



Alpine Shire

ORDINARY COUNCIL MEETING

AGENDA

M2 – 6 March 2018

Myrtleford Senior Citizens Centre

7:00pm



Notice is hereby given that the next **Ordinary Meeting** of the **Alpine Shire Council** will be held in the Myrtleford Senior Citizens Centre, Smith Street, Myrtleford on **6 March 2018** commencing at **7:00pm**.

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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.

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

By speaking during question time, or at any time during the meeting, you consent to your voice and any comments you make being 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 recorded and a copy will be uploaded to Council's YouTube channel which is "Alpine Shire Council" and will also be available on the YouTube channel 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 – M1 – 6 FEBRUARY 2018

RECOMMENDATION

That the minutes of Ordinary Council Meeting M1 held on 6 February 2018 as circulated be confirmed

4 APOLOGIES

Cr Tony Keeble

5 OBITUARIES / CONGRATULATIONS

6 DECLARATIONS BY COUNCILLORS OF CONFLICT OF INTEREST



7 PUBLIC QUESTIONS

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

Questions on Notice can be written or from the floor.

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



8 PRESENTATION OF REPORTS BY OFFICERS

8.1 DIRECTOR ASSETS – WILLIAM JEREMY

8.1.1 Provision of public toilets and amenities in Tawonga South

File Number: 1547.04

INTRODUCTION

The purpose of this report is to inform Council and respond to a petition in support of the provision of public toilets and amenities in Tawonga South.

RECOMMENDATION

That Council:

- 1. Continues to investigate options to develop new public toilets in Tawonga South, acknowledging the limited options which are available;*
- 2. Provides a progress update at the September 2018 Ordinary Council Meeting; and*
- 3. Advise the main proponent of the petition of Council's decision.*

BACKGROUND

There are no public toilets in Tawonga South. The nearest public toilets to the Tawonga South CBD are located in Mount Beauty CBD, approximately 1.2km to the south east. The nearest public toilet located on the Kiewa Valley Highway is located in Tawonga Pioneer Memorial Park, approximately 6km to the north.

A petition in support of the provision of public toilets and amenities in Tawonga South was tabled at the February 2018 Ordinary Council Meeting.

The petition contains the signatures of 837 residents and visitors and states:

"We the undersigned, being residents of the Upper Kiewa Valley, visitors and general members of the public, call on the Alpine Shire Council to urgently provide amenities, including public toilets, parking and picnic area in the town business centre of Tawonga South (being the section of Kiewa Valley Highway from Simmonds Creek Road to Vails Road)".

A cover sheet with the title "Proposed plan for the establishment of a Tawonga South Amenities & Common facility" accompanied the petition. In this document it is stated that Tawonga South is the fourth largest town in the Alpine Shire and the number one tourist destination in the Kiewa Valley, and that there are twenty one businesses located in the Tawonga South CBD.

The document concludes with a statement that there is "a desperate need for public toilets and a town common within the Tawonga South CBD."



ISSUES

Council does not own land or have access to any Crown Land within Tawonga South CBD which might be suitable for establishing public toilets and amenities. This limits the available options for developing these facilities.

POLICY IMPLICATIONS

This recommendation is relevant to the following Strategic Objective of the Council Plan 2017-2021:

- Highly utilised and well managed community facilities.

FINANCIAL AND RESOURCE IMPLICATIONS

There is no allocation for the establishment of new public toilet and amenities in Tawonga South in the 2017/18 capital works budget. Following the negotiation of access to a suitable development site, the project would need to be adequately scoped and costed for consideration in subsequent years.

In the event that a new amenities block was established in Tawonga South, Council's annual operational and maintenance costs would increase. The operational cost of a basic amenities block is approximately \$6,600 per annum.

CONSULTATION

Prior to receipt of this petition, Council Officers discussed the lack of amenities in Tawonga South with the Upper Kiewa Valley Community Association through their nominated coordinator for the project.

A stakeholder engagement plan will be developed and implemented during the scoping of a project to deliver new amenities in Tawonga South. This plan would include engagement with the local business community and residents in the upper Kiewa Valley.

CONCLUSION

A petition with 837 signatures has been received in support of the provision of public toilets and facilities in Tawonga South. To allow Council to make an informed decision, further investigation of the available options is required. Such an investigation has already commenced, and it is proposed that this investigation continues, and a progress update is provided at the September 2018 Ordinary Council Meeting.



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)

- 8.1.1 Petition in support of the provision of public toilets and facilities in Tawonga South.



