delivering funding to communities who have clearly articulated recovery needs.

DECLARATION OF CONFLICT OF INTEREST

Under Section 80C of the Local Government Act 1989, the following officers declare that they have no interests to disclose in providing this report.

- Director Assets
- Manager Bushfire Recovery

ATTACHMENT(S)

- Nil

8.3 DIRECTOR CORPORATE – NATHALIE COOKE

8.3.1 Instruments of Delegation

File Number: Delegations Register

INTRODUCTION

The purpose of this report is to update Council's instruments of delegation to the Chief Executive Officer and to staff, to align to the *Local Government Act 2020* (LGA 2020). Council is required to review these delegations prior to 1 September 2020.

RECOMMENDATION

- 1. Council exercise the powers conferred by section 11(1)(b) of the Local Government Act 2020, so that:**
 - a. There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in attachment 8.3.1(a) "S5 - Instrument of Delegation from Council to the Chief Executive Officer" (instrument S5), subject to the conditions and limitations specified in that instrument;***
 - b. Instrument S5 be signed and sealed at the appropriate stage of this meeting;***
 - c. Instrument S5 comes into force immediately the common seal of Council is affixed to the instrument;***
 - d. On the coming into force of instrument S5, all previous delegations to the Chief Executive Officer are revoked;***
 - e. The duties and functions set out in instrument S5 must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.***
- 2. Council exercise the powers conferred by the legislation referred to in attachment (8.3.1(b) "S6 - Instrument of Delegation from Council to Members of Council Staff "(instrument S6), so that:**
 - a. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in instrument S6, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;***
 - b. Instrument S6 be signed and sealed at the appropriate stage of this meeting;***
 - c. Instrument S6 comes into force immediately the common seal of Council is affixed to the instrument;***
 - d. On the coming into force of instrument S6, all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked; and***

- e. The duties and functions set out in instrument S6 must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.***

BACKGROUND

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

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

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

Where specific legislation does not allow sub-delegation, the Instrument of Delegation to Council Staff delegates Council's duties directly to staff.

ISSUES

Transition to the Local Government Act 2020

On 1 May 2020, the power to delegate Council powers, duties and functions moved from the *Local Government Act 1989* (LGA 1989) to the LGA 2020. This means that Council must now re-issue an Instrument of Delegation to the CEO under s11(1)(b) of the LGA 2020, to enable the powers, duties and functions of that Act.

Instruments of Delegation under the LGA 1989 remain current until 1 September 2020, unless revoked earlier. The recommendations in this report will revoke the previous instrument.

Update of Instruments

Council subscribes to the Maddocks Delegations and Authorisations service, where templates are provided to allow Council and the CEO to delegate their powers directly to staff.

Council has regularly updated the Instrument of Delegation to the CEO this year, both in response to COVID-19 restrictions, and to the commencement of the *Local Government Act 2020*. By updating the Instrument of Delegation to CEO at this time, Council ensures that it is following best practice, to update all instruments at the same time. No major changes have been made to the CEO's delegation in this update.

The Instrument of Delegation to Council Staff has been updated to reflect the commencement of the LGA 2020, as well as the commencement of some changes to other Acts.

POLICY IMPLICATIONS

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

- A high performing organisation

FINANCIAL AND RESOURCE IMPLICATIONS

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

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

CONSULTATION

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

CONCLUSION

The Instrument of Delegation to the CEO allows for appropriate delegation of Council's powers, duties and functions directly to the CEO and directly to staff. Where legislation allows it, the CEO can then further sub-delegate these duties to members of Council staff. The Instruments come into force immediately the common seal of Council is affixed and will remain in force until Council determines to vary or revoke them.

DECLARATION OF CONFLICT OF INTEREST

Under Section 80C of the *Local Government Act 1989*, the following officers declare that they have no interests to disclose in providing this report.

- Director Corporate
- Manager Corporate
- Governance Officer

ATTACHMENT(S)

8.3.1.a. S5 - Instrument of Delegation from Council to the Chief Executive Officer

8.3.1.b. S6 - Instrument of Delegation from Council to Members of Council Staff

8.3.2 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 staffing for staff with planning responsibilities, and the introduction of the *Local Government Act 2020*.

RECOMMENDATION

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

- 1. The following members of Council staff referred to in attachments 8.3.2(a)-(d) "S11A – Instrument of Appointment and Authorisation – Planning & Environment Act 1987" (the instruments) be appointed and authorised as set out in the instruments;***
 - a. Director Corporate***
 - b. Planning Coordinator***
 - c. Compliance Officer***
 - d. Engineering Coordinator***
- 2. The instruments come into force immediately the common seal of Council is affixed to the instruments, and remain in force until Council determines to vary or revoke them;***
- 3. The instruments be signed and sealed at the appropriate stage of this meeting; and***
- 4. On the coming into force of the instruments, 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, 1 May 2018***
 - b. Development Engineer, 2 April 2019***
 - c. Planning Coordinator, 2 July 2019***

BACKGROUND

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 pieces of 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. All of the relevant legislation affecting local government, including Acts and regulations and the sections that relate to the powers, duties and functions of Council are outlined within the template and the relevant officer is allocated accordingly.

ISSUES

Council staff involved in planning roles require current and accurate authorisations to fulfil their duties. A change in staffing, the introduction of new roles in Council, and the power to institute proceedings moving from the LGA 1989 to the LGA 2020, means that the Instruments of Appointment and Authorisation (IoAA) must be updated. Where relevant, authorisations for staff leaving, changing roles, or when otherwise updated must be revoked.

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.

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

CONSULTATION

The relevant staff and director have been consulted during the preparation of the 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

Under Section 80C of *the Local Government Act 1989*, the following officers declare that they have no interests to disclose in providing this report.

- Director Corporate
- Manager Corporate
- Governance Officer

ATTACHMENT(S)

- 8.3.2.a. S11A – Instrument of Appointment and Authorisation – Planning & Environment Act 1987 - Director Corporate
- 8.3.2.b. S11A – Instrument of Appointment and Authorisation – Planning & Environment Act 1987 - Planning Coordinator
- 8.3.2.c. S11A – Instrument of Appointment and Authorisation – Planning & Environment Act 1987 - Compliance Officer
- 8.3.2.d. S11A – Instrument of Appointment and Authorisation – Planning & Environment Act 1987 - Engineering Coordinator

8.3.3 Audit Committee Meeting No.2020/21-1, 17 July 2020

File Number: Audit Committee

INTRODUCTION

The purpose of this report is to present the minutes of the Audit Committee meeting held on 17 July 2020.

Key items presented to and considered by the Committee at this meeting included:

- Interim Audit year ending 30 June
- Local Government Act 2020 - progress update
- Asset Management - progress update
- Audit and Risk Committee charter and establishment
- VAGO report: Personnel Security - Due Diligence over Public Service Employees
- Annual self-assessment of performance

RECOMMENDATION

That the minutes of the Audit Committee Meeting No. 2020/21-1 held 17 July 2020 be received and noted.

BACKGROUND

Council's Audit Committee is established under section 139 of the *Local Government Act 1989*. The Committee's Charter requires it to report to Council its activities, issues and related recommendations. This report relates to Audit Committee Meeting No. 2020/21-1 held on 17 July 2020.

ISSUES

Interim Audit Year Ending 30 June 2020

Council's external audits, RSD Audit, attended and provided an overview of findings stemming from their interim audit for the year ending 30 June 2020.

The interim review identified two new findings:

- A Fraud Management survey indicates that almost 50% of staff say that no fraud and corruption awareness has been provided to them. The auditor recommends that fraud training is provided to all Council employees.
- Council should prepare grant and lease registers in order to assess in detail the actions required to comply with new accounting standards.

Management agreed with the recommendations and committed to implementation timeframes.

The auditor also reviewed the status of prior year finding and found that of six open items, three had been resolved, two were progressing and one was unresolved.

The Audit Committee noted the auditor's findings and agreed to continue to monitor progress against open items through its action sheet.

Local Government Act 2020 - Progress Update

The Audit Committee noted Council's progress in implementing the requirements of the new *Local Government Act 2020*, notably that Council was on track to deliver the first tranche of deliverables required by 1 September 2020, and that Council had commenced the construction of an overall implementation plan.

Asset Management - Progress Update

The Audit Committee noted Council's progress in implementing an improved framework and governance structure to move towards best practice in asset management.

Notably Council has appointed an experienced person to the Assets Coordinator position on a two-year contract to aid in implementation. A new Asset Management Policy has been adopted and the establishment of a cross-functional Asset Management Steering Group has been agreed. Council's suite of Asset Management Plans are under review and its highest value asset classes are being revalued.

Audit and Risk Committee Charter and Establishment

The *Local Government Act 2020* requires Council to establish and Audit and Risk Committee and to adopt a committee charter by 1 September 2020.

The Audit Committee endorsed the proposed approach to establishing the new Committee based on reappointing Audit Committee members in line with the balance of their three-year terms.

The Committee also endorsed the proposed Audit and Risk Committee Charter based on minor changes to the current Audit Committee Charter, and made additional recommendations to adjust the definition of quorum to reflect half the number of members plus one, and to review whether Committee member remuneration should be adjusted based on partial meeting attendance, and based on whether a member was acting as the Chair.

VAGO Report - Personnel Security - Due Diligence Over Public Service Employees

The Committee reviewed Council's practices against this VAGO Report and agreed with management's proposed actions to review the Recruitment, Selection and Appointment policy to address risk-based screening checks, and to assign ownership for contractor management within the organisation.

Annual Self-Assessment of Performance

The Committee noted the results of its annual self-assessment of performance survey, including that feedback overall was very positive, and that suggestions for improvement included:

- The internal audit function is linked to risk and compliance;
- Routine updates are provided on significant strategic risks;
- Risk management responsibilities are embedded in the organisation;

- That audit committee recommendations and guidance are prioritised in accordance with the size of the organisation.

POLICY IMPLICATIONS

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

- A responsible and sustainable organisation

CONCLUSION

The Audit Committee, being satisfied with the detail provided in its agenda and the officer reports, submits the minutes of its 17 May 2020 Meeting No. 2020/21-1 to Council for noting.

DECLARATION OF CONFLICT OF INTEREST

Under Section 80C of the *Local Government Act 1989*, the following officers declare that they have no interests to disclose in providing this report.

- Director Corporate
- Manager Corporate

ATTACHMENT(S)

8.3.3 Minutes of Audit Committee Meeting No 2020/21-1, 17 July 2020

8.3.4 Revocation of policies

File Number: Policy Register

INTRODUCTION

Council is in the process of undertaking a holistic review of its policies. This report relates to the completed review of the following policies:

- Alpine Region Tourism - Festivals and Events Policy No.09
- Employee Education Policy No.17
- Competition Policy No.18
- Communications Consultation Policy No.21
- Conduct of Street Closures and Markets Policy No.25
- Staff Structure and Recruitment Policy No.47
- Motor Vehicle Policy No.48

The review has determined that these policies are no longer required and may now be revoked.

RECOMMENDATION

That:

- 1. Alpine Shire Council Alpine Region Tourism - Festivals and Events Policy No.09, Version 1, 3 October 2000, be revoked;**
- 2. Alpine Shire Council Employee Education Policy No.17, Version 5, 4 April 2006, and all previous versions, be revoked;**
- 3. Alpine Shire Competition Policy No.18, amended 4 April 2006, and all previous versions, be revoked;**
- 4. Alpine Shire Council Communications and Consultation Policy No.21, Version 2, 4 April 2006, and all previous versions, be revoked;**
- 5. Alpine Shire Council Conduct of Street Closures and Markets Policy No.25, Version 1, 4 April 2000, be revoked;**
- 6. Alpine Shire Council Staff Structure and Recruitment Policy No.47, Version 1, adopted 7 October 2003, be revoked; and**
- 7. Alpine Shire Council Motor Vehicle Policy No.48, Version 2, 7 October 2008, be revoked.**

BACKGROUND

Over time Council has developed a number of policies outlining its position in relation to a range of diverse issues. A review of three policies has now been completed as part of Council's holistic policy review program.

ISSUES

Alpine Region Tourism - Festivals and Events Policy No.09

The Alpine Region Tourism - Festivals and Events Policy established the process for organisers of non-commercial events to apply to the Alpine Region Tourism Committee for minor financial assistance for the establishment of new events, assistance with program development of existing events and marketing support.

The Alpine Region Tourism Committee no longer exists and funding for events is now managed on an annual basis through Council's Event Funding Program which offers in-kind (logistics) support or cash contributions to successful eligible applicants.

