



# Alpine Shire

## **ORDINARY COUNCIL MEETING**

### **AGENDA**

**M11 – 4 October 2016**

**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 **4 October 2016** 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 recording is focused on Councillors and staff, while audio from the entire room is captured.

By speaking during question time, or at any time, you consent to your voice and any comments you make being recorded.

In common with all narrative in a Council meeting, verbal responses to congratulations, obituaries and question time will not be recorded in the written minutes of Council meetings. This is to improve access and transparency of Council decision making to our community.

The full meeting and entire recording will be live-streamed to Alpine Shire Council's YouTube Channel and made available after the meeting.

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

*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 – M10 – 6 SEPTEMBER 2016**

#### **RECOMMENDATION**

*That the minutes of Ordinary Council Meeting M10 held on 6 September 2016 as circulated be confirmed*

## **4 APOLOGIES**

Cr Tony Keeble

## **5 OBITUARIES / CONGRATULATIONS**

## **6 DECLARATIONS BY COUNCILLORS OF CONFLICT OF INTEREST**



## **7 QUESTION TIME**

In accordance with section 6.4.1 of Council's Election Period Policy and Guidelines 2016, questions must be in writing and submitted prior to the meeting. Only those that relate to the day-to-day business of Council will be answered. Responses will be provided by the Chief Executive Officer and Directors only. Councillors will not be permitted to respond to question time.



## **8 PRESENTATION OF REPORTS BY OFFICERS**

### **8.1 CHIEF EXECUTIVE OFFICER – DAVE BARRY**

#### **8.1.1 Alpine Shire Council Annual Report 2015/16**

File Number: 900.01

#### **ELECTION PERIOD STATEMENT**

The recommended decision is not a 'Major Policy Decision', as defined in section 93A of the *Local Government Act 1989*, an 'Inappropriate Decision' as defined by section 93B of the Act, or a 'Significant Decision' with the meaning of the Election Period policy and guidelines.

#### **INTRODUCTION**

The *Local Government Act 1989* (the Act) requires Council to:

- prepare an Annual Report within three months of the end of the financial year; and
- hold a meeting to consider the report within one month of submitting the report to the Minister for Local Government.

Council's 2015/16 Annual Report was submitted to the Minister for Local Government by to the legislated date of 30 September, and must now be considered by Council.

#### **RECOMMENDATION**

*That in accordance with section 134 (1) of the Local Government Act 1989, Council note the Alpine Shire Council 2015/16 Annual Report containing the audited financial, and performance statements for the year ended 30 June 2016.*

#### **BACKGROUND**

The Annual Report for the year ended 30 June 2016 contains the following statutory information:

- A report of Council's operations;
- Audited financial statements;
- Audited performance statement;
- A copy of the report from the auditor; and
- Other matters as required by the *Local Government (Planning and Reporting) Regulations 2014* and *Local Government (General) Regulations 2004*.

The key statutory information is contained in the following three sections of the report:

- Performance Report
- Governance Report
- Financial Report



## **ISSUES**

The preparation of the Annual Report and consideration of the report at a Council meeting is a requirement of the Act.

The Annual Report is being considered by Council during the 'Election Period' in the lead up to the Council elections. Section 6.9.5 Council's Election Period Policy and Guidelines 2016 states that: *The annual report adopted during the election period will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual Councillors but will fulfil its statutory obligations on reporting matters.*

## **COMMUNICATION**

Council's 2015/16 Annual Report will be made available on Council's website on Tuesday 4 October 2016. The report will be distributed on Compact Disc (CD), with printed hard copies available only on request.

The Annual Report will also be available for inspection at the following Customer Service Centres:

- Alpine Shire Council, Great Alpine Road, Bright
- Mount Beauty Customer Service Centre, Lakeside Avenue, Mount Beauty
- Myrtleford Customer Service Centre, O'Donnell Avenue, Myrtleford

## **CONCLUSION**

That Council note the 2015/16 Annual Report as required by the *Local Government Act 1989*, as a record of Council's operations and audited financial performance.

## **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
- Governance Officer

## **ATTACHMENT(S)**

- 2015/16 Annual Report



**8.2 A/DIRECTOR CORPORATE PERFORMANCE**

**8.2.1 Nil**



**8.3 DIRECTOR ASSETS – CHARLIE BIRD**

**8.3.1 Nil**





## **8.4 DIRECTOR SUSTAINABLE DEVELOPMENT – HEATHER GREEN**

### **8.4.1 Crown Land Rezoning at Tyntynder Lane, Bright**

File Number: 1468.C47

#### **ELECTION PERIOD STATEMENT**

"The recommended decision is not a 'Major Decision', as defined in section 93A of the *Local Government Act 1989*, an 'Inappropriate Decision' as defined by section 93B of the Act, or a 'Significant' Decision' with the meaning of the Election Period policies and guidelines".

#### **INTRODUCTION**

The purpose of this report is to inform Council of a proposed Crown land rezoning at Tyntynder Lane, Bright being undertaken by state government (Department of Treasury and Finance (DTF)).

#### **RECOMMENDATION**

*That Council:*

1. *Notes the rezoning of Crown land by Department of Treasury and Finance at Tyntynder Lane, Bright.*

#### **BACKGROUND**

The DTF has developed a fast track process for rezoning land that is earmarked for future sale. Land is rezoned using a fast tracked amendment type process. It is then sold when rezoned. Crown land at Tyntynder Lane, Bright has been identified as being surplus to the Crown's requirements and is identified for future sale. The land is currently zoned Public Conservation and Resource Zone (PCRZ) and cannot be sold under this zone. Land under this zone is normally managed by a public land manager. When sold the public land manager will no longer be responsible for this land.