8.1.2 Contract 1709601 - Briggs Bridge Load Limit Upgrade

File Number: 01702.03

INTRODUCTION

This report relates to the Briggs Bridge load limit upgrade tender. The work includes a concrete deck overlay and upgrade of the barriers and bridge approaches.

RECOMMENDATION

That Council award Contract No. 1709601 for Briggs Bridge Load Limit Upgrade to North East Civil Construction for the Lump Sum price of \$156,694+GST.

BACKGROUND

Briggs Bridge is located on a strategic route providing access from the Kiewa Valley Highway to a 14 km local road network on the east side of the Kiewa River. Approximately 45 agricultural producers are located along this local road network, with the majority of producers being dairy farmers. The following load limits are currently in place on the bridge:

- Single axle – 8.5 tonne;
- Dual axle group – 5 tonne;
- Triple-axle group – 15 tonne; and
- Quad-axle group – 15 tonne.

The bridge upgrade will allow these load limits to be removed, allowing access to be granted for higher productivity vehicles to support these local producers.

A standard concrete deck overlay design is proposed. Upgrade to the deck-mounted safety barriers is included, as well as vertical realignment to the approaches to match the new deck level. The construction will reuse some existing guardrails and the bridge approaches have been engineered to minimise the volume of earthworks required.

Tenders opened on 15 January 2018 and closed on 9 February 2018. The Invitation to Tender was advertised in the Alpine Observer and Myrtleford Times and was available on Tenders.net and on the Alpine Shire Council website.

Tender documents were downloaded by 15 prospective tenderers with 3 conforming tenders received.



EVALUATION

The evaluation panel consisted of the Council's Project Manager and the Acting Manager Asset Development.

The Tenders were evaluated according to the key selection criteria listed in the Invitation to Tender:

- Price
- Qualifications and Previous Performance
- Delivery
- Social

Following the initial assessment of offers, only one of the tenders was shortlisted for further evaluation. The tenderer was asked to clarify aspects of their tender, provide further detail on their traffic management strategy, and confirm their ability to meet the required timeframes. Following these clarifications, it was determined that the tender from North East Civil Construction best met the selection criteria.

ISSUES

The conforming tender received from North East Civil Construction proposed a staged construction approach in order to maintain access across the bridge throughout the 10 week construction program, commencing in mid-April 2018.

NECC also offered an alternative tender with a proposed cost saving as well as a reduced construction period. However, this alternative tender would require a full closure of the bridge for an 8 week period.

If the bridge were to be closed for construction, local traffic including school buses and emergency vehicles originating from the south would be required to access Redbank-Mongans Road from Mongans Bridge. The average detour would be approximately 13 km adding 10 minutes to the travel time (refer map below).