Alpine Region Tourism - Festivals and Events Policy No.09 is no longer relevant to Council's current processes and should be revoked.

Employee Education Policy No.17

The Employee Education Policy was last reviewed in 2006 and established a uniform approach to employee occupational and personal development ensuring fair and equitable treatment of employees undertaking education and training. The policy covers matters including leave, travel and fees. The intent and detail of the policy are now covered by the provisions of the Alpine Shire Council Enterprise Agreement 2016.

Employee Education Policy No.17 as amended and adopted in April 2006 is no longer relevant to Council's current established and documented processes and should be revoked. As there is no evidence that previous versions of the policy adopted in 1996, 1997 and 2001 were revoked it is also recommended that these be revoked as well.

Competition Policy No.18

The Competition Policy was last reviewed in 2006 and established Council's approach to complying with the requirements of the *Trade Practices Act 1974*. It put in place measures to ensure competitive neutrality with regards to any in-house bids that Council made for its own work. As Council currently does not conduct in-house bids, the policy is deemed to be no longer relevant and should be revoked. Council still needs to ensure that it adheres to the *Consumer and Competition Act 2010* which has replaced the *Trade Practices Act 1974*, but this does not require a standalone policy to manage this.

Communications and Consultation Policy No.21

The Communications and Consultation Policy was last reviewed in 2006 and outlined Council's commitment to communication and consultation with the community. The intent of the policy is predominantly addressed by existing methods of communication and consultation utilised by Council or required by legislation.

The new *Local Government Act 2020* commits Council to five community engagement principles and four public transparency principles as well as requiring Council to adopt a Community Engagement Policy and a Public Transparency Policy. The principles in the Act supersede the Communications and Consultation Policy.

The Communications and Consultation Policy No.21 as amended and adopted in April 2006 as well as the previous version should be revoked.

Conduct of Street Closures and Markets Policy No.25

The Conduct of Street Closure and Markets Policy outlined the process for closing roads for events and markets. This process is now managed through Council's Event Permit Application process. As part of an Event Permit Application, the organiser must outline their traffic and pedestrian management plans including whether they are seeking closure of or alteration to any Council or VicRoads managed roads. If an event organiser is seeking closure or alteration to a Council managed road, they must lodge an Occupation/Works on Council Managed Land Application.

The Conduct of Street Closure and Markets Policy No.25 is no longer relevant to Council's current processes and should be revoked.

Staff Structure and Recruitment Policy No.47

The Staff Structure and Recruitment Policy was reviewed in conjunction with the Criminal Records Check Policy No.86. The review proposed that the contents of these policies be combined into one policy, the Recruitment, Selection and Appointment Policy.

As the CEO is responsible for the recruitment and management of staff under s94A(3) of the *Local Government Act 1989* the new Recruitment, Selection and Appointment Policy No.114 was deemed an operational policy and was approved by the CEO.

The Criminal Records Check Policy No.86 was an operational policy originally approved by the CEO and has subsequently been revoked by the CEO.

As the Staff Structure and Recruitment Policy No.47 has been superseded by the new Recruitment, Selection and Appointment Policy No.114 it should be revoked.

Motor Vehicle Policy No.48

The Motor Vehicle Policy was last reviewed in 2008 and provided direction with regard to the management, operation and allocation of Council's passenger vehicle fleet. Since that time Council has reviewed and reduced its vehicle fleet including minimising private use vehicles and establishing a fleet of pool cars.

The Motor Vehicle Policy No.48 in its current form is no longer relevant to Council's established processes and should be revoked.

POLICY IMPLICATIONS

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

- A responsible and sustainable organisation

CONSULTATION

The Director Corporate, Manager Corporate and Manager Economic and Community Development were consulted in the review of these policies. The external legal firm Macquarie Local Government Lawyers was consulted in the review of the Competition Policy.

CONCLUSION

The review of policies has established that:

- the Alpine Region Tourism Festival and Events Funding Policy No.09, Conduct of Street Closures and Markets Policy No.25 and Motor Vehicle Policy No.48 have all been superseded by current documented processes
- the Employee Education Policy No.17 is superseded by the Alpine Shire Council Enterprise Agreement 2016 and established procedures
- The Competition Policy No. 18 is no longer required as it relates to practices which Council does not currently undertake
- the Communications and Consultation Policy No.21 is superseded by the community engagement and public transparency principles and requirements of the new *Local Government Act 2020*
- the Staff Structure and Recruitment Policy No.47 is superseded by the new Recruitment, Selection and Appointment Policy No. 114.

Therefore, all seven policies should be revoked.

DECLARATION OF CONFLICT OF INTEREST

Under Section 80C of the *Local Government Act 1989*, the following officers declare that they have no interests to disclose in providing this report.

- Director Corporate
- Manager Corporate
- Manager Economic and Community Development
- Health Safety and Risk Officer

ATTACHMENT(S)

- Nil

8.3.5 Child Safe Policy (Review 2020)

File Number: Policy Register

INTRODUCTION

The purpose of this report is to present to Council a review of its Child Safe Policy and seek Council's adoption of the revised policy.

RECOMMENDATION

That Council:

- 1. Revoke Child Safe Policy No. 108 Version 1;***
- 2. Adopt the Child Safe Policy No. 108 Version 2; and***
- 3. Sign and seal Child Safe Policy No. 108, Version 2 at the appropriate time of the meeting.***

BACKGROUND

The Child Safe Policy establishes Council's commitment to the community to create and sustain an environment where children are safe and protected from harm and abuse.

ISSUES

The policy was adopted December 2017 and a review has been conducted to ensure that the Policy is current and consistent with Council's policy position.

It is proposed that the requirement for Working with Children checks is extended to Councillors given the variety of situations in which they may be in close contact with children in their role.

As there have been no substantive legislative amendments or other changes to Council's policy position since the Policy was last reviewed, only minor amendments are otherwise proposed.

The Policy addresses the following matters:

Council's Statement of Commitment to child safety;

Child safe code of conduct and other legislative obligations;

1. Council's Statement of Commitment to child safety;
2. Child safe code of conduct and other legislative obligations;
3. Reportable conduct scheme obligations;
4. The roles and responsibilities of key Council officers;
5. Staff training;
6. Staff recruitment; and
7. Risk minimisation.

Council is committed to child safety and to acting in the best interests of all children and will meet this commitment by:

1. Acknowledging that child safety is of paramount importance;

2. Having a zero level of tolerance for reported child abuse;
3. Complying with Council's legal obligations imposed under the Mandatory Reporting Scheme;
4. Adhering to the Victorian Child Safe Standards; and
5. Ensuring that systems are in place to anticipate risks, document incidents and identify appropriate responses consistently and in line with the law, policy and procedure.

POLICY IMPLICATIONS

The Child Safe Policy reflects Council's legislative responsibility in meeting both the requirements of the Victorian Government's Child Safe Standards and the Reportable Conduct Scheme. The recommendation is in accordance with the following Strategic Objective of the Council Plan 2017-2021:

- A responsible and sustainable organisation

FINANCIAL AND RESOURCE IMPLICATIONS

Council allocates resources through its annual budget to implement initiatives and training specific to the Child Safe Policy.

CONSULTATION

The external firm Macquarie Local Government Lawyers was consulted in reviewing this policy to ensure that it reflects current legislative requirements.

CONCLUSION

Council acknowledges that the health, safety and wellbeing of children within the municipality is of paramount importance. The re-adoption of this Policy formalises Council's ongoing commitment to achieving this objective.

DECLARATION OF CONFLICT OF INTEREST

Under Section 80C of the *Local Government Act 1989*, the following officers declare that they have no interests to disclose in providing this report.

- Director Corporate
- Manager Corporate

ATTACHMENT(S)

8.3.5 Child Safe Policy No. 108, Version 2

8.3.6 Body-Worn Camera Policy No. 109

File Number: Policy Register

INTRODUCTION

The purpose of this report is to recommend that Council approves the revised Body-Worn Camera Policy.

RECOMMENDATION

That Council:

- 1. Revoke Body-Worn Camera Policy No.109 Version 1;**
- 2. Adopts Body-Worn Camera Policy No. 109 Version 2; and**
- 3. Sign and seal Body-Worn Camera Policy No. 109 Version 2 at the appropriate time of the meeting.**

BACKGROUND

Council's Body Worn Camera Policy No. 109 was adopted in May 2018, with review required within two years. The Policy sets out the details for how Council's Authorised Officers are able to use body-worn cameras (BWC) in the course of their duties.

Generally, BWC are used widely by most compliance / enforcement agencies across Victoria, and their use is now considered routine (or even mandatory) with agencies such as Victoria Police, parts of VicRoads and many councils.

Council's objectives for the use of BWC relate to the following areas:

- Employee safety - the use of BWC is generally accepted as a deterrent or de-escalation tactic in situations where an Authorised Officer may come under threat of physical or verbal abuse, or it may record such abuse for follow up action.
- Gathering evidence - BWC provide a clear, objective record of conversations or other events that may be used for evidence / enforcement purposes, provided that appropriate methods are followed (e.g. not recording 'private' conversations).

As the previous policy has now expired, it is timely to review and update the policy.

ISSUES

The changes to the Policy are generally considered to be minor or administrative in nature, and are summarised as follows:

1. The Policy has been updated to state that BWC footage may be reviewed for training or coaching purposes, with the consent of the Authorised Officer in question. It has become clear that footage is useful for Authorised Officers to self-critique and have coaching / mentoring provided by immediate supervisors and peers on topics such as evidence gathering or general interactions with community;
2. The Policy has been updated to clarify that conversations that might be considered 'private' are not to be recorded without notifying that the recording is taking place, but other conversations can be recorded without explicit notification. This is

consistent with the provisions of the Surveillance Devices Act 1999, which defines a private conversation as “a conversation carried on in circumstances that may reasonably be taken to indicate that the parties to it desire it to be heard only by themselves, but does not include a conversation made in any circumstances in which the parties to it ought reasonably to expect that it may be overheard by someone else”;

3. The period for retention of data will depend upon the purpose of data collection. The Public Records Act 1973 provides guidance on different types of information and the record keeping requirements associated with them. All footage obtained from body worn cameras will be retained and disposed of by Council in accordance with the applicable standard made under the Public Records Act 1973; and
4. Other edits made include changes to Officer titles and minor typographical updates.

Changes (2) and (3) above are required to ensure consistency with the various Acts that govern the use of recorded data and record keeping requirements, and all changes noted above are considered to be relatively minor. As such public consultation on the changes is not considered necessary.

POLICY IMPLICATIONS

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

The proposed policy is not expected to have any significant financial or resource implications.

CONSULTATION

The previous Policy was exhibited for public comment. The revised Policy has been prepared with internal advice from Council's Governance Officer, Compliance Officer, Local Laws Officer and external advice from a legal practitioner.

CONCLUSION

The proposed Body-Worn Camera Policy will provide the community with clear expectations about the use of BWC by Council's Authorised Officers in the course of their duties.

DECLARATION OF CONFLICT OF INTEREST

Under Section 80C of *the Local Government Act 1989*, the following officers declare that they have no interests to disclose in providing this report.

- Director Corporate
- Manager Building and Amenity
- Compliance Officer
- Governance Officer

ATTACHMENT(S)

8.3.6 Body-Worn Camera Policy No. 109 Version 2.

8.3.7 Contract ILMS 4323 Integrated Library Management System

File Number: Vital Documents

INTRODUCTION

Council manages a shared service, the "Library Hub", for the procurement and processing of library resources on behalf of four Councils, namely Alpine Shire Council, Benalla Rural City Council, Mansfield Shire Council and the Rural City of Wangaratta. The purpose of this report is to recommend the award of a contract for the Integrated Library Management System that supports the operations of the Library Hub and the library branches that it services, collectively known as the High Country Library Network.

RECOMMENDATION

That Council:

- 1. Note that the Municipal Association of Victoria (MAV) has conducted a tender process for the provision of an Integrated Library Management System on behalf of Victorian Councils and Library Services;**
- 2. Note that following this tender process, MAV awarded contract ILMS4323 for the Provision of Integrated Library Management Systems to SirsiDynix Pty Ltd;**
- 3. Note that the contract consists of a Standing Offer Deed commenced 1st July 2019 for a period of 5 years with an option to extend for 2 additional periods of 36 months until the 30 June 2030;**
- 4. Enter into a Master IT Supply Agreement with SirsiDynix as governed under the Standing Offer Deed with MAV for a period of 5 years with the option to extend for 2 additional periods of 36 months until 30 June 2030, for an estimated total contract value of up to \$300,000; and**
- 5. Sign the contract documentation at an appropriate stage in the Meeting.**

BACKGROUND

Council requires an Integrated Library Management System (ILMS) in order to effectively administer library resources across the four Councils that it services under the High Country Library Network Shared Services Agreement.

