



Alpine Shire

**SPECIAL COUNCIL MEETING
MINUTES**

**SPM14 - 20 December 2016
Senior Citizens Hall Myrtleford
5:00pm**



The **Special Meeting** of the **Alpine Shire Council** was held in the Senior Citizens Hall, 13 Smith Street, Myrtleford on **20 December 2016** commenced at **5:00pm**.

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

Cr Sarah Nicholas
Cr Peter Roper



AGENDA

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1 RECORDING AND LIVESTREAMING OF COUNCIL MEETINGS

The CEO 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 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 APOLOGIES

Cr Roper

Cr Nicholas

4 DECLARATIONS BY COUNCILLORS OF CONFLICT OF INTEREST

Nil



5 PRESENTATION OF REPORTS BY OFFICERS

5.1 CHIEF EXECUTIVE OFFICER – DAVE BARRY

5.1.1 Addendum report for Amendment C38 - Mount Beauty Airpark

File Number: 1468.38

INTRODUCTION

At its meeting on 6th December Council resolved to:

- Accept the Alpine Planning Scheme Amendment C38 Panel Report, July 2016 under Section 27(1) of the Planning and Environment Act 1987.
- Accept all the Panel recommendations in full.
- Adopt Amendment C38 to the Alpine Planning Scheme with changes under Section 29(1) of the Planning and Environment Act 1987 in response to the Panel's recommendations.
- Submit Amendment C38 to the Alpine Planning Scheme to the Minister for Planning for approval under Section 31(1) of the Planning and Environment Act 1987.

A further resolution is required to make minor wording alterations to facilitate business development in the proposed Airpark as there is no officer delegation to do this.

Cr Keeble

Cr Pearce

That Council:

1. *Amendment C38 to the Alpine Planning Scheme be adopted with changes (as detailed in attachment 1 to this report) under Section 29(1) of the Planning and Environment Act 1987.*
2. *Amendment C38 to the Alpine Planning Scheme be submitted with these changes to the Minister for Planning for approval under Section 31(1) of the Planning and Environment Act 1987.*

Carried

BACKGROUND

Amendment C38 was presented to Council for adoption and endorsement for it to be sent to the Minister for Planning for Approval on 6th December.

Prior to this the proponents had suggested that wording in 'Section 1.0 Table of uses - Section 2 - Permit required' be changed under Caretakers house.

The suggested wording change is to include the words highlighted in bold:

*'Must be within, attached to or located to the rear of an aircraft hangar **or other section 2 use compatible with the Aerodrome**'.*



(This is shown on page 2 of attachment 1: Draft Schedule to the Special Use Zone 5 - Mount Beauty Airpark).

The changes to this wording facilitate business development where a caretaker's house or on-site living may be required for the businesses but a hangar is not necessary.

There is clear interpretation of a caretaker's house set out in the planning scheme under Clause 74 - Land Use Terms:

Caretaker's house - 'A dwelling on the same site as a building, operation, or plant, and occupied by as supervisor of that building, operation, or plant'.

ISSUES

While this was not raised as an issue either by a submitter or at the panel, the wording allows flexibility for commercial and industrial development where an aircraft hangar may not be needed. There are protections in the planning scheme to ensure that a caretaker's house is used in conjunction with a business related to the aerodrome.

A caretaker's house may be required for some of the other Section 2 uses such as fuel, heliport and tourist facility because they may operate out of standard business hours however they may not require a hangar. It is prudent to ensure that development and new uses are strictly related and compatible with an Aerodrome however it is also necessary to ensure that there is flexibility for business development.

POLICY IMPLICATIONS

There are no new policy implications related to this minor word change. The policy implications remain as per the report to Council on 6th December 2016

FINANCIAL AND RESOURCE IMPLICATIONS

There are no resource implications.

CONSULTATION

This change has been made at the request of the proponents.

CONCLUSION

This is minor wording change that will provide flexibility and clarity for developers and in doing so enable development in the Airpark.



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.

- CEO
- Manager Planning and Amenity
- Strategic Planner

ATTACHMENT(S)

- Attachment 1: Draft of Schedule 5 to the Special Use Zone - Mount Beauty Airpark



5.2 DIRECTOR ASSETS – CHARLIE BIRD

5.2.1 Dunstan Track Crossing

File Number: 11241.00.00

INTRODUCTION

This report seeks Council's commitment to fund an improvement to the existing crossing of German Creek on Dunstan Track through the implementation of a box culvert crossing, and to take on maintenance responsibility for the crossing and a 300m continuation of unsealed road beyond the crossing.

Cr Pearce

Cr Keeble

That Council:

- 1. Endorse capital expenditure of up to \$150,000 + GST for the implementation of a box culvert crossing on Dunstan Track during the 2016/17 financial year;*
- 2. Offset this capital cost to the maximum extent allowable from the Natural Disaster Financial Assistance fund; and*
- 3. Assume responsibility for the maintenance of the box culvert crossing and a 300m length of unsealed road on Dunstan Track beyond the crossing.*

Carried

BACKGROUND

Dunstan Track is utilised to access four dwellings across German Creek, as well as providing access to land currently used for grazing cattle, access for water licence holders to their infrastructure, and access to State Forest.

