



Alpine Shire

ORDINARY COUNCIL MEETING

AGENDA

M11 - 10 NOVEMBER 2015

Bright Council Chambers

7:00pm



Notice is hereby given that the next **Ordinary Meeting** of the **Alpine Shire Council** will be held in the Council Chambers, Great Alpine Road, Bright on **10 November 2015** commencing at **7:00pm**.

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1 INTERIM CHAIRPERSON

Under section 72(1) of the Local Government Act 1989, 'the office of Mayor becomes vacant at 6am on the day of the election of the Mayor'.

Division 2 of Council's Local Law No.1 Council Administration provides that 'the Chief Executive Officer is to preside at the election of Mayor'.

The Chief Executive Officer will assume the role of Interim Chairperson to deal with Items 2 to 8.1.4 of this Agenda.

2 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS, RECOGNITION OF ALL PEOPLE AND OPENING PRAYER

The Chief Executive Officer will read the acknowledgement of the traditional custodians, recognition of all people and opening prayer.

3 CONFIRMATION OF MINUTES

3.1 ORDINARY COUNCIL MEETING – M10

RECOMMENDATION

That the minutes of Ordinary Council Meeting including confidential minutes M10 held on 6 October 2015 be confirmed

4 APOLOGIES

5 OBITUARIES / CONGRATULATIONS

6 DECLARATIONS BY COUNCILLORS OF CONFLICT OF INTEREST

7 QUESTION TIME



8 MAYORAL TERM AND ELECTION OF MAYOR

8.1.1 Mayoral Term

The *Local Government Act 1989* sets out several requirements for the election of Mayor including the timing of the election of Mayor and the length of the term.

The Mayor must be elected after the fourth Saturday in October but not later than 30 November each year. However, Council may resolve to elect a Mayor for a term of two years under section 71(2) of the Act.

Council at its Special Council Meeting on 11 November 2014 resolved that:

‘the Mayor be elected for a one year term’.

As that term has now concluded, and Council elections are to be held in 2016, only a one year term can be considered.

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

8.1.2 Election of Mayor

The *Local Government Act 1989* sets out the requirements for the election of Mayor.

Section 71(1) of the Act requires the Mayor to be elected at a meeting that is open to the public.

Any Councillor is eligible for election or re-election to the office of Mayor under section 72 of the Act.

Section 73 of the Act provides that the Mayor of a Council takes precedence at all municipal proceedings within the municipal district and the Mayor must take the chair at all meetings of the Council at which he or she is present.

The Chief Executive Officer will call for nominations and a seconder for the Office of Mayor

8.1.3 Address by Outgoing Mayor

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

8.1.4 Mayoral Response

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

8.1.5 The Interim Chairperson vacates the Chair and the Mayor assumes the Chair.



9 ELECTION OF DEPUTY MAYOR

The *Local Government Act 1989* only requires Council to elect a Mayor. There is no requirement under the Act to elect a Deputy Mayor.

The position of Deputy Mayor is determined by each council. Historically Alpine Shire Council has elected a Deputy Mayor.

Section 73(3) of the Act stipulates that 'if there is a vacancy in the office of Mayor or the Mayor is absent, incapable of acting or refusing to act, the Council must appoint one of the Councillors to be the acting Mayor'. Council has traditionally appointed the Deputy Mayor to be the councillor to act on behalf of the Mayor.

Council has also historically aligned the length of the term of the Deputy Mayor to that of the office of the Mayor.

The Mayor will call for nominations and a seconder for the position of Deputy Mayor.



10 PRESENTATION OF REPORTS BY OFFICERS

10.1 CHIEF EXECUTIVE OFFICER – DAVE BARRY

10.1.1 Contracts approved by the CEO

RECOMMENDATION

That the Contracts approved by the CEO be noted.

Contract No:	1505301	Process	Procedural Exception
Title:	HACC meals on Wheels		
Tenderer:	Alpine Health		
	\$106,812.20		
	Home and Community Care annual budget allocation		

Contract No:	N/A	Process:	Procedural Exemption
Title:	Gravel Resheet		
Tenderer:	Mongans Bridge Quarry		
\$ (excl. GST):	\$134,000		
Funding:	Capital works gravel resheeting		



10.2 CHIEF EXECUTIVE OFFICER – DAVE BARRY

10.2.1 Quarterly Report - 1 July - 30 September 2015

File Number: SU600.03

INTRODUCTION

This report provides the first quarterly report against the Alpine Shire Council Plan 2013-2017 (review 2015).

RECOMMENDATION

That the Alpine Shire Council Plan Quarterly Report ending 30 September 2015 be received and noted.

BACKGROUND

Council Plan development

The Alpine Shire Council Plan 2013–2017 was developed following the election of the Council in October 2012. The Council Plan outlines the strategic objectives and strategies that will be used to achieve Council's adopted direction for its four year term.

The Council Plan must be reviewed annually to determine if any adjustments are necessary. Only minor adjustments were made in the 2015 review, updating the plan with the direction Council is taking to ensure a sustainable organisation into the future.

ISSUES

The annual action plan details the Council Plan commitments that have been budgeted in 2015/16, and it is the annual action plan that this quarterly report provides progress against.

HIGHLIGHTS

Inspired Community Leadership

Council continued to meet with key industry organisations and other levels of government to advocate for common issues. Council also worked with the Community Action for the Chalet group and Tourism North East to advocate for the Mount Buffalo Chalet.

Enhancing the Environment and Liveability

Council's Asset Maintenance Team has been active developing a Bridge Inspection app, as well as improving internal mapping data to improve details available for the local road network. These will assist in Council's work with key assets in the field.

Strengthening the Community

The Tomorrow Towns pilot project was conducted in Myrtleford to identify methods to engage and communicate with youth more effectively – as a result, a youth-driven project to reinvigorate the "Sandy Beach" river swimming spot is being investigated.



Prosperous Economy, Employment and Investment

New snow making facilities at Dinner Plain meant that the ski slope was used for a total of 86 days – 24 more than in 2014. This, along with the new tubing facilities, provides great opportunities for families visiting Dinner Plain.

Performance Focused Organisation

The introduction of a common Point of Sale (POS) system across all transfer stations, visitor information centres and indoor/outdoor pools was completed, providing improved data capture and reporting and faster processing of customer transactions.

POLICY IMPLICATIONS

The Council Plan is a specific requirement of the *Local Government Act 1989*, and is a guiding document for Council. While quarterly reporting against the Council Plan is not a specific requirement of the Act, Council has elected to continue to report to the community regarding its progress throughout the year.

The Council Plan, annual action plan and Budget identify and commit Council to the completion of specific initiatives each year.

FINANCIAL AND RESOURCE IMPLICATIONS

The Strategic Resource Plan and annual Budget are developed and adopted to provide the finance and resources required for the programs and projects outlined and reported against in this quarterly Council Plan report.

CONSULTATION

The Council Plan is subject to public exhibition each year prior to being adopted by Council. As part of the annual review of the Council Plan, any changes to the initiatives are also subject to public exhibition.

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

Council's annual Budget is also publicly exhibited and submissions called for prior to its consideration and adoption by Council.

CONCLUSION

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

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
- Governance Officer

ATTACHMENT

10.2.1 Alpine Shire Council Quarterly Report – ending 30 September 2015



10.3 DIRECTOR CORPORATE PERFORMANCE – TREVOR BRITTEN

10.3.1 Finance Report - Quarter 1 Review 2015/16

File Number:

INTRODUCTION

The purpose of this report is to provide an overview of Council's financial performance for the quarter ending 30 September 2015.

RECOMMENDATION

That the Finance Report for the quarter ending 31 September 2015 be adopted.

BACKGROUND

The Finance Committee met on 27 October 2015 to consider the Finance Report, and expressed satisfaction with its continuing development, and resolved that the report be noted.

The Finance Report provides an income statement, balance sheet, cash balances, current investments, borrowings and supporting graphs as at the end of the quarter.

Included in the Finance Report is a breakdown of each department's performance for the quarter. The summary also provides explanations for variances which are greater than \$10,000 or 10%.

OVERVIEW

The Finance Report is structured according to Council's new simplified chart of accounts. In a reporting sense, this will be most visible in the departmental summaries section where from Q2, variances due to staffing changes will be confined to just one area. Detailed 'Council Representation' and 'Dinner Plain' tables are new and provide additional clarity.

The timing of the receipt of Financial Assistance Grants, the collection of the Fire Services Levy for the SRO, and the carry-over of identified capital works from last year continue to generate variances to the budget and require repeat explanation.

Overall, Council's operating performance has been favourable against budget for the quarter. Employee costs and materials and services expenditure are very favourable, but this is largely due to phasing.

Council's cash is in a sound position, strengthened by the abovementioned factors. The reserve will be monitored closely as these influences are normalised.

Capital works expenditure for the Quarter is on track, but the year-end forecast is down due to the decision to defer or not proceed with several items in the areas of:

- Plant and motor vehicle renewal
- Waste renewal
- Building upgrade



KEY IMPLICATIONS

Legislative Issues

The Local Government Act (the Act) requires the following relating to financial management:

Section 137 (Budgeting and reporting framework) - "Council must establish and maintain a budgeting and reporting framework that is consistent with the principles of sound financial management.

Section 138 (Quarterly statements) – "At least every 3 months, the Chief Executive Officer must ensure that a statement comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date is presented to the Council at a Council meeting which is open to the public".

Risk Management

Identified risk	Risk likelihood (H,M,L)	Impact of risk (H,M,L)	Strategy to manage risk
Budget variances being greater than anticipated.	H	M	Quarterly review process requires managers to present to the Executive on budget variances and explain variances greater than \$10,000 or 10%.
Accuracy of forecasting.	H	M	Managers are required to forecast their income and expenditure for the remainder of the year. This is based on their knowledge of the budget area, timing of projects and past trends.

