



Alpine Shire

ORDINARY COUNCIL MEETING

MINUTES

M13 – 6 December 2016

Bright Council Chambers

7:00pm



The next **Ordinary Meeting** of the **Alpine Shire Council** was held in the Council Chambers, Great Alpine Road, Bright on **6 December 2016** and commenced at **7:00pm**.

PRESENT

COUNCILLORS

Cr John Forsyth

Cr Tony Keeble – Deputy Mayor

Cr Ron Janas - Mayor

Cr Kitty Knappstein

Cr Sarah Nicholas

Cr Peter Roper

Cr Daryl Pearce

OFFICERS

Mr Dave Barry – Chief Executive Officer

Mr Charlie Bird – Director Assets

APOLOGIES



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1 RECORDING AND LIVESTREAMING OF COUNCIL MEETINGS

The CEO will read the following statement:

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

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

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

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

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

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

2 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS, AND RECOGNITION OF ALL PEOPLE

The CEO will read the following statement:

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

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

3 CONFIRMATION OF MINUTES

3.1 ORDINARY COUNCIL MEETING – M11 – 4 OCTOBER 2016

Cr Keeble

Cr Roper

That the minutes of Ordinary Council Meeting M11 held on 4 October 2016 as circulated be confirmed

Carried

3.2 ORDINARY COUNCIL MEETING – M12 – 8 NOVEMBER 2016

Cr Forsyth

Cr Nicholas

That the minutes of Ordinary Council Meeting M12 held on 8 November 2016 as circulated be confirmed.

Carried



4 APOLOGIES

Nil

5 OBITUARIES / CONGRATULATIONS

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

6 DECLARATIONS BY COUNCILLORS OF CONFLICT OF INTEREST

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

7 QUESTION TIME

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



8 PRESENTATION OF REPORTS BY OFFICERS

8.1 CHIEF EXECUTIVE OFFICER – DAVE BARRY

8.1.1 Contracts approved by the CEO

Cr Roper

Cr Forsyth

That the Contracts approved by the Acting CEO be noted.

Contract No:	CQ16046	Process:	Full quotation process
Title:	2016-17 Kerb Renewal Program		
Tenderer:	McPhersons Earthmoving Contractors Pty Ltd		
\$ (excl. GST):	\$55,393.10		
Funding:	Annual renewals budget		

Carried



8.1.2 Alpine Shire Council 2017 Schedule of Ordinary Council Meetings

File Number: 662.01

INTRODUCTION

This report seeks Council's endorsement of the proposed ordinary meeting schedule of Council for the 2017 calendar year. The time and location of the meetings will remain unchanged.

Cr Pearce

Cr Roper

That Council endorse the schedule of dates for the Ordinary Council meetings to be held predominantly in the Bright Council Chamber for 2017 as follows:

<i>DATE</i>	<i>TIME</i>
<i>7 February 2017</i>	<i>7pm</i>
<i>7 March 2017</i>	<i>7pm</i>
<i>4 April 2017</i>	<i>7pm</i>
<i>2 May 2017</i>	<i>7pm</i>
<i>6 June 2017</i>	<i>7pm</i>
<i>4 July 2017</i>	<i>7pm</i>
<i>1 August 2017</i>	<i>7pm</i>
<i>5 September 2017</i>	<i>7pm</i>
<i>3 October 2017</i>	<i>7pm</i>
<i>14 November 2017</i>	<i>7pm</i>
<i>5 December 2017</i>	<i>7pm</i>

Carried

BACKGROUND

Section 83 of the *Local Government Act 1989* (the Act) provides for Council to hold 'ordinary meetings at which general business of the Council may be transacted'.

Council historically holds its ordinary meetings on the first Tuesday of the month (except public holidays) commencing at 7pm. Meetings are held at the Council Chambers, Bright.



ISSUES

January meeting

Council has historically only scheduled and held 11 ordinary meetings throughout any given year with no ordinary meeting scheduled in January. It is proposed that this arrangement be continued in 2017 in order to accommodate councillor and staff leave over the Christmas, New Year and school holiday period.

Timing of November meeting

Council's regular ordinary meeting cycle is the first Tuesday of the month at 7pm.

This schedule clashes with the Melbourne Cup public holiday, which falls on the first Tuesday of November. Since 2014, council has held the November meeting on the second Tuesday of November. It is proposed that the second Tuesday of the month be continued for the 2017 November ordinary meeting of Council.

This arrangement provides consistency for councillors and executive who traditionally meet on a Tuesday and it also provides for the many staff, and councillors, who take the opportunity of the shorter week, due to the Melbourne Cup Day public holiday, to take leave.

Special meetings of Council

Section 84 of the *Local Government Act 1989* provides for either:

- the Mayor or at least three councillors by written notice; or
- the Council by resolution

to call a special meeting of Council.

When calling for a special meeting of Council, the date and time of the meeting and the business to be transacted at the meeting must be specified. On this basis a schedule for special meetings of Council cannot be prepared.

POLICY IMPLICATIONS

The proposed meeting schedule is in line with the Alpine Shire Council Plan 2013-2017 (review 2016) as follows:

Theme 1: Inspired Community Leadership

Council values effective community advocacy and partnerships

Strategic Objectives

1.1 To effectively communicate and engage with stakeholders.

1.2 To advocate on behalf of and represent stakeholders on key issues

Theme 5: Performance Focused Organisation

A customer focused, equitable and sustainable service to the community

Strategic Objectives

5.4 To ensure a high standard of governance



CONCLUSION

Councillors and the community are familiar with the proposed meeting schedule and its adoption is recommended.

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.

- Executive Assistant to CEO

ATTACHMENT(S)

- Nil



8.1.3 Quarterly Report - Council Plan

File Number: SU600.03

INTRODUCTION

This report provides the first quarterly report against the Alpine Shire Council Plan 2013-2017 (review 2016).

Cr Pearce

Cr Nicholas

That the Alpine Shire Council Plan Quarterly Report ending 30 September 2016 be received and noted.

Carried

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 were used to achieve the Council's adopted direction for the four year term of the plan.

The Council Plan must be reviewed annually to determine if any adjustments are necessary. No adjustments were made in the 2016 review. The 2016/17 annual action plan specifies what activities Council will undertake during the year to fulfil the Council Plan.

A new Council Plan must be prepared following the 2016 Council Elections. This plan will commence in the 2017/18 financial year.

ISSUES

The annual action plan details the Council Plan commitments that have been budgeted in 2016/17, and it is the annual action plan that this quarterly report provides progress against.

HIGHLIGHTS

Inspired Community Leadership

- Refurbishment of the former Myrtleford Chambers has been completed, which now houses the Library Hub. The transition of the Hub operations to Myrtleford (from the previous Wangaratta location) has occurred, and the Myrtleford Hub is now operational.

Enhancing the Environment and Liveability

- Planning Scheme Amendment C51 was adopted by Council. As a result 86 new places will be added to the Planning Scheme's Heritage Overlay. This will help to conserve and enhance heritage places across the Shire.



Strengthening the Community

- A review of the Municipal Public Health and Wellbeing Plan has commenced. The new plan will be developed utilising data from the 2016 Census once this is available, and other data sources.

Prosperous Economy, Employment and Investment

- Spartan Australia has confirmed a two day event in Bright on 26 and 27 November. Work has commenced on a development of a new Cycle guide.

Performance Focused Organisation

- Council is implementing improved processes and software systems to simplify workflows and procedures.

Capital works

- Council has delivered key capital works in Q1, including the Bright Art Gallery storeroom upgrade, Library Hub, and Bright office refurbishment.

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:

- Governance Officer

ATTACHMENT(S)

- Alpine Shire Council Quarterly Report - ending 30 September 2016



8.1.4 Appointment of Councillors to represent Council on Committees and Boards

File Number: 615.00

INTRODUCTION

Council operates and participates on a range of special, advisory and external committees and groups. Council's appointment of councillors to the various committees and groups will enable good governance and decision making for following year.

Cr Keeble

Cr Roper

That Council:

1. *appoint Councillor delegates on the following groups and committees (non-executive):*

<i>Municipal Association of Victoria</i>	<i>Mayor (Deputy Mayor as substitute)</i>
<i>Hume Region Local Government Network</i>	<i>Mayor (Deputy Mayor as substitute)</i>
<i>Alpine Shire Council – Audit Committee</i>	<i>Cr Nicholas and Cr Knappstein</i>
<i>Alpine Shire Council – Finance Committee</i>	<i>Cr Nicholas and Cr Knappstein</i>
<i>Alpine Shire Council – Municipal Emergency Management Planning Committee</i>	<i>Cr Knappstein</i>
<i>Alpine Shire Council – Community Resilience Committee</i>	<i>Cr Knappstein</i>
<i>Alpine Children's Services Inc.</i>	<i>Cr Keeble</i>
<i>Alpine Alliance (between Council and Alpine Health)</i>	<i>Cr Knappstein</i>

2. *consider whether to appoint a Council delegate to the following groups (non-executive):*

<i>Timber Towns Victoria</i>	<i>Cr Pearce</i>
<i>National Timber Councils Association</i>	<i>No appointment</i>
<i>North East Multicultural Association Inc.</i>	<i>No appointment</i>
<i>Lake Buffalo Land on Water Management Plan Implementation Group</i>	<i>Cr Nicholas</i>

3. *consider whether a Councillor be nominated to act as the regional representative for the following executive positions:*

<i>Rural Councils Victoria (for the term of Council)</i>	<i>No appointment</i>
<i>North East Local Learning and Employment Network Inc. (Board)</i>	<i>No appointment</i>



4. note the following Councillor appointments made by external organisations

<i>Municipal Association of Victoria – Board (Executive)</i>	<i>Cr Ron Janas (term expires April 2017) Appointed by MAV</i>
<i>North East Waste and Resource Recovery Group – Board (Executive)</i>	<i>Cr Ron Janas (term expires March 2017) Appointed by Minister for Environment, Climate Change and Water</i>
<i>Mount Buffalo Destination Advisory Group (Non-Executive)</i>	<i>Cr Ron Janas Appointed by Minister for Environment, Climate Change and Water</i>
<i>Municipal Association of Victoria – Emergency Management Committee (Non-Executive)</i>	<i>Cr Ron Janas Terms of Reference state that term expired on November 2016</i>

Carried

BACKGROUND

Council Representation

Councillor representation on committees is required for both Council's own committees / groups, as well as other external committees.

In addition to discretionary appointments, Council's Mayor holds executive positions on committees / boards / groups as the regional representative. These are non-discretionary appointments, and are discussed later in this report.

Appointments

Delegate and committee appointments are focussed on councillors' experience and areas of interest and in some cases appointments may be made on the basis of maintaining consistency.

ISSUES

Roles and Responsibilities

The roles and responsibilities of councillors will vary depending on the position they are appointed to and it is important that this is understood.

External Legal Entities

Where a councillor or an officer is nominated to the board or executive of a separate legal entity, the nominee may take on fiduciary responsibilities in accordance with the *Corporations (Victoria) Act 1990*, and they are required to act in the best interests of that company or entity.



Council Advisory Committees

There is no formal decision making that can be made in an advisory capacity on behalf of Council, but rather, recommendations arising from the deliberations of the committee may be presented to Council for consideration, deliberation and final adoption.