ISSUES

On behalf of Victorian Councils and library services, MAV issued a Request for Tender for the Provision of Integrated Library Management Systems on 12 October 2018. The Tender sought the provision of a Standing Offer for the required services for a period of 5 years with an option to extend the Deed of Offer for 2 additional periods of 36 months. A key objective of the Tender was to enable Victorian public libraries to easily share a Library Management System and / or resources if they chose.

The tender closed at 2pm on 9 November 2018. Four suppliers were invited to tender based on a previously released Expression of Interest. Three tenders were received, and one tender withdrew from the process.

The Tender Evaluation Panel consisted of representatives from MAV, the Swift Library Consortium, and several Victorian library services. The Panel assessed the responses against 7 criteria including Provision of Service (10%), Project Management (10%), Key Staff and Qualifications (5%), Demonstrated Experience (5%), Ongoing Services and Support (10%), Capability and Capacity (10%), and System Demonstration (50%).

Following due consideration, the Tender Evaluation Panel recommended that SirsiDynix Pty Ltd be awarded the contract ILMS4323 for the provision of an Integrated Library Management System and that Master IT Supply Agreements governed by ILMS4323 be made available to individual councils and libraries to engage directly with the tenderer for the required service.

POLICY IMPLICATIONS

The tender was conducted by MAV who are ministerially approved procurement agent for local councils in Victoria in accordance with Section 186 of the *Local Government Act 1989*.

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

Based on the first-year cost and anticipated contractual increases in line with CPI, it is anticipated that the total potential cost to Council of the eleven years of ILMS4323 (including extension options) is up to \$300,000. There is sufficient allocation within Council's budget and long-term financial plan for this contract.

CONSULTATION

Council officers liaised with MAV and Public Libraries Victoria through the tender process to provide input as relevant, and ensured that the managers representing the High Country Library Network were informed as the tender progressed. MAV Procurement and Public Libraries Victoria were consulted in the preparation of this report.

CONCLUSION

Based on the evaluation performed by MAV on behalf of Victorian public libraries, SirsiDynix offers the best value for the provision of Council's Integrated Library Management System for a term of 5 years from 1 July 2019 plus 2 extension options of 36 months each.

DECLARATION OF CONFLICT OF INTEREST

Under Section 80C of the *Local Government Act 1989*, the following officers declare that they have no interests to disclose in providing this report.

- Director Corporate
- Manager Corporate

ATTACHMENT(S)

- Nil

8.3.8 Annual Financial Statements and Performance Statement - Approval in Principle

File Number: 900.01

INTRODUCTION

The purpose of the report is to present the draft Financial Statements and Performance Statement for the year ended 30 June 2020 for review and approval in principle.

RECOMMENDATION

That Council:

- 1. Approve in principle the Financial Statements and the Performance Statement for the year ended 30 June 2020;**
- 2. Authorise Cr _____ and Cr _____ to certify the Financial Statements and Performance Statement for the year ended 30 June 2020 on behalf of Council, once any amendments or changes are made as requested by the Victorian Auditor General.**

BACKGROUND

Section 131 of the *Local Government Act 1989* requires Council to prepare an Annual Report for each financial year that contains a report on the operations of the Council, an audited performance statement and audited financial statements.

Section 132 of the *Local Government Act 1989* requires Council to pass a resolution giving its approval in principle to the draft Financial Statements and draft Performance Statement prior to submitting the statements to the auditor so that they may prepare their reports.

This report provides an overview of the results in Council's draft Financial Statements and draft Performance Statement which are provided in full in the attachments.

Once approval in principle has been provided and Council has incorporated any changes recommended or agreed by the auditor, the Financial Statements and Performance Statement must be certified by two Councillors authorised by the Council prior to the auditors signing their reports.

ISSUES

Financial Statements

The Financial Statements show Council's financial performance, financial position and cash flows against the previous year.

In summary, Council ended the 2019/20 year with a surplus of \$7.9m, which was \$2.1m higher than the \$5.8m surplus projected in the 2019/20 Annual Budget (the Budget).

The higher result was primarily due to the receipt of \$3.4m in Bushfire Recovery funds; higher than expected Victorian Grants Commission funding by \$0.3m; lower than

anticipated road, drainage and tree maintenance expenditure by \$0.3m; and unanticipated receipt of \$0.2m additional funding to support remediation of flood damage.

This was in part offset by the pass through of \$1.1m of Bushfire Recovery funds as rebated rates, fees and rents, and capital grants being \$1.2m lower than anticipated.

It is noted that the impact of COVID-19 on financials was minimal as the majority of staff stood down from closed services were redeployed, and the impact on Council revenue streams was not material.

1. Income

Altogether Council received \$33.9m in income which was \$2.9m favourable to the Budget projection of \$30.1m. Key variances to budget were as follows:

1.1 Grants - operating

Council received total operating grant income of \$8.7m which was \$4.0m favourable to budget, primarily due to the receipt of \$3.4m in Bushfire Recovery and Relief funding, higher than expected Victorian Grants Commission funding of \$0.2m, and unanticipated additional funding to support remediation of flood damage.

1.2 Grants - capital

Council received total capital grant income of \$3.1m which was \$1.2m less than anticipated, primarily due to deferral of income for the Buckland Bridge project to 2020/21. Although the project grant has been received, under new accounting standards it cannot be recognised as income until it is spent in 2020/21. The project timeline has been extended due to delays in authority approvals as a result of summer bushfires, COVID-19 and a native title claim affecting the land on which the bridge is proposed to be build.

1.3 Other income

Council received \$1.0m in other income which was \$0.2m higher than budgeted, primarily due \$0.1m of unbudgeted volunteer contributions to the organisation and unbudgeted insurance claim income.

2. Expenses

Overall expenses were \$26.0m which was \$0.8m higher than Budget. Key areas of variance are as follows:

2.1 Employee costs

Employee costs were \$8.2m, \$0.3m lower than budgeted at \$8.5m, primarily due to the impact of vacant positions.

2.2 Materials and services

Materials and services were \$10.9m, \$0.2m higher than the budgeted \$10.7m. Primary reasons for the increase versus budget included:

- The reclassification of \$1.3m in capital expenses as operating expenditure;
- \$0.3m expenditure on alternative resources to support employee vacancies;
- \$0.2m in unanticipated Bushfire Recovery related expenses including destination marketing and support for community resilience.

These increases were in part offset by:

- \$0.3m lower than budgeted road, drainage and tree maintenance expenditure due to reduced dependency on external contractors, bushfires and COVID-19 impacts on the completion of work and some delays in procuring materials;
- An error in the budget as a result of internal charges of \$0.3m not being eliminated;
- Lower than budgeted business systems costs of \$0.2m;
- \$0.2m lower than anticipated visitor information centre, pool and tourism costs due to the impact of the bushfires and COVID-19;
- Carried forward cost of Land Development Strategy expenditure of \$0.1m; and
- Lower than anticipated comingled waste processing costs by \$0.1m.

2.3 Other expenses

Other expenses were higher than anticipated by \$1.1m due to \$1.1m of grant funded Bushfire Relief funding being passed on directly to the community.

Performance Statement

The Performance Statement provides an overview of Council progress against key performance indicators. The Local Government Performance Reporting Framework (LGPRF) provides the basis for these indicators to enable a uniform Performance Statement across all Victorian councils.

A number of performance indicators were impacted due to the 2020 bushfires and COVID-19 restrictions. Notably participation in the Maternal and Child Health service dropped from 85% to 74%, and participation by Aboriginal children dropped from 79% to 59%. Utilisation of aquatic facilities also dropped somewhat from 2.4 to 2.2 visits per capita.

Other significant changes included an improvement in the proportion of critical and major non-compliance notifications relating to food safety which were followed up, from 83% to 96% following engagement of an additional Environmental Health Officer in July 2019.

Satisfaction with Council Decisions reduced somewhat compared to the previous year from 59 to 56, and satisfaction with sealed local roads dropped from 64 to 61.

Generally the financial indicators show that Council is financially sustainable and that services are being delivered within expected parameters.

POLICY IMPLICATIONS

Council has prepared draft Financial Statements and a draft Performance Statement for Council Approval in Principle, in line with the requirements Section 131 and Section 132 of the *Local Government Act 1989*, and the *Local Government (Planning and Reporting) Regulations 2014*.

The authorised Councillors are required to certify the final Financial Statements and Performance Statement after any amendments or changes requested by the Victorian Auditor General have been made, and prior to adoption by Council.

The Annual Report must be submitted to the Minister by 30 September each year as required by Section 133 of the *Local Government Act 1989*. Public notice must then be given that the Report has been prepared and can be inspected at the Council office and on the Council's website. The Report must then be considered at a meeting of the Council as soon as practicable after the Council has sent the Annual Report to the Minister as required by Section 134 of the *Local Government Act 1989*.

It is noted that from next year onwards the development of an Annual Report, Financial Statements and Performance Statements will be governed by the *Local Government Act 2020*.

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

The draft Financial Statements and Performance Statement for the year ended 30 June 2020 show that Council is financially sustainable and that Council services are being delivered within expected parameters. The 2020 bushfires impacted on financials primarily through receipt and expenditure of related grant funding. COVID-19 had minimal impact on financials as a number of staff stood down from closed facilities were redeployed elsewhere.

CONSULTATION

The Audit Committee Charter states that the Committee is required to review the Annual Financial Report and consider whether it is complete, consistent with information known to Audit Committee members and reflects appropriate accounting principles. At the time of submitting this paper the key contents of the Annual Financial Report, comprising the Financial Statements and Performance Statement, have been submitted to the Audit Committee for review.

CONCLUSION

Council ended the 2019/20 year with a surplus of \$7.9 million, which was higher than that predicted in the 2019/20 Annual Budget. The higher surplus result is largely attributed to the receipt of Bushfire Recovery related grants. There was reduced take-up

of selected services during the bushfire season and COVID-19 restrictions, impacting on selected performance indicators.

DECLARATION OF CONFLICT OF INTEREST

Under Section 80C of the *Local Government Act 1989*, the following officers declare that they have no interests to disclose in providing this report.

- Director Corporate
- Manager Corporate
- Accountant
- Governance Officer

ATTACHMENT(S)

8.3.8.a. 2019/20 Financial Statements (Draft)

8.3.8.b. 2019/20 Performance Statement (Draft)

8.3.9 Planning Application 5.2018.138.1 - 9-11 Park Street, Bright

Application number:	5.2018.138.1
Proposal:	7 Lot Subdivision
Applicant's name:	Nick Vlahandreas - Mountain Planning
Owner's name:	Lynne Edgar & Timo Mantyvirta
Address:	9-11 Park Street, Bright
Land size:	Two lots 4019sq m and 1603sq m totalling 5622sq m
Current use and development:	Single dwelling and associated outbuildings
Site features:	Largely flat site, containing shedding to the rear with a large residence addressing the Park Street and set to its frontage and surrounded in large
Why is a permit required?	Under the General Residential 1 Zone (Clause 32.08-3) and Bushfire Management Overlay (Clause 44.06-2) a permit is required.
Zoning:	General Residential 1 Zone (GR1Z)
Overlays:	Bushfire Management Overlay (BMO)
Restrictive covenants on the title?	None
Date received:	Amended application 20 April 2020
Statutory days:	134
Planner:	Sam Porter

RECOMMENDATION

That a Notice of Decision to grant a planning permit be issued for a 7 lot subdivision, at 9-11 Park Street, Bright in accordance with the conditions outlined in Appendix (a) and for the following reasons:

- 1. The proposal generally meets the relevant provisions of the**
 - a. State and Local Planning Policy Framework;**
 - b. General Residential Zone and Bushfire Management Overlay;**
 - c. Clauses 53.02, 56 and 65 provisions.**

- 2. The proposal provides for urban infill in a centrally sited location within the township of Bright.**
- 3. The proposal is considered to provide an appropriate design, and subject to conditions will provide an improved neighbourhood character outcome.**

PROPOSAL

The proposal was originally for a 5 lot subdivision; however, this application was amended to a 7 lot subdivision, and creation of a common property area that will contain driveway access for the proposed lots. The areas of the proposed lots are:

- Lot 1 1621sq m (contains the existing dwelling)
- Lot 2 403 sq m
- Lot 3 294 sq m
- Lot 4 286 sq m
- Lot 5 490 sq m
- Lot 6 514 sq m
- Lot 7 872 sq m

The common driveway starts its access at an existing secondary driveway entrance and follows the eastern and northern boundary. It ends with a hammer head configuration capable of having emergency vehicles turn around in and exit in a forward direction. The common driveway area will be 130m in length and 7.77m wide containing 4.77m wide formed pavement area.

