



# Alpine Shire

**ORDINARY COUNCIL MEETING**

**MINUTES**

**M2 – 7 March 2017**

**Bright Council Chambers**

**7:00pm**



Notice is hereby given that the next **Ordinary Meeting** of the **Alpine Shire Council** will be held in the Council Chambers, Great Alpine Road, Bright on **7 March 2017** commencing 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

Mrs Nathalie Cooke – Director Corporate

### **APOLOGIES**

Cr Tony Keeble – Deputy Mayor



## AGENDA

1	RECORDING AND LIVESTREAMING OF COUNCIL MEETINGS.....	28
2	ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS, AND RECOGNITION OF ALL PEOPLE.....	28
3	CONFIRMATION OF MINUTES.....	28
	3.1 ORDINARY COUNCIL MEETING – M1 – 7 February 2017 .....	28
	3.2 SPECIAL COUNCIL MEETING – SPM1 – 7 February 2017 .....	28
4	APOLOGIES.....	29
5	OBITUARIES / CONGRATULATIONS.....	29
6	DECLARATIONS BY COUNCILLORS OF CONFLICT OF INTEREST.....	29
7	PUBLIC QUESTIONS ON AGENDA ITEMS .....	29
8	PRESENTATION OF REPORTS BY OFFICERS.....	30
	8.1 CHIEF EXECUTIVE OFFICER – DAVE BARRY .....	30
	8.1.1 Contracts approved by the CEO.....	30
	8.1.2 Membership Renewals Rural Councils Victoria and National Timber Councils Association Incorporated .....	<b>Error! Bookmark not defined.</b>
	8.1.3 VEC Election Report - 2016 Local Government Elections.....	34
	8.2 DIRECTOR ASSETS – CHARLIE BIRD .....	36
	8.2.1 Petition - Reduce the speed limit on Redbank - Mullagong Roads Coral Bank.....	36
	8.2.2 Contract 1608401 - Alpine Better Places: Myrtleford Design Consultancy Services.....	39
	8.3 DIRECTOR CORPORATE – NATHALIE COOKE.....	42
	8.3.1 Finance Report - Quarterly Review .....	42
	8.3.2 Development of the Alpine Community Plantation Partnership in Mystic Park and shire wide plantations.....	45
	8.3.3 Local Planning Policy for Bulk Water Extraction on Amenity issues.....	50
	8.3.4 Application withdrawn - Planning Application 5.2016.140.1 - Four Lot Re-Subdivision of Land and Modification of an Access Way to a Road Zone 1 .....	54
9	ASSEMBLY OF COUNCILLORS.....	68
10	PRESENTATION OF REPORTS BY DELEGATES .....	69
11	GENERAL BUSINESS.....	70
12	MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN.....	70



13	RECEPTION AND READING OF PETITIONS .....	70
14	DOCUMENTS FOR SEALING.....	71



## **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 CONFIRMATION OF MINUTES**

### **3.1 ORDINARY COUNCIL MEETING – M1 – 7 February 2017**

*Cr Nicholas  
Cr Knappstein*

*That the minutes of Ordinary Council Meeting M1 held on 7 February 2017 as circulated be confirmed*

*Carried*

### **3.2 SPECIAL COUNCIL MEETING – SPM1 – 7 February 2017**

#### **RECOMMENDATION**

*Cr Forsyth  
Cr Roper*

*That the minutes of Special Council Meeting SPM1 held on 7 February 2017 as circulated be confirmed.*

*Carried*



#### **4 APOLOGIES**

Cr Keeble

#### **5 OBITUARIES / CONGRATULATIONS**

Refer to Alpine Shire Council's website [www.alpineshire.vic.gov.au](http://www.alpineshire.vic.gov.au); for its YouTube live-streaming recording.

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

Cr Nicholas is a member of the Alpine Cycling Club but does not believe that this poses a conflict of interest.

#### **7 PUBLIC QUESTIONS ON AGENDA ITEMS**

Questions on Notice will be limited to items on the Council Agenda.

Only two questions will be allowed per agenda items.

Questions on Notice can be written or from the floor and must relate to agenda items.

Refer to Alpine Shire Council's website [www.alpineshire.vic.gov.au](http://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 Pearce*

*Cr Nicholas*

*That the Contracts approved by the CEO be noted.*

Contract No:	CQ 16/037	Process:	Request for Quotation
Title:	Dinner Plain concrete repairs and pit lid replacement		
Tenderer:	Bright Concreting		
\$ (inc. GST):	\$59,048		
Funding:	Works funded by 2016/17 project budget.		

*Carried*



## **8.1.2 Membership Renewals Rural Councils Victoria and National Timber Towns Association Incorporated**

File Number: 1600.01

### **INTRODUCTION**

Membership renewals for both Rural Councils Victoria (RCV) and National Timber Councils Association (NTIC) are due. This report outlines the purpose of membership and the benefits it brings and recommends to continue to support RCV and to discontinue its support for NTIC.