Responsibilities

Regardless of the type of appointment, councillors are bound by their Code of Conduct and must comply with requirements relating to:

- Declaring conflicts of interest.
- Maintaining confidentiality of information.
- Recognising and abiding by their extent of authority i.e. not making decisions on behalf of Council.

Non-discretionary appointments

Council's representative on the Municipal Association of Victoria and the Hume Region Local Government Network is the Mayor. These appointments are not discretionary and the tenure is dependent on the length of term of Mayor.

Discontinued committees

Several of the groups that Council has previously appointed Councillor representatives to have ceased to exist, or no longer require Councillor representation. These include:

Previous groups – No appointments for 2017	Comment
Alpine Shire Youth Council	In abeyance. No Councillor appointment required at this time.
High Country Library Corporation	Council has taken over operation of libraries. No Councillor appointment required.
North East Waste and Resource Recovery Group Forum	Councillor not required. Staff member attends Forum, and Mayor is member of Board.
Murray to the Mountains Rail Trail Committee	Committee was dissolved in July 2016.



Committees for determination

Timber Towns Victoria

Membership of Timber Towns Victoria (TTV) is open to all Victorian municipalities where forest industries are recognised as significant contributors to the economy and community. Timber Towns Victoria has 21 member councils across the State. Each member council may nominate two representatives to attend meetings, one of whom must be an elected councillor.

Administration of TTV is vested in the Executive Committee. This committee comprises eight nominated representatives from the member councils.

Council was previously represented on the TTV Executive, with a former Alpine Shire Councillor as Chair. Council may now nominate a Councillor delegate to attend non-executive TTV meetings.

National Timber Councils Association

Membership of the National Timber Councils Association (NTCA) is open to local government in rural and regional Australia where the timber industry is recognised as being significant to the local and national economy as well as community. Each member council may nominate two representatives to attend meetings, one of whom must be an elected councillor.

Administration of the NTCA is vested in the Executive Committee. This committee comprises eight nominated representatives from member councils across the state and territories, forming a representative view across Australia.

Council may now nominate a Councillor delegate to attend non-executive NTCA meetings.

North East Multicultural Association

The North East Multicultural Association (NEMA) offers the opportunity to support multiculturalism in the North East. Membership to NEMA is open to all persons in the community. General meetings are held on the second Monday of each month and all members are welcome to attend.

Land and On Water Management Planning Group

Council has received an invitation for a Councillor to act as Chair of the interagency community and stakeholder Land and On Water Management Planning (L&OWMP) Group for Lake Buffalo. The group is coordinated by Goulburn-Murray Water.

The purpose of the implementation group is to work in partnership with community and agency members to protect important values associated with the lake and surrounding foreshore land through the implementation of the Lake Buffalo L&OWMP.



Rural Councils Victoria

Rural Councils Victoria (RCV) is the group of 38 rural councils in the State of Victoria, Australia. Following a local government general election each MAV rural region will determine its councillor and senior officer representation on the RCV Executive Committee for the term of Council.

North East Local Learning and Employment Network

North East Local Learning and Employment Network (NELLEN) board is comprised of representatives from schools, TAFES, universities, and other education and training organisations, as well as trade unions, businesses and industry bodies, Local, State and Commonwealth government agencies and community members. Local Government is one of the categories able to nominate for the Board.

Council does not currently have representation on NELLEN, although has in previous years. There is no current call for nominations to the Board.

POLICY IMPLICATIONS

The proposed councillor committee representation is in line with the Alpine Shire Council Plan 2013-2017 (review 2015) as follows:

<i>Theme 1: Inspired Community Leadership</i>	
<i>Council values effective community advocacy and partnerships</i>	
Strategic Objectives	
1.1	To effectively communicate and engage with stakeholders.
1.2	To advocate on behalf of and represent stakeholders on key issues
<i>Theme 5: Performance Focused Organisation</i>	
A customer focused, equitable and sustainable service to the community	
Strategic Objectives	
5.4	To ensure a high standard of governance

FINANCIAL AND RESOURCE IMPLICATIONS

Councillors are paid an annual allowance and do not receive additional payments for their involvement on specific committees. Resourcing of councillors attending meetings and participating in the activities of these committees is supported by Council's annual budget.

CONSULTATION

Once Council has appointed its representatives, appropriate communication actions will be undertaken.

CONCLUSION

Appointment of councillors as Council's representative on its own advisory committees and project / working groups as well as external entities, associations, advisory and advocacy groups committees must now be made.



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.

- Governance Officer

ATTACHMENT(S)

- Nil



8.1.5 Finance Report - Quarterly Review

File Number: 901.11

INTRODUCTION

The purpose of this report is to provide a summary of how Council has performed during the quarter against budget and forecast.

Overall Council is performing well in quarter one. This is as a result of

- Higher than expected grants predominately due to timing and forecasting.
- Higher than expected other income which included some income relating to the prior year.
- Employee costs year to date less than budget due to a wage freeze being voted on by employees, vacant positions and favourable on costs.
- Materials and services costs less than budget predominately due to the timing of large invoices relating to waste

A favourable result is forecast at year end.

Cr Roper

Cr Nicholas

That Council:

- 1. Adopt the Finance Report - Quarterly Review for the quarter ending 30 September 2016.*

Carried

BACKGROUND

Preparation of the finance report

The purpose of this report is to provide Council with a summary of the financial performance for the quarter against budget and forecast. This report provides an overview for the quarter including:

- Income statement;
- Balance sheet;
- Cash balance;
- Current investments; and
- Loans balances.

This report also includes a summary of each department's quarterly performance with explanations for variances which are approximately greater than \$10,000 or 10%.



This report has been prepared for internal management reporting purposes and as required under section 138 of the *Local Government Act 1989*. This report has not been audited.

The Quarterly Finance Report (QFR) is prepared based on a rigorous process which includes:

- Each department reviewing their budget and providing explanations for variances at the master account level.
- Departments submitting their quarterly budget explanations to the Finance department for review and further analysis.
- Departmental managers presenting to the Executive on their departmental performance for the quarter.
- Presentation of the QRF to the Finance Committee and subsequently Council.
- Forecasting is undertaken by department managers each quarter at master account level. There has been significant progress made in the maturity of forecasting which is evidenced by the minimal year to date variances against forecast.
- This report is also provided to the Audit Committee for noting.

POLICY IMPLICATIONS

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".

CONSULTATION

The quarterly finance report is available on Councils website once it has been adopted by Council.

CONCLUSION

Council has performed well against budget for the first quarter. This is due to a matured forecasting approach and a clear focus on controlled spending. The annual forecast is also expected to be favourable to budget, however a conservative approach has been taken and this will be monitored continuously throughout the year.



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.

- Manager Corporate

ATTACHMENT(S)

- Finance Report - Quarterly Review for the quarter ending 30 September 2016



8.1.6 Planning Permit 5.2016.066 Halls Road Myrtleford

File Number: 5.2016.66

INTRODUCTION

A planning permit was issued for a 14 lot residential subdivision in Halls Road Myrtleford on 19 August 2016. A condition of the permit requires an environmental audit to be carried out due to the proximity of the development site to the old Myrtleford landfill in Mummery Road. The developer has submitted a request that Council fund 50% of the cost of the audit.

Cr Pearce

Cr Nicholas

That Council:

- 1. Contributes 50 % of the cost of an environmental audit up to an amount of \$10,772.50 for a subdivision in Halls Road Myrtleford - planning permit number - 5.2016.066.*

Carried

BACKGROUND

This subdivision is important to the growth of Myrtleford and provides a much needed supply of residential land in a desired location.

The owner claims that during the pre-application period the need for an audit was not identified. Council officers advise that the setback from the landfill was not deemed an issue until the application was submitted and more detailed assessment undertaken. The developer is represented by a planning consultant who should have been aware that this might have been an issue.

The need for an audit is primarily to assess the potential for gases to have leached into the ground, possibly permeating the area proposed for residential subdivision. The Environment Protection Authority guidelines for assessing planning applications near landfills require an audit for those developments within 500 metres of a closed landfill. The relatively recent case in Cranbourne highlights the need for Council to use caution when approving a residential development to ensure future residents are not affected.

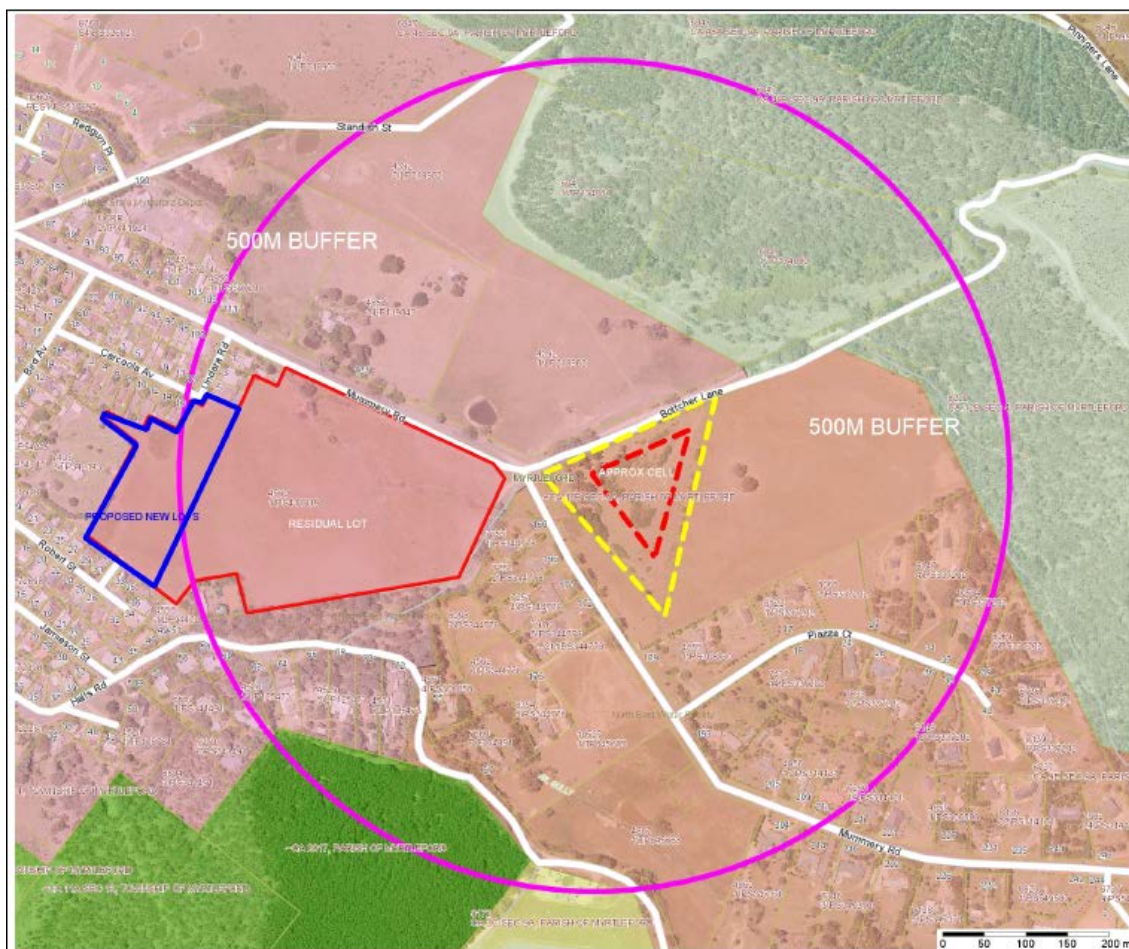


Figure 1: The proposed subdivision and the location of the land fill are shown above.