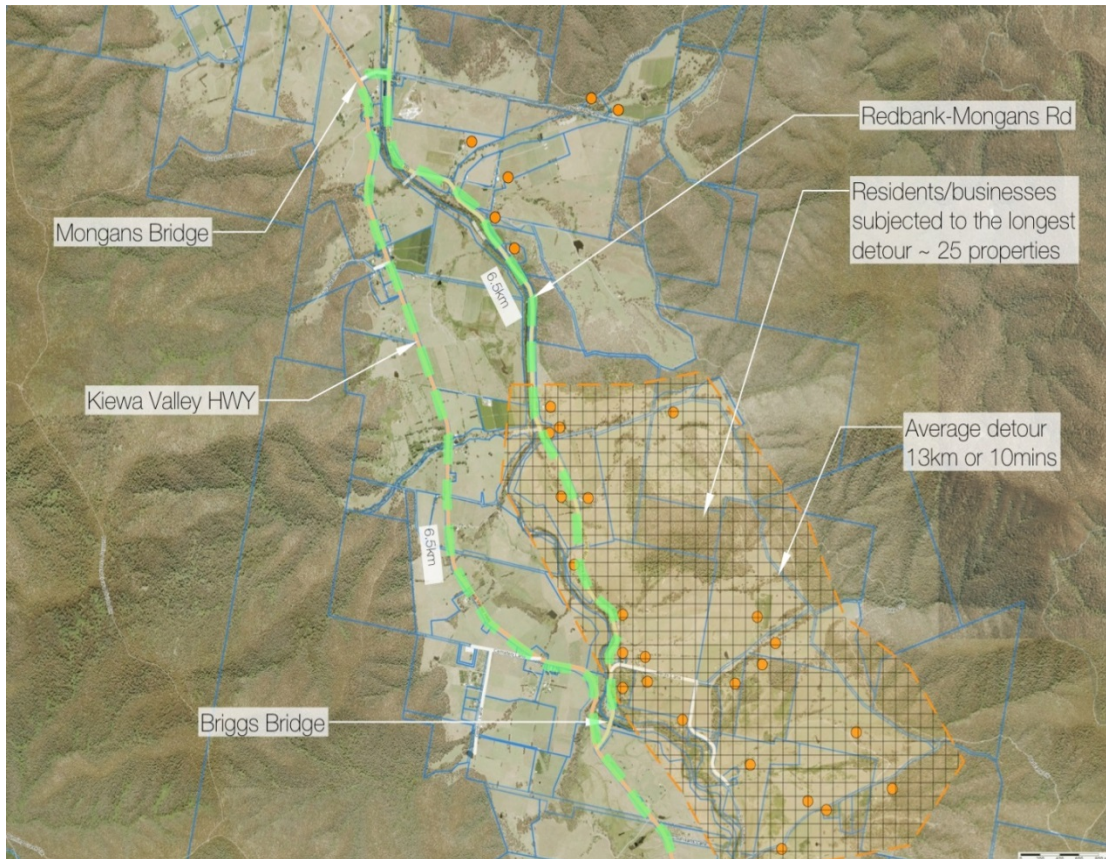


Figure 1: Local road network and properties affected by the Briggs Bridge Upgrade

POLICY IMPLICATIONS

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

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

- Incredible places for our community and visitors.

FINANCIAL AND RESOURCE IMPLICATIONS

The Briggs Bridge Load Limit Upgrade is jointly funded by the Victorian Government's Local Roads to Market Program (\$70,000) and Alpine Shire Council (\$70,000). The total project budget is \$140,000 + GST.

An estimated \$11,500 will be spent on survey, design and project management costs, leaving \$128,500 in the budget for the construction contract. The recommended construction contract award amount will therefore result in an estimated budget overspend of approximately \$28,000.

CONSULTATION

Council officers worked with local industry organisations to identify this upgrade priority for the local road network.



The bridge works and any traffic management implications will be communicated to directly impacted stakeholders in the following ways:

- Letter drop to all affected landholders and emails to emergency services, dairy transport and school bus providers from 7 March 2018.
- Media release to local papers mid March 2018.
- Installation of signage at the bridge from mid March 2018 confirming bridge works and timeframes.
- Facebook post mid April 2018 and project updates, throughout construction.

CONCLUSION

Following a comprehensive assessment and consideration of the implications of fully closing the bridge, the tender from North East Civil Construction for a staged construction approach was deemed to present the best value for Council.

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
- Acting Manager Asset Development
- Project Manager

ATTACHMENT(S)

- Nil



8.1.3 Provision of Fuel Card Services

File Number: 1601.08

INTRODUCTION

This report relates to the award of a contract for the Provision of Fuel Card Services for the Alpine Shire Council.

RECOMMENDATION

That Council awards a contract for the Provision of Fuel Card Services to Caltex Australia Petroleum for a fixed period ending 31 January 2021 with an option of two additional one-year extensions.

BACKGROUND

In May 2013, following an aggregated tendering process carried out by the National Procurement Network (NPN) on behalf of councils Australia-wide, Alpine Shire Council entered into a contract with Caltex Australia Petroleum for the Provision of Fuel Card Services. In 2017 the NPN retendered for the provision of the service, ahead of the Supplier Deeds with individual service providers expiring on 31 January 2018.

The Invitation to Tender was advertised on 29 July 2017 across a broad range of newspapers, including the Herald Sun and The Saturday Age, and in 4 online tender sites including the MAV Tenderlink portal.

The Request for Tender closed on 29 August 2017 with 26 submissions received.

EVALUATION

A panel of 10 representatives was established to carry out the evaluation, with a representative of the Municipal Association of Victoria (MAV) included on the panel.

The Tender responses were evaluated according to the following criteria:

- Relevant Experience and Network
- Product and Service Delivery
- Customer Service
- Corporate Social Responsibility
- Pricing

The results of the evaluation were documented in a confidential tender evaluation report provided to Council by MAV Procurement. Of the 26 Tender submissions received, 9 respondents were recommended for the award of a contract for the Provision of Fuel Card Services within Victoria, subject to the satisfactory conclusion of contract negotiations by MAV Procurement.

An in-house evaluation panel comprising Council's Manager Asset Maintenance and Depot Operations Manager considered the recommendations, and based on the availability of fuel outlets in Alpine Shire and the discount from the pump price for



fuel, determined that the submission by Caltex Australia Petroleum offers the best value for Council.