For the common area to be developed and constructed with all the necessary services, some exotic vegetation will require removal. The northern directionally east-west section of the common driveway area to be built is partially located on a sloping embankment area. The proposal will require this area to be filled, levelled and retained with an acceptable wall structure. Either side of the driveway within the proposed common area will have an area no less than 1m wide available for landscaping.

All existing outbuildings currently located on land other than the proposed Lot 1 are required to be removed to facilitate the development.

The proposed development is shown in Figure 1 below.



Figure 1: Shows the development layout on site.

SUBJECT LAND AND SURROUNDS

The subject land consists of two lots known as Crown Allotments (CA) 4A & 1F Section A1 Township of Bright. CA 4A contains the existing dwelling surrounded by well-established gardens and is 4019m², CA 1F is 1603sq m and is clear of vegetation and contains no existing development. The total land area is 5622sq m.

The site is predominately flat except for at the rear of CA 4A which contains a steep embankment area that drops in excess of 3m on average before it reaches the rear boundaries of 12-16 Cobden Street properties that abut this northern boundary.

Also, to the north of CA 1F is public land containing the Bright Senior Citizens building and associated public car parking area. This building and surrounding area is also

separated from the site by a steep embankment that is located on the public land holding. CA 1F is approximately 8-9m on average higher than the Bright Senior Citizens.

Abutting the eastern boundary is a large property containing the heritage listed former Bright Hospital, it is surrounding by mostly open type informal landscaping with some well-established large trees located to the front of the property. Further east is another large property containing the Bright Catholic Church A-frame building that is the most visual prominent building in the township of Bright landscape.

South of the subject land beyond Park Street is a combination of mostly single detached residential development which is consistently set back from Park Street. A large portion of Park Street frontage also contains the Bright Public P-12 School. Within the Park Street road reserve are a number of indented car parking bays and also a school bus drop off and pick up area. The pathway on the south side of Park Street is a shared path known as Bennett's Trail that forms an extension to the Murray to Mountains Rail trail and connects with the Township of Wandiligong.

East of the subject land is the newly constructed Bright Police Station and associated residence. Further east is the heritage listed former Bright Court House and Lockup. This public land further surrounds more public land containing the Bright Parks Victoria Office.

The centre of the subject land is located 180m from the southern end of Bright commercially zoned business district and is shown below in Figure 2.



Figure 2: Subject land and surrounds.

PUBLIC NOTIFICATION

The application was advertised in accordance with Section 52 of the *Planning & Environment Act 1987* on two occasions due to the amendments made to the proposal. Notice of the application was sent to 14 surrounding landholders and occupiers. On both occasions a sign was displayed on the subject land for a period of not less than 14 days. In total three objections were received, the reasons for objecting and a response to each is provided below:

1. Location of Building Envelopes that back onto the rear of Cobden Street allotments
 - The amended application currently under consideration relocated the position of the common driveway. This design outcome will result in a greater separation of future dwellings to the existing Cobden Street dwellings.
2. Building Envelopes partially positioned on an embankment.
 - The amended application has removed this potential scenario. The embankment subject to conditions will now contain a uniform retain wall with associated landscaping.
3. Potential for future multi-level dwellings
 - The application is for subdivision and therefore doesn't allow the consideration of future dwellings, this would be the subject of a future planning permit application.
4. Subdivision construction impacts on adjoining residents
 - The proposed recommended conditions contain the need for the developer to prepare a construction site management plan (CSMP).
5. Stormwater impact and erosion control
 - The proposed recommended conditions contain a requirement for the developer to prepare a storm water discharge plan. All erosion control measures will be accounted for in the proposed conditions that require civil construction drawings to be prepared and submitted to Council's Development Engineer for approval.
6. No detail provided on timeframes for construction
 - Should a permit be granted, the construction of the development must be undertaken within the standard expiry timeframe as referenced with the proposed conditions.
7. Overlooking into surrounding residential properties
 - Overlooking impact towards surrounding residential properties can't be considered on an application for subdivision. Importantly, given the generous separation distances to existing properties, potential dwellings in the future will be able to comply with the Building Regulations of Victoria.

8. Additional car parking pressure to be placed on Park street supply
 - All future dwellings constructed onsite must contain off street parking. A further requirement for visitor parking will require two spaces to be constructed within the common area.
9. No proposal to restrict dwelling development style via covenants
 - The applicant has agreed to wanting to put in place Residential Design Guidelines in order to independently control the future building design of all dwelling constructed. See proposed conditions.
10. Future buildings should reflect the character of the existing building onsite
 - See proposed Residential Design Guideline conditions that the developer has agree to.
11. Existing tree removal and its impact on Black Cockatoo and Kangaroo feeding areas
 - The property doesn't contain any planning controls protecting the removal of vegetation.
12. Proposed Lot density
 - The proposed lot sizes and the variation of them within the development in this central location within walking distance to all key services is considered appropriate.
13. Proposed driveway impact with traffic and noise
 - The proposed driveway on average is 30m away from abutting residences. The proposed conditions require the common area to be constructed of concrete and landscape, keeping any traffic noise impact to acceptable residential levels.
14. Lack of fire hydrant detail shown
 - Proposed Country Fire Authority (CFA) condition appropriately detail this requirement.
15. Common roadway area appears to narrow
 - Council's Development Engineer and CFA have given conditional consent to the proposed common driveway area.
16. Future holiday letting of dwellings causing adverse amenity impact
 - Future dwellings onsite occupied as a whole either short of long term isn't a planning consideration now or in future.
17. Visual bulk impact of surrounding historic buildings
 - The subject land isn't covered by a design or heritage planning overlay therefore future design control towards surrounding heritage listings isn't available. It should be noted that the proposed Residential Design Guidelines will as a result

of an approval to the development will offer building scale and design control. This control would not currently exist if a single dwelling development was to be proposed on CA 1F.

18. Views of a retaining wall structure from Cobden Street

- A proposed landscaping plan condition will ensure the area between the retained edge and property boundary is visually softened appropriate plantings.

Following receipt of the submissions a Planning Forum Meeting was held on the 11 August 2020. The meeting was attended by all objectors, the applicant and land owners, six Councillors and Planning Department representatives.

REFERRALS

Referrals / Notice	Advice / Response / Conditions
Section 55 referrals:	Country Fire Authority (CFA) - Conditional consent North East Regional Water Authority (NERWA) - Conditional consent AusNet Services - Conditional Consent
Internal referrals:	Development Engineer - Conditional Consent

PLANNING ASSESSMENT AND RESPONSE TO GROUNDS OF OBJECTION

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

State Planning Policy Framework

The following State Planning Policy Framework policies are considered relevant:

Clause 11.02-1S Supply of urban land

It is projected that Bright currently has a limited supply of vacant land available for residential development. The redevelopment of the subject site represents efficient use of available residential land within Bright that is well serviced by infrastructure and in close proximity to commercial, retail, recreational and institutional services.

Clause 13.02-1S Bushfire planning

The proposal complies with the provisions of the Bushfire Management Overlay, which are further discussed below. The application was referred to the Country Fire Association for comment and a letter of conditional consent was provided.

Clause 15.01 Built Environment

The proposal is considered to provide for an appropriate level of design.

Clause 16.01 Residential Development

The proposal provides for infill development reducing pressure for fringe development, making use of existing infrastructure.

Local Planning Policy Framework (LPPF)

The following Local Planning Policy Framework policies are considered relevant

Clause 21.03-1 Townships and Villages

The proposal provides for urban growth within Bright, within close (500 metres) proximity of the retail core of Bright, therefore maintaining green buffers between towns.

Clause 21.07-1 Bright

Given the size of the property is considered to be an excellent candidate for infill development. The site sits inside the area defined for medium density development, making the property well situated in terms of proximity to local commercial and community facilities.

Clause 22.04-1 Infrastructure

There is considered to be capacity for connection to reticulated services. Pursuant to the provisions of clause 66.01 the proposal is not required to be referred to servicing authorities, subject to the inclusion of conditions. Should the application be supported these conditions have been included.

Clause 22.04-4 Urban stormwater management

Should the application be supported appropriate conditions have been included in relation to stormwater.

Zoning and land use

The site is zoned General Residential Zone. The development is consistent with the purpose and decision guidelines of this zone for the following reasons:

The proposal is considered to respect the neighbourhood character of the area and encourages diverse housing types in a location offering good access to services.

There is a planning permit trigger for the proposal at clauses 32.08-3.

The application must meet the requirements of clause 56 as applicable, the following table is a summary of this assessment as relevant.

Clause 56 Objectives	
Subdivision site and context description	Supplied, complies.
Subdivision design response	Satisfactorily complies.
Neighbourhood character	Complies, the development will positively contribute to the neighbourhood character.
Lot diversity and distribution	Complies, lots size range from 286sq m to 1621sq m.

Clause 56 Objectives	
Lot area and building envelopes	Complies, all lots area able to meet the required standard.
Solar orientation of lots	Complies all lots have excellent northern orientation.
Street orientation	Complies.
Common area	Complies, due to its appropriate location and size.
Walking and cycling network	Complies, shared trail network to be connected to site with extension to footpath network conditionally required.
Integrated water management	Complies as applicable to available reticulated services.
Urban run-off management objective	Complies, see proposed storm water management conditions.
Site management	Complies, see proposed condition requiring the preparation and approval of one prior to the commencement of works.
Services	Complies, see proposed condition.
Fire Hydrants	Complies, see proposed condition.

Bushfire Management Overlay

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

CONCLUSION

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

1. The proposal generally meets the relevant provisions of the
 - a. State and Local Planning Policy Framework;
 - b. General Residential Zone and Bushfire Management Overlay;
 - c. Clause 53.02, 56 and 65 provisions.

2. The proposal provides for urban infill in centrally sited location within the township of Bright.
3. The proposal is considered to provide:
 - d. an appropriate site responsive subdivision design;
 - e. for a variety of lot sizes in order to cater for vary residential living needs;
 - f. a positive contribution to the evolving surrounding neighbourhood character subject to specific residential design guideline conditions.

DECLARATION OF CONFLICT OF INTEREST

Under Section 80C of the *Local Government Act 1989*, the following officers declare that they have no interests to disclose in providing this report.

- Director Corporate
- Planning Coordinator

APPENDICIES

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

Appendix 8.3.9.a.**CONDITIONS**

1. The layout of the subdivision as shown on the endorsed plan must not be altered or modified (whether or not in order to comply with any statute, statutory rule or Local Law, or for any other reason) without the prior written consent of the Responsible Authority.
2. No works on site are permitted to commence until the plan of subdivision is certified.
3. Each lot shown on the endorsed plans must be drained to the point of discharge as approved by the responsible authority.
4. Covenants that relate to the use of the land or development must not be included in any contracts of sale or on titles of any lots without the approval of the responsible authority; and no variation to the standard requirements of the approved covenants shall be agreed to by the transfer or without the prior written consent of the Responsible Authority.
5. The subdivision must be fully provided with services, including reticulated water, sewerage and electricity to the satisfaction of Council.
6. The development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a. transport of materials, goods or commodities to or from the land
 - b. appearance of any building, works or materials;
 - c. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d. presence of vermin.
7. Prior to the issuing of the Statement of Compliance for subdivision, the owner must pay to Council a 5% cash-in-lieu open space contribution in respect to all of the land in the subdivision pursuant to Section 18 of the Subdivision Act 1988.
8. Prior to the issue of a Statement of Compliance all outbuildings located on proposed Lots 2-5 must be removed to the satisfaction of the Responsible Authority.
9. Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:
 - a. State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-1 of the Alpine Planning Scheme.
 - b. Incorporate the plan prepared in accordance with Clause 52.47-2.4 of this planning scheme and approved under this permit.
 - c. State that if a dwelling is constructed on the land without a planning permit that the bushfire mitigation measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.
 - d. The construction of all future dwellings on the subject land must include a minimum garden area onsite. The areas required are 25% for lots under 500m², 30% for lots between 500-650m² and 35% for lots greater than 650m² in

accordance with the requirement of Clause 32.08-4 and as defined by Clause 72 of the Alpine Planning Scheme as amended.