COUNCIL PLAN AND KEY STRATEGIC PLAN LINKS

2013-2017 Council Plan	
Strategic Objective 5.2	To manage resources well to ensure sustainability
2013/14 Budget	
Strategic Objective 2.5	Performance focused organisation

CONCLUSION

Work will be done during Quarter 2 to improve budget phasing and therefore reduce the incidence of reporting variations.

External influences (such as the timing of the receipt of Financial Assistance Grants) continue to distort reporting.

The Finance Committee is satisfied with the continuous improvement of the management and reporting of the budget, and notes that:

- Council is currently tracking to budget



- a similar result is forecast at year end.

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 Performance
- Acting Manager Corporate Services

ATTACHMENT(S)

10.3.1 Finance Report for period ending 30 September 2015



10.4 DIRECTOR ASSETS – CHARLIE BIRD

10.4.1 Myrtleford Township Flood Mitigation Design Project

File Number: 1780.06

INTRODUCTION

The purpose of this report is to outline the key findings from the Myrtleford Township Flood Mitigation Design project and the next steps.

RECOMMENDATIONS

That Council:

- 1. Does not proceed to construction of the Myrtleford Water Management Scheme floodway and levees due to the significant increase in the cost of construction over the Myrtleford Water Management Scheme estimates, making the capital investment economically unviable and due to the strong community opposition expressed.*
- 2. Undertake further modelling of the impact of the Standish Street Happy Valley Creek causeway on smaller floods and if such impacts exist, the cost of reducing these impacts to assist Council in determining the benefit of works.*

BACKGROUND

Following major flooding of Myrtleford in October 1993 and September 1998, a floodplain management study was commissioned by the Alpine Shire Council in 1998.

In February 2002 a Myrtleford Flood Investigation Community Based Committee was appointed by the then Minister of Natural Resources and Environment under the Water Act (1989) to prepare a Water Management Scheme.

In August 2005 the Water Management Scheme was declared by the Minister for Water as an Approved Scheme in the Victorian Government Gazette.

The diversion channel from Happy Valley Creek to the Ovens River, upstream of Myrtleford was the first element of the Scheme to be constructed, which was completed in 2010.

In late 2011 Council received funding from the Natural Disaster Resilience Grants Scheme (NDRGS) to complete the detailed design for the outstanding components of the Myrtleford Water Management Scheme (floodway and levees), which is referred to as the Myrtleford Township Flood Mitigation Design project in this report.

In December 2014 Council engaged consulting engineers Cardno to undertake necessary investigations and complete the detailed design of the floodway and levees. As shown in Figure 1, the 1.6 km designed levee is located on the northern side of Happy Valley Creek with the floodway on the southern side of the creek starting near Whalleys Lane and re-joining the creek downstream of Standish Street.



The project commenced in January 2015 with the engagement of landholders directly affected by the proposed floodway and levee, and properties adjacent to the proposed levee. Communication to the broader Myrtleford community was by media releases which ran in the Myrtleford Times. In addition, those outside the proposed flood protection area and shown in the Water Management Scheme modelling to have the potential of increased flood levels if the scheme was implemented in full were contacted by phone and offered a briefing. A number took up the offer.

Following on-ground investigations and surveys, the first draft of the plans (Functional Design Plans) were completed in April 2015 and presented to Council and the community. Final plans were completed in July 2015 and presented to Council and to the community at a public meeting on 29 July 2015.



Figure 1: Myrtleford Flood Mitigation Design - Floodway and Levee

ISSUES

Issues raised by landholders

- Concern that implementation of the levee would increase the flood risk on adjacent properties and businesses, and questioning the levee location chosen.
- Concern that implementation of the flood mitigation measures would result in an increased flood level on their properties and businesses, particularly properties adjacent to the Ovens River. This is a legitimate concern. As part of the project, all flood modelling was re-run based on the detailed designs. The modelling



shows an increase in the area and level of flood waters outside the protected area, over the modelling done for the Water Management Scheme.

- Belief that potential works upstream to address the Ovens River avulsion issue should be costed and if implemented, would limit works required in Myrtleford.
- Perception that diversion channel flows the wrong way and does not work as designed.
- Perception that blockage at Standish Street culverts significantly increases the flood levels in Myrtleford.
- The overwhelming view at the public meeting on 29 July 2015 was that the Standish Street culvert issue, if addressed, would be of greater benefit to Myrtleford than the levee and floodway and at a much lessor cost.

Cost of scheme and revised benefit cost ratio

The cost of implementing the outstanding measures is significantly higher than that determined at the concept design stage, during the development of the Myrtleford Water Management Scheme. The revised cost for the construction of the township levee and floodway is \$9,249,000, excluding the following additional items that were not costed as part of the project:

1. Cost of land acquisition.
2. Cost of removal and appropriate disposal of potentially contaminated soil from former tobacco land for the construction of the floodway.
3. Cost of a completing the Cultural Heritage Management Plan – Complex Assessment (subsurface excavation) on a directly affected landowners property.

The cost estimate for all mitigation measures in the Water Management Scheme was \$1,496,000 giving a benefit cost ratio greater than one (i.e. benefit exceed costs). The revised benefit cost ratio is 0.9 indicating that the cost is greater than the benefit gained from construction of the levee and floodway. Adding in the three un-costed items above further weakens the benefit cost ratio.

Issues identified in the development of the detailed design

- Surveys found that the start and end points of the levee depicted in the Water Management Scheme did not start/finish where the ground level was at a sufficient height to prevent floodwater getting behind the levee. The design therefore extends the northern end of the levee up to King Street and requires the Great Alpine Road to be raised.
- The need for access behind commercial properties along Happy Valley Creek has required the use of levee types significantly more expensive than the standard earthen levee.
- Bank instabilities along parts of Happy Valley Creek have increased the cost of the levee.
- Two options are included for the southern end of the levee (near Rays Ski Shop) based on discussions with the land owner.



- The starting point for the floodway at Whalleys Lane has changed from that depicted in the Water Management Scheme as the site investigation more accurately identified levels and the Happy Valley Creek breakout point.

POLICY IMPLICATIONS

The Flood Mitigation Works in Myrtleford are identified as a major initiative in the Council Plan 2013-17.

Council is designated as the construction and maintenance Authority of the Myrtleford Water Management Scheme. Output from the Myrtleford Township Flood Mitigation Design project will assist Council in determining the next steps in the implementation of the Scheme.

FINANCIAL AND RESOURCE IMPLICATIONS

The design project was delivered on budget and has no implications on Council resources.

There is currently no commitment from Council or external funding to construct the designed floodway and levee. If Council constructs the floodway and levee, Council would become the responsible Authority for this infrastructure and responsible for ongoing maintenance of this infrastructure.

There is no remaining budget to undertake further modelling and benefit cost analysis. It is estimated that the cost of this modelling would not exceed \$10,000 (GST exclusive).

CONSULTATION

Council officers and contractors have consulted extensively with community members throughout the design project.

The following community consultation and communication has occurred during the project:

- Meetings with land owners on whose properties the town levee and floodway are proposed.
- Meetings held with landholders that are shown in the Water Management Scheme to have increases in water levels on their properties.
- Meetings and phone conversations with a number of residents requesting more information on the project.
- Three media releases have been made and information put on Council's website.
- Presentation made at the SES Information Session held to discuss the draft Myrtleford Flood Guide.
- Functional design plans on display at the Myrtleford Library.
- Community information session held on 29 July 2015 to present the final designs and estimated costs, and to listen to the community's view regarding implementation of outstanding flood mitigation measures.



- Presentation to Myrtleford Rotary Club on 5 August 2015.

CONCLUSION

The Myrtleford Township Flood Mitigation Design project has provided the detailed information needed to make a decision on whether the township levee and floodway as identified in the Myrtleford Water Management Scheme is viable. The project, through the consultation carried out, has also gauged the community's views of the proposed works.

Technical

Although a number of issues came to light through the detailed work of the project that were not known at the time the concept was developed, construction of the town levee and floodway is feasible and does benefit a section of the township (buildings assessed as receiving residential damage in 1% Annual Exceedance Probability (AEP) flood events reduced from 238 to 96).

Economic

With an estimated cost of over \$9 million (plus additional un-costed items) and a benefit cost ratio of 0.9, the construction of the township levee and floodway cannot be justified on economic grounds.

Community

It was difficult to engage with community members that would benefit from the township levee and floodway, other than those directly approached due to their proximity to the proposed levee. All of these were happy with the proposed levee; given the direct protection it provides their properties.

The landholders along the path of the proposed floodway varied from opposed to being concerned with the effect the floodway would have on their land.

By far the majority of those engaged with reside outside the protected area and have legitimate concerns about the impact of the proposed works on their homes and properties. A number mentioned that they would be seeking legal advice as to liability for future increased flooding. The modelling undertaken as part of the project, shows a number of properties would incur a greater impact from 1% AEP floods because of the levee and floodway.

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.

- Project Manager Consultant
- Director Assets

ATTACHMENT(S)

- Nil



10.4.2 Municipal Emergency Management Plan

File Number: 508.00

INTRODUCTION

Council is required to prepare and maintain a Municipal Emergency Management Plan (MEMP) to comply with the *Victorian Emergency Management Act 1986 and 2013*. Council's updated MEMP has been prepared in consultation with the Municipal Emergency Management Planning Committee, with their last opportunity for review being in September 2015. The MEMP was audited by the SES in 2012 and classed as "compliant".

The updated MEMP is ready for adoption by Council and will be audited by a panel comprising the State Emergency Service (Vic), Department of Health and Human Services, and Victoria Police.