ISSUES

In addition to the Provision of Fuel Card Services, The NPN included the supply of bulk fuel and lubricants in the Request for Tender. Council does not purchase bulk fuel, and the volumes in which lubricants are purchased are too small for the award of a supply contract to have a financial benefit to Council.

The discount from the pump price of fuel offered by Viva Energy Australia (Shell) was better than that offered by Caltex Australia Petroleum; however Shell does not currently have sufficient coverage across the Shire.

POLICY IMPLICATIONS

The tendering process followed by the National Procurement Network met the requirements of Council's Procurement Policy.

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

- A responsible and sustainable organisation.

FINANCIAL AND RESOURCE IMPLICATIONS

To access the discounted pump price for fuel, Council will enter into a contract with Caltex Australia Petroleum based on the terms of the Supplier Deed negotiated by MAV Procurement. Entering into this contract does not commit Council to purchasing fuel from Caltex Australia Petroleum; however it does introduce a financial incentive for doing so. There is no minimum fuel purchase commitment of Council in order to access the discounted rates.

Council's annual expenditure is fuel is approximately \$260,000.

CONSULTATION

The NPN consulted with councils which had entered into a contract following the previous tendering process, and incorporated common requirements into the tender documents before proceeding to tender. The tender evaluation and recommendation report has been made available to councils on request, and all Victorian councils are eligible to access the negotiated agreements.

CONCLUSION

Following an aggregated tendering process carried out by the National Procurement Network and an in-house assessment of the recommendations, the submission by Caltex Petroleum Australia for the Provision of Fuel Card Services is considered to offer the best value to Council.

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 Asset Maintenance
- Depot Operations Officer

ATTACHMENT(S)

- Nil



8.2 DIRECTOR CORPORATE – NATHALIE COOKE

8.2.1 Planning Application 5.2017.088.1

Application number:	5.2017.088.1
Proposal:	Two lot subdivision and alteration to an access to a Road Zone 1
Applicant's name:	Oxley & Company
Owner's name:	Trevor Henderson
Address:	Lot 4 LP122300 - 174 Delany Avenue Bright
Land size:	4034m ²
Current use and development:	Vacant residential lot
Site features:	Rectangular shaped lot with frontage to Delany Avenue of 40m. Vacant grassed allotment with mature trees along adjacent east and west boundaries. Property rises slightly towards rear of site before rising steeply in two tiers beyond property boundary.
Why is a permit required?	Pursuant to Clauses 32.03-3 (Subdivision); 44.06-1 (Subdivision of land within the Bushfire Management Overlay) and 52.29 (Alteration to an access to a Road Zone 1) under the Alpine Planning Scheme
Zoning:	Low Density Residential Zone (LDRZ)
Overlays:	Bushfire Management Overlay (BMO)
Restrictive covenants on the title?	Nil
Date received:	20 June 2017
Statutory days:	258
Planner:	Sam Porter

RECOMMENDATION

That Council issue a Notice of Decision to grant a planning permit for a two lot subdivision in the Low Density Residential Zone and Bushfire Management Overlay and alteration of an access to a Road Zone 1 at Lot 4 LP122300: 174 Delany Avenue Bright in accordance with the conditions outlined in Attachment A.

REASON FOR RECOMMENDATION

It is considered that the development can provide an appropriate balance between the need for additional housing within an established residential area and the amenity of occupants and adjoining residents.



The proposal generally complies with the Low Density Residential Zone, Clause 56 - Residential Subdivision, Bushfire Management Overlay and Clause 52.29 - Alteration to an access to a Road Zone 1 of the Alpine Planning Scheme.

On balance, it is considered that the proposal responds reasonably to State and local planning policies. It is recommended that Council issue a Notice of decision to grant a Planning Permit, subject to conditions.

PROPOSAL

The proposal is to subdivide a vacant low density residential lot into two lots of 2007m² and 2027m² respectively. Lot 1 will have road frontage to Delany Avenue of 40 metres. Lot 2 will be accessed via a battle-axe configuration with a 5 metre road frontage to Delany Avenue (refer to Figure 1 below).



Figure 1: Proposed subdivision layout



The Low Density Residential Zone allows for a minimum subdivision lot size of 2000m² provided the lots are connected to reticulated sewer. Reticulated sewer is available to the subject site. The subdivision proposes a building envelope for each future dwelling, taking account of site constraints such as underground Telstra cables, natural spring activity and setbacks from road frontage of adjacent dwellings.

The proposal includes the alteration of an existing road access to Delany Avenue which is zoned Road Zone Category 1 and requires referral to VicRoads.