ISSUES

The landfill site in Mummery Road ceased operation about 28 years ago and ground water monitoring has been in place since 2014. This consists of 3 bores to check on water quality.

The audit required by the planning permit is a 53V Audit. There are a number of components to a 53V audit, however this audit will assess the potential for gases leaching into the soil surrounding the old landfill site.

This old Myrtleford landfill is unlicensed which is not unusual for a landfill of its age. As it is unlicensed, there is no legal obligation on Council to carry out its own audit whether this is part of a rehabilitation plan or otherwise. Council is aware of its obligations from dealing with the landfill sites at Myrtleford and Porepunkah.

The onus is on the developer to ensure that the appropriate audit is undertaken so that future residents are not impacted by any issues that may arise as a result of the development being next to an ex-landfill site. The condition requiring a Section 53V audit was included on the planning permit on the recommendation of the Environmental Protection Authority (EPA).

A 53V Audit goes directly to the EPA when finalised. In order for Council to review the report prior to it going to the EPA it would need to financially contribute to have



an interest in the report. It is not anticipated that the report will raise concerns given the age of the site. The approximate age of the site is 28 years. Generally after 30 years the EPA considers that issues are unlikely to occur.

POLICY IMPLICATIONS

Council currently has three (3) former landfills at Myrtleford, Harrietville and Porepunkah. It is carrying out water testing at these sites as they are licenced sites to ensure Council meets its legal obligations. As the ex-landfill at Mummery Road is unlicensed the obligations on Council differ from the other sites.

Council needs to consider if it wants to support development in this area of Myrtleford by making a contribution to the audit even though it does not have an obligation to do so. Making a contribution to the audit does provide Council with an interest in the report and it may therefore request to review the report before it goes to the EPA. Should concerns be identified, this will allow Council to take appropriate action. It also demonstrates that Council supports the development.

FINANCIAL AND RESOURCE IMPLICATIONS

A quotation to undertake the Environmental Audit by Coffey has been sought and is at a cost of \$21,545 excluding GST. The owner has requested that Council contribute 50% of the cost on the basis that any potential landfill gas risk occurring on the proposed development site is a result of Council's old landfill.

CONSULTATION

Ongoing consultation with the owner/developer has occurred and the requirement to carry out the audit reviewed. The EPA guidelines however are very clear that the audit must be completed.

CONCLUSION

There is no legislative requirement for Council to contribute to the cost of the audit. The provision of new housing lots in Myrtleford is needed to ensure choice and opportunities for development. Council has been requested to consider contributing to the cost of the audit. A contribution would give Council an interest in the report and enable it to become aware of any issues prior to the report going to the EPA.

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.

- Manager Planning and Amenity

ATTACHMENT(S)

- Nil



8.1.7 Planning Scheme Amendment - C38 Mount Beauty Aerodrome

File Number: 1468.38

INTRODUCTION

The purpose of this report is to update Council on Amendment C38 and seek endorsement to progress to the Approval stage.

Amendment C38 to the Alpine Planning Scheme seeks to rezone the Mount Beauty aerodrome and surrounding land to facilitate an airpark development. The amendment is a collaborative project involving the Alpine Shire Council and six private landowners.

The amendment will enable Council to implement the Mount Beauty Aerodrome Master Plan (adopted by Council on 1 March 2011) and the Master Plan for the airpark prepared by EDM Group. The key difference between the two documents is that the Aerodrome Master Plan applies to Council land and the extension of the runway. The Airpark Master Plan applies to the private land that is proposed to be developed into a fly-in fly-out community with residential, commercial, industrial and mixed uses all related to aircraft. The amendment has changed since exhibition as a result of the submissions received. Further changes have also been made following the Panel hearing.

Therefore Amendment C38 now proposes to:

- Amend local planning policy at Clause 21.07-3 (Local areas) to include reference to the 'Mount Beauty Aerodrome and Air Park'.
- Insert a new Schedule 5 to the Special Use Zone titled 'Mount Beauty Aerodrome and Air Park'
- Rezone [part] Lot S3 PS549580R, Lots 1, 2, 3 and 4; PS549580R, Lot 6; LP146156S, Lot C; PS420780C; and Lot 1, PS420780C from Industrial 1 Zone (INZ1) to Special Use Zone – Schedule 5 (SUZ5)
- Rezone Lot 1, LP146156S; Lot C, PS705737; and [part] Lot S3, 549580R from Farming Zone (FZ) to Special Use Zone – Schedule 5 (SUZ5)
- Rezone Lots 1 and 2, PS705744U from Public Use Zone (PUZ7) to Special Use Zone – Schedule 5 (SUZ5).
- Rezone [part] Reserve 1, PS549580; [part] Lot C 1/PS701053V; and Reserve 1, PS701053V from Farming Zone (FZ) to Public Conservation and Resource Zone (PCRZ)

Amendment C38 was exhibited to nearby landowners and occupiers, referral authorities and prescribed Ministers. Ten submissions were received by Council. Six of these submissions were from referral authorities. Five of these submissions were resolved with the submission from North East Water requiring a panel hearing. Four other submissions from members of the public were also received. Two of these could not be resolved and so they too went to the panel hearing which took place on 21, 22, 23 June 2016.



Council officers are now seeking Council's consideration of the Panel Report and its associated recommendations. In accordance with Section 25 of the Planning and Environment Act 1987, the Panel appointed to consider Amendment C38 has reported its findings to Council. Council must now consider the Panel's report under Section 27 of the Act and decide whether to adopt Amendment C38, or any part of it, with or without changes under Section 29 of the Act.

Cr Roper

Cr Pearce

That Council:

- 1. Alpine Planning Scheme Amendment C38 Panel Report, July 2016 be accepted under Section 27(1) of the Planning and Environment Act 1987.*
- 2. All the Panel recommendations be accepted in full.*
- 3. Amendment C38 to the Alpine Planning Scheme be adopted with changes under Section 29(1) of the Planning and Environment Act 1987 in response to the Panel's recommendations.*
- 4. Amendment C38 to the Alpine Planning Scheme be submitted to the Minister for Planning for approval under Section 31(1) of the Planning and Environment Act 1987.*

Carried

BACKGROUND

The development of the Mount Beauty Aerodrome has been in the planning for 10 years. In order to facilitate this, Council needed to secure privately held land to the north of the current runway to allow for the extension. Council has worked proactively with the owners of the land needed for the runway extension as well as adjacent private landowners. Through this brokerage a scheme has been developed which allows for the extension to the current runway and an associated airpark to allow for aerodrome related development to occur in the vicinity of the Aerodrome.

The proposal expands the capacity of the Mt Beauty Aerodrome to provide for safer conditions for aircraft. Strategic planning for this started with the Mount Beauty Aerodrome Master Plan in 2005.

The proposal is an innovative idea and has the potential to be an asset to Mt Beauty.

The proposed Airpark is approximately 67 hectares which is mostly farmland used for grazing. It is bound by the Kiewa River East branch to the north and the Kiewa River West branch to the west, farmland, an ex-landfill site now operating as a transfer station site and sewerage treatment plant to the east and industrial lots and retention pond to the south.



Figure 1: Site location plan as exhibited in September/October 2014



The aerodrome is used extensively by the Mt Beauty Gliding Club for training, joy flights and visiting glider flights. The club promotes visits by other gliding clubs who stay locally. The club has up to 40 members and operates on most weekends. Gliders are launched by a winch truck parked on private land approximately 370 meters to the north of the runway. However during special events in January, Easter and November, tow aircraft are used.

The facility is also used occasionally for charter operations by flying organisations or Ambulance Victoria, both of which are air transport operations. It is also used during bushfires to fill fire-fighting aircraft.



Mount Beauty Aerodrome is owned and operated by Council. A Committee of Management is appointed under the Local Government Act to oversee the day to day operations and consists of aerodrome users and interested community representatives. It is estimated that approximately 8,000 movements per annum occur at the Aerodrome involving all aircraft types.

Three documents form the basis of this amendment.

1. The Mount Beauty Aerodrome Master Plan 2011

This plan looked at what was required to extend and widen the runway. This document went on public exhibition for 28 days and submissions closed on 6 July 2010. 45 submissions were received: 40 supported the Masterplan and 5 did not or raised issues requiring further investigations.

2. Mount Beauty Aerodrome Master Plan 2014

Based on 2011 Master Plan private landowners in the immediate vicinity proposed a planning scheme amendment to facilitate the development of an Airpark and enable a runway extension. Heads of Agreement were drawn up to enable the transfer of land to Council for the runway extension and facilitate Airpark development.

3. 2015 works to repair the runway

During the 2013 bushfires the Mount Beauty Aerodrome was extensively used by the fire services to gain access to the area as a take-off and landing point for fire bombing. The runway was damaged as a result. In 2015 resealing works were undertaken to repair the damage. The runway was not extended during the repairs works.

The Amendment seeks to rezone the Mount Beauty Aerodrome to a Special Use Zone to allow for aircraft related development.

ISSUES AND CONSULTATION

The predominant issues raised during the exhibition process were focused on two areas: (1) flooding and (2) the requirement for buffers around the transfer station and the waste water treatment facilities.

North East Water (NEW) argued that odour modelling was required to ensure that odour from their waste treatment facilities would not impact any development in particular development that facilitates sensitive uses such as housing. NEW undertook odour modelling. The odour modeller presented at the panel hearing as an expert witness. The Panel decided that it was appropriate to apply buffers to the development area that took into account odour that could come from the wastewater treatment facilities. The Panel therefore concluded that development to the east of site should be deleted from the amendment.

Council was also asked to investigate with the EPA the ex-landfill site now operating as a transfer station in Maddisons Lane. The investigations considered what buffer distances should apply around the site given that the landfill may be leaching toxic gases. An audit, compliant with Section 53V of the Environmental Protection Act, was



undertaken. There was found to be a low risk of carbon dioxide leaching from the site. The EPA therefore applied the 250m to the site based on its current use as a transfer station. The Panel accepted this application.

Flooding was also considered an issue. Council called expert witness evidence to show that flooding was not an issue in particular since the proposed lots 62 to 74 and 75 to 81 of the exhibited master plan (July 2014) were deleted from the amendment due to the sale of the land. NECMA did not have any objections to the amendment following this deletion. Two submitters provided photographic evidence of flooding as part of their submission to the panel hearing. The Panel found that matters related to flooding had been satisfied and flooding was not an issue in the remaining areas to be developed as shown on the revised master and precinct plan (Nov 2015).