RECOMMENDATION

That Council adopt the Alpine Shire Council Municipal Emergency Management Plan Version 3.0 2015

BACKGROUND

The inception of Emergency Management Victoria (EMV) and review of the Emergency Management Manual for Victoria (EMMV) has resulted in many changes to the Alpine Shire MEMP, and has involved the following:

- Re-write of the entire document to reflect new template as outlined in Part 6 of the EMMV.
- Review of existing Community Emergency Risk Assessment (CERA) covering the applicable risks to Alpine Shire.
- Updating contact details for relevant people representing a range of organisations and authorities.
- Electronic links inserted into this document covering a vast array of related information, such as resource (plant) lists, checklists, and guidelines.

ISSUES

It is anticipated that further changes will be required to the MEMP with future reviews of the EMMV anticipated next year.

POLICY IMPLICATIONS

Council Plan 2013 - 2017 (Strategy 1.3.3) requires Council to proactively manage emergency response and recovery:

- "Monitor and respond to changes and state and federal government emergency management policy".
- "Develop and adopt appropriate strategies for responding to and recovering from emergencies".



A measure of success is the "Successful audit of the Municipal Emergency Management Plan" (Indicator 1.3).

FINANCIAL AND RESOURCE IMPLICATIONS

Council is responsible for the initiation of a Municipal Emergency Coordination Centre (MECC), along with the opening of Relief Centres should the need arise.

Resources are available in the existing budget for this to occur.

CONSULTATION

The draft MEMP has been reviewed by the Alpine Shire Municipal Emergency Management Planning Committee in September 2015, along with internal Alpine Shire Council staff with identified Emergency Management roles.

CONCLUSION

The draft MEMP has been reviewed and is now ready for adoption by 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 Maintenance
- Emergency Management Coordinator

ATTACHMENT(S)

- Nil



10.4.3 Contract 1503201 – Custom design, fabrication and installation of playground equipment in Mount Beauty

File Number: 1543.17

INTRODUCTION

This tender report relates to the award of the Contract for the custom design, fabrication and installation of playground equipment in Mount Beauty.

RECOMMENDATION

That Council award Contract No: 1503201 – Custom design, fabrication and installation of playground equipment in Mount Beauty for a lump sum price of \$120,000 (excl. GST) for large play structure, turbine spinner, stone spinners, stone arch and stone towers at Bicentennial Park (Foreshore)

BACKGROUND

The upgrading of the Mount Beauty Foreshore (Bicentennial Park) and Town Centre together comprise the Progressing Place Project. Delivery of Progressing Place is supported by funding obtained through Regional Development Victoria and contributions from the Alpine Shire Council and Alpine Health.

The project includes upgrading the Bicentennial Park playground with a focus on providing play opportunity for children in the eight to twelve age groups, upgrading the picnic facilities, constructing a new toilet block and new landscape works.

The Town Centre component of Progressing Place includes an upgrade to the streetscape, new street furniture and a sculptural play element to be located in the open space adjacent to the Community Centre.

Contract 1503201 is for the custom design, fabrication and installation of new play equipment at Bicentennial Park (Foreshore).

The Invitation to Tender was advertised in the Herald Sun 5 August 2015, Border Mail 8 August 2015, and on the Tenders.Net and Alpine Shire Council web-sites.

The Invitation to Tender comprised three separable parts and requested two options for one of those parts.

Part A

Foreshore (Bicentennial Park) – 2 OPTIONS

1. A playground structure to the value of \$80,000 - \$90,000
2. A playground structure to the value of \$110,000 - \$120,000.

Part B

1. Town Centre – 1 OPTION

A play sculpture to the value of \$30,000 - \$40,000.



Part C

- A piece of spinning equipment that can accommodate multiple users at once
- A nest or basket swing that can accommodate multiple users at once
- A hammock
- A flying fox
- Jumping play equipment, such as a trampoline or similar.

The Tender documents were downloaded by 25 prospective tenderers and nine submissions were received.

The report referring to this item was deferred at the October Council Meeting.

EVALUATION

The evaluation panel consisted of the Acting Manager Asset Development, Project Officer, and Open Spaces Coordinator.

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

- Design
- Price
- Qualifications and Previous Performance
- Delivery
- Social.

Interviews were held with shortlisted tenderers that proposed bespoke solutions to confirm their proposals would comply with Australian Standards, would be certified by a structural engineer and delivery timeframes could be achieved.

Following the assessment of offers by the evaluation panel it was determined that the tender from Agency of Sculpture best met the selection criteria and offered the best value for Council.

ISSUES

The Agency of Sculpture Foreshore playground proposal is a bespoke custom built solution that responds to the local character of Mount Beauty. There is a risk that the final design may vary slightly from the concept design in the proposal. However, the evaluation panel is confident that the concept can be delivered given the proponent's experience in delivering bespoke playground equipment and reassurances that the design would be certified by a structural engineer and an experienced play equipment auditor.

It was considered that none of the proposals received for the Town Centre offered sufficient value for money or play value.



POLICY IMPLICATIONS

The works associated with Contract 1503201 are consistent with Strategic objective 3.11 of the Council plan - Facilitate increased community participation; and the objectives of the Mount Beauty Recreation Reserve Masterplan, 2011.

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

FINANCIAL AND RESOURCE IMPLICATIONS

The total budget for Progressing Place Project is \$875,000, with \$525,000 allocated to the Foreshore and \$350,000 allocated to the Town Centre.

The budget for the Bicentennial Park (Foreshore) playground equipment is \$120,000. Therefore the cost of the proposed play equipment is within budget:

- \$120,000 for large play structure, turbine spinner, stone spinners, stone arch and stone towers at Bicentennial Park (Foreshore).

CONSULTATION

Council officers have engaged with the Mount Beauty and surrounding community regarding the Bicentennial Park playground upgrade on several occasions. Whilst there has been some concern that the playground upgrade would result in the removal of the steel slide, there now appears to be an understanding that removal of the slide is warranted. The community has indicated the following as their preference for play equipment, in order of priority:

- Challenging and exciting climbing options different from the standard climbing net, incorporating high and scary slide
- Items which rocked and swayed and could be used by more than one person
- A nest or basket swing that can accommodate multiple users at once
- A hammock
- A flying fox
- Jumping play equipment, such as a trampoline or similar.
- On Monday 19 October 2015, Council officers sought feedback from children in Mount Beauty and surrounding community on their preferred design for the Foreshore climbing structure. Two groups were consulted: Grades 3, 4 and 5 at Mount Beauty Primary School and Year 7 at Mount Beauty Secondary College. Both groups were shown the proposals from the top four evaluated tenders and were then asked to vote for their preferred option through a show of hands. In both groups the overwhelming majority of votes were for the Agency of Sculpture proposal.



CONCLUSION

Following a comprehensive tender assessment, interviews, reference checks and consultation with the local school children, the tender from Agency of Sculpture for a playground structure in Bicentennial Park (Foreshore) is considered to offer the best value option 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 Officer, Asset Development
- Open Spaces Coordinator.

ATTACHMENT(S)

- Nil



10.4.4 Contract 1503901 - Freeburgh Bridge Replacement

File Number: 1701.06

INTRODUCTION

This report relates to the award of the Freeburgh Bridge Replacement Tender. The work includes the demolition of the existing bridge structure and its replacement with a new single span steel and concrete bridge.

RECOMMENDATION

That Council award Contract No. 1503901 for the Freeburgh Bridge Replacement (Option 2) to Murray Valley Piling Pty Ltd for the lump sum price of \$263,100.00 (excl. GST).

BACKGROUND

The Freeburgh Bridge on Old Harrietville Road was closed to vehicle access 16 February 2015 in response to public safety concerns raised by an experienced bridge engineer. Following community consultation and further engineering investigations and advice, Council committed to reconstruct the Freeburgh Bridge to its original load capacity of 15 tonnes provided the cost does not exceed \$350,000 (excl. GST).

During scoping of the works, it was decided to seek pricing for the following two options, given the close proximity of the bridge to the proposed river crossing of the Bright-Harrietville Trail:

1. Replacement of the bridge with a single traffic lane
2. Single traffic lane with a separate shared path lane to cater for pedestrians and cyclists.

The Invitation to Tender was advertised in the Herald Sun on 16 September 2015, the Border Mail on 19 September 2015 and on the Tenders.Net and Alpine Shire Council websites.

The Tender documents were downloaded by 37 prospective tenderers and five submissions were received.

EVALUATION

The evaluation panel consisted of the Acting Manager Asset Maintenance, Senior Project Engineer and the Engineering Coordinator.

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 by the evaluation panel three of the tenders were shortlisted to take part in further evaluation. The contractors were contacted to discuss their overall offers and to clarify some rates and pricing. The any revisions to the offers were then reassessed in accordance with the selection criteria.

After detailed assessment by the evaluation panel, Murray Valley Piling achieved the overall highest assessment score. The contractor has previously carried out works for Council, to a high standard and has the capability and experience to fulfil the requirements of this contract.

ISSUES

While replacement of the bridge with a traffic lane and shared path lane (Option 2) is the more expensive option, there is an overall financial benefit in combining the shared path crossing with the main bridge. As the next section of the Bright-Harrietteville trail is expected to extend from Germantown to Freeburgh, a second shared path crossing of the river will be required in the future.

Decking and approach ramps on the adjacent pipe bridge were originally the planned solution to provide this crossing. The estimated cost of the pipe bridge upgrade was \$82,500 when priced last year as part of a \$500,000 package, which included the six other bridges on the Bright-Harrietteville Trail. If similar works were done in the future as a stand-alone package, it is expected it could cost up to \$100,000.

The recommended tenderer provided a price for Option 1 and Option 2, with the difference between the options submitted being \$22,900. Considering the estimated \$100,000 to provide the shared path river crossing utilising the existing pipe bridge structure, incorporating the crossing with the road bridge offers a good value capital investment, and will also require far less ongoing maintenance.