- e. All future dwellings constructed onsite must be built in accordance with plans as approved by the relevant approved Design Assessment Panel (DAP).

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

10. Prior to the certification of the plan of subdivision, residential guidelines must be submitted to and approved by the responsible authority. The guidelines must address how all future dwellings are either consistent with surrounding neighbourhood character or will positively contribute to the evolving character of the area, and address the following (but not be limited to) information:

Built Form:

- Roof form and materials
- Building colour scheme and material usage requirements
- Building setbacks
- Dwelling variation
- Dwelling orientation
- Dwelling Sustainability
- Window forms
- Dwelling cross ventilation
- Garage door location and setback
- Outbuildings and sheds
- Landscaping and earthworks
- Driveways
- Fencing
- Letter boxes
- Passive surveillance of the shared space

Operation of Guidelines:

The guidelines must include detail as to how they will be administered and how approvals will be considered and granted via the appointment of Design Assessment Panel (DAP) consisting of no less than three people agreed upon in consultation with the Alpine Shire Planning Department.

11. The Residential Design Guidelines approved under this permit must form part of a restriction on title requiring that prior to the Issuing of Building Permit for the construction of a dwelling approval must be granted from the Design Assessment Panel (DAP).

TELECOMMUNICATION CONDITIONS

12. The owner of the land must enter into an agreement with:

- a telecommunications network or service provider for the provision of
- telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and

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

ENGINEERING CONDITIONS

Drawing Requirements

Detailed Construction Plans

14. Prior to commencement of construction for the subdivision, detailed construction plans must be submitted to and approved by the Alpine Shire Council. Construction detail shall be generally in accordance with Council's Infrastructure Design Manual (www.designmanual.com.au). When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions, and shall include proposed construction detail, further information or modifications to:
- a. Concrete footpath along Park Street, showing linkage of the development to the existing footpath network to west
 - b. Underground drainage system, with supporting computations
 - c. stormwater retention and quality treatments
 - d. Landscape plans, including street tree locations and planting detail
 - e. Inspection and test plans, including hold and witness points for Alpine Shire Council sign off for Council assets created as part of the development.
 - f. vehicular crossings, including the common property driveway concrete pavement
 - g. access and a minimum of two visitor parking bays beyond the turn point in the common property
 - h. north boundary batter stability/safety treatment with supporting geotechnical advice
 - i. Proposed development lighting and signage
 - j. buffers, in the form of landscaping or otherwise
 - k. tree protection measures during construction
 - l. erosion/sediment control measures during construction
 - m. the construction of waste collection area(s)

Landscaping

Landscape Plan

15. Prior to commencement of construction, a landscape plan to the satisfaction of the Alpine Shire Council must be submitted to and approved by the Alpine Shire Council and be in accordance with the requirements of the Infrastructure Design Manual. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
- a. a survey of all existing vegetation and natural features showing plants (trees greater than 150mm diameter, and shrubs over 1200mm diameter) to be removed;
 - b. building envelopes and vehicular access points for each lot in the subdivision.
 - c. a planting schedule of all proposed trees, shrubs and ground cover, which will include the location, number and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface materials as specified;
 - d. the method of preparing, draining, watering and maintaining the landscaped area;
 - e. landscaping and planting within common property areas of the site
 - f. all landscaped areas to be used for stormwater retardation
 - g. the sewer and water supply connection points;
 - h. the weed management program;

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

16. Prior to issue of the Statement of Compliance, landscaping works shown on the endorsed plan must be carried out and completed or as otherwise agreed to the satisfaction of the Alpine Shire Council.
17. The landscaping shown on the endorsed plans must be maintained for a period of twelve months from the date of practical completion of the works to the satisfaction of the Alpine Shire Council. Any dead, diseased or damaged plants are to be replaced within 12 months of the date of practical completion for the works.

Tree Protection during Construction

18. Prior to commencement of construction, a tree protection fence must be erected around each council tree along the frontage of the site or within works areas at a radius of 6 metres from the base of the trunk(s) /dripline of the existing trees to define a 'Tree Protection zone'. The fence must be constructed of star pickets and hazard mesh or similar to the satisfaction of the relevant authority. The tree protection fence must remain in place until construction is completed. The ground surface of the Tree Protection Zone must be covered by a 100mm deep layer of mulch before the development starts and be watered regularly to the satisfaction of the Alpine Shire Council.

Drainage

Urban Drainage Works

19. Prior to issue of the Statement of Compliance, all stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge by underground pipe to the satisfaction of the Alpine Shire Council. No effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system.
20. The legal point of discharge for this site is the Cobden St underground drain. No stormwater discharge will be permitted to the easement stormwater drain from the Police Station due to potential overloading of that outfall drainage system.
21. Any outfall drains outside the boundaries of the subdivision land will become the property of Council after approval of design and construction.
22. The applicant will be responsible for securing legal access to provide the necessary outfall drainage easements and will provide to Council proof of acquisition of any necessary easements.
23. If upgrading of the Cobden St outfall drain is required as a result of this development the developer shall be responsible for all costs.

Drainage Discharge Plan

24. Prior to certification of the Plan of Subdivision, a properly prepared drainage discharge plan with computations must be submitted to, and approved by, Alpine Shire Council. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The information submitted must show the details listed in Council's Infrastructure Design Manual and be designed in accordance with the requirements of that manual.
The information and plan must include:
 - a. details of how runoff from the works on the land is to be drained, restricted and retarded.
 - b. a maximum discharge rate from the site is to be determined by computation to ensure the capacity of council's outfall drainage system is not overloaded to the satisfaction of the Alpine Shire Council
 - c. computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by Alpine Shire Council. Computations may include the design capacity of the existing 300 mm drain downstream of the proposed connection point and on the south side of Cobden St.
 - d. connection points for drainage for each lot
 - e. underground pipe drains conveying stormwater to the legal point of discharge,
 - f. measures to enhance stormwater discharge quality from the site and protect downstream waterways. Including the expected discharge quality emanating from the development and design calculation summaries of the treatment elements, in

accordance with "Urban Stormwater Best Practice Environmental Management Guidelines" 1999.;

- g. maintenance schedules for treatment elements

Prior to issue of the Statement of Compliance, all works constructed or carried out must be in accordance with the endorsed plans - to the satisfaction of Alpine Shire Council.

Section 173 Agreement

25. The owner/subdivider must enter into an agreement with the Alpine Shire Council, pursuant to Section 173 of the Planning and Environment Act 1987. This agreement must be registered on the title to the land pursuant to Section 181 of the Planning and Environment Act 1987. The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement.

The agreement must provide that:

- a. Each on-site detention stormwater system will be constructed in accordance with the endorsed Drainage plan of permit 2018.138, either prior to, or concurrently with, the construction of any dwelling on each of the lots. Each on-site detention stormwater system on the subdivided lots will be completed prior to connection to Council's drainage system. The Owner will notify the Council when on-site detention works commence on the specified lots and request an inspection by Council on completion of works.
- b. All lot owners will maintain, and not modify without prior written agreement of Council, each on-site detention system and will allow each on-site stormwater detention system to be inspected by a duly appointed officer of the Council at mutually agreed times.
- c. The Owner will pay for all the costs associated with the construction and maintenance of each on-site detention system.

All costs associated with the preparation and registration of the agreement shall be borne by the applicant. All fees associated with the documentation must be fully paid prior to execution and registration of the document by Council.

Vehicle Crossings

Urban Vehicle Crossing Requirements

26. Prior to issue of the Statement of Compliance, a vehicular crossing shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the Alpine Shire Council, and shall comply with the following:

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

- c. crossings shall be constructed of concrete and be generally in accordance with IDM drawing SD240

Vehicle Turning

27. The common property driveway must be designed to allow vehicles to drive forwards when entering and leaving the property. A turning template is to be shown on the approved drawing which clearly indicates a CFA Service vehicle is capable of achieving the required movements.

Geotechnical Advice

28. Prior to certification of the Plan of Subdivision, Geotechnical advice regarding the north boundary batter must be submitted to, and approved by, Alpine Shire Council. The information must include:
- a. details of how the batter stability may be impacted by the subdivisional works and future dwelling construction works.
 - b. Design of the common property driveway including any required retaining/stability measures
 - c. Any construction methods/restrictions for the subdivision works and future dwellings construction.
 - d. A maintenance procedure for any retaining measures required.

Prior to issue of the Statement of Compliance, all works constructed or carried out must be in accordance with the approved Geotechnical advice - to the satisfaction of Alpine Shire Council.

Driveway Construction Requirements

29. Prior to issue of the Statement of Compliance, the common property driveway as shown on the endorsed plans must be:
- a. constructed of concrete
 - b. any required retaining wall/batter stability measures constructed in accordance with geotechnical advice and approved construction plans
 - c. drained in accordance with an approved drainage plan;
- to the satisfaction of Alpine Shire Council.

The driveway and batter retaining measures, must be constructed and drained to prevent diversion of flood or drainage waters creating a nuisance to adjacent property and maintained in a continuously useable condition to the satisfaction of Alpine Shire Council.

Prior to Commencement of Construction

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

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

Defect identification - Council's Assets

31. Prior to commencement of construction, the owner or developer must submit to the Alpine Shire Council a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb and channel, footpath, seal, street lights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to Alpine Shire Council's assets/public infrastructure caused as a result of the development or use permitted by this permit.

Construction Phase

Construction Management Plan

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

Prior to commencement of construction, a construction management plan shall be submitted to and approved by the Alpine Shire Council. The plan must outline how issues such as mud on roads, dust generation and erosion and sediment control will be managed, on site, during the construction phase.

Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise. Management measures are to be in accordance with EPA guidelines for Environment Management, "Doing It Right On Subdivisions" Publication 960, September 2004.

No Mud on Roads

33. 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.

Construction of Works

34. Before the Statement of Compliance is issued under the Subdivision Act 1988 for each stage of the subdivision, the owner must construct and complete access works, drainage and other civil works, in accordance with the endorsed plans and specifications approved by the Responsible Authority and in accordance with the Infrastructure Design Manual. Access works, drainage and other civil works to be constructed must include:

- a. vehicular crossing;
- b. common property driveway
- c. any required batter stabilisation measures
- d. footpaths;
- e. underground drainage and stormwater treatment;
- f. landscaping/street trees;

to the satisfaction of the Alpine Shire Council.

Other Matters

35. Before a Statement of Compliance is issued under the Subdivision Act 1988 for the subdivision the owner must provide to the satisfaction of the Alpine Shire Council:
- a. full set of 'as constructed' digitised construction plans in PDF and Cad format for paths and drainage (CD or another format as appropriate);
 - b. a certified plan showing the extent and depth of fill in excess of 300 mm placed on any of the allotments;
 - c. issue of a Preliminary Acceptance Certificate by Council's Development Engineers section for the acceptance of drainage construction, site grading, paths, etc
 - d. fire plugs in accordance with the Country Fire Authority requirements, at the subdivider's expense with required markers; and
 - e. A Maintenance bond to the value of 5% of the cost of civil works shall be submitted to Council for the path and drainage construction for the duration of the maintenance period.

to the satisfaction of Alpine Shire Council

Alpine Shire Council Fees*Supervision Fees*

36. Prior to issue of the Statement of Compliance for the subdivision payment to the Alpine Shire Council of a supervision of works fee of 2.5% of the actual cost of work of new council assets.

Plan Checking Fees

37. Prior to issue of the Statement of Compliance for the subdivision payment to the Alpine Shire Council of an engineering design checking fee of 0.75% of the value of documented works.

AUSNET SERVICES CONDITIONS

38. The plan of subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the subdivision Act 1988.

The applicant must –

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

NORTH EAST WATER CONDITIONS

39. That prior to works commencing pursuant to the permit, the applicant enters into a Developer Works Agreement with North East Water that requires it to construct, at the applicant's cost, works necessary to provide a water supply service to the proposed subdivision to the satisfaction of North East Water, in accordance with its policies and requirements applicable from time to time.
40. That prior to works commencing pursuant to the permit, the applicant enters into a Developer Works Agreement with North East Water that requires it to construct, at the applicant's cost, works necessary to provide a sewerage service to the proposed subdivision to the satisfaction of North East Water, in accordance with its policies and requirements applicable from time to time.
41. That the applicant pays a new customer contribution determined in accordance with North East Water's policy for development charges applicable to the water supply system currently servicing the area in which the subject land is located.
42. That the applicant pays a new customer contribution determined in accordance with North East Water's policy for development charges applicable from time to time towards North East Water's sewerage and disposal systems servicing the area to which the permit applies.
43. Easements must be provided over sewerage infrastructure to the satisfaction of North East Water.
44. The applicant must enter into an agreement with North East Water for any proposed structures or works over or near a North East Water easement or asset in accordance with North East Water requirements.