Council currently maintains Dunstan Track up to the ford crossing at German Creek. The ford crossing and continuation of Dunstan Track is within a road reserve, designated a Limited Access Road and not listed on Council's road register. An existing bridge located within the road reserve is not a Council asset.

The ford crossing becomes impassable following heavy rain and during sustained periods of wet weather, during which time the existing bridge provides the only access over German Creek. Concerns were first documented with the integrity of this bridge following flooding in early 2011. In the October 2016 floods, the upstream approach to the bridge was further compromised.

A submission was received to the 2016/17 draft budget in which a commitment was requested from Council to improve access across German Creek on Dunstan Track. In response to this submission, Council committed to meet with the landowners who access their properties via Dunstan Track, review access solutions, and submit a proposal to the September quarterly budget review.



A meeting has been held with the affected landowners and other key stakeholders, and alternative access solutions have been identified and evaluated. Options which have been considered include:

1. Upgrading the existing bridge crossing
2. Installation of a new free-span bridge
3. Installation of a box culvert crossing
4. Developing a new road through an existing road reserve to link Dunstan Track to Harpers Lane

The most cost-effective solution that has been identified through this process is implementation of a box culvert crossing.

ISSUES

A search of historic planning permits for dwellings utilising Dunstan Track revealed that an inconsistent approach was applied to requirements for providing all-weather access and responsibility for maintaining this access. Given there is no clear responsibility for the various landowners to provide and maintain access, it is considered that this responsibility lies with Council. To achieve consistency with the approach applied in other similar circumstances, Council would assume responsibility for the crossing, and a 300m length of unsealed road beyond the crossing through to the 'second last house' on the road.

Council sought endorsement from the North East Catchment Management Authority (NECMA) for implementing a box culvert crossing in 2013. This proposed solution was not supported at that time. Following recent engagement, NECMA has approved a Works-on-Waterways application to implement a box culvert crossing.

The Department of Treasury (DTF) was engaged following flooding in 2013 to explore the possibility of securing funding for works at the Dunstan Track crossing through the Natural Disaster Financial Assistance (NDFA) fund. Funding was not secured at that time. Recent engagement with DTF has secured confirmation that works related to addressing the flood damage at the existing crossing is eligible for support from the NDFA fund, including banks stabilisation and channel realignment works. This support excludes costs associated with betterment of the crossing.

POLICY IMPLICATIONS

Implementing the recommendation of this report is consistent 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 estimated capital cost of implementing the box culvert crossing, including project management costs, channel realignment and bank stabilisation works upstream of the existing bridge, is \$150,000 + GST.



The extent of the works which is considered likely to be claimable under the NDFA fund is in the region of \$30,000 + GST.

The estimated additional maintenance cost associated with Council taking on responsibility for the box culvert crossing and 300m length of unsealed road is \$1,500 per annum, consisting of:

- \$500 per annum for routine bridge assessment and maintenance
- \$1,000 per annum for maintenance and renewal of unsealed road.

CONSULTATION

Affected landowners and other key stakeholders, including the water licence holders with infrastructure accessed from Dunstan Track, have been engaged to understand their use of the Dunstan Track crossing, the limitations of the existing crossing, and to discuss alternative access solutions.

NECMA has been engaged to discuss the proposed crossing, and has approved Works-on-Waterways permits covering the scope of the planned box culvert works, and the upstream bank stabilisation and channel realignment works.

CONCLUSION

Responsibility for providing and maintaining safe all-weather access across German Creek on Dunstan Track lies with Council. Approval has been secured from NECMA to implement a box culvert crossing, which has been identified as the most cost effective solution. Funding is available from the NDFA for limited aspects of the works which are not directly related to the new crossing implementation. Deferring the implementation of the crossing improvements prolongs the situation where residents do not have safe, all-weather access to their dwellings, and carries a risk that the existing bridge crossing will be further impaired during the next flooding event.

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

ATTACHMENT(S)

- Nil



5.2.2 Contract 1607001 - Bridge Renewal Works

INTRODUCTION

This report relates to the award of the Bridge Renewal Works Tender. The work consists of structural upgrade to Taylors Bridge, Martins Bridge and Mud Creek Bridge on Morses Creek Road and Smarts Creek Bridge on Kancoona South Road.

Cr Forsyth

Cr Pearce

That Council:

- 1. Award Contract No. 1607001 Bridge Renewal Works to Waratah Constructions Pty Ltd for the lump sum price of \$139,651.00 + GST.*

Carried

BACKGROUND

Level three bridge inspections conducted in 2015 determined that Taylors Bridge, Martins Bridge and Mud Creek Bridge on Morses Creek Road and Smarts Creek Bridge on Kancoona South Road required strengthening to maintain heavy vehicle access and operate without load limit restrictions. Works include:

- Welding strengthening plates to existing steelwork
- Installing additional bracing
- Replacing the timber deck on Martins Bridge with a precast concrete deck.