Given the size of the members required to span the river, there was no cost saving to be achieved by limiting the load capacity of the bridge, therefore an SM1600 design load capacity can be achieved (i.e. no load limit will be placed on the bridge).

POLICY IMPLICATIONS

The tender was advertised and evaluated according to the Procurement Policy and the Purchasing and Contract Procedures Manual.

FINANCIAL AND RESOURCE IMPLICATIONS

The Freeburgh Bridge reconstruction is funded by Alpine Shire Council's 2015-16 Bridge Renewal Budget. The *Alpine Shire Council Budget Report - 15-16* listed the budget as \$317,000.

The available budget to complete the construction works is \$311,150, with \$5,850 of expenditure to date on survey, designs and project management costs.



CONSULTATION

The Freeburgh Bridge provides vehicular access to the Great Alpine Road for 25 properties (23 property owners) located along the Old Harrierville Road and Snowy Creek Road.

Council officers and Councillors met with the directly affected residents on Tuesday 24 March 2015 to listen and understand their concerns around the closure of the bridge.

A report was presented to Council at the April 2015 Council Meeting detailing the background of the closure and proposing the adoption of up to \$350,000 (ex. GST) in the 2015-16 budget for the reconstruction of the bridge.

CONCLUSION

Acceptance of the tender from Murray Valley Piling is considered to be the best value option 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
- Senior Project Engineer

ATTACHMENT(S)

- Nil



10.4.5 Alpine Better Places - Public Exhibition of Draft Detailed Concept Designs

File Number: 1780.78

INTRODUCTION

The purpose of this report is to seek Council approval to publicly exhibit, under the requirements of Section 223 of the *Local Government Act 1989*, the Draft Detailed Concept Designs for Myrtleford, Bright and Porepunkah which have been completed under the Alpine Better Places Project.

RECOMMENDATION

That Council:

- 1. Approve the public exhibition of the Draft Detailed Concept Designs for Myrtleford, Bright and Porepunkah, completed under Alpine Better Places.*
- 2. Approve public notice of the exhibition of the Draft Detailed Concept Designs, inviting submissions to be considered in accordance with Section 223 of the Local Government Act 1989.*
- 3. Form a committee according to Section 223(1)(b) of the Local Government Act 1989, if required, consisting of Councillors, CEO and Directors for the purpose of hearing submissions in relation to the Draft Detailed Concept Designs.*

BACKGROUND

Council commenced its Alpine Better Places project in early 2015, with the aim of delivering detailed concept designs for priority projects in each of the town centres of Porepunkah, Bright and Myrtleford. The project has progressed well through its first three phases including two rounds of community consultation. It is now in its fourth and final phase of delivering detailed concepts and costings for each of the towns and their priority projects. It was always the intention that the draft detailed concept designs would be publicly exhibited for comment, prior to the completion and adoption of the final detailed concept designs.

ISSUES

This proposal is required to be formally exhibited in accordance with the requirements of Section 223 of the Local Government Act, as it relates to Schedule 10, Clause 8(1)(a) Narrowing or widening of road and Schedule 11, Clause 9 Placing obstructions/barriers on road permanently.

Under the funding agreement with Regional Development Victoria the specified project completion date is the 31 March 2016. Therefore, if this recommendation is accepted at the November Council Meeting, it is deemed that there is sufficient time to undertake the required 28 day exhibition, receive and hear submissions if required, make any necessary adjustments to the plans and then adopt the final plans prior to the completion date.



POLICY IMPLICATIONS

This recommendation is in accordance with the requirements of the Local Government Act and with the following Strategic Objectives 1.1, 2.1, 2.2, 2.3, 3.1 and 4.1 of the Council Plan:

- 1.1 - To effectively communicate and engage with stakeholders;
- 2.1 - To provide and maintain quality parks, gardens and natural environment;
- 2.2 - To improve the quality of the built environment and amenity;
- 2.3 - To improve the condition and management of Council's assets;
- 3.1 - To support the health and wellbeing of communities; and
- 4.1 - To effectively plan and deliver strategic and major projects.

FINANCIAL AND RESOURCE IMPLICATIONS

Some minor capital costs will be incurred in the public notification of the exhibition, which can be covered under the current project budget. Otherwise, some Council Officer and Councillor time will be required to ensure the proper Section 223 process is followed. The amount of time required will depend on the number of submissions made and if submitters request to be heard.

CONSULTATION

Council and the communities of Bright, Myrtleford and Porepunkah have been involved through the development of the Alpine Better Places design project, with two rounds of consultation already complete:

- Council and community input was sought in March to prioritise projects in each of the townships; and
- Council and community feedback was sought on the preliminary concept designs in June and their visions for each town have been included on the draft detailed concept designs.
- Council Officers will continue to liaise with key stakeholders throughout the public exhibition process.

CONCLUSION

The proposed changes to the roads indicated in the Alpine Better Places draft detailed concept plans, require the Section 223 process of the Local Government Act to be followed. Further, as the proposed improvements to the townships of Bright, Myrtleford and Porepunkah are significant, it also reasonable that Council follow this formal process.



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 Development
- Project Officer - Delivery

ATTACHMENT(S)

- Nil



10.4.6 Contract 1504101 - Mount Beauty CBD Civil Works

File Number: 21090.00

INTRODUCTION

This report relates to the award of the Mount Beauty CBD Civil Works Tender. The work includes the reconstruction of kerb and channel; new median island, footpath and parking bay construction around the town centre of Mount Beauty, including Lakeside Avenue, Hollonds Street, Park Street and Kiewa Crescent.

RECOMMENDATION

That Council:

- 1. Award Contract No. 1504101 for the Mount Beauty CBD Civil Works to Excell Gray Bruni Pty Ltd for the lump sum price of \$244,418 (excl. GST).*
- 2. Approve the use of provisional quantities up to the value of \$5,000 (excl. GST) for the potential requirement to alter or include additional civil works in the scope.*

BACKGROUND

The Mount Beauty CBD upgrade has been designed to improve traffic flow, parking and the amenity of the Mount Beauty CBD. In conjunction with the changes to the kerb and channel, median islands, footpaths and parking bays proposed under this contract, further complementary works involving asphalt resurfacing, street furniture and landscaping works are currently out for tender.

The Invitation to Tender was advertised in the Herald Sun on the 16 September 2015 and the Border Mail 19 September 2015, and on the Tenders.Net and Alpine Shire Council web-sites.

The Tender documents were downloaded by 16 prospective tenderers and three submissions were received.

EVALUATION

The evaluation panel consisted of the Acting Manager Asset Maintenance, Senior Project Engineer and the Engineering Coordinator.

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 by the evaluation panel it was determined that the tender from Excell Gray Bruni best met the selection criteria and discussions were held to clarify their submission. The proponent clarified rates and pricing for



the quantity changes, which involved some additional reinstatement and road patching. Their revised offer was then reassessed in accordance with the selection criteria.

After the detailed assessment by the evaluation panel, Excell Gray Bruni achieved the overall highest assessment score. The proponent has not previously carried out works for Council, but has performed similar works for Wodonga Council to a satisfactory standard and has the capability and experience to fulfil the requirements of this contract.

ISSUES

Communication with businesses and the public around the timing and completion of the works is an important consideration in delivering the three packages. The civil works have been scheduled to be completed either side of the busy Christmas holiday period, so as to minimise the disruption to businesses and the public; but to also allow the time for the asphalt and landscaping works to be completed through March and April as required.

POLICY IMPLICATIONS

The tender was advertised and evaluated according to the Procurement Policy and the Purchasing and Contract Procedures Manual.

FINANCIAL AND RESOURCE IMPLICATIONS

The Mount Beauty CBD Civil Works are funded under the Roads Budget - Pavement rehabilitation Mount Beauty and has been made possible through an additional \$454,456 of Roads to Recovery funding for 2015-16. The late announcement of this funding in June 2015 meant it was unable to be included in the adopted Council 2015-16 budget.

CONSULTATION

The Mount Beauty community has been engaged throughout the design of the Mount Beauty CBD upgrade.

- Concept plans were presented the Upper Kiewa Valley Community Association in June.
- Mount Beauty police officers offered feedback and recommended changing car parking in Kiewa Crescent to angle parking, given the relatively high frequency of car accidents in this area.
- The wider community was given the opportunity to comment on the concept plans via the listening post held at the July Mount Beauty Community Market and via the 'Have your Say' link on Council's website. No formal written submissions were received.
- The concept plans were presented to town centre retailers in early July and they were invited to a follow up meeting in late August.



The community has recognised the need for the road improvements and have been supportive of the proposed changes to the parking layouts and the kerb lines indicated through the concepts.

CONCLUSION

Acceptance of the tender from Excell Gray Bruni is considered to be the best value option 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
- Senior Project Engineer

ATTACHMENT(S)

- Nil



10.5 DIRECTOR SUSTAINABLE DEVELOPMENT – HEATHER GREEN

10.5.1 Wandiligong Diggings Funding

File Number:

INTRODUCTION

The Wandiligong Preservation Society (WPS) has management responsibility for 40 hectares of Crown Land known as The Diggings in Wandiligong. The WPS receives no recurrent funding for the maintenance of the Diggings. The WPS has formally asked Council to commit to an ongoing annual maintenance regime

RECOMMENDATION

That Council:

- 1. Commit to \$5,000 per year (commencing 2015/16) for three (3) years to be paid to the Wandiligong Preservation Society for annual maintenance of The Diggings in accordance with an annual work plan and budget.*
- 2. Advise the Wandiligong Preservation Society that no further requests for funding will be considered by Council during this three (3) year period and there be no commitment from Council for ongoing assistance beyond 2017/2018.*

BACKGROUND

The WPS has over many years carried out significant improvements to the recreational and historic area of crown land at Wandiligong known as The Diggings. The organisation has done this with the hard work of volunteers and occasional grants achieved for specific purposes. The organisation will continue to seek these grants. The largest impost is the difficulty in budgeting and planning for annual slashing, weed control and track maintenance without an assured base income.