SUBJECT LAND AND SURROUNDS

In broad terms, the subject site is:

- Almost rectangular in shape with the front (northern) boundary to Delany Avenue measuring 40 metres; rear (southern) boundary 42 metres; and side boundaries 95.56m (west) and 106.53m (east). The site has an area of 4034m².
- Relatively flat with a slight rise towards the rear and to the east of the property, before rising steeply in multiple tiers beyond the property boundary.
- A vacant grassed allotment with mature trees adjacent the east and west boundaries.
- Within an established low density residential area of Bright consisting mainly of single dwellings of diverse architectural design and scale. Lot sizes in the vicinity are mixed, ranging from 1236m² to 4852m². The majority of lots in close proximity to the subject site and Delany Avenue are smaller than 4000m² in size.
- Situated at the southern entrance to Bright township, approximately 1.8km from the town centre. The site is opposite timber plantations on the northern side of Delany Avenue.



Figure 2: 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 four adjoining landholders and occupiers. A sign was displayed on the subject land. Two objections were received. The key issues raised in the objection are:

- Opposed to the subdivision of land for financial gain that will inconvenience other people; impact on views, landscape values and the environment.
- Disappointed that property to rear of subject site (2 Houghs Lane) was developed four years ago for holiday accommodation despite assurances from the owners that it was for the owner's parents. Doesn't want land developed for flats or bed and breakfast style accommodation.
- There are natural springs located to the rear of the subject site that should not be disturbed. If 'capped' or disturbed through compaction or excavation, the risk is that the springs will pop out on adjoining land and contribute to the problems already created by development of 2 Houghs Lane (located to the rear and above subject site).
- Any development allowed by Council that results in springs emerging on objector's land will result in the objector taking legal action against Council.
- A road along each side boundary and additional fences will impact on the visual amenity and look 'disgusting'.

REFERRALS

Referrals / Notice	Advice / Response / Conditions
Section 55 referrals:	Country Fire Authority - Conditional consent VicRoads - Conditional consent Goulburn-Murray Water - Conditional consent
Internal / external referrals:	Engineering - Conditional consent

PLANNING ASSESSMENT AND RESPONSE TO GROUNDS OF OBJECTION

All applicable policy and decision guidelines can be found at the following links:

Low Density Residential Zone

http://planningschemes.dpcd.vic.gov.au/schemes/vpps/32_03.pdf

Bushfire Management Overlay

http://planningschemes.dpcd.vic.gov.au/schemes/vpps/44_06.pdf

http://planningschemes.dpcd.vic.gov.au/schemes/vpps/52_47.pdf

Land Adjacent to a Road Zone 1

http://planningschemes.dpcd.vic.gov.au/schemes/vpps/52_29.pdf



Urban run-off management objectives

http://planningschemes.dpcd.vic.gov.au/schemes/vpps/56_07.pdf

Decision Guidelines

<http://planningschemes.dpcd.vic.gov.au/schemes/vpps/65.pdf>

State Planning Policy Framework (SPPF)

The following State Planning Policy Framework policies are considered relevant:

- Clause 13.05 - Bushfire

Objective - "To assist to strengthen community resilience to bushfire".

The proposal complies with the development control strategies within the planning scheme for new development within the Bushfire Management Overlay (BMO).

- Clause 15.01 - Urban environment

Objective - "To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity".

The design elements of Clause 56 are applicable to this objective. An assessment of the proposed development against the provisions of Clause 56 is provided later in the report.

- Clause 16.01 - Residential development

Objective - "To provide for a range of housing types to meet increasingly diverse needs".

The proposal is consistent with this objective by creating two smaller lots within an established low density residential area that have appropriate services and access to infrastructure.

Local Planning Policy Framework (LPPF)

Municipal Strategic Statement

Relevant local policy for residential development is contained at Clause 21.03 Settlement, Built Form and Heritage. Objectives of relevance to this development proposal are:

- Direct the majority of urban growth in the Shire to Bright, Porepunkah, Myrtleford and Mount Beauty/Tawonga South.
- Encourage redevelopment and intensification of existing urban areas by providing for higher density development and mixed uses around the commercial core of towns.

The proposal is consistent with these housing objectives by creating two new low density residential lots within the established urban area of Bright, and within reasonable proximity to the commercial centre, transport and community services.



Local Planning Policies

Local planning policy provides specific direction about how Council will determine certain types of planning applications. The following policies are relevant to this application:

- Clause 22.01-1 Battle-axe blocks policy

This policy seeks to ensure that any subdivision creating a battle-axe block meets certain design criteria. Relevant criteria include an access handle of 8 metres (in low density areas); curvilinear driveway design to create interest; discouragement of dividing fences along common boundaries; and provision of services to the end of the access handle at time of subdivision.