Figure 2: Master Plan as exhibited July 2014

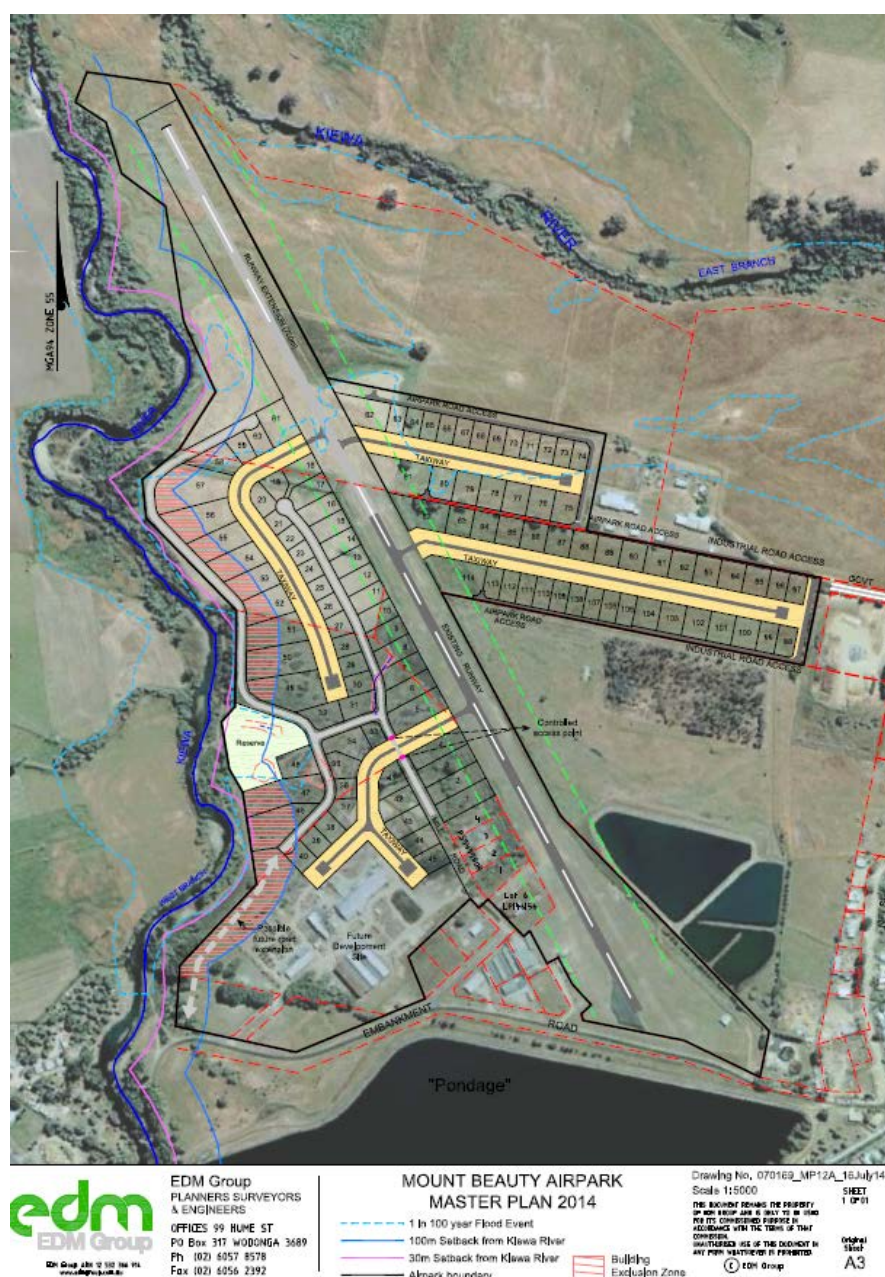
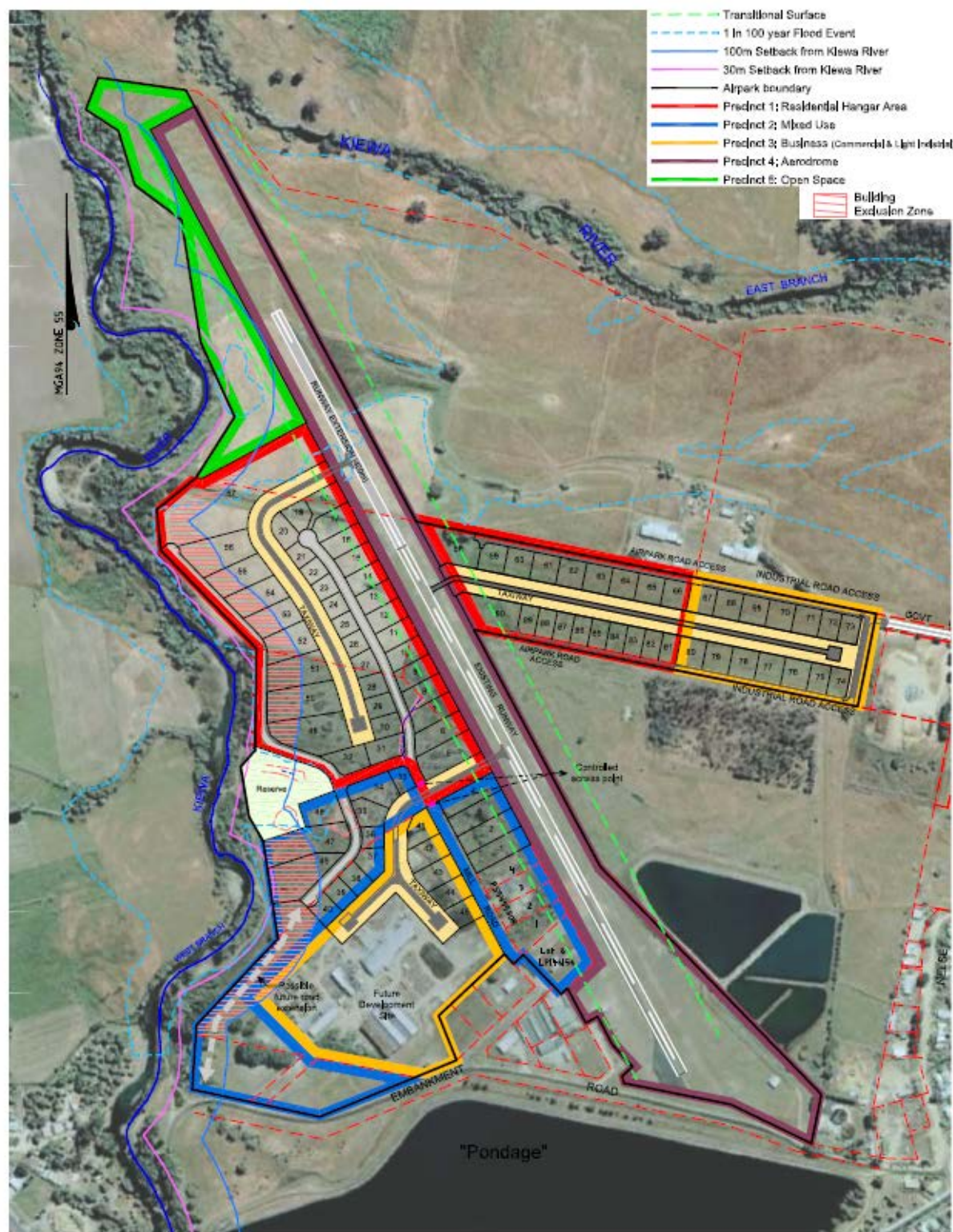




Figure 3: Revised Master Plan Nov 2015



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MOUNT BEAUTY AIRPARK
MASTER PLAN 2015

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SHEET 1 OF 1

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Expert evidence was also presented on the issue of contaminated land at the old sawmill site near the Mill Road end of the development site. The Panel decided that an Environmental Audit Overlay was not necessary on this part of the site. The Panel advised that when development occurred an environmental audit could be undertaken but it was not necessary to put a mandatory overlay on the site to stipulate this.

Recommendations from the Panel Report

Alpine Planning Scheme Amendment C38 be adopted as changed in response to the submissions received (submissions are attached in Appendix A) and subject to the following:

1. Revise the Mount Beauty Airport Master Plan presented as part of the Special Use Zone to:
 - a) delete development from the east of the runway
 - b) change the 'Mixed use' to 'Business' in the area outlined in blue (see page 2 of 41 in the Panel report)
 - c) change the 'Decisions Guidelines' to include the following considerations for the area outline in blue:
 - the sensitivity of the proposed use to odour that may be generated from the Mount Beauty Wastewater Treatment Plant
 - the availability of ameliorative measures on the site to reduce the impact of odour
 - the number of people likely to use the proposed development
 - the potential for the proposed development to expand and attract additional people
 - the degree of choice a person has to remain on the site associated with the development
 - the length and frequency of stay of any person on the site associated with the development
 - built form of the development, including:
 - building design to isolate the internal air environments for occupied rooms during an odour event
 - the layout of buildings to maximise the separation distances to the Mount Beauty Wastewater Treatment Plant
 - building design to ensure apertures (including roller doors) are orientated away from the Mount Beauty Wastewater Treatment Plant
 - vegetation to improve air flow turbulence
2. Abandon the application of Environmental Audit Overlay
3. Include in Clause 2 under 'Application requirement' of the Special Use Zone Schedule the following:

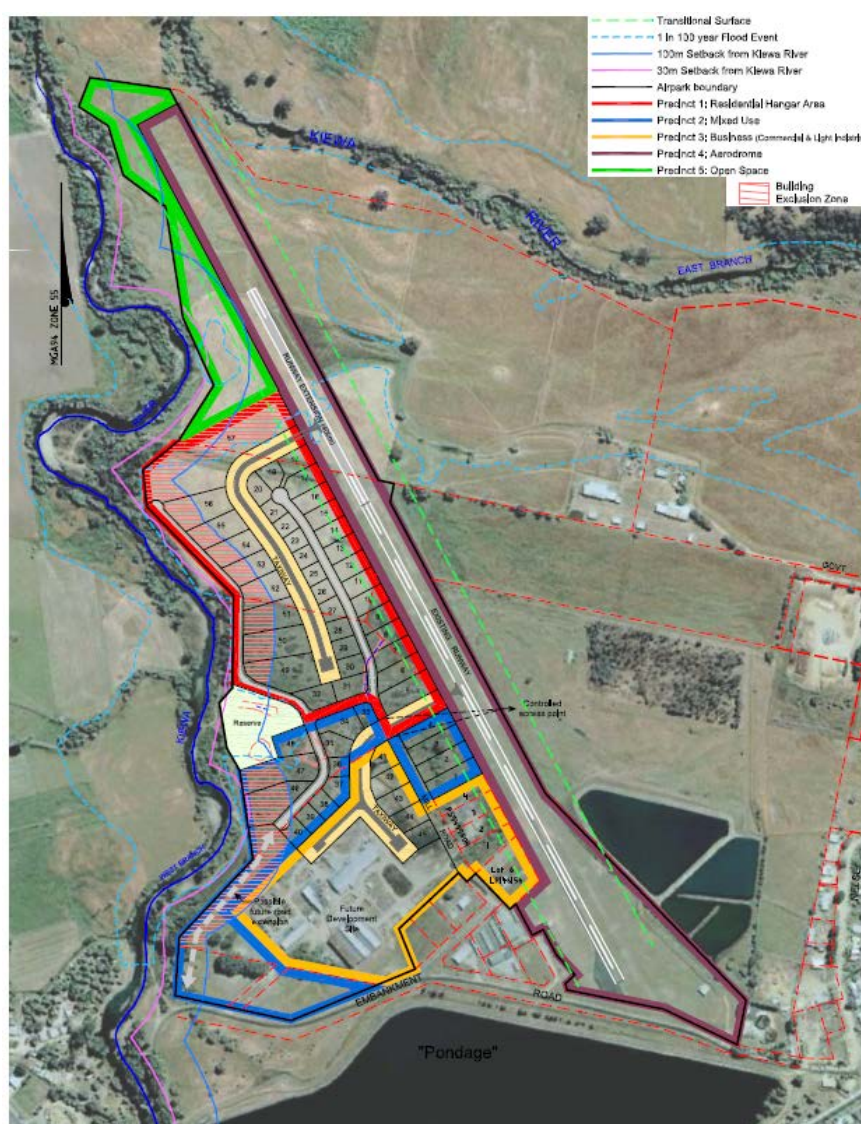


- An application to use land for a sensitive use within Precinct 3 must be accompanied by an environmental site assessment by a suitably qualified environmental professional which provides advice on whether the environmental condition of the land is suitable for the proposed use and whether an environmental audit of all, or part, of the land is recommended. A report is not required if a previous report has determined that a site does not have contamination issues.