Council currently expends less than \$2,000 at The Diggings meeting its responsibilities in terms of bridge maintenance and the main walking track maintenance. In terms of other open space commitments at Wandiligong, Council mows Alpine Park including the oval and maintains Bennet's Trail. The cost involved in these is minor.

ISSUES

The Diggings is an important recreational and historic area of open space for use by residents and visitors. Its ongoing management by the WPS is integral to the maintenance of the space. The WPS has written to Council seeking an annual amount of up to \$10,000 to enable a proper cyclical maintenance program to be put in place.

A small contribution from Council of \$5,000 would ensure the volunteer resources are used well and the other key maintenance costs are covered. The WPS has advised



that this amount would ensure the minimum works occur. The WPS is happy to provide an annual work plan to the value of \$5,000.

If Council is to agree to this request, it is on the understanding that no further request for funding will be sought, and agreement to this three (3) year request does not commit Council to ongoing funding.

POLICY IMPLICATIONS

Council Plan

Strategic Objective 2.1 - To provide and maintain quality parks, gardens and natural environment. Strategy 2.1.1 - use sustainable practices to manage open space

Strategic Objective 3.2 - To improve the resilience of communities. Strategy 3.2.1 - Strengthen the capacity of resilience of communities

FINANCIAL AND RESOURCE IMPLICATIONS

An amount of \$5,000 has not been budgeted for but will be able to be found in the six month budget review. A total amount of \$15,000 over three year's represents good value to ensure this important resource is maintained.

CONSULTATION

Council was briefed on this matter in July and indicated to the WPS that an annual amount would be considered favourably.

CONCLUSION

The WPS does an excellent job of maintaining the diggings.

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 Sustainable Development

ATTACHMENT(S)

- Nil



10.5.2 Contract 0702801 – Provision of Maintenance, Waste and Recycling Services at Dinner Plain

File Number: CT7/028

This item relates to an extension of the existing contract for the Provision of Maintenance, Waste and Recycling Services at Dinner Plain.

Council approval is required due to the CEO's threshold of \$150,000 being exceeded.

RECOMMENDATIONS

That:

- 1. GF & AM Peterson Pty Ltd (Trading as Dinner Plain Services) be granted a two year extension of contract 0702801 for provision of maintenance, waste and recycling services at Dinner Plain until 30 November 2017;*
- 2. Council endorses the incorporation additional works costings into the new agreement.*

BACKGROUND

Council awarded Contract 0702801 at the Council meeting 23 October 2007 for an initial five year term with an option of a five year extension. At the 4 September 2012 Council meeting, Council endorsed a three (3) year extension to 30 November 2015 with an option of "plus two (2) year extension".

The Contractors have provided a quality level of service and have regularly exceeded the requirements of the contract. They have provided services, outside of the contract, willingly and without charge. The Contractors offer value for money and deliver on all aspects of the service in accordance with the terms of the contract.

ISSUES

This service was originally tendered in 2007, with a good financial outcome resulting from the competitive process. The rates in the contract are adjusted annually by CPI.

Inclusion of Modifications made since 2012

Since Council endorsed the three year extension from November 2012 to November 2015, modifications have been made to the Contract to cover additional works not covered within the scope of the contract. These additional works have required additional expenditure. These works as requested by Council are:

- Additional "Snow Grooming" works: In 2013, by modification to the contract an amount of \$6,000 per annum has been applied for additional grooming works being undertaken as a result of the introduction of snow mobile grooming. Snow mobile grooming allows for grooming to occur at minimal snow depths, therefore providing opportunity for cross country trails to open when the snow cover is minimal;
- Additional "Grass Cutting". The contract allows for grass cutting in the area immediately inside the Dinner Plain entry gates, the forecourt and roundabout are included. A modification and an amount of \$3,000 per annum has been



applied for grass cutting works to be undertaken in the new sub-division of Dinner Plain. Unlike the 'older' residential area of Dinner Plain, house set backs are greater (in some cases in excess of 10mt), leaving long grass unsightly.

Other modifications to be included

The Contract extension of two (2) years will incorporate other works that have been identified as needing inclusion in the Contract. These works are either works that are undertaken and incur additional charge or are new works required as a result of changes within the village:

- Snow Clearing: Clearing of Castran Corner walkways and stairs (on road reserve - Council land);
- Providing grit to commercial businesses to spread on walkways located on Council land, immediately outside of commercial businesses. This is to ensure walkways are kept safe and snow clearing activities are being maintained.;
- Snow Grooming: Grooming of the toboggan slope is currently invoiced separately;
- Grass Cutting: Current arrangements for grass cutting within the new subdivision allow for two cuts per year. The actual cuts undertaken are in excess of that. The extension to contract will allow for three cuts per year.

These inclusions and clearer definition of clauses within the existing contract will provide clarity of expectations into the future as well as provide a template of what will be required for the tender process for a new contract in 2017.

Waste Disposal

Council officers are currently working with the Contractor in reviewing transportation and dumping fees relative to the "waste" section of the Contract. Currently waste is being transported to Wangaratta. The opportunity for waste to be transported and offloaded at Myrtleford is being reviewed. It is anticipated that this review will result in cost savings and a modification to the contract will be made once completed.

POLICY IMPLICATIONS

This process is in accordance with the Procurement Policy and the Purchasing and Contract Procedural Manual.

FINANCIAL AND RESOURCE IMPLICATIONS

Services under the contract, including new inclusions will result in a cost of approximately \$439,100 from \$430,000. The additional costs incorporate the following:

- \$5,000 addition to "Grooming" – for the inclusion of toboggan slope grooming, currently separately invoiced;
- \$2,600 addition to "Snow Clearing" - for clearing snow on Castran Corner walkway and provision of grit to shop fronts;
- \$1,500 addition for "Grass Cutting" – for a third cut in the new subdivision;

The contract has as CPI adjustment annually on the anniversary of the contract.



CONSULTATION

Discussions have taken place between the contractors and Council officers.

CONCLUSION

The extension of this services Contract is considered to be the best value for Council. Council will undertake tender processes mid-way through 2016 for Contract commencement of 1 December 2017. This will provide Council with the opportunity to review all options in providing the service into the future and to ensure best value for Dinner Plain ratepayers.

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 Sustainable Development
- Manager Economic and Community Development

ATTACHMENT(S)

- Nil



10.5.3 Planning Application 5.2015.47.1 - Proposed Use and Development of a Dwelling and Store

Application number:	5.2015.047
Proposal:	Use and development of a dwelling and store
Applicant's name:	J Brewster
Owner's name:	M J Brewster & J M Wilson
Address:	Crown Allotment 2, Parish of Morockdong, Mongrel Creek Track, Wandiligong
Land size:	7.85 hectares
Current use and development:	Vacant aside from a recently constructed shed
Site features:	Subject site is formed in two parts separated by Mongrel Creek Track. The western parcel is covered in thick forest on steeply sloping land. The eastern parcel is on the flat valley floor and is largely cleared of vegetation with these cleared areas covered in grassland.
Why is a permit required?	Pursuant to clauses: - Clauses 35.07-1 and 35.07-4 for the use and development of a dwelling. - Clause 44.06-1 for the construction of a dwelling on land within the Bushfire Management Overlay. - Clauses 35.07-1 and 35.07-4 for the use and development of a 'Store'.
Zoning:	Farming
Overlays:	Bushfire Management Overlay
Restrictive covenants on the title?	None
Date received:	2 April 2015. Amended application received 28 August 2015.
Planner:	Simon Maughan

RECOMMENDATION

That Council issue a Notice to Refuse a Planning Permit for the use and development of a dwelling and store on Crown Allotment 2, Parish of Morockdong, Mongrel Creek Track, Wandiligong on the following grounds:

- 1. The proposed development is prohibited as it does not comply with provisions of Clause 35.07-2 of the Alpine Planning Scheme, which requires that access to a dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.***



2. *The proposed development does not meet the access requirements of Planning for Bushfire Clauses 52.47-2.1 and 52.47-2.3.*
3. *The proposed development does not represent orderly planning as the subject land fails the compulsory vehicle access requirement for the use of a dwelling.*

PROPOSAL AND BACKGROUND

The proposed development incorporates:

- The use and development of a single storey dwelling located approximately 30 metres from the property's northern boundary and 50 metres from the western boundary. The dwelling is proposed to contain 4 bedrooms, 2 bathrooms and a combined kitchen, living and dining area.
- A store located approximately 12 metres from the property's northern boundary and 34 metres from the western boundary. The store has dimensions of 12 metres by 10 metres and is proposed to be used for the storage of farm machinery and in-time as a sorting and storage shed for truffles.

The proposed development is depicted in the plans submitted with the application on 2 April 2015 and the amended application submitted on 28 August 2015, shown in Figures 1 – 3.

The Alpine Planning Scheme requires that the dwelling be reasonably required to enable the daily management and operation of the agricultural use of the land. To that end, the application declares that the dwelling is required to manage the establishment and ongoing operation of a one hectare trufferie (truffle farm) to be located in the south western portion of the site. The truffles will be grown on oak trees with approximately 250 trees to be planted.