The proposed battle-axe layout provides for a 5 metre wide access handle, with a length of 56 metres to the rear lot. The proposed driveway is 3 metres wide and straight. The proposed access to the front lot, Lot 1, is adjacent the access handle and a single vehicle crossover from Delany Avenue is shared by both lots.

The shared access point to Delany Avenue has been assessed as appropriate both by Council's Engineer and VicRoads. The crossover to the front of the site avoids the mature street trees in the road reserve and provides adequate sightlines.

The proposed width of the access handle for Lot 2 does not meet the design criteria under the local policy. It is considered appropriate, however, to reduce the width from 8 to 5 metres for the following reasons:

- A width of 8 metres will push the crossover for Lot 1 closer to the existing mature street trees;
- A reduced access width allows for a larger building envelope on Lot 1, which is constrained already by underground cables;
- The 5 metre width is deemed to provide safe and appropriate vehicle access to Delany Avenue, based on expected usage.

There is limited opportunity for an alternative layout as Delany Avenue is the only adjoining road to the site. An alternative would be to create two narrow blocks with road frontage to Delany Avenue of 20m each. This would make provision of an adequate building envelope on each lot problematic, and push one access point into the street trees on the road reserve.

On balance, the proposed battle-axe location and design is considered an appropriate response to the site conditions.

- Clause 22.01-2 Rural residential living

This policy applies to all land in the LDRZ and seeks to ensure that rural residential development occurs in appropriate locations and is adequately serviced. The proposed subdivision is located in an established low density area of Bright and is adequately supported by services and infrastructure.



Zones and Overlays

Low Density Residential Zone (LDRZ)

The subject land is zoned Low Density Residential Zone (LDRZ). The purpose of the LDRZ is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

Clause 32.03-3 of the LDRZ requires a planning permit to subdivide land.

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

- The proposed subdivision meets the minimum lot size of 2000m² for development serviced by reticulated sewer.
- The subject land is adequately serviced with reticulated water, sewer, power, telecommunications, drainage and road access.
- The subdivision layout is responsive to site constraints and neighbourhood character, with building envelopes that respond to setbacks on adjoining lots.

In summary, the subdivision complies with the relevant objectives and performance standards for a two lot subdivision in the LDRZ.

Bushfire Management Overlay (BMO)

The subject site is affected by the BMO. Clause 44.06-1 of the BMO requires a planning permit to subdivide land. An application must meet the requirements of Clause 52.47. Any permit that creates a lot for single dwelling must include the mandatory condition at Clause 44.06-3.

The proposed development complies with the general requirements relating to bushfire in the SPPF and LPPF and the decision guidelines contained in Clause 52.47 - Planning for Bushfire.

The proposal has been assessed by the Country Fire Authority (CFA). The CFA does not object to the proposal subject to standard conditions requiring the revision of the submitted Bushfire Management Plan.

Particular Provisions

Clause 56 Residential Subdivision

The sole relevant Clause (56.07-4) of for this development relates to urban run-off management. In this instance the application has investigated the site constraints and surrounding land circumstance at length, due to the completion of a Hydrological Report (discussed in more detail further on in this report).



A review of this report by Council's Engineering Coordinator has shown that it will be acceptable to impose conditions on any permit granted to specify that all civil drainage infrastructure to be built will comply with Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended.

In brief the general location of the drainage infrastructure work will be along the entirety of the western boundary and would become a Council managed asset within the necessary easement. It is Council's position that the drainage issues identified onsite will be improved as a result of appropriate development on the site. In addition, the proposed Council managed infrastructure along the eastern boundary will further benefit properties to the south of the subject land.

General Provisions

Clause 65 - Decision Guidelines

Before deciding on an application to subdivide land, the responsible authority must consider the relevant decision guidelines at Clause 65.

A full assessment is provided with the submitted application material. The proposed two-lot subdivision and alteration to an access to a Road Zone 1 is compliant with the decision guidelines as it:

- Contributes to the orderly planning of the area;
- Respects the existing neighbourhood character of the area;
- Provides a suitable layout in terms of dimensions; orientation and road access; and
- Responds to the identified drainage issues on the site.

MATTERS OF CONTENTION

Two objecting submissions to the proposed development were received by Council from adjoining neighbours. Several matters were raised in the submission, however most are not considered to be relevant planning considerations for this application, including use of surrounding residential land for commercial purposes; future dwelling height, the financial motivation for undertaking development and the visual impact of future driveways and fences.

The identification of natural springs on the site and subsequent management of these springs is a relevant consideration and is discussed in more detail below.