The land is identified in figure 1.



**Figure 1: Subject land**



## ISSUES

The land earmarked as surplus to requirements by the Crown is currently zoned Public Conservation and Resource Zone (PCRZ). Land in this zoning is used for purposes which are undertaken on or on behalf of the public land manager. When the land is sold the land will no longer be used by the public land manager.

Figure 2 shows the proposed rezoning of the land from PCRZ to Farming Zone (FZ) and General Residential Zone (GRZ). The proposed rezoning is the same as land that abuts it.



**Figure 2: Proposed zones**



Land to the rear of the Bright Chalet (CA20B Sec C Parish of Bright) was sold by state government but was not rezoned prior to the sale. This has now resulted in a zoning anomaly which will need to be corrected at a later date in order for the land to be used for other purposes.

The subject land is not land that Council owns. Council does not have a say in whether the land is rezoned however Council needs to be informed of this rezoning and the subsequent land sale as it could result in development in Tyntynder Lane.

A rezoning has been broached previously with an individual who was interested in buying the land from the Crown. However the land needed to be rezoned prior to the sale but this was not possible as it was not Council's land to rezone. At that time DTF couldn't provide the necessary information for Council to go ahead with the rezoning.

### **POLICY IMPLICATIONS**

This is in line with Council's own policies and strategies namely the Alpine Shire Council Plan 2013-2017 (review 2015).

The amendment links to and implements the Council Plan, in particular the themes:

- Enhance the environment and liveability; and,
- Prosperous economy, employment and investment.



It also links to and implements the whole of the Alpine Shire 2030 Community Vision (2010 review), that is the vision and five out of the seven key directions of:

2. Sympathetic and balanced development;
3. Economic prosperity;
4. Identity and character of our towns, villages and rural communities;
5. Services and facilities (health, wellbeing and lifestyle);
6. Linkages between communities; and,

The amendment also meets Council's obligations under the Local government Act 1989 Sections 126(2A and 2B) relating to the four-year Strategic Resource Plan.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

There are no financial or resource implications for Council. The process for rezoning Crown land and selling it has developed by DTF and all financial and resource implications will be borne by them.

### **CONSULTATION**

It is likely in this case that notification will take place to raise awareness of the proposed rezoning and future sale. This is a state government process and the department will determine the level of consultation that will take place.

### **CONCLUSION**

The DTF wants to sell off land surplus to its requirements. It has developed a process for doing this. As Council previously investigated the rezoning of this land there is no reason for it not to go ahead if all planning matters are satisfied.

### **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
- Acting Planning and Amenity Manager
- Strategic Planner



## 9 ASSEMBLY OF COUNCILLORS

### ELECTION PERIOD STATEMENT

The recommended decision is not a 'Major Policy Decision', as defined in section 93A of the *Local Government Act 1989*, an 'Inappropriate Decision' as defined by section 93B of the Act, or a 'Significant Decision' with the meaning of the Election Period policy and guidelines

### 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 2016 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
5 September	Briefing Session

### ATTACHMENT(S)

- 9.0 Assemblies of Councillors – September 2016



## 10 PRESENTATION OF REPORTS BY DELEGATES

### ELECTION PERIOD STATEMENT

The recommended decision is not a 'Major Policy Decision', as defined in section 93A of the *Local Government Act 1989*, an 'Inappropriate Decision' as defined by section 93B of the Act, or a 'Significant Decision' with the meaning of the Election Period policy and guidelines

### 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

*In accordance with section 6.4.2 of Council's Election Period Policy and Guidelines 2016, Reports by Delegates will not be presented at this meeting.*

### BACKGROUND

The written records of the delegates reports held during the previous month are summarised below. Detailed delegates reports can be found in Attachment 10.0 to this report.

Date	Meeting	Councillor

### ATTACHMENT(S)

- 10.0 Presentation of Reports by Delegates - Nil



## **11 GENERAL BUSINESS**

In accordance with section 6.4.2 of Council's Election Period Policy and Guidelines 2016, General Business will not be presented at this meeting.

## **12 MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN**

## **13 RECEPTION AND READING OF PETITIONS**



## 14 DOCUMENTS FOR SEALING

### ELECTION PERIOD STATEMENT

The recommended decision is not a 'Major Policy Decision', as defined in section 93A of the Local Government Act 1989, an 'Inappropriate Decision' as defined by section 93B of the Act, or a 'Significant Decision' with the meaning of the Election Period policy and guidelines

### RECOMMENDATION

*That the following documents be signed and sealed.*

#### *1. Section 173 Agreement – Kathleen Volkmer*

*Lot 1 TP117717N and Lot 1 TP117718L Volume 09751/Folio 986*

*Condition 6 of Planning Permit 2011.75.1 for a two lot re-subdivision, use and development of a dwelling on each lot, and creation of reserve and easement re-subdivision of 3 lots at 3 Bakers Gully Road, Bright.*

*The Agreement provides that the land will not be further subdivided so as to increase the number of lots.*

*The Agreement notifies future owners of the lots created by this planning permit, 3 Bakers Gully Road, Bright, that the surrounding land is used for plantation forestry which may generate noise, dust, truck movements and loss of visual amenity from time to time.*