45. That in constructing any private water services, the applicant ensures that such services do not traverse property boundaries and are independently supplied from a point of supply approved by North East Water.
46. That the plan of subdivision be referred to North East Water when submitted for certification pursuant to Section 8 of the Subdivision Act 1988.
47. That North East Water's consent is sought by the Responsible Authority prior to issuing a Statement of Compliance under the Subdivision Act 1988.

COUNTRY FIRE AUTHORITY CONDITIONS

48. Amended Bushfire Management Plan required

Before certification under the Subdivision Act 1988, an amended bushfire management plan (BMP) must be submitted to and endorsed by the Responsible Authority. When approved, the BMP will be endorsed by the Responsible Authority and be included as an annexure to the section 173 agreement.

The BMP must be substantially in accordance with the BMP prepared by Mountain Planning, dated 20 April 2020 and must show the following bushfire mitigation measures, unless otherwise agreed in writing by the CFA and the Responsible Authority:

- a. Defendable space (Lots 2 to 7 inclusive)

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

 - Grass must be short cropped and maintained during the declared fire danger period.
 - All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
 - Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
 - Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
 - Shrubs must not be located under the canopy of trees.
 - Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
 - Trees must not overhang or touch any elements of the building.
 - The canopy of trees must be separated by at least 5 metres.
 - There must be a clearance of at least 2 metres between the lowest tree branches and ground level.
- b. Construction standards (Lots 2 to 7 inclusive)

Nominate a minimum Bushfire Attack Level of BAL – 12.5 that the future buildings will be designed and constructed to.
- c. Water supply (Lots 6 & 7)

Show 5,000 litres of effective water supply for firefighting purposes which meets the following requirements:

- Be stored in an above ground water tank constructed of concrete or metal.
- Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
- Include an outlet for occupant use.
- Water Supply (Lots 2 – 5 inclusive)
- Show 2,500 litres of effective water supply for firefighting purposes which meets the following requirements:
 - Be stored in an above ground water tank constructed of concrete or metal.
 - Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
 - Include an outlet for occupant use.
- d. Access (Lots 2 – 5 inclusive)

Show the access for all lots for fire fighting purposes which meets the following requirements:

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

Matters to be set out in Section 173 Agreement

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

Engineering plans required

50. Before the development commences, engineering plans to the satisfaction of CFA must be submitted for approval by CFA and the responsible authority. The plans must be drawn to scale with dimensions and must show how the following conditions are to be complied with.

Access

- a. A road shall be constructed within the common property to provide emergency vehicle access to the safe work area required by condition c). The trafficable width of this road must be at least 3.5m. It must be constructed to provide all weather access and be designed to accommodate a design vehicle equivalent to the Austroads Design service vehicle – 12.5m radius.
- b. Provision shall be made at the end of the common property access for turning this design vehicle to the satisfaction of the Responsible Authority. (A three-point turn is acceptable)
- c. A safe work area for a fire appliance must be provided no further away than 70m from the rear of all building envelopes (or in the absence of building envelopes, the rear of all lots). This distance must be measured around lot boundaries.
- d. The safe work area referred to in condition No. c) shall comprise of a hardstand area that is at least 3m wide and 10.3m long together with two areas adjacent to the long sides of this rectangle that are clear of any obstructions. These clear areas are to be suitable for fire-fighters to work in adjacent to the fire appliance and shall be at least 1.3m wide.

Hydrants

- e. An operable hydrant(s), above or below ground, must be provided to the satisfaction of CFA.
- f. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of all lots) must be 120m. This distance must be measured around lot boundaries.
- g. The hydrants must also be located within 50m of the safe work area required by condition No. c).
- h. The hydrant must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

EXPIRY CONDITION

51. The permit will expire if one of the following circumstances applies:

- a. The Plan of Subdivision is not certified within two years of the date of this permit;
or
- b. The registration of the subdivision is not completed within five years of the certification of that Plan of Subdivision.

The responsible authority may extend the time for certification if a request is made in writing before the expiry of the permit or within 6 months afterwards.

Note:

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, or from the [Alpine Shire Council website](#).

Building Approval Required

This permit does not authorize the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

CFA Notes:

Note –CFA’s requirements for identification of hydrants are specified in ‘Identification of Street Hydrants for Firefighting Purposes’ available under publications on the CFA web site (www.cfa.vic.gov.au)

Appendix 9.3.9.b.

POLICY AND DECISION GUIDELINES

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

State Planning Policy Framework

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

- 11.02-1S Supply of urban land
- 13.02-1S Bushfire planning
- 15.01-1S Urban Design
- 15.01-3S Subdivision Design
- 15.01-5S Neighbourhood Character
- 16.01-1S Integrated housing
- 16.01-2S Location of residential development
- 16.01-3S Housing diversity

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
- 21.07-1 Bright
- 22.01-1 Battle-axe blocks policy
- 22.04-1 Infrastructure
- 22.04-4 Urban stormwater management

Zone

The subject land is zoned General Residential Zone.

Overlays

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

General Provisions

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

9.3.10 Planning Application P.2020.64 - 5/69 Prince Street, Myrtleford

Application number:	<i>P.2020.64</i>
Proposal:	<i>Nine (9) lot subdivision</i>
Applicant's name:	<i>Karen Watson (North East Survey Design Pty Ltd)</i>
Owner's name:	<i>Andrew Ian Lindsay</i>
Address:	<i>5/69 Prince Street, Myrtleford</i>
Land size:	<i>Approximately 3897.4sqm</i>
Current use and development:	<i>One (1) single storey dwelling</i>
Site features:	<i>There is an existing single storey dwelling in the north-western corner of the site. This dwelling has vehicle access to Prince Street via a sealed driveway within an associated common property area. The remainder of the site is vacant with small areas of non-native vegetation. Fencing surrounding the site varies from none to 1.8 metre high solid colorbond in good condition. The site is relatively flat.</i>
Why is a permit required?	<i>Clause 32.08-3 - Subdivision (General Residential Zone) Clause 52.29-2 - Alter access to a Road Zone, Category 1 -</i>
Zoning:	<i>General Residential Zone (GRZ)</i>
Overlays:	<i>None</i>
Restrictive covenants on the title?	<i>None</i>
Date received:	<i>12 May 2020</i>
Statutory days:	<i>86 days at 20 August 2020</i>
Planner:	<i>James Trimble</i>

RECOMMENDATION

That a Notice of Decision to grant a planning permit be issued for a Nine (9) lot subdivision in accordance with the conditions outlined in Appendix 9.3.10.a. and for the following summarised reasons:

- 1. The proposal generally meets the relevant provisions of the***
 - a) State and Local Planning Policy Framework;***
 - b) General Residential Zone;***
 - c) Particular provisions including Clause 56 Residential Subdivision;***
 - d) Decision Guidelines at Clauses 65.01 and 65.02.***
- 2. The pattern of subdivision is suitable and respects the neighbourhood character of the area.***
- 3. The proposal provides for urban growth in an urban area, sited close to the centre of Myrtleford, being a location that offers good access to services.***

PROPOSAL

The proposal involves a nine (9) lot subdivision and works within the existing associated common property area including the construction of extended vehicle access, 4 parallel visitor car parking spaces and landscaping. The width of the extended vehicle access proposed within the existing common property is 5 metres and ends in a court-bowl arrangement. A 6 metre wide section of vehicle manoeuvring area is proposed at the end of the court-bowl for Country Fire Authority vehicle manoeuvring.

The proposed lots will all have frontage to an existing associated common property area. The frontages of each proposed lot to the existing common property ranges from 5.49 metres to 19.5 metres. The size of the proposed lots range from 224sqm to 565sqm. The average lot size proposed is 426sqm. The lot shapes range from irregular rectangles to irregular. Proposed lot 1 has an area 224sqm and will contain the existing dwelling on the site. Proposed lots 2 through 9 will be vacant. A sewer easement is also indicated.



Figure 3: Shows the development layout on site.

SUBJECT LAND AND SURROUNDS

There is an existing single storey dwelling in the north-western corner of the site. This dwelling has vehicle access to Prince Street via a sealed driveway within an associated common property. This dwelling is of a consistent design and built form to the existing dwellings on 1/69, 2/69, 3/69, 4/69, and 6/69 Prince Street, Myrtleford. The remainder of the site is vacant with small areas of non-native vegetation. Fencing surrounding the site varies from none to 1.8 metre high solid colorbond in good condition. The site is relatively flat.

Within the Prince Street verge area abutting the site there are a number of street trees, a power pole, overhead power lines, a sealed footpath and a sealed crossover which has an approximate width of 5 metres.

The surrounding land is zoned 'General Residential Zone', and Prince Street is zoned 'Road Zone – Category 1'. On street parking exists on both sides of Prince Street in close proximity of the site. The surrounding sites are predominantly developed with a single dwelling, with lot sizes (within 5 sites) ranging from 209sqm to 1681sqm. Directly to the south of the site is the Myrtleford Lodge (Aged Care Service), on a site with an approximate area of 15,240sqm (1.524ha).



Figure 4: Subject land.

PUBLIC NOTIFICATION

The application was advertised in accordance with Section 52 of the Planning and Environment Act 1987. Notice of the application was sent to surrounding landholders and occupiers. A sign was displayed on the subject land. Three (3) objections were received and maintained. An objector's forum was held on Thursday, 20 August 2020. The matters raised in the objections have been summarised as follows:

1. Noise impacts on existing residents during construction.
2. Safety impacts on existing residents during construction.
3. Damage to the existing driveway within the common property area, caused by construction works associated with the subdivision.
4. The type of residents that will occupy future dwellings on the new lots created by the subdivision.
5. Overlooking into an existing backyard.
6. Stormwater concerns
7. Having to pay for new boundary fencing as a result of earthworks associated with the subdivision.

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

1. Noise - Construction hours will be limited to 7am to 5pm Monday to Friday and 8am to 1pm on Saturdays. No construction activities will to be undertaken on public holidays or Sundays.

2. Safety - The site will be maintained in a neat and tidy condition at all times and no building materials or rubbish will be stored or allowed to spill into the existing common property areas. Any excavated material not required will be immediately disposed of off-site. Parking will be contained within the construction site or on Prince Street. No parking will be permitted on the existing common property areas at the time of construction. The construction site will be securely fenced at all times during the subdivision works. Any mud or debris deposited on the common property driveway will be removed at the end of each working day.
3. Damage - Any damage to existing infrastructure will be handled appropriately. The developer/contractor will provide photographs to Council showing the condition of the existing driveway and infrastructure within the common property area prior to commencement of works. Any damage caused by the contractor or his/her sub-consultants will be rectified at no cost to the other owners in the owners corporation or adjacent landowners.
4. Type of future residents - It is not possible to control or dictate the social demographic of future landowners or tenants.
5. Overlooking - Where required, any existing fencing that is less than 1.8 metres high (average eye level is 1.6 metres) from the constructed ground levels on the development site, will be extended or replaced to prevent overlooking to the objectors pool area and private open space.
6. Stormwater - The proposed lots will be graded and drained to ensure that no stormwater nuisance is caused to adjacent properties.

Officers response

1. Noise – Clause 56.08 Site Management within the Alpine Planning Scheme (Scheme) includes the following relevant objective, '*To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.*' The applicant has agreed to conditions which will assist in limiting the impacts of noise associated with the subdivision. These conditions would be included should the application be supported and are considered appropriate.
2. Safety - Clause 56.08 Site Management within the Scheme includes the following relevant objective, '*To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.*' The applicant has agreed to conditions which will assist in providing onsite safety, and safety to surrounding residents. These conditions would be included should the application be supported and are considered appropriate. Standard conditions have been included which will assist in providing onsite safety, and safety to surrounding residents.
3. Damage - Clause 56.08 Site Management within the Scheme includes the following relevant objective, '*To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.*' The applicant has agreed to conditions which will assist in rectify any damages as a result of associated construction works. These conditions would be included should the application be supported and are considered appropriate. Standard conditions have

- been included which will assist in suitably rectifying any damages as a result of the associated construction works.
4. Type of future residents – This is not a relevant planning consideration. It is anticipated that each proposed lot would be developed with a single dwelling. The proposal is not considered to have any significant social effects.
 5. Overlooking – Clause 65.01 within the scheme includes the following decision guideline, *'The effect on the amenity of the area.'* As the site is relatively flat it is not anticipated that substantial fill will be placed on the site. The matter of overlooking must be considered when processing any future building permit application for a dwelling on the proposed lots.
 6. Stormwater:
 - a. Clause 22.04-4 Urban Stormwater within the scheme includes the following relevant objective, *'Maintain and enhance stormwater quality throughout the Shire.'* and the following policy provision, *'Where appropriate stormwater management infrastructure be provided at the time of development.'*
 - b. Clause 56.07-4 Stormwater management within the scheme includes the following relevant objectives:
 - i. *To minimise damage to properties and inconvenience to residents from stormwater.*
 - ii. *To ensure that the street operates adequately during major storm events and provides for public safety*
 - iii. *To encourage stormwater management that maximises the retention and reuse of stormwater.*
 - c. Clause 65.01 within the scheme includes the following relevant decision guideline, *'Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.'*
 7. The application was referred to Alpine Shire Council's Engineering Department for the consideration of stormwater. Conditional consent was provided. These conditions have been included and will assist in minimizing damage and inconvenience to surrounding properties.
 8. Payment for new boundary fencing - This is a civil matter. In relation to damages as a result of any associated subdivision works refer to the comments above at point 3.