Drainage and management of natural springs

Natural spring activity has been identified on the subject site by the neighbour. Concern has been raised over the possible impact of the subdivision, and subsequent development of dwellings, on the spring location and activity and that any capping or compaction of soil on the subject site could result in the movement of the springs onto adjoining properties.



In response to the objection, and following confirmation of the spring activity in the surrounding area by Council's Engineering Coordinator, a request for further information (RFI) was sent to the applicant. The RFI requests preparation of a Hydrological Report by a suitably qualified professional to investigate the extent of spring activity, and provide a recommended methodology to address drainage issues.

The submitted Hydrological Report made the below recommendation; all can be appropriately referenced and addressed in any proposed permit conditions:

- A geotechnical investigation be undertaken to confirm the site groundwater levels and associated soil/foundations conditions.
- A surface water site investigation to confirm flows paths and connectivity to existing drainage infrastructure, as well as survey levels at nominated locations.
- Minor drainage improvement works (to be confirmed from the prior investigations) to address the issue of the existing boggy area in the lower part of the property including:
 - Subsurface drainage connection from the boggy area to the table drain along Delany Avenue
 - Minor road drainage works for the upper end of Houghs Lane
- The elevated risk of shallow groundwater levels to be duly considered in the:
 - Design of site stormwater management and water sensitive urban design
 - Design of site structures (buildings, underground services)
- The development should make provision for overland flows in the event of blockages or storms exceeding capacity of existing stormwater networks.
- Consideration be given to onsite detention for controlling stormwater discharge.

CONCLUSION

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

- The proposed development generally complies with the requirements of the Low Density Residential Zone; the Bushfire Management Overlay, Clause 56 - Residential Subdivision and Clause 52.29 Alteration to access to a Road Zone 1.
- The proposal is consistent with relevant State and local planning policies.
- Subject to conditions, the development can provide an additional low density lot within an established residential area of Bright while ensuring the amenity of future occupants and adjoining residents is not compromised.



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 Planning and Amenity
- Senior Planning Officer

ATTACHMENT

- 8.2.1 (A) General Conditions



ATTACHMENT A

GENERAL 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 reasons) without the prior written consent of the Responsible Authority.
2. 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.
3. 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.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunications services to each lot shown on the endorsed plan in accordance with that authority's requirements and relevant legislation at the time.
5. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
6. 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.



7. 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 transferor without the prior written consent of the Responsible Authority.
8. 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* to provide for the following:
 - (a) The adjoining land is used for plantation forestry (or more broadly, rural uses) which may generate noise, dust, truck movements and loss of visual amenity from time to time.
 - (b) Any proposed dwelling must have a finished floor level of 400mm above surrounding natural surface levels.
 - (c) The subject land is likely to be susceptible to ground water spring activity. All future development on the land must ensure that appropriate building techniques are implemented to ensure future buildings can manage the impacts of this surface and ground water. All ground water encountered on the subject land must be captured and discharged to a legal point to the satisfaction of the responsible authority.

The owner/operator under this permit must pay the reasonable costs of the preparation, (and) execution and registration of the Section 173 Agreement.

ENGINEERING CONDITIONS

9. Detailed Construction Plans Prior to certification of the plan of subdivision, detailed construction plans must be submitted to and approved by the Alpine Shire Council. When approved, the plans will be endorsed and will then form part of the permit. The plans must take into account the recommendation of the Hydrogeological Review completed by GHD (November 2017) and include:
 - (a) Subsurface drainage infrastructure to the full length of the Western Boundary. (agi lines, trenches filled with free draining rock, or other approved alternative) to ensure any spring activity encountered during construction can be directed into this system as required.
 - (b) A drainage swale constructed along the Eastern Boundary, with underground stormwater to convey water from lot 2 to the Legal Point of Discharge (into the roadside swale on Delaney Avenue).
 - (c) The method of conveyance of stormwater to the Legal Point of Discharge. For clarity, stormwater is not to be discharged over the sealed path, it must be conveyed by underground pipework to the swale.
 - (d) Construction detail of the proposed crossovers.
 - (e) All works constructed or carried out must be in accordance with those plans.