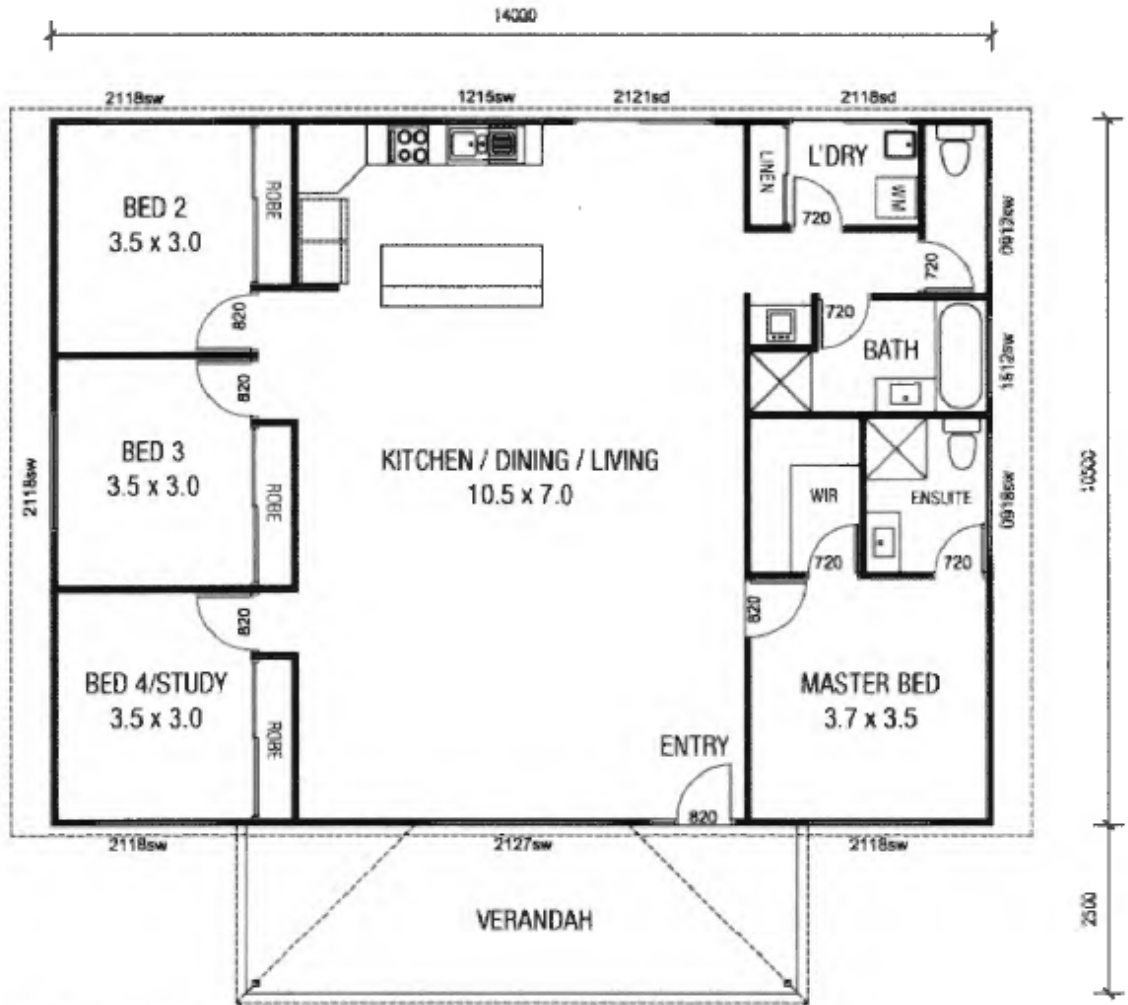


Figure 1: Proposed floor plan

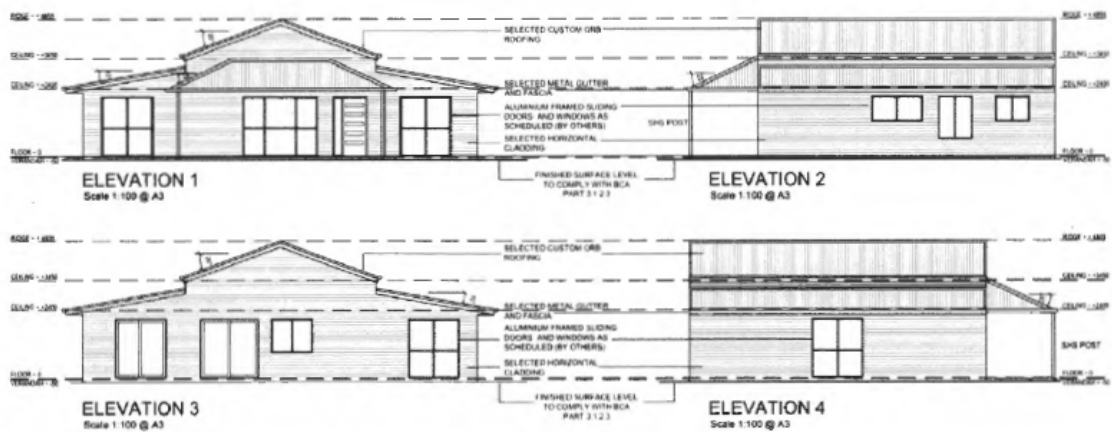


Figure 2: Proposed elevations plan

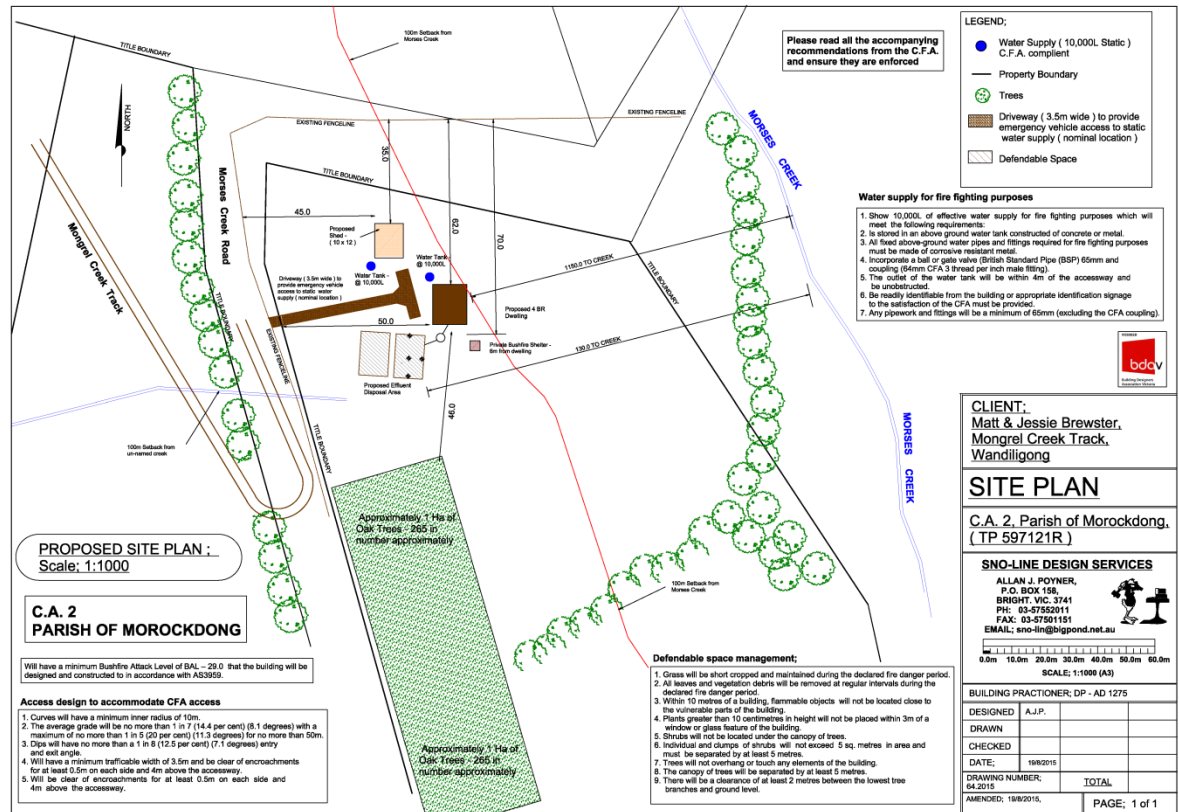


Figure 3: Proposed site plan

SUBJECT LAND AND SURROUNDS

In broad terms, the subject site:

- Is located approximately six kilometres south of the Wandiligong township in a landscape dominated by steep forested slopes. Thick forest covers the slopes for many kilometres, with pine plantation lining parts of the Morses Creek valley.
- Is an irregular shaped lot formed in two parts separated by Mongrel Creek Track and has a total area of approximately 7.85 hectares. The western parcel consists of thick forest on a steep slope rising to the west, while the eastern parcel where the dwelling is proposed is located on the flat valley floor adjacent to Morses Creek. The majority of the eastern parcel consists of grassland with tree and bush cover of less than 10%. Much of the centre of the property is a marsh area subject to periodic inundation or waterlogging. Improvements to the land comprise of agricultural fencing and a shed currently under construction.
- Is presently not actively used for agricultural purposes.
- Gains its physical access to via Mongrel Creek Track, which connects to Morses Creek Road approximately 900 metres north of the property.
- Is one of a number of freehold land parcels that sit along the Morses Creek valley floor with forest dominating the steep slopes on either side of the creek.