REFERRALS

Referrals / Notice	Advice / Response / Conditions
Section 55 referrals:	North East Water - Conditional Consent Ausnet - Conditional Consent Country Fire Authority - Conditional Consent Department of Transport - Conditional Consent
Section 52 referrals	Telstra - No response
Internal referrals:	Alpine Shire Engineering Department - Conditional Consent

PLANNING ASSESSMENT AND RESPONSE TO GROUNDS OF OBJECTION

All applicable policy and decision guidelines can be found in Attachment XX.XX.XX(b).

State and Local Planning Policy Framework

The following State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF), gives support to the proposal with the following objectives.

- 11.01-1S – Settlement - *To promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.*
- 11.02-1S – Supply of Urban Land - *To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.*
- 21.03-1 – Townships and Villages:
 - i. Direct the majority of urban growth in the Shire to Bright, Porepunkah, Myrtleford and Mount Beauty/Tawonga South.*
 - ii. Encourage redevelopment and intensification of existing urban areas by providing for higher density development and mixed uses around the commercial core of towns*
- 21.06-1 – Infrastructure
 - iii. Support consolidation of the Shire’s population in the main towns and some villages so as to make effective use of existing infrastructure with sufficient spare capacity.*
 - iv. Limit the need for new infrastructure and reduce the loss of agricultural land for the purposes of urban/residential development.*

Zoning

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

- The subdivision design respects the neighbourhood character of the area.
- The proposal encourages a diversity of housing types and housing growth in a location that offers good access to services.
- The pattern of subdivision is suitable.
- The proposal meets the objectives and standards of clause 56, subject to conditions.

CONCLUSION

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

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

- b. General Residential Zone;
 - c. Particular provisions including Clause 56 Residential Subdivision;
 - d. Decision Guidelines at Clauses 65.01 and 65.02.
2. The pattern of subdivision is suitable and respects the neighbourhood character of the area.
 3. The proposal provides for urban growth in an urban area, sited close the centre of Myrtleford, being a location that offers good access to services.

DECLARATION OF CONFLICT OF INTEREST

Under Section 80C of the *Local Government Act 1989*, the following officers declare that they have no interests to disclose in providing this report.

- Director Corporate
- Planning Coordinator
- Planning Officer

APPENDICIES

9.3.10.a. Conditions

9.3.10.b. Policy and decision guidelines

Appendix 9.3.10.a.**CONDITIONS****Amended Plans**

1. Before the plan of subdivision is certified under the Subdivision Act 1988, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. A passing area of at least 6.1 metres in width and 7 metres in length between the Prince Street road carriageway and the frontage of existing fencing on 2/69 Prince Street, Myrtleford; and
 - b. The dimensions of the visitor car parking spaces complying with AS2890.

Layout not altered

2. The layout of the subdivision as shown on the endorsed plan must not be altered or modified (whether or not in order to comply with any statute, statutory rule or Local Law, or for any other reason) without the prior written consent of the Responsible Authority.

Covenant Condition

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

Easements

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

Payment in lieu of open space provision

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

Common Property

6. Prior to the issue of a statement of compliance, the submission and approval of a to scale and dimensioned plan and report identifying:
 - a. The common area to be owned by the body corporate, including any streets and open space;
 - b. The reasons why the area should be commonly held;

- c. Lots participating in the body corporate;
- d. The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.

General Conditions

7. No works on site are permitted to commence until the plan of subdivision is certified.
8. The subdivision must be fully provided with services, including reticulated water, sewerage and electricity to the satisfaction of the relevant authority.
9. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of the Act.
10. Construction must be carried out in accordance with sediment control principles as outlined in "Construction Techniques for Sediment Pollution Control" EPA 1991.
11. All disturbed surfaces on the land resulting from the subdivision must be stabilised to the satisfaction of the responsible authority.

Mandatory Conditions

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

Engineering Conditions

Detailed Construction Plans

1. 14. Prior to commencement of subdivision works, detailed construction plans must be submitted to and approved by the responsible authority. Construction detail shall

be generally in accordance with Council's Infrastructure Design Manual (www.designmanual.com.au). When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions, and shall include details of the following:

- a. Site grading of lots to minimum 1 in 200 fall;
- b. Underground drainage system, with supporting computations;
- c. Stormwater retention and quality treatments;
- d. Landscape plans, including street tree locations and planting detail;
- e. Vehicular crossing upgrade;
- f. The common property driveway and visitor car parking constructed of concrete;
- g. Access and parking;
- h. Lighting and signage;
- i. Waste collection

Landscape Plan

1. 15. Prior to commencement of construction, a landscape plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority and be in accordance with the requirements of the Infrastructure Design Manual. When approved, the plan will be endorsed and will then form part of this permit. The plan must be drawn to scale with dimensions. The plan must show:
 - a. a survey of all existing vegetation and natural features showing plants (trees greater than 150mm diameter, and shrubs over 1200mm diameter) to be removed and retained from both the site, associated common property areas and Prince Street verge abutting these common property areas;
 - b. landscaping and planting within all associated common property areas, excluding areas designated for sealed pathways, driveways, car parking spaces, and other hardstand infrastructure at the discretion of the responsible authority;
 - c. additional street trees within the Prince Street verge abutting the associated Common Property areas to the satisfaction of the responsible authority;
 - d. details of the surface finishes of pathways, driveways, and car parking spaces within the associated common property areas;
 - e. a landscaping and planting schedule of all proposed trees, shrubs and ground cover, including the botanical name, common name, siting, quantity, size at time of planting, and size at maturity, of all plants within the associated common property areas, and Prince Street verge abutting these common property areas;
 - f. the method of preparing, draining, watering and maintaining all landscaped areas;
 - g. all landscaping within the associated common property areas being designed and used for stormwater retardation and treatment;
 - h. details of weed and invasive plant species management
 - i. all sewer and water supply connection points within the site and associated common property areas;
 - j. any above ground power lines over the associated common property areas, and Prince Street verge abutting these common property areas;

- k. all below ground reticulated services within the associated common property areas, and Prince Street verge abutting these common property areas.

All plant species selected must be to the satisfaction of the responsible authority.

- 16. Prior to issue of Statement of Compliance, the landscaping and planting works shown on the endorsed landscape plan/s must be carried out and completed to the satisfaction of the responsible authority.
- 17. The landscaping and planting shown on the endorsed landscape plan/s must be maintained for a minimum period of twelve (12) months from the date of practical completion of the works to the satisfaction of the responsible authority. Any dead, diseased or damaged plants are to be replaced within 12 months of the date of practical completion for the works.

Street Trees for Residential Allotments

- 18. Prior to issue of Statement of Compliance, the owner / developer of the site must provide street trees to the satisfaction of the responsible authority.

Tree Protection during Construction

- 19. Prior to commencement of construction, a tree protection fence must be erected around each street tree along the frontage of the associated common property to define a 'Tree Protection zone' in accordance with AS 4970. The fence must be constructed of star pickets and hazard mesh or similar to the satisfaction of the responsible authority. The tree protection fence must remain in place until the subdivision works are completed. The ground surface of all Tree Protection Zones must be covered by a 100 mm deep layer of mulch before the subdivision works start and be watered regularly to the satisfaction of the responsible authority.

Regulation of Activities in Tree Protection Zone

- 20. No vehicular and pedestrian access, trenching and soil excavation is to occur within any Tree Protection Zone without the written consent of the responsible authority. No storage and dumping of tools, equipment and waste is to occur within any Tree Protection Zone.

Retention of Existing Street Trees

- 21. The existing street tree(s) must not be removed or damaged.

Urban Drainage Works

- 22. Prior to issue of the Statement of Compliance, all stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge by underground pipe to the satisfaction of the responsible authority. No effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system. The legal point of discharge for this site is the property underground drain. No new connection will be permitted to the Prince Street drainage system.

Drainage Discharge Plan

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

- a. details of how runoff from the works on the land is to be drained, restricted and retarded.
- b. a maximum discharge rate from the site is to be determined by computation to ensure the capacity of council's outfall drainage system is not overloaded to the satisfaction of the responsible authority.
- c. computations including total energy line and hydraulic grade line for the existing and proposed drainage as directed by the responsible authority. Computations for the existing property drain system to be provided.
- d. connection points for drainage for each lot
- e. underground pipe drains conveying stormwater to the legal point of discharge,
- f. measures to enhance stormwater discharge quality from the site and protect downstream waterways. Including the expected discharge quality emanating from the development and design calculation summaries of the treatment elements, in accordance with "Urban Stormwater Best Practice Environmental Management Guidelines" 1999.;
- g. maintenance schedules for treatment elements

Prior to issue of the Statement of Compliance, all works constructed and carried out must be in accordance with the endorsed plans to the satisfaction of the responsible authority.

Urban Vehicle Crossing Requirements

24. Prior to issue of Statement of Compliance, the vehicular crossing shall be upgraded in accordance with the endorsed plan(s) to the satisfaction of the responsible authority, and shall comply with the following:

- a. standard vehicular crossings shall be constructed at right angles to the road to suit the proposed driveways, and any existing redundant crossing shall be removed and replaced with concrete kerb and channel to match into the surrounding profile.
- b. Any proposed vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant authority and shall be at the applicant's expense;
- c. The existing vehicle crossing must be widened to provide a passing area of at least 6.1 metres in width and 7 metres in length, constructed of concrete and be generally in accordance with IDM drawing SD240.

Vehicle Turning

25. The common property driveway must be designed to allow vehicles to drive forwards when entering and leaving the property. The turning movements of a 8.8 metre long service vehicle is to be shown on a plan to the satisfaction of the responsible authority.

Driveway Construction Requirements

26. Prior to issue of the Statement of Compliance, the common property driveway and visitor car parking as shown on the endorsed plans must be:
- a. constructed of concrete
 - b. drained in accordance with an approved drainage plan;
 - c. line marked in accordance with AS2890;
 - d. Protective kerbs must be provided to the satisfaction of the responsible authority to prevent damage to fences and landscaped areas.
 - e. Have a corner splay or area extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians on the footpath to the satisfaction of the responsible authority.
27. The common property driveway and visitor car parking must be constructed and drained to prevent diversion of flood or drainage waters creating a nuisance to adjacent property, and maintained in a continuously useable condition to the satisfaction of the responsible authority.

Waste Disposal Requirements

28. The Body Corporate must provide a regular private waste collection including a regular collection of recyclable materials for the lots on the site to the satisfaction of the Responsible Authority. Alpine Shire's waste collection contractor will not service the additional lots created by this permit. This condition must be brought to the attention of all prospective purchasers of the new lots by inclusion of a copy of the planning permit in the Vendors Statement affecting the land.
29. Prior to certification of the plan of subdivision, a waste management plan must be submitted to the Responsible Authority for approval. When approved, the plan will be endorsed and will then form part of this permit. Such plan must provide details of regular garbage collection service to each of the lots on the site, including information regarding the type and size of refuse bins, type and size of collection truck/s, means of accessing bins and frequency of waste collection, to the satisfaction of the Responsible Authority. The collection of waste must only occur between 7am and 6pm. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the responsible authority.

Prior to Commencement of Construction

30. Before any access and drainage works associated with the subdivision start, the following items must be satisfied:
- a. Issue of the certified Plan of Subdivision
 - b. Approval of the construction plans
 - c. An on-site meeting with council officers, the contractor and the developer or the developer's consultant to discuss matters such as roadside management, construction times, noise minimisation, access disruption minimisation, and sedimentation controls during construction.