10. Prior to the issue of Statement of Compliance, all stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge by underground pipe to the satisfaction of the Alpine Shire Council. No effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system. The legal point of discharge for this site is into the roadside swale on Delany Avenue.
11. All existing and proposed easements, including the proposed drainage line on the Western boundary, must be set aside in favour of the relevant authority for which the easement is to be created on the plan of subdivision submitted for certification.
12. Before any crossovers or 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 construction management.
13. Prior to the issue of Statement of Compliance, vehicular crossings shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the Alpine Shire Council, and shall comply with the following:
14. Standard vehicular crossings shall be constructed at right angles to the road to suit the proposed driveways. The vehicle crossing shall be constructed of plain grey concrete, or a flexible granular pavement with an appropriate bituminous seal.
15. Any proposed vehicular crossing shall have satisfactory clearance to any 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.
16. If no further requirements are presented from VicRoads (relevant Road Authority), then crossovers are to be constructed to the standards outlined in the IDM. It is anticipated that SD 240, 245 or 255 (reverse crossfall options) shall be the appropriate treatments to select from.
17. Tree Protection during Construction Before the development starts, a tree protection fence must be erected around the street trees at a radius of 3 metres from the base of the trunk to define a 'Tree Protection zone'. The fence must be constructed to the satisfaction of the relevant authority. The tree protection fence must remain in place until driveway construction and drainage works are completed.



COUNTRY FIRE AUTHORITY CONDITIONS

Bushfire Management Plan required

18. Before the certification is issued under the *Subdivision Act 1988*, a bushfire management plan must be submitted to and endorsed by the Responsible Authority. When endorsed the plan must be included as an annexure to the Section 173 Agreement prepared to give effect to Clause 44.06-3 of the Alpine Planning Scheme. The plan must show the following bushfire mitigation measures and site features, unless otherwise agreed in writing by the CFA and the Responsible Authority.

Building envelope (Lot 1 and Lot 2)

Show the location and setback of the building envelope/s from adjacent property boundaries.

Defendable Space

Show an area of defendable space for a distance of 48m for Lot 1 and Lot 2 extending within and around the proposed building envelope or to the property boundary, whichever is lesser 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 buildings.
- Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

Construction Standard (Lot 1 and Lot 2)

Nominate for Lot 1 and Lot 2 a minimum Bushfire attack level of BAL - 12.5 that the building will be designed and constructed.

Water supply (Lot 1 and Lot 2)

Show for Lot 1 and Lot 2 10,000 litres of effective water supply for fire-fighting purposes which meets the following requirements:

- Is stored in an above ground water tank constructed of concrete or metal.
- All fixed above-ground water pipes and fittings required for fire-fighting purposes must be made of corrosive resistant metal.



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

Access (Lot 1 and Lot 2)

Show for lot 1 and Lot 2 the access 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 access way.
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

Additionally for Lot 2:

- Incorporate a turning area for fire fighting vehicles close to the building.

Mandatory condition – Section 173 Agreement

19. 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:
 - 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.
 - Incorporate the plan prepared in accordance with Clause 52.47-2.4 of this planning scheme and approved under this permit.
 - 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.
 - The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.



VICROADS CONDITIONS

20. The crossover and driveway are to be constructed to the satisfaction of the Roads Corporation and/or the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use or the occupation of the works hereby approved.
21. The driveway must be maintained in a fit and proper state so as to not 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 (e.g. by spilling gravel onto the roadway).

EXPIRY CONDITION

22. This permit will expire if:
 - (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 two years of the certification of the plan of subdivision.

The responsible authority may extend the time if a request is made in writing before the permit expires or within three months afterwards.



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 Councillor for February 2018 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
7 February	Briefing Session
20 February	Briefing Session

ATTACHMENT(S)

- 9.0 Assemblies of Councillors – February 2018



10 GENERAL BUSINESS

11 MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN

12 RECEPTION AND READING OF PETITIONS



13 DOCUMENTS FOR SEALING

RECOMMENDATION

That the following documents be signed and sealed.

1. *Contract No 1707301 in favour of Alpine Spirit Pty Ltd for the provision of a seasonal shuttle bus service between Dinner Plain and Mount Hotham for a three year term with the a further option of one three year extension.*

2. *Contract No 17095 in favour of LA Vandersluys Pty Ltd trading as Country Wide for the provision of Pavement Renewal 2017/18.*

3. *Section 173 Agreement – Gregory Alfred Esnouf*

Crown Allotment 2A Section 5, Volume 8242 Folio 725 Lot 1 on TP 381592D, Volume 7989 Folio 097 Lot 1 on TP 636914Q, Volume 6539 Folio 782 Condition 26 of Planning Permit 2015.161.1 for a 4 lot subdivision at 6-8 Star Road, Bright.

The Agreement excludes Lot 3 from exemption under clause 44.06-1 of the Alpine Planning Scheme.

4. *Contract No 1707402 in favour of GF & AM Peterson Pty Ltd for the provision of Contracted Services at Dinner Plain Village.*

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

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Chairperson