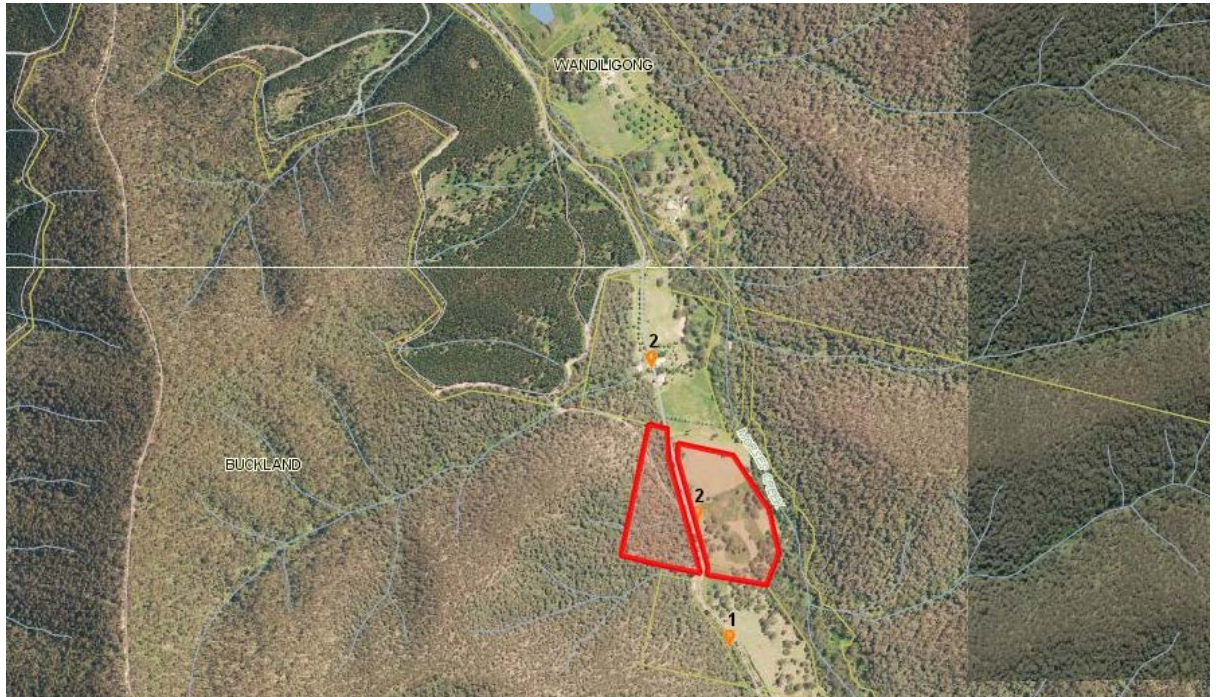


Figure 4: Subject land surrounding context



Figure 5: Subject land

PLANNING ASSESSMENT

Relevant sections of the Alpine Planning Scheme applying to the application are provided at **Appendix 1** to this report.

The subject site is zoned Farming (FZ) and is covered by the Bushfire Management Overlay (BMO). A planning permit is triggered for the following reasons:



- The use and development of the land for a dwelling pursuant to Farming Zone Clauses 35.07-1 and 35.07-4.
- Building and works for the construction of a dwelling on land within the BMO pursuant to Clause 44.06-1.
- The use and development of the recently built shed. This building is defined as a 'Store' under the Planning Scheme (a 'Section 2 – Permit required') use in the FZ.

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 five surrounding landowners and occupiers and a sign was displayed on the subject land. One objection was received as a result of the notification.

REFERRALS

Referrals / Notice	Agency / Response
Section 55 Referrals	Goulburn Murray Water – Conditional consent Country Fire Authority – Conditional consent
Internal / external referrals	Engineering – Conditional consent Environmental Health – Conditional consent

PLANNING MERITS OF THE PROPOSAL

There are three key questions to be answered in the assessment of the application:

- Does the establishment of a trufferie (truffle farm) on the land necessitate the use and development of a dwelling to enable the daily management and operation of that agricultural use?
- Is the subject site suitable for the development of a dwelling given the extreme bushfire risk posed by the site's location?
- Does the subject site meet the mandatory access requirements for the use of a dwelling in the Farming Zone?

Nexus between use of the land for agriculture and the requirement for a dwelling

Clause 35.07-6 of the Alpine Planning Scheme sets out the decision guidelines for the use and development of a dwelling in the Farming Zone. These guidelines are in place to ensure that development does not adversely impact on the main purpose of the Farming Zone, which is to protect and enhance the use of the land for productive agriculture.

A key element in the assessment of the application is Local Policy 22.02-1 Dwellings in Rural Areas. The application has to demonstrate that the dwelling is required to sustain the rural use of the land.



In support of the application the applicant has submitted a planning report that addresses each of the decision guidelines of the Farming Zone and a 'Farm Plan' for the establishment of a trufferie on the subject land.

It is considered that the application adequately addresses the decision guidelines for development in the Farming Zone and the need for a dwelling to enable the daily management and operation of the rural use of the land.

Planning for Bushfire

Clause 52.47 'Planning for Bushfire' sets out the requirements for development on land covered by the Bushfire Management Overlay (BMO). It requires the applicant to submit a Bushfire Management Statement (BMS) that details the bushfire landscape hazard, bushfire site hazard and compliance with:

- Landscape, siting and design objectives
- Defendable space and construction objectives
- Water supply and access objectives

The submitted BMS, prepared by Terramatrix, describes the broader landscape as presenting an 'extreme bushfire risk and that evacuation options are limited or not available'. Despite this, the BMS concludes that the proposed dwelling meets all of the objectives for Planning for Bushfire, on the proviso that an approved bushfire shelter be constructed to provide a 'viable survival option on site'. This shelter is required because of the extreme bushfire hazard that the landscape presents and restricted access and egress via a single dirt road through forest.

The Country Fire Authority's (CFA) original response to the application neither consented nor objected to the proposal but noted that off-site access (via Mongrel Creek Track) did not meet CFA requirements.

The CFA ultimately provided its conditional consent on condition that Mongrel Creek Track is upgraded and maintained to meet its access requirements. However, this upgrade cannot be achieved, as will be discussed in the section of the report 'Vehicle access'.

Vehicle access

Clause 35.07-2 'Use of land for a dwelling' states that a lot used for a dwelling must meet the following requirement:

"Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles."

Therefore, prior to the development and use commencing, access to the subject land must be from a road that provides for all-weather access suitable to accommodate emergency vehicles, constructed to the satisfaction of Council.

The subject land has frontage to an unmade government road reserve, however the track that follows this route appears to be located largely outside the reserve on private property. The cost of relocating this track onto the government road reserve and upgrading it to an all-weather access standard is likely to be prohibitive, particularly as it would require two bridges to be built across Morses Creek.



Practical vehicle access to the subject site is gained via Mongrel Creek Track. The track commences approximately 900 metres to the north of the subject site where it intersects with Morses Creek Road and then winds through two Crown land parcels before it intersects with the subject site. The first of these parcels, CA S23G, Parish of Bright is vested with Victorian Plantations Corporation and leased to HVP for plantation forestry purposes. The second parcel, CA 9, Parish of Morockdong is State forest vested with the Department of Environment, Land, Water and Planning (DELWP).

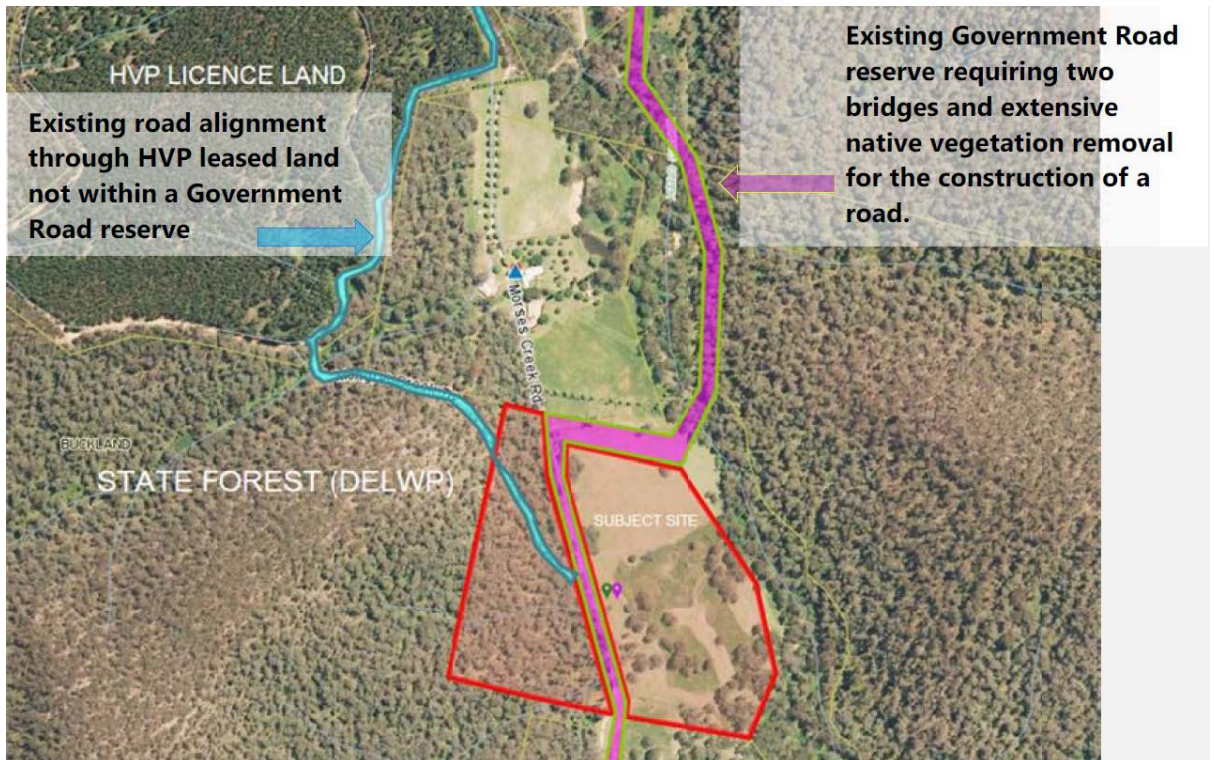


Figure 6: Access plan

It is broadly agreed that the Mongrel Creek Track alignment is the only viable access option to the property. And while it still requires upgrading to meet Council and CFA requirements, the scope of such works will be significantly less than building a road on the government road reserve alignment.