Comments from the proponents on the Panel recommendations

The proponents in this amendment have accepted the Panel's recommendations.

The revised Master Plan (Nov 2016) following the Planning Panel report is detailed below.



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MOUNT BEAUTY AIRPARK MASTER PLAN 2016

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POLICY IMPLICATIONS

The amendment will amend strategic directions for general land use in Alpine Shire.

This complements 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.

The amendment links to and implements the whole of the Alpine Shire 2030 Community Vision (2010 review), that is the vision and all seven key directions of:

4. Unspoilt natural environment;
5. Sympathetic and balanced development;
6. Economic prosperity;
7. Identity and character of our towns, villages and rural communities;
8. Services and facilities (health, wellbeing and lifestyle);
9. Linkages between communities; and,
10. Strong and safe communities.

FINANCIAL AND RESOURCE IMPLICATIONS

The Panel costs for Amendment C38 were \$30,000. The cost of the Council officers' time in preparing for this panel has not been included in this amount. These costs included expert witness attendance to give evidence at the hearing. Expenditure came out of the 2015/2016 financial year. There is a cost of \$798.00 to send the amendment to the Minister for Planning for approval and this can be met through existing budgets defined for 2016/2017.

CONCLUSION

The Amendment seeks to rezone the Mount Beauty Aerodrome to a Special Use Zone to allow for aircraft related development.

The Amendment C38 was authorised on 19 August 2014 and exhibited to landowners and occupiers, referral authorities and prescribed Ministers. Exhibition was between 11 September and 13 October 2014. Ten submissions were received by Council. Six of these submissions were from referral authorities. Five of these submissions were resolved with the submission from North East Water requiring a panel hearing. Four other submissions from members of the public were also received. Two of these could not be resolved and so they too went to the panel hearing which took place on 21, 22, 23 June 2016.

The predominant issues raised during the exhibition process were focused on two areas: (1) flooding and (2) the requirement for buffers around the transfer station and the waste water treatment facilities. The Panel recommended:



1. Revise the Mount Beauty Airport Master Plan presented as part of the Special Use Zone to:
 - a) delete development from the east of the runway
 - b) change the 'Mixed use' to 'Business' in the area outlined in blue (see page 2 of 41 of the Panel report)
 - c) change the 'Decisions Guidelines'
2. Abandon the application of Environmental Audit Overlay
3. Include in Clause 2 under 'Application requirement' of the Special Use Zone Schedule the following: an application to use land for a sensitive use within Precinct 3 must be accompanied by an environmental site assessment

Council is now requested to consider the recommendations in the Panel's report and authorise progression to the next stage of the amendment process: Approval.

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.

- Manager Planning and Amenity
- Statutory Planner
- Strategic Planner

ATTACHMENT(S)

- Amendment C38 – Copy of Submissions
- Amendment C38 – Copy of Panel report July 2016



8.1.8 Planning Application 5.2016.31.1

Application Number:	5.2016.31.1
Proposal:	28 lot subdivision and creation of access to a road in a Road Zone Category 1
Applicant's Name:	Oxley and Company
Owner's Name:	M E & A T Newton
Address:	240 Myrtle Street, Myrtleford
Land size:	4.552 ha
Current use and development:	Vacant
Site features:	The site is relatively flat with a moderate fall towards the south west. Vegetation consists of scattered trees located near the north-eastern boundary with the remainder of the site containing predominantly pasture grass. The land does not contain any buildings or structures.
Why is a permit required?	A permit is required for subdivision pursuant to Clause 32.08-2 of the General Residential Zone Schedule 1. A permit is required to subdivide land and to create access to a road in a Road Zone Category 1 pursuant to Clause 52.29 Land Adjacent to a Road Zone Category 1.
Zoning:	General Residential Zone Schedule 1
Overlays:	No current overlays Proposed Land Subject to Inundation Overlay Proposed Floodway Overlay
Restrictive covenants on the title?	No
Planner:	Simon Maughan

Cr Knapstein

Cr Nicholas

That Council:

Issue a Notice of Decision to Grant a Planning Permit for a 28 lot subdivision and creation of access to a road in a Road Zone Category 1 at 240 Myrtle Street, Myrtleford in accordance with the conditions outlined in Appendix A.

Carried

REASON FOR THE RECOMMENDATION

- The proposed subdivision is consistent with the relevant provisions of State and Local Planning Policy Frameworks.



- The proposed subdivision complies with the objectives and standards of Clause 56 Subdivision.
- Vic Roads has given consent to the proposed access to Myrtle Street.
- The proposal will increase the diversity of residential development opportunities in Myrtleford by creating residential lots that will cater for the demand for housing in the town.

PROPOSAL AND BACKGROUND

It is proposed to subdivide the subject site into 28 lots and alter access to Myrtle Street. The lots would range in size from 845 square metres to 4,014 square metres, with all lots having frontage to a proposed internal street. The internal street would be the continuation of Geoffrey Street to the east of the site. The extension to Geoffrey Street would dissect the middle of the site and turn to the south to create a new access point to Myrtle Street.

An open space reserve of 512 square metres is proposed to be located between Lots 27 and 28 in the north of the site where it adjoins Barton Street. This reserve will provide a pedestrian link to the soccer fields. No road connection to Barton Street is currently proposed however the reserve provides the necessary land for a connection to Barton Street in the future if necessary.

Figure 1 illustrates the proposal. See Appendix B for plan of subdivision and Myrtle Street and Geoffrey Street intersection design.

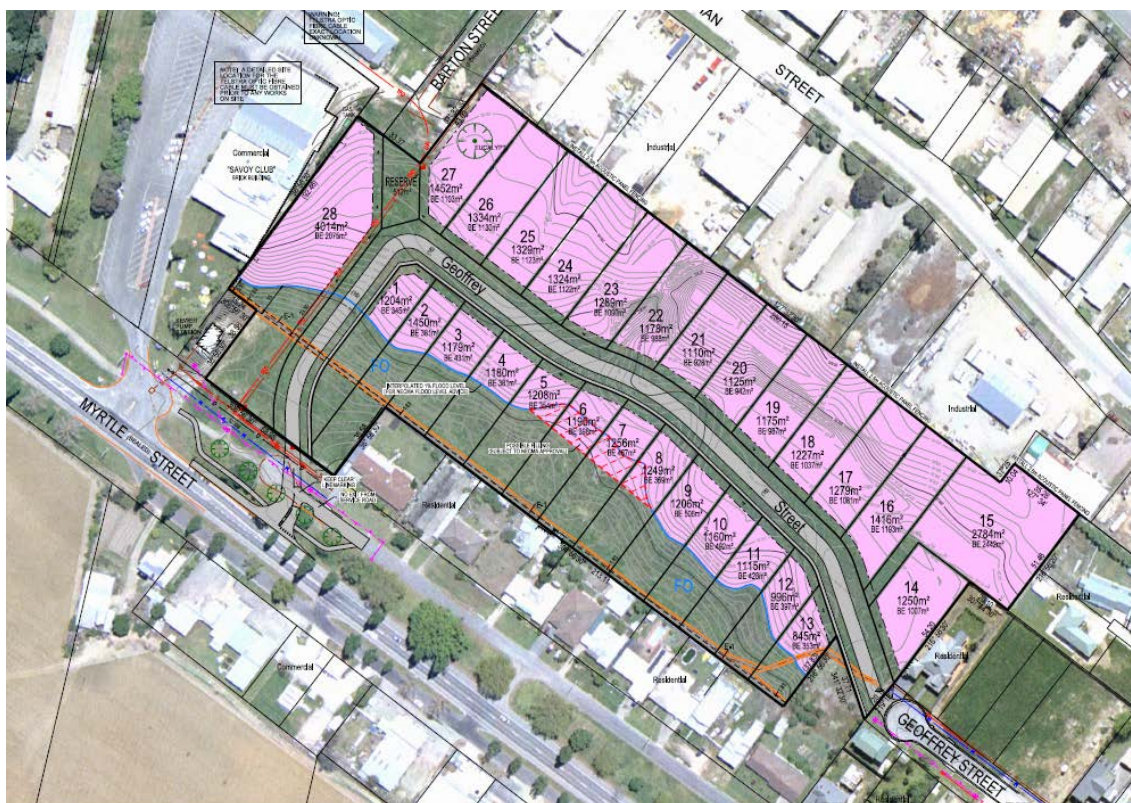


Figure 1: Proposed plan of subdivision



SUBJECT LAND AND SURROUNDS

The subject site is located on the north-eastern side of Myrtle Street, Myrtleford. It also has frontage to Barton Street in the north and Geoffrey Street in the east. The site is made up of two titles - Lot 2 on PS302095 and Lot A on PS344763 - and is 4.552 hectares in area. The land is currently vacant.

The site generally slopes from the north-east to the south-west and is largely cleared with the exception of some scattered vegetation located near the north-eastern boundary. The remainder of the site is pasture grass.

The land surrounding the site contains a number of uses. Land to the south-east is a residential area developed with dwellings. Land to the north-east is industrial, while land to the north-west is zoned residential and has been developed with the Myrtleford Savoy Sporting Club. Across Myrtle Street to the south-west is a commercial strip and beyond is Farming Zone.

Figure 2 below depicts the subject site and surrounds.



Figure 2: Subject site (Lot 2 on PS302095 & Lot A on PS344763) and surrounds

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 67 surrounding landowners and occupiers. Two signs were displayed on the subject land. The application was readvertised in the same manner when amended plans were submitted by the applicant. Eight objections were received with two subsequently being withdrawn. The grounds of the objections are discussed in detail later in the report.



A planning forum was held on 10 August 2016 at the Myrtleford Senior Citizens Centre to discuss the proposed subdivision. Invitations to the meeting were sent to all submitters. The planning forum was attended by eight members of the local community, representatives from Oxley and Company (the applicant), three Council officers and a councillor.

During the meeting the following matters were discussed:

- Details of the application
- Traffic issues and road connection to Myrtle Street
- The industrial interface and proposed acoustic fencing
- Potential unit development on proposed Lots 14, 15 and 18
- Drainage issues and ability to drain proposed Lot 15.

REFERRALS

Referrals / Notice	Advice / Response / Conditions
Section 55 Referrals	AusNet Services – conditional consent CFA - conditional consent EPA - conditional consent North East Water - conditional consent Vic Roads – conditional consent NECMA - conditional consent
Internal / external referrals	Engineering – conditional consent

PLANNING ASSESSMENT

State Planning Policy Framework

The purpose of including State policy in planning schemes is to inform local governments of State planning policy to be taken into account in making planning decisions. A separate assessment of the proposal against the relevant State Planning Policy Framework is provided in Appendix C. The proposal meets all of the requirements of the relevant State planning policy.

Local Planning Policy Framework

The Local Planning Policy Framework (LPPF) provides:

- Clause 21.03-1 Townships and villages

Relevant objective – Direct the majority of urban growth in the Shire to Bright, Porepunkah, Myrtleford and Mount Beauty/Tawonga South.