Defect identification – Common Property and Council's Assets

31. Prior to commencement of construction, the owner/developer must submit to the responsible authority a written report and photographs of any prior damage to the existing constructed common property driveway and surrounds, and public infrastructure. Listed in the report must be the condition of driveway, Prince Street kerb and channel, footpath, seal, street lights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified within the written report, any damage to infrastructure post construction will be attributed to the development. The owner/developer of the subject land must pay to rectify any damage caused to the common property driveway and Alpine Shire Council's assets/public infrastructure caused as a result of the development permitted by this permit.

Construction Requirements

32. The owner/developer must ensure that all construction activity complies with the following.
- d. Construction hours are limited to between 7am to 5pm Monday to Friday and 8am to 1pm on Saturdays. No construction activities are to be undertaken on public holidays or Sundays
 - e. The site including the associated common property areas must always be maintained in a neat and tidy condition and no building materials or rubbish are to be stored or allowed to spill into the currently constructed common property areas and adjoining sites. Any excavated material not required must be immediately disposed of off-site.
 - f. At the completion of the subdivision works all excess materials must be removed.
 - g. Parking must be contained within the construction site as identified within the endorsed construction plan and the designated on street parking in Prince Street. No parking is permitted on the existing constructed common property areas and Prince Street verge at any time.
 - h. The construction site must be securely fenced at all times during the subdivision works.
 - i. Residents must be advised of any possible disruption to utility services or access with at least 48hrs notice to be given.
 - j. Any mud or debris deposited on the existing constructed common property driveway must be removed at the end of each working day.

- k. Unobstructed vehicle and pedestrian access via the existing constructed common property must be available at all times to the existing onsite parking spaces within 1/69, 2/69, 3/69, 4/69, and 6/69 Prince Street, Myrtleford.
- l. Top soil from the subdivision works is to be stockpiled in a location where it will not be eroded from the site, is not on the road reserve and where no adverse amenity affects would arise all to the satisfaction of the responsible authority.

All to the satisfaction of the responsible authority.

Construction Management Plan

33. Prior to the commencement of construction, a construction management plan shall be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of this permit. The plan must outline how issues such as access disruption, car parking, noise, mud on roads, dust generation and erosion and sediment control measures will 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. Management measures are to be in accordance with EPA guidelines for Environment Management, "Doing It Right On Subdivisions" Publication 960, September 2004.

Construction of Works

34. Prior to the issue of the Statement of Compliance, the owner must construct and complete access works, drainage and other civil works, in accordance with the endorsed plans and specifications approved by the responsible authority and in accordance with the Infrastructure Design Manual. Access works, drainage and other civil works to be constructed must include:

- a. vehicular crossing upgrade;
- b. common property driveway;
- c. visitor car parking;
- d. underground drainage and stormwater treatment;
- e. landscaping and street trees;

all to the satisfaction of the responsible authority.

Other Matters

35. Prior to the issue of the Statement of Compliance the owner must provide:
- a. A full set of 'as constructed' digitised construction plans in PDF and Cad format for drainage;
 - b. a certified plan showing the extent and depth of fill in excess of 300 mm placed on any of the allotments;
 - c. issue of a Preliminary Acceptance Certificate by Council's Development Engineers section for the acceptance of drainage construction, site grading, etc; and

- d. fire plugs in accordance with the Country Fire Authority requirements, at the subdivider's expense with required markers;

all to the satisfaction of the responsible authority.

Supervision Fees

36. Prior to issue of the Statement of Compliance, payment to the responsible authority of a supervision of works fee of 2.5% of the actual cost of work of any new council assets.

Plan Checking Fees

37. Prior to issue of the Statement of Compliance, payment to the responsible authority of an engineering design checking fee of 0.75% of the value of documented works.

Department of Transport Conditions

38. Only one direct access will be permitted from the subject land to the Myrtleford-Yackandandah Road located as shown on the plan appended to the application.
39. Prior to the release of a statement of compliance, the access must be constructed and sealed to the satisfaction of the Responsible Authority and at no cost to VicRoads.
40. The driveway must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the roadway).

Country Fire Authority Conditions

Engineering plans required

41. Before the development commences, engineering plans to the satisfaction of CFA must be submitted for approval by CFA and the responsible authority. The plans must be drawn to scale with dimensions and must show how the following conditions are to be complied with.

Access

42. A road shall be constructed within the common property to provide emergency vehicle access to the safe work area required by condition 2.2 (condition 43). The trafficable width of this road must be at least 3.5m and it must be constructed to provide all weather access and be designed to accommodate a 15-tonne vehicle.
43. A safe work area for a fire appliance must be provided no further away than 70m from the rear of all building envelopes (or in the absence of building envelopes, the rear of all lots). This distance must be measured around lot boundaries.

44. The safe work area referred to in condition No. 2.2 (condition 43) shall comprise of a hardstand area that is at least 3m wide and 10.3m long together with two areas adjacent to the long sides of this rectangle that are clear of any obstructions. These clear areas are to be suitable for fire-fighters to work in adjacent to the fire appliance and shall be at least 1.3m wide.

Hydrants

45. An operable hydrant, above or below ground, must be provided to the satisfaction of CFA.
46. The maximum distance between this hydrant and the rear of all building envelopes (or in the absence of building envelopes, the rear of all lots) must be 120m. This distance must be measured around lot boundaries.
47. The hydrant must also be located within 50m of the safe work area required by condition No. 2.2 (condition 43).
48. The hydrant must be identified as specified in 'Identification of Street Hydrants for Firefighting purposes' available under publications on the Country Fire Authority web site (www.cfa.vic.gov.au).

Ausnet Conditions

49. The plan of subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the subdivision Act 1988.
50. The applicant must –
- a. Enter into an agreement with AusNet Electricity Services Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.
 - b. Provide electricity easements internal and external to the subdivision in favour of AusNet Electricity Services Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by AusNet Electricity Services Pty Ltd. The provision of reserves for electricity substations may also be required.

North East Water Conditions

51. That prior to works commencing pursuant to the permit, the applicant enters into a Developer Works Agreement with North East Water that requires it to construct, at the applicant's cost, works necessary to provide a water supply service to the proposed subdivision to the satisfaction of North East Water, in accordance with its policies and requirements applicable from time to time.
52. That prior to works commencing pursuant to the permit, the applicant enters into a Developer Works Agreement with North East Water that requires it to construct, at

the applicant's cost, works necessary to provide a sewerage service to the proposed subdivision to the satisfaction of North East Water, in accordance with its policies and requirements applicable from time to time.

53. That the applicant pays a new customer contribution determined in accordance with North East Water's policy for development charges applicable to the water supply system currently servicing the area in which the subject land is located.
54. That the applicant pays a new customer contribution determined in accordance with North East Water's policy for development charges applicable from time to time towards North East Water's sewerage and disposal systems servicing the area to which the permit applies.
55. Easements must be provided over sewerage infrastructure to the satisfaction of North East Water.
56. The applicant must enter into an agreement with North East Water for any proposed structures or works over or near a North East Water easement or asset in accordance with North East Water requirements.
57. That in constructing any private water services, the applicant ensures that such services do not traverse property boundaries and are independently supplied from a point of supply approved by North East Water.
58. That the plan of subdivision be referred to North East Water when submitted for certification pursuant to Section 8 of the Subdivision Act 1988.
59. That North East Water's consent is sought by the Responsible Authority prior to issuing a Statement of Compliance under the Subdivision Act 1988.

Expiry

60. This permit will expire if one of the following circumstances applies:
 - a. The plan of subdivision is not certified within two (2) years of the date of this permit.
 - b. The registration of the subdivision is not completed within five (5) years of the date of certification of the plan of subdivision.

The responsible authority may extend the time for certification if a request is made in writing before the expiry of the permit or within 6 months afterwards.

End of Planning Permit Conditions

Planning Notes

1. It is recommended that, at an early date the applicant commences negotiations with AusNet Services for a supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued without delay (the release to the municipality enabling a Statement of Compliance with the conditions to be issued).
2. Arrangements for the supply will be subject to obtaining the agreement of other Authorities and any landowners affected by routes of the electric power lines required to supply the lots and for any tree clearing.
3. Prospective purchasers of lots on this plan should contact this office to determine the availability of a supply of electricity. Financial contributions may be required.
4. Only one direct access will be permitted from the subject land to the Myrtleford-Yackandandah Road located as shown on the plan appended to the application.
5. Prior to the release of a statement of compliance, the access must be constructed and sealed to the satisfaction of the Responsible Authority and at no cost to VicRoads.
6. The driveway must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operational efficiency of the road or public safety (eg. by spilling gravel onto the roadway).
7. CFA does not consent to the Certification of the Plan of Subdivision and Statement of Compliance for Subdivision at this stage.
8. A road opening/crossing permit must be obtained from the responsible authorities being Regional Roads Victoria and Alpine Shire prior to working in or occupying the road reserve with construction equipment or materials. Applications for the Alpine Shire permit may be accessed from the Alpine Shire website.

Appendix 9.3.10.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.

11.01-1S – Settlement

11.02-1S – Supply of Urban Land

13.02-1S – Bushfire Planning

15.01-3S – Subdivision Design

15.01-5S – Neighbourhood Character

18.02-3S – Road System

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

21.06-1 – Infrastructure

21.07-2 – Myrtleford

21.08 – Reference Documents

22.01-1 – Battle Axe Blocks Policy

22.04-1 – Infrastructure

22.04-4 – Urban Stormwater Management

Zone

The subject land is zoned General Residential.

Particular Provisions

52.29 – Land adjacent to a Road Zone Category 1

53.01 - Public Open Space Contribution and Subdivision

56 - Residential Subdivision

General Provisions

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

9. Assembly of Councillors

Introduction

Section 80A of the *Local Government Act 1989* requires a written record of Assemblies of Councillors to be reported at an ordinary meeting of the Council and to be incorporated in the minutes of the Council meeting.

RECOMMENDATION

That the summary of the Assemblies of Councillors for August 2020 be received.

Background

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

Date	Meeting
4 August	Briefing Session - Zoom Virtual Meeting
18 August	Briefing Session - Zoom Virtual Meeting
25 August	Briefing Session - Zoom Virtual Meeting
11 August	Planning Forum - Zoom Virtual Meeting
20 August	Planning Forum - Zoom Virtual Meeting

Attachment(s)

- 9.0 Assemblies of Councillors – August 2020

10. General business

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

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. 2000701 in favour of M&M Excavation and Structural Landscaping for the Pedestrian Crossing Points;**
- 2. Section 173 Agreement - David George Robinson and Helen Lillian Robinson. Lot 1 on Plan of Subdivision 307042Y, Volume 10025 Folio 579. Condition 14 and 30 of Planning Permit No. 2019.158.1 for a two lot subdivision and construction of a single dwelling at 24-26 Bakers Gully Road, Bright. The Agreement provides for the implementation of Mandatory Bushfire conditions and excludes Lot 1 from Bushfire exemption;**
- 3. S5 - Instrument of Delegation from Council to the Chief Executive Officer;**
- 4. S6 - Instrument of Delegation from Council to Members of Council Staff;**
- 5. S11A - Instrument of Appointment and Authorisation - Planning & Environment Act 1987 - Director Corporate;**
- 6. S11A - Instrument of Appointment and Authorisation - Planning & Environment Act 1987 - Planning Coordinator;**
- 7. S11A - Instrument of Appointment and Authorisation - Planning & Environment Act 1987 - Compliance Officer;**
- 8. S11A - Instrument of Appointment and Authorisation - Planning & Environment Act 1987 - Engineering Coordinator;**
- 9. Child Safe Policy No. 108, Version 2;**
- 10. Body-Worn Camera Policy No. 109 Version 2;**
- 11. Contract ILMS 4323 Integrated Library Management System;**
- 12. Contract CT19102 in favour of Alpine Environmental Services for Groundwater Monitoring Wells and Surface Water sampling and testing at four landfill sites;**
- 13. CQ20021a in favour of Ausbright for the Cleaning of Council Facilities;**
- 14. CQ20028 in favour of SSX Group for Patrol and Call out Services;**
- 15. CQ20021c in favour of Ausbright for Public Waste and Recycling Collection and Cleaning of Public Area Amenities (Kiewa); and**
- 16. CQ20021b in favour of Ausbright for the Public Waste and Recycling Collection and Cleaning of Public Area Amenities (Ovens).**

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

.....
Chairperson