On this basis Council sought the conditional consent of DELWP and HVP to the upgrade of a road through its vested land. DELWP provided its consent subject to the creation of a government road, upgraded to an all-weather standard and maintained by Council. HVP however, objected to the creation of a road over its land.

HVP's objection states the following:

"HVP Plantations do not agree to the proclamation of a government roadway over our Licenced land at Mongrel Creek Track CA S23G, Parish of Bright. The grounds for this objection are based upon the reduced operational control and increased regulatory controls and costs that operations adjacent to a proclaimed road impose and that residential development adjacent to our plantation increases the risk of fire and impinges upon our management activities."



HVP also advised that from time-to-time it will need to close sections of Mongrel Creek Track for operational purposes, including thinning and harvesting of its plantations. The requirement that access be via an all-weather road is interpreted as year round - day to day access. The intermittent closure of the only vehicle access route means the subject land does not have such access.

Ultimately, Council cannot grant a permit for a development that is subject to a condition that requires the approval of a third party, particularly when that third party, in this instance HVP, has already stated its objection to the proposed development.

Consequently, the applicant will not be able to perform the road upgrade works required by DELWP and the CFA as it has no legal right to do such works.

On this basis, Mongrel Creek Track fails to satisfy the bushfire protection objectives of Clauses 52.47-2.1 and 52.47-2.3 of the Planning Scheme that:

'Development is sited to provide safe access for vehicles, including emergency vehicles.'

'Vehicle access is designed and constructed to enhance safety in the event of a bushfire.'

This application is similar in nature to the decision in West Gippsland Catchment Management Authority v East Gippsland SC [2010] VCAT 1334 where Deputy President Helen Gibson and Member Ian Potts refused to grant a permit because a section 2 use failed to satisfy a similar condition for all-weather access. The Tribunal commented at paragraph 10:

'The existence of such access is a jurisdictional fact that must be established before any discretion can be exercised as to whether or not a planning permit should be granted. The requirements set out in clause 35.06-2 are mandatory requirements. There is no discretion about whether or not these requirements should be satisfied. It is only if they are satisfied that discretion can then be exercised about whether a permit should be issued based on other considerations in the planning scheme.'

The proposed dwelling does not meet the requirement for access to a dwelling, pursuant to Clause 35.07-2 of the Alpine Planning Scheme, as all-weather access to the subject site cannot be obtained for the only viable route along Mongrel Creek Track. On this basis, the use is prohibited pursuant to Clause 31.02 of the Alpine Planning Scheme which states the following.

'A use in Section 2 requires a permit. Any condition opposite the use must be met. If the condition is not met, the use is prohibited.'

CONCLUSION

Although compliance can be demonstrated with a number of policies and decision guidelines that relate to the development and use of a dwelling, the application fails the compulsory test of the Alpine Planning Scheme for access to the subject land. Clause 35.07-2 states that a lot used for a dwelling must meet the following requirement:



'Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.'

As legal access to the subject land cannot be provided, the applicant has no right to undertake any road upgrade as required by the CFA. The application subsequently fails the requirement that access to the dwelling be via a road with dimensions adequate to accommodate emergency vehicles. Further, as HVP has not consented to the creation of a government road over its leased land, daily access to the subject land cannot be guaranteed.

The use of the subject land for a dwelling is subsequently prohibited. On this basis, the application cannot be supported and it is recommended that Council issue a notice to refuse a planning permit for the proposed use and development of a dwelling on the subject land.

As a planning permit for part of a development cannot be given, the proposed store must also be refused under this application. The applicants will have to make a separate planning permit application for the store.



APPENDIX A

Planning permit 'triggers'

A planning permit is required for the use and development of the land for the purposes of a dwelling pursuant to clauses 35.07-1; 35.07-4; 44.04-1 of the Alpine Planning Scheme.

State Planning Policy Framework (SPPF)

Relevant (abridged) 'objectives' and 'strategies' from clause 14.01-1: Protection of agricultural land of the SPPF in the Alpine Planning Scheme include:

Objective

To protect productive farmland which is of strategic significance in the local or regional context.

Strategies

Ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use.

Permanent removal of productive agricultural land from the State's agricultural base must not be undertaken without consideration of its economic importance for the agricultural production and processing sectors.

In considering a proposal to subdivide or develop agricultural land, the following factors must be considered:

- The desirability and impacts of removing the land from primary production, given its agricultural productivity.*
- The impacts of the proposed subdivision or development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production.*
- The compatibility between the proposed or likely development and the existing uses of the surrounding land.*

Local Planning Policy Framework (LPPF)

Relevant (abridged) 'objectives' and 'policy' from Clause 22.02-1: Dwellings in rural areas and from Clause 22.02-4: Design and siting guidelines in rural areas of the LPPF in the Alpine Planning Scheme include:

Objectives

- To ensure that the development and use of land for the purpose of a dwelling is reasonably required to support the rural use of the land.*
- To ensure that dwellings do not adversely impact on the rural activities carried out on the land and the general area.*
- To minimise the potential conflict between residential and rural land uses and protect primary producers from complaints based on perceived residential amenity rights.*



- *To reinforce the Council strategy of consolidating residential uses in the townships.*
- *To ensure that the siting of buildings does not threaten or reduce the rural capability of the land or introduce the potential for land use conflicts.*

Policy

It is policy that:

- *The dwelling is required to sustain the rural use of the land.*
- *The dwelling is required to enable daily management and operation of the rural use of the land.*
- *The land on which the dwelling is to be located, is or can be used for commercial rural production and the use can be substantiated by a 'whole farm plan' approved by the Department of Natural Resources and Environment or appropriately qualified person to the satisfaction of the responsible authority.*
- *Buildings, particularly dwellings, should be located so as not to adversely impact on the rural activities conducted on the site and adjoining land and the long term viability of rural production in the area.*

Farming Zone 'purpose', 'policy', and 'decision guidelines' from Clause 35.07 of the Alpine Planning Scheme include:

Purpose

- *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 the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

Use of land for a dwelling

- *A lot used for a dwelling must meet the following requirements:*
- *Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.*
- *The dwelling must be connected to a reticulated sewerage system or if not available,*
- *The waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.*



- The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.

- The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.

Decision guidelines

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General issues

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

- Any Regional Catchment Strategy and associated plan applying to the land.

- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.

- How the use or development relates to sustainable land management.

- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.

- How the use and development makes use of existing infrastructure and services.

Agricultural issues and the impacts from non-agricultural uses

- Whether the use or development will support and enhance agricultural production.

- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.

- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.

- The capacity of the site to sustain the agricultural use.

- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.

- Any integrated land management plan prepared for the site.

Dwelling issues

- Whether the dwelling will result in the loss or fragmentation of productive agricultural land.

- Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.

- Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.



- *The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.*

Environmental issues

- *The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.*
- *The impact of the use or development on the flora and fauna on the site and its surrounds.*
- *The need to protect and enhance the biodiversity of the area, including retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.*
- *The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.*

Design and siting issues

- *The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.*
- *The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.*
- *The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.*
- *The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.*
- *Whether the use and development will require traffic management measures.*

Bushfire Management Overlay

Bushfire Management Overlay 'purpose' and 'decision guidelines' from Clause 44.06 of the Alpine Planning Scheme include:

Purpose

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*



Decision Guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 52.47 and Clause 65, the responsible authority must consider, as appropriate:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- Any other matters specified in a schedule to this overlay.*



11 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 September / October 2015 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 11 to this report.

Date	Meeting
29 September	Briefing Session
6 October	Briefing Session
27 October	Briefing Session

ATTACHMENT(S)

- 11 Assemblies of Councillors - September / October 2015



12 PRESENTATION OF REPORTS BY DELEGATES

INTRODUCTION

Councillor representation on various committees occurs where Council has an interest. Delegate reports contain information about meetings attended, and the outcomes of those meetings that affect Council.

RECOMMENDATION

That the summary of the presentation of reports by delegates for October 2015 be received.

BACKGROUND

The written records of the delegates reports held during the previous month are summarised below. Detailed delegates reports can be found in Attachment 12 to this report.

Date	Meeting	Councillor
7 October	Resilience Committee Meeting	Cr Ron Janas
8 October	Australian Local Government Women's Association	Cr Jan Vonarx
9 October	Timber Towns	Cr Jan Vonarx
13 October	Municipal Emergency Management Plan Meeting	Cr Ron Janas
17 October	North East Multicultural Association	Cr Kate Farrell
21 October	Rural Councils Victoria - Executive Meeting	Cr Jan Vonarx
21 October	Rural Councils Victoria - Mayors and CEO's Meeting	Cr Jan Vonarx
21 October	Municipal Association of Victoria Annual Conference	Cr Jan Vonarx

ATTACHMENT(S)

- 12 Presentation of Reports by Delegates - October 2015



13 GENERAL BUSINESS

14 MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN

15 RECEPTION AND READING OF PETITIONS



16 DOCUMENTS FOR SEALING

RECOMMENDATION

That the following documents be signed and sealed.

1. *Section 173 Agreement – Steven Bruce Sinclair, Plan of Consolidation 370560, Volume 11036 Folio 146.*

Condition 2 of Planning Permit 2013.039 for use and development for group accommodation at 3 Bells Gully Road, Wandiligong.

The Agreement permits the group accommodation building must only be used for temporary tourist accommodation.

2. *Section 173 Agreement – Ann McMahon, Lot 2 on Lodged Plan 135558, Volume 5829 Folio 900.*

Condition 5 of Planning Permit 2013.128.2 for the use and development of a dwelling at Lot 2 Shepherds Lane, Wandiligong.

The Agreement provides for the Whole Farm Plan on this property.