The proposal is located within the Myrtleford town boundary as identified on the Myrtleford Structure Plan at Clause 21.07-2. The proposal has had regard to the constraints of the site and the existing lot sizes and density of the surrounding neighbourhood and is considered to have successfully responded to this character.



- Clause 21.04-4 Environmental risk

Relevant objectives -

- *Identify, recognise and plan for environmental risks and constraints in planning for the use and development of land.*
- *Manage the risks of environmental hazards, including bush fire, flooding and land slip, to avoid adverse consequences on the natural and man-made environment.*
- *Ensure that land use and development addresses relevant site context and natural features of the area including the potential for bush fire, flooding and landslip risk.*
- *Facilitate a risk-based approach to land use planning in areas subject to environmental risk and require land use planning to integrate with and support other risk management and mitigation strategies*

The subject site is partially located in a proposed Floodway Overlay and proposed Land Subject to Inundation Overlay generally near the south-western boundary. Building envelopes for each are located outside the area designated as at risk of flooding. Permit conditions recommended by NECMA will further ensure that the proposal will not intensify the impacts of flooding on or near the site.

- Clause 21.06 Infrastructure

Relevant objective – *Support consolidation of the Shire's population in the main towns and some villages so as to make effective use of existing infrastructure with sufficient spare capacity.*

Myrtleford has the capacity within its infrastructure provision to support the proposed subdivision. The proposal is located within an existing residential area which has access to all available services.

- Clause 22.04-1 Infrastructure

Policy basis - New residential subdivision and development is required to satisfy standards regarding service connections, road construction and development impact.

Relevant objectives -

- *Ensure that all forms of residential subdivision and/or development are connected to reticulated sewerage, water, power and stormwater facilities.*
- *Ensure that urban development does not adversely impact on the environment and on downstream water quality.*
- *Ensure that all roads that service a residential development are fully constructed and sealed.*

The following is a response to the policy:

- The subdivision will be provided with reticulated services.



- A condition of any approval issued will require the submission of a drainage discharge plan which demonstrates how stormwater is to be disposed of from the site.
- The application has been referred to the relevant servicing authorities for the provision of reticulated water, sewerage and power to the site. Permit conditions have been provided.
- Conditions regarding road construction will be included on any permit issued.
- Provision of infrastructure will be to the satisfaction of the Council and in accordance with the Infrastructure Design Manual.

Clause 22.04-4 Urban Stormwater Management

Relevant objectives -

- *Maintain and enhance stormwater quality throughout the Shire.*
- *Ensure that new development complies with the Infrastructure Design Manual.*

The following is a response to the policy:

- Best practice measures such as those contained in the Alpine Shire Stormwater Management Plan and the Urban Stormwater Best Practice Management Guidelines will be required to be incorporated into the design of the subdivision.
- Off-site discharge of stormwater will be required to be minimised.
- Stormwater management infrastructure will be required to be provided at the time of development of the subdivision.

GENERAL RESIDENTIAL ZONE

The subject land is zoned General Residential Zone pursuant to the Alpine Planning Scheme. The relevant purpose of the zone is:

- *To encourage development that respects the neighbourhood character of the area.*
- *To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.*

A planning permit is required for subdivision of land in the General Residential Zone. An application must be assessed against the provisions of Clause 56 Residential Subdivision. This will be discussed in more detail under the Particular Provisions section of this report.

Overlays

The site is not currently subject to any overlays' however a Floodway Overlay and Land Subject to Inundation Overlay are proposed for the south-western part of the site. On this basis, the application was referred to NECMA for its recommendation due to the risk of inundation from the Happy Valley Creek/Ovens River system.



NECMA has provided its conditional consent to the proposal, which includes allowing for limited cut and fill of the land to create practical building envelopes for proposed lots 5 – 8 that achieve a finished surface level that will be free from inundation.

Particular Provisions

Clause 52.01 Public Open Space Contribution and Subdivision

Pursuant to Clause 52.01, a person who subdivides land must make a contribution to Council for public open space equivalent to 5% of the land, or 5% of the site value of the land, or a combination of both.

The public open space requirement will be provided via a combination of land (512sqm reserve) and a monetary contribution equivalent to 5% of the site value of the balance land.

Clause 52.29 Land Adjacent to a Road Zone Category 1

A planning permit is required to subdivide land and create access to Myrtle Street. The application was refereed to Vic Roads who has provided conditional consent for the proposal. As such it is considered that the proposed subdivision will not impact on the operations and safety of this road.

Clause 56 Residential Subdivision

The application was assessed against the provisions of Clause 56 Residential Subdivision. The proposed subdivision has been found to have addressed the objectives and standards of the clause which will result in lots with areas and dimensions that will enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking and water management. The extension to Geoffrey Street and connection with Myrtle Street will allow for the movement of cars, bicycles and pedestrians through the subdivision by providing connections to the existing road network.

A separate assessment has been undertaken against the provisions of Clause 56 and is located on the planning permit file 5.2016.31.1.



General Provisions

Clause 65.02 of the Alpine Planning Scheme provides the decision guidelines for subdivision that must be considered before deciding on an application. The decision guidelines that are appropriate to consider in this instance include:

The suitability of the land for subdivision

The land is suitably zoned and located for the proposed lot sizes and dimensions.

The existing use and possible future development of the land and nearby land.

The site is currently vacant. Uses surrounding the site are varied and include residential uses to the south-east, industry to the north-east, the Myrtleford Savoy Sporting Club to the north-west, and across Myrtle Street to the south-west land in the Mixed Use Zone and Farming Zone.

The interface between the site and the industrial land to the north-east has been considered. The applicant has proposed a 3.5 metre high acoustic fence be constructed along the north-eastern boundary of the site which will mitigate noise impacts on the residential estate.

The Savoy Club raised concerns with the potential for complaints about its operations by future residents of proposed Lot 28 which would directly abut the boundary with the club. The applicant has agreed to a planning permit condition that a section 173 agreement be placed on the title for Lot 28 restricting it to short term accommodation use only and that future owners be made aware that they may be subject to noise from the club from its operations.

Residents of Geoffrey Street who abut the site have also raised concerns regarding the potential for proposed Lots 14 and 15 to be developed with multiple dwellings. There were also concerns that two-storey development on these lots would impact on amenity. The applicant has agreed that a section 173 agreement be placed on the titles for these lots restricting development to single-storey only. It is noted that any future application for two or more dwellings on a lot would be subject to a separate planning permit application assessed on its merits and that this application would be subject to further public notification.

The availability of subdivided land in the locality, and the need for the creation of further lots.

The proposal is for the subdivision of land zoned for residential purposes and therefore the creation of further lots is supported.

The effect of development on the use or development of other land which has a common means of drainage.

The development will be required to connect into the existing stormwater network.

The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.

As discussed, the design of the subdivision has taken into consideration the fall of the land and issues associated with flooding and inundation. It has also successfully addressed connections into the existing road network. No native vegetation is



proposed to be removed as part of the proposal with the retention of a eucalypt in the northern corner of the site on proposed Lot 27.

The density of the proposed development.

The lot sizes are comparable with the surrounding residential area and are appropriate for Myrtleford.

The area and dimensions of each lot in the subdivision.

The area and dimensions of each lot will allow for the siting of a dwelling, solar access, private open space, vehicle access, parking, and water management.

The layout of roads having regard to their function and relationship to existing roads.

The proposed road layout and connections into the existing road network will allow the subdivision to provide for the movement of vehicles, bicycles and pedestrians whilst not impacting on existing roads and footpaths.

The provision and location of reserves for public open space and other community facilities.

A reserve is proposed in the north of the site to provide a pedestrian link to Savoy Sporting Club Reserve. A monetary contribution will also be required to be made as a public open space contribution, as discussed.

The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.

The site is located in an established urban area and will be able to be connected to all available utilities.

MATTERS OF CONTENTION – OBJECTIONS

The grounds of objection are summarised as follows:

- Traffic issues – Increase in traffic in Geoffrey Street. Geoffrey Street is a narrow street with no footpaths and may be used as a cut-through to Myrtle Street. The amenity of Geoffrey Street as a no through road will change. The service road on Myrtle Street may be used by vehicles exiting the subdivision creating conflict with rail trail users.
- Proposed Lots 14 and 15 may be used for high density living. These lots should be developed with single storey single dwellings only.
- Subdivision may cause drainage and flooding issues.
- Subdivision may impact on operations of adjoining industrial property through noise complaints. Objection withdrawn.
- Future development of proposed lot 28 and potential for impact on operation of the Savoy Club. Savoy Club submission also raised concerns with the proposed road connection to Myrtle Street. Objection withdrawn.



Traffic issues

Four objections were received that raised various potential traffic issues.

It is acknowledged that the subdivision will result in an a small increase in traffic in Geoffrey Street, however with a pavement width of between 8 and 10 metres the existing section of Geoffrey is wide enough to cater for this additional traffic. Geoffrey Street is defined as an 'Access Street' in the road hierarchy – "a street providing local residential access where traffic is subservient, speed and volume are low and pedestrian and bicycle movements are facilitated". The extension of the street and its connection to Myrtle Street provides a logical connection to the arterial road network.

The construction of a footpath along the existing section of Geoffrey Street will be included as part of Council's project pipeline for funding consideration. Approval of the proposed subdivision provides additional justification for Council to construct the footpath to provide a safe route for pedestrians accessing the Myrtleford town centre.

It is not anticipated that the road will be used as a short-cut as the existing road network provides the most direct route for all vehicle movements other than for residents accessing Geoffrey Street. That said, the extension of Geoffrey Street through to Myrtle Street will be designed and built such to minimise vehicle speeds and to discourage vehicles using the road as a short-cut between Prince and Myrtle Streets.

Whilst Geoffrey Street will no longer be a no-through road, it is considered a reasonable expectation that the subject land would one day be subdivided resulting in the extension of Geoffrey Street. Further, the linking of Geoffrey Street through the subdivision to Myrtle Street demonstrates good urban design principles allowing residents of the street to enter and exit either via Myrtle Street or Prince Street.

The extension of Geoffrey Street has been designed to avoid conflict with rail trail users. The intersection of Geoffrey Street with the Myrtle Street service lane will be designed to make left hand turns into the service lane difficult. Further, the intersection will be designed such to provide a safe crossing point for cyclists and pedestrians.

Proposed lots 14 and 15 may be used for high density living. These lots should be developed with single storey single dwellings only.

The applicant has agreed to a Section 173 agreement being placed on any approval issued that Lots 14 and 15 be developed with single storey dwellings only. It is noted that any development of these lots for two or more dwellings would be subject to a separate planning application that would be assessed against the requirements of Clause 55 ResCode and subject to public notification.

Subdivision may cause drainage and flooding issues.

The application has been referred to Council's Engineering Department and NECMA. Permit conditions provided in both referral responses will ensure the site is drained and development is sited so that there will be no offsite or onsite effects in terms of flooding and inundation.