The works will provide a network of bridges which are not load limited, secure safe access for residents and industry, and reduce the ongoing maintenance requirements of the structures. Council has received \$164,000 funding from the Commonwealth Government's Bridge Renewal Programme to complete these works.

The Request for Quotation was issued directly to five contractors and advertised on the Tenders.Net and Alpine Shire Council websites. Tenders were not advertised in newspapers.

The Tender documents were downloaded by 23 prospective tenderers and three submissions were received.

EVALUATION

The key selection criteria listed in the Invitation to Tender are:

- Price
- Qualifications and Previous Performance
- Delivery
- Social

The evaluation panel consisted of Council's Senior Project Engineer, Engineering Coordinator and Manager Asset Development. Following detailed assessment and scoring by the evaluation panel, Waratah Constructions was recommended as the



preferred tenderer. Waratah Constructions has performed similar works for Council in previous years to a high standard, and has the capacity and experience to fulfil the requirements of this contract.

ISSUES

Communication with industry and residents regarding the timing of the works will be critical to delivering the bridge works successfully. All the bridges will remain open to traffic for the majority of the time during works; however there will be some disruption and delay to traffic at times. The greatest interruption will occur on Martins Bridge during the deck replacement, which will be completed in a single day. Martins Bridge provides access to 10 residential properties (19 properties in total). Council officers will work with the contractor to ensure there are provisions in place for emergency vehicles to access Martins Bridge during the day of the deck replacement, should the need arise.

Planned disruptions will be minimised and Council will consult those directly affected.

POLICY IMPLICATIONS

The engineering estimate of the cost of the works was \$138,000 (GST inclusive), which is less than the \$150,000 (GST inclusive) threshold to conduct a Public Tender Process. However, the recommended tender award is \$3,616.10 (GST inclusive) over this threshold. All requirements of the Public Tender Process were followed with the exception of advertising the tender in the local and state newspapers. Given the wide range of interest in the tender demonstrated by the response to advertising on Tenders.Net, it is not expected that advertising in the local and state papers would have resulted in additional tenderers participating in the tender process.

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 Bridge Renewal Works are funded from Alpine Shire Council's 2016/17 Bridge Renewal Budget. This budget includes \$164,000 contribution from the Commonwealth Government's Bridge Renewal Programme. Considering design, guardrail, minor works and other allowances there is sufficient budget to award this contract.

CONSULTATION

The Morses Creek Road Bridge network provides access to 28 residential properties (42 properties in total) past Taylors Bridge along Morses Creek Road. Hancock Victorian Plantations (HVP) also accesses their timber plantations from the end of Morses Creek Road past Mud Creek Bridge and from Kancoona South Road past Smarts Creek Bridge.



Council has engaged with Hancock Victorian Plantations (HVP) and received their support for the funding application to the Commonwealth Government's Bridge Renewal Programme to upgrade the bridges.

Council officers will engage with directly affected stakeholders, such as residents and HVP to ensure that the scope and timing of the works is fully understood. Scheduling of the work will endeavour to take into account any specific access requirements identified by stakeholders.

CONCLUSION

Acceptance of the tender from Waratah Constructions is considered to represent 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
- Senior Project Engineer
- Engineering Coordinator

ATTACHMENT(S)

- Nil



6 DOCUMENTS FOR SEALING

Cr Forsyth

Cr Pearce

That the following documents be signed and sealed.

- 1. Section 173 Agreement – Peter Maxwell Smith Lot 3 on Lodged Plan 202048; Volume 9659 Folio 429 Condition 10 of Planning Permit 2016.20.1 for a two lot subdivision at 9 Showers Avenue, Bright. The Agreement incorporates the Bushfire Defendable Space Plan.*
- 2. Section 173 Agreement – Stephen Robert Gilliver and Jennifer Gilliver Lot 1 on Title Plan 129419E; Volume 09484 Folio 521. Condition 2 of Planning Permit 2011.104.1 for use of land as a host farm and the development of a single cottage for accommodation in conjunction with the host farm at 6132 Great Alpine Road, Eurobin.*

The Agreement states the cottage must only be used for temporary tourist accommodation; the cottage must not be excised from the lot; guests must be informed of potential impacts from the agricultural activities on surrounding land.

- 3. Contract No. 1605601 for "Porepunkah Landfill Rehabilitation - Stage 1" in favour of James Excavations*
- 4. Contract 1605001 - Alpine Better Places: Bright (Stage 1) Landscape & Civil Works in favour of Excel Gray Bruni.*

Carried

There being no further business the Chairperson declared the meeting closed at 5.21 p.m

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Chairperson