CONCLUSION

The application is considered to be consistent with the Alpine Planning Scheme as:

- The proposed subdivision has been well designed taking into account the site's opportunities and constraints and minimising any off site amenity impacts.
- The proposed subdivision would create a well-connected addition to the residential neighbourhood of Myrtleford by providing lots that are located within easy walking distance to shops, schools, and community and recreational facilities.
- The proposed subdivision complies with the objectives and standards of Clause 56 Residential Subdivision and will create lots that are capable of containing a dwelling with suitable levels of amenity, open space and car parking.
- The proposed subdivision will be appropriately connected to the existing street network and will provide for vehicles, pedestrians and cyclists within the subdivision and onto Myrtle Street.
- The proposal will increase the diversity of residential development opportunities in Myrtleford by creating residential lots that will cater for the demand for housing in the town.

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.

- Statutory Planner

ATTACHMENT(S)

- Attachment A - Permit Conditions
- Appendix B - Plans for Endorsement
- Appendix C - SPPF Assessment



8.2 DIRECTOR ASSETS – CHARLIE BIRD

8.2.1 Petition - Reducing the speed limit on Station Street Porepukah

File Number: 42010.01

INTRODUCTION

The purpose of this report is to inform Council and provide response to a request to reduce the speed limit on Station Street, Porepukah from 60 km/h to 50 km/h to improve the safety of pedestrians, school children, cyclists and all other road users.

Cr Nicholas

Cr Keeble

That Council:

- 1. Note the petition for a proposed speed limit reduction on Station Street, Porepukah from 60km/h to 50 km/h;*
- 2. Note the proposed approach to engage with the community and seek their feedback on the proposed speed limit reduction; and*
- 3. Advise the main proponent of petition that a recommendation will be put to Council at the April 2017 Council meeting regarding the speed limit on Station Street, Porepukah.*

Carried

BACKGROUND

A petition for a proposed speed limit reduction from 60 km/h to 50 km/h on Station Street, Porepukah was tabled at the November 2016 Council meeting. Station Street is located in Porepukah between the Great Alpine Road and the Back Porepukah Road at the intersection with Service Street.

The petition has been signed by 75 residents from 63 properties out of 112 properties along Station Street Porepukah. The petition wording indicates that the objective of reducing the speed limit on Station Street, Porepukah to 50 km/h is to improve the safety of pedestrians, school children, cyclists and all other road users.

Station Street is defined as Collector Road in Council's Road Management Plan. Collector Roads primarily provide a route between and through residential, industrial, agricultural, tourist and forest traffic nodes and the declared road network (main roads). These roads usually have a higher proportion of through traffic, higher traffic volumes and have sealed or gravel surface.

The main proponent of the petition has been in discussion with Council officers about their safety concerns regarding the speed of vehicles along Station Street. In response Council officers have:

- Explained the approach to determine speed limits
- Informed the police of the concerns raised



- Advised that community support would be required to change the speed limit
- Provided a petition template.

The current speed limit of 60 km/h on Station Street is in line with the VicRoads Speed Zoning Guidelines. VicRoads has recently undertaken an onsite assessment and confirmed that 60 km/h is still an appropriate speed limit.

ISSUES

Station Street and the Back Porepunkah Road provide an alternative to the Great Alpine Road to travel between Bright and the Myrtleford side of Porepunkah. Station Street is not only used as residential access but is also provides a through route for industrial, agricultural and tourist traffic.

Reducing the speed limit on Station Street Porepunkah from 60 km/h to 50 km/h would increase the travel time by 24 seconds, assuming a vehicle is travelling at the speed limit. Reducing the speed limit and hence increasing the travel time may reduce the quantum of vehicles using Station Street and increase the traffic on the Great Alpine Road, which is an Arterial Road.

Community support is a key factor to consider when determining an appropriate speed limit. Given that Station Street is a Collector Road it would be prudent to seek feedback from the broader community on the proposal by the broader community to allow Council to make an informed decision.

Any speed limit reduction would involve consultation with VicPol and require approval by VicRoads.

POLICY IMPLICATIONS

This proposal in the petition is consistent with the following Strategic Objective of the Council Plan:

- 2.3 - To improve the condition and management of Council's assets.

FINANCIAL AND RESOURCE IMPLICATIONS

The main resource implication will be Council officers' time to engage with the community and other key stakeholders.

If the speed limit is changed there would be a cost to change the speed limit signs.

CONSULTATION

Given that Station Street is a key collector road Council will be consulting with the broader community and will invite feedback to the proposed speed reduction to help inform the recommendation to Council. Council will seek feedback from the community regarding this matter via the following methods:

- Signage on site
- Facebook
- Newspaper



- Information session.

Council will seek feedback VicPol and VicRoads regarding the proposed speed limit reduction. Any speed limit change would require VicRoads approval.

CONCLUSION

A petition with 75 signatures has been received for a proposed speed reduction along Station Street, Porepukah from 60 km/h to 50 km/h. To allow Council to make an informed decision it would be prudent to seek feedback from the broader community on the proposal. It is proposed that a recommendation be put to Council at the April 2017 Council meeting regarding the speed limit on Station Street, Porepukah.

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.

- Engineering Coordinator
- Acting Manager Asset Maintenance
- Director Assets

ATTACHMENT(S)

- Petition for reducing the speed limit on Station Street Porepukah, received 8 November 2016.



8.2.2 Porepunkah Landfill Rehabilitation - Stage 1 Construction

File Number: 1811.02

INTRODUCTION

This report relates to the award of Porepunkah Landfill Rehabilitation - Stage 1 Construction works as tendered in CT1605601.

Cr Roper

Cr Nicholas

That Council:

1. *Award Contract Number 1605601 Porepunkah Landfill Rehabilitation - Stage Construction to James Excavation for the Lump Sum price of \$552,204 + GST.*

Carried

BACKGROUND

Porepunkah Landfill has been operating as a landfill waste facility under EPA licence number ES102 since May 1980 and ceased receiving landfill waste in 2008.

As a requirement of licence ES102, an After Care Management Plan (ACMP) must be developed in accordance with the Best Environmental Practice Management (BEPM) specifying the rehabilitation plan and long term environmental monitoring program to be implemented.

On 28 April 2016 Alpine Shire Council provided the Environment Protection Agency (EPA) with the ACMP for the Porepunkah Landfill site. The ACMP detailed a three stage program to be completed over a three year period, including the follow key rehabilitation requirements:

1. A long term environmental impact monitoring program
2. Clay capping design, in accordance with the landfill BEPM, for final closure of existing waste cells and a rehabilitation program
3. Design of future premises use as a potential transfer station inclusive of pre and post settlement contours.

On 12 May 2016 the EPA approved the ACMP for implementation. Stage 1 of the Rehabilitation construction works is due to be completed by the end of the 2016/17 financial year.

EVALUATION

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

The invitation to tender was advertised in the Herald Sun on Wednesday 12 October, the Border Mail on Saturday 15 October and on Tenders.net and the Alpine Shire Council website from Friday 7 October.



The tender closed at 12 noon, Monday 7 November 2016. The Tender documents were downloaded by 38 prospective tenderers and three tender submissions were received.

The evaluation panel consisted of the Director Assets, Manager Asset Development, and the Project Manager.

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

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

ISSUES

Clay capping material

The most cost effective way of sourcing the clay capping material required to meet the stringent specification approved by the EPA is by excavating a borrow site on an adjacent private property. Council officers are finalising royalty payment negotiations with the landowner.

Change to public access to Porepunkah Transfer Station

The available construction window is constrained by weather. To ensure the works are completed within the available construction window during 2016/17, the Porepunkah Landfill site will only be open to the public during weekdays between 2.00pm and 5.00pm on Fridays throughout the construction period. The Porepunkah Transfer Station, currently operated out of the Porepunkah Landfill site, will be open to the public on Saturdays and Sundays with extended hours to compensate for reduced hours during weekdays. Waste removal contractors will still have access to the landfill site during the week.

POLICY IMPLICATIONS

This recommendation is in accordance with the following Strategic Objectives for the 2013-2017 Council Plan (Review 2016):

- 2.2.1 - Minimise the impact of Council services on environmental amenity of the community
- 4.1.1 - Develop and deliver a major projects plan.

FINANCIAL AND RESOURCE IMPLICATIONS

Council has an adopted Waste Services charges policy which establishes the criteria for determining the basis of the annual waste services charges in accordance with section 162 of the *Local Government Act 1989*. The purpose of the policy is to provide a sound and equitable basis on which to determine the application of waste



collection, recycling and waste management charges to properties as determined by the policy.

Council levies a Waste management charge to recover the costs incurred relating to the provision of its landfills and transfer stations. Expenditure included within the Waste management charge includes:

- Landfill rehabilitation expenditure
- Landfill monitoring expenditure
- Landfill and transfer stations capital works (renewal and development) expenditure
- Transfer station operations
- Waste diversion
- Public place bin renewals, purchases and service costs.

The waste management charge operates on a total cost recovery basis which can be applied across multiple years to avoid yearly fluctuations in charges being passed onto ratepayers. If revenue raised from the Waste management charge exceeds that of expenditure incurred in a given year, then the balance will be transferred to a reserve, namely the waste reserve. The waste reserve will then be used for future purposes. Balances within the waste reserve must be considered each year in determining any future Waste management charge with the aim of minimising increments being applied to ratepayers. Future rehabilitation costs also need to be considered as part of the annual budget setting process to ensure that changes are factored into the Long Term Financial Plan. As at 30 June 2016 the balance of the waste reserve was \$977,000.

In the 2016/17 Budget an amount of \$760,000 was allocated for stage 1 rehabilitation works for Porepunkah Landfill. This project does not appear in the list of capital works projects in the adopted budget because, from a finance perspective, the works are not a new capital project, rather it is funded from the landfill provision (liability). As at 30 September 2016 the forecast for this project has increased to \$901,225 as stated in the Quarterly Finance Report. The drivers of this increase are early delivery of some elements of the stage 2 construction works, where it has been determined to be more cost effective to deliver these works as part of stage 1, and inadequate provision for construction quality assurance in the original 2016/17 budget.

CONSULTATION

The Porepunkah Landfill rehabilitation design has been approved by the EPA.

The Department of Economic Development, Jobs, Transport and Resources (DEDJTR) has been consulted, and confirmed that a licence is not required for the establishment of a borrow site on the private property as the source of clay capping material.

The Department of Environment, Land, Water and Planning (DELWP), Catchment Management Authority (CMA), and Murray-Goulburn Water (MGW) have each been



consulted to confirm that no permits or approvals are required for the proposed borrow site works.

A planning permit application has been submitted to Alpine Shire Council for the establishment of a borrow site on the adjacent private property. Through the assessment of this application, the neighbouring property owners have been given the opportunity to provide feedback. The immediate neighbours have been engaged in-person to explain the proposed works on both the borrow site and within the Porepunkah Landfill.

The community has been notified of the temporary change to landfill operating hours during the construction works.

CONCLUSION

Following a comprehensive evaluation assessment and tender clarification process, the tender from James Excavation presents the best value for Council.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Asset Development
- Project Manager

ATTACHMENT(S)

- Nil



8.2.3 Contract 1602001 – Supply and delivery of one new motor Grader and trade-in

INTRODUCTION

This tender report relates to the award of a contract for the supply and delivery of one motor grader and trade-in of Council's existing grader.

Cr Pearce

Cr Keeble

That Council:

- 1. Award William Adams Pty Ltd Contract No: 1602001 for the supply and delivery of one new motor grader and trade-in Council's existing grader for the contract price of \$301,900 + GST.*

Carried

BACKGROUND

Council owns and operates two graders to maintain its unsealed road and drainage network. One of these graders has reached the end of its useful life and is due for replacement as part of the annual plant replacement program.

Tenders were sought through the Municipal Association of Victoria (MAV) Vendor Panel. The tender documents were downloaded by three contractors and all submitted offers.

EVALUATION

The evaluation panel consisted of the Director Assets, the Acting Manager Asset Maintenance, Depot Operations Officer and both grader operators. The tender was evaluated according to the selection criteria listed below:

- Price
- Suitability
- Maintenance
- Social

Following an exhaustive assessment of offers by the evaluation panel it was determined that the tender from William Adams Pty Ltd best met the selection criteria and provided the best value for Council.

POLICY IMPLICATIONS

The tender was advertised and evaluated according to the Procurement Policy.

FINANCIAL AND RESOURCE IMPLICATIONS

The supply and delivery of the motor grader is funded out of the plant replacement budget. The net changeover allowed for the motor grader is \$338,000 (purchase price \$405,000, resale price \$67,000). The tendered price of the preferred motor grader is



\$369,900 with a trade-in price of \$68,000, resulting in a net changeover cost of \$301,900 for the motor grader.

CONSULTATION

An extensive evaluation was carried out by Acting Manager Asset Maintenance, Depot Operations Officer and both grader operators. This included a hands-on demonstration of the graders, and discussions with other councils and referees.

CONCLUSION

Acceptance of the tender from William Adams Pty Ltd 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
- Acting Manager Asset Maintenance
- Depot Operations Officer
- Grader Operators

ATTACHMENT(S)

- Nil



8.2.4 Contract 1604701 - Road Resealing (2016-17) - Sprayseal

File Number: CT1604701

INTRODUCTION

This report relates to the award of the Alpine Shire Council's Road Resealing (2016-17) - Sprayseal Tender. Council undertakes resealing each year as part of its local roads renewal program.

Cr Nicholas

Cr Knappstein

That Council:

- 1. Award Contract No. 1604701 for Road Resealing (2016-17) - Sprayseal to Roads Corporation T/as Sprayline for the lump sum price of \$640,488.68 + GST.***

Carried

BACKGROUND

The 2016-17 resealing program is based in the Upper Ovens Valley and resealing will be carried out in Bright, Porepunkah, Wandiligong, Freeburgh, Harrietville, Eurobin and Buckland Valley. A total road area of approximately 146,500 m² (36.7 km in length) is scheduled to be resealed this year.

The 2016-17 resealing program will be completed as two separate contracts; one for Sprayseal works and one for Asphalt Overlay works. This report relates only to the Sprayseal works.

The Invitation to Tender was advertised in the Herald Sun on 12 October 2016, the Border Mail on 15 October 2016 and on the Tenders.Net and Alpine Shire Council websites.

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

EVALUATION

The evaluation panel consisted of the Senior Project Engineer, Project Engineer, and 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



The evaluation panel assessed that the tender from Roads Corporation T/as Sprayline best met the selection criteria and achieved the overall highest assessment score. The contractor is known by the evaluation panel and has a track record of completing similar projects to a very high standard. The evaluation panel is confident that the contractor has the capability and experience to fulfil the requirements of this contract.

ISSUES

The Road Resealing Tender is a Lump Sum contract based on a reference seal design for the scheduled road reseals, with a Schedule of Rates component for the actual quantity of bitumen used. The bitumen application rate needs to be calculated for specific factors relevant to each road at the time of application, including up to date traffic counts, material properties of the sealing aggregate and surface condition of the road. Council will approve the final seal designs and it will form a hold point in the contract. Hence, the amount payable under the contract will depend on the actual bitumen application rate nominated in the final seal designs and may be slightly less or more than the awarded contract price.

Reinstatement of line marking is included within the scope of works and will be completed by the contractor following resealing works. Line marking works will be completed based on a schedule of rates provided as part of the tender. A provisional allowance of \$20,000 has been included within the contract value to account for line marking. The amount payable under the contract will depend on actual quantities of line marking completed.

POLICY IMPLICATIONS

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

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

- 2.3 - To improve the condition and management of Council's assets;
- 4.1 - To effectively plan and deliver strategic and major projects.

FINANCIAL AND RESOURCE IMPLICATIONS

The "Resealing (2016-17) - Sprayseals" contract is funded by Alpine Shire Council's 2016-17 Resealing Budget. The total 2016-17 Resealing budget amount is \$730,000.

The contract value has been set at \$640,488.68 as calculated based on the reference seal designs and rates provided by the recommended tenderer. This value is inclusive of a Provisional Sum allowance for line marking works.

CONCLUSION

Acceptance of the tender from Roads Corporation T/as Sprayline 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
- Manager Asset Development
- Senior Project Engineer
- Project Engineer
- Engineering Coordinator
- Under Section 80C of the *Local Government Act 1989*, the following officers declare that they do have interests to disclose in providing this report.
- Acting Manager Asset Maintenance
- The Acting Manager Asset Maintenance has only been involved in technical aspects of the tender evaluation only, including completion of reference seal designs and provision of other advice of a technical nature.

ATTACHMENT(S)

- Nil



8.2.5 Contract 1605001 - Alpine Better Places: Bright (Stage 1) Landscape & Civil Works

File Number: 1780.78

INTRODUCTION

This report relates to the award of the Alpine Better Places: Bright (Stage 1) Landscape & Civil Works Tender. The work includes the upgrade of the Mafeking Square Precinct in Bright.

Cr Forsyth

Cr Pearce

That Council:

- 1. Award Contract No. 1605001 for the Bright (Stage 1) Landscape & Civil Works to Excell Gray Bruni Pty Ltd for the lump sum price of \$769,896 + GST.*

Carried

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 Porepukah, Bright and Myrtleford. Following an extensive process of community consultation and design, the Draft Detailed Concept Designs and the priority for implementing projects was adopted by Council in March 2016.

As a result, Council committed to deliver Stage 1 of the Bright works (the Mafeking Square Precinct) and all of the Porepukah works in the 2016/17 financial year. Detailed design and documentation was completed in October 2016 and the works subsequently tendered.

The tendered contract 16050 consisted of three separable portions, listed as follows:

- Portion A: Bright (Stage 1) - Mafeking Square Precinct landscape and civil works;
- Portion B: Porepukah - Nicholson Street, Park and Gateway landscape and civil works; and
- Portion C: Porepukah Electrical Works - Street lighting upgrades, including public and private power supply modifications.

The Invitation to Tender was advertised in the Herald Sun 12 October 2016, Border Mail 15 October 2016, on Tenders.Net and the Alpine Shire Council website. Tenders closed on Friday 11 November 2016.

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



EVALUATION

The evaluation panel consisted of the Manager Asset Development, the Project Manager and Senior Project Engineer.

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, three of the tenders were shortlisted to take part in further evaluation. The tenderers were invited to clarify aspects of their tender, present their qualifications and evidence of previous performance and confirm their proposed methodology and staging plan, including their ability to meet the required timeframes. The shortlisted tenders were then reassessed in accordance with the selection criteria.

Following the assessment of the shortlisted offers by the evaluation panel it was determined that the tender from Excell Gray Bruni (EGB) for Portion A - Bright (Stage 1) - Mafeking Square Precinct best met the selection criteria.

ISSUES

EGB has demonstrated previous experience in the delivery of similar contracts, including the High Street upgrade for Wodonga. EGB previously completed the Mount Beauty Progressing Place town centre roadworks for Council. These works were completed to an acceptable standard in a timely manner; however the standard of traffic management was poor due to the lack of dedicated resources assigned to this task. EGB has confirmed that they would have a dedicated traffic management team assigned to this contract throughout the works.

A separate Council Report will be prepared in relation to the award of Portions B and C - Porepunkah landscape, civil and electrical works.

POLICY IMPLICATIONS

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

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

- 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

In June 2016, Council adopted a total budget of \$1,475,000 to implement the Bright (Stage 1 - Mafeking Square Precinct) works. This budget is for design and permit costs, and delivery of landscape and civil works, site furniture, the Gavan Street gateway treatments, costs to upgrade street lighting. There is sufficient budget to award the contract for the delivery of landscape and civil works component of this project.

CONSULTATION

Council has consulted extensively with internal and external stakeholders, all relevant authorities and the community on the development of the Alpine Better Places detailed concept plans.

Throughout the detailed design and documentation phase Council has continued to engage with all stakeholders, as well as the broader community. Questionnaires have been distributed to all directly impacted stakeholders, drop-in and information sessions have been held in Bright and Porepunkah and project updates distributed via email and on Council's website and Facebook page. The implementation of the project stakeholder and communication plan will continue throughout the duration of the project.

CONCLUSION

Following a comprehensive assessment, tender clarifications and interviews, the tender from EGB for Portion A - Bright (Stage 1) - Mafeking Square Precinct was deemed to present the best value for Council.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Asset Development
- Project Manager
- Senior Project Engineer

ATTACHMENT(S)

- Nil



9 ASSEMBLY OF COUNCILLORS

INTRODUCTION

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

Cr Nicholas

Cr Keeble

That the summary of the Assemblies of Councillor for November 2016 be received.

Carried

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
15 November	Briefing Session
22 November	Briefing Session

ATTACHMENT(S)

- 9.0 Assemblies of Councillors – November 2016



10 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.

It be noted that no reports by delegates 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 10.0 to this report.

Date	Meeting	Councillor

ATTACHMENT(S)

- Nil



11 GENERAL BUSINESS

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

12 MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN

Nil

13 RECEPTION AND READING OF PETITIONS

Petition regarding proposed changes to the Mafeking Square Precinct in its current form was tabled.

14 DOCUMENTS FOR SEALING

Cr Keeble

Cr Nicholas

That the following documents be signed and sealed.

1. *Section 173 Agreement – Mountbatten Avenue Properties Pty. Ltd., Denis Alan Payton and Robyn Elizabeth Payton and Payton Super Pty. Ltd. (as trustee of Payton Superannuation Fund) –*
 - **Lots 1 and 2 on TP: 754050Q, being Certificates of Title Volume 5932 Folio 527**
 - **Lot 1 on TP: 513766Q being Certificates of Title Volume 8093 Folio 604**
 - **Lot 15 on LP: 90397 being Certificates of Title Volume 8881 Folio 847**
 - **Lot 1 on TP: 090605T being Certificates of Title Volume 10060 Folio 368**
 - **Lot 4 on LP: 054199 being Certificates of Title Volume 8485 Folio 134**
 - **Lot 2 on LP: 054199 being Certificates of Title Volume 8485 Folio 195**
2. *The owners (AAB Svarmisk Pty Ltd) of 84 Bogong High Plains Road, Mount Beauty known as Lot 3 PS537092 are entering into a Section 173 Agreement. A planning permit has been issued for an 8 lot subdivision of which a condition requires them to enter into a Section 173 Agreement that will require all future land owners to build dwellings in accordance with the approved residential design guidelines.*

Carried



15 CONFIDENTIAL ITEM

The following item was deemed by the Chief Executive Officer to be suitable for consideration in closed session in accordance with section 89(2)(d)(h) of the *Local Government Act 1989*.

In accordance with the Act, Council resolved at 9.21pm to close the meeting to consider a confidential item.

Cr Roper

Cr Nicholas

That, in accordance with the provision of section 89(2)(d)(h) of the Local Government Act 1989, the meeting be closed to members of the public for consideration of a confidential item.

Carried

There being no further business the Chairperson declared the meeting closed at 9.36 p.m

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Chairperson