*Cr Nicholas*

*Cr Knappstein*

*That:*

- 1. Council renew its membership with Rural Councils Victoria Incorporated by paying its annual subscription of \$3,300 GST Inc.*
- 2. Council not renew its membership of National Timber Councils Association Inc.*

*Carried*

### **BACKGROUND**

#### **Rural Councils Victoria**

Rural Councils Victoria was established in 2005 to coordinate the network of 38 rural councils across Victoria in their efforts to better understand, articulate and address the issues affecting rural councils. The vision was to create rural communities with sustainable economies contributing to the health, character and liveability of Victoria. Rural Councils provides practical tools and innovative approach to the many challenges shared by rural councils and communities.

Rural Councils Victoria operates under a framework which is endorsed by all 38 of its member Councils. The guiding principles of the framework are:

- To support successful delivery of advocacy, programs and communications for rural councils.
- To ensure that 38 councils are engaged, involved and informed of the strategy, programs and advocacy campaigns of the network
- That the RCV Executive Committee considers regional equity in recommendations it provides and decisions it makes on behalf of the network
- That the RCV Executive Committee develops ways to keep all programs and projects 'fresh', contemporary and 'best practice'
- That there are mechanisms in place to shape and steer the program, define priorities and allocate project resources to ensure accountability to the members and funders of the alliance.





- That funds are allocated to projects that empower rural councils to address their current and future challenges in a more sustainable way.

### **National Timber Councils Association**

The National Timber Councils Association Incorporated was founded in 2007 following a request from the Howard Commonwealth Government to establish a national network of councils involved in forestry and plantation. The establishment of the NTCA was designed to provide an opportunity for local government to engage in effective dialogue with the Commonwealth Government on forestry related issues and to discuss their impact on councils and local communities. In addition to advocating on forestry and plantation issues on behalf of member councils, the NTCA provides local government opportunities to:

- Access information regarding forest policy development and implementation at the Commonwealth level.
- Review and contribute to forest and timber-related policy, planning and regulatory frameworks.
- Network and exchange knowledge with other timber impacted Councils.
- Promote forest policies that involve and support local communities.

There are 19 Member Councils Australia wide with 11 of these coming from Victoria. The annual subscription is \$2,750 GST Inc.

Council is a member of Timber Towns Victoria (TTV) which is an incorporated local government association representing the interests of municipal councils in relation to forestry on both public and private land. The Association's primary function is to provide a forum for local government to address the management of forests and forest industries and their impact on local communities.

Timber Towns Victoria was incorporated as a local government association in 1985. Recognising the role of local governments as community leaders, TTV was established to advocate for balanced forest policy development including socio-economic considerations. Timber Towns Victoria has productive working relationships with State and Commonwealth Governments and a wide range of industry and non-industry based organisations.

The key role of TTV is to advocate and work with Councils on key issues including:

- Provision, maintenance and funding of infrastructure required for timber haulage.
- Valuation and rating of private and leased land used for commercial timber production.
- Fulfilment of legislative responsibilities for ensuring compliance with forestry regulations on private land.
- Planning control of plantation expansion to ensure balanced and appropriate land use and adequate fire prevention.
- Long term social and economic viability of communities reliant on forest related industries and the impact of policy change on such communities.



- Responsibility as representatives of diverse communities, to ensure that Victorian forests on public and private land are managed sustainably for the long term benefit of all forest users.

There are 20 Victorian Councils that are members of TTV and the annual subscription is in the order of roughly \$3,000 per year.

Council has not received a renewal subscription from Timber Towns Victoria at this stage. A report will be presented if and when that membership subscription falls due.

### **ISSUE**

The timber industry is very important to the economy and the amenity of the Shire. Council has a long involvement with TTV.

The role that NTCA plays at the Federal level is less clear. It is largely an advocacy body that operates out of TTV and has the same executive officer. It represents the industry across Australia and perhaps has a stronger voice when dealing with the Federal Government.

### **POLICY IMPLICATIONS**

Support for the timber industry is a key component of the Rural Strategy and is integral to the economy of the shire as identified in the Council Plan.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

Memberships to NTCA and Timber Towns amount to almost \$6,000 to be members of two organisations that largely play the same role.

### **CONCLUSION**

Council's membership for Rural Councils Victoria is very important and by continuing to contribute as a member council will help to ensure that the advocacy of Rural Councils Victoria continues to provide a strong voice to Government.

### **DECLARATION OF CONFLICT OF INTEREST**

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

- Chief Executive Officer
- Executive Assistant to CEO

### **ATTACHMENT(S)**

- Nil



### **8.1.3 VEC Election Report - 2016 Local Government Elections**

File Number: 646.10

#### **INTRODUCTION**

The presentation of the Victorian Electoral Commission's (VEC) report on the 2016 Alpine Shire Council elections is a requirement of the *Local Government Act 1989*.

*Cr Forsyth*

*Cr Roper*

*That the 'Alpine Shire Council Election Report 2016' prepared by the Victorian Electoral Commission be received and noted.*

*Carried*

#### **BACKGROUND**

The Victorian Electoral Commission ('VEC') is responsible for conducting elections and polls under the *Local Government Act 1989* (the 'Act').

The general election for the Alpine Shire Council was held on 22 October 2016, by postal vote.

#### **ISSUES**

Schedule 3, clause 14 of the Act requires the VEC Returning Officer to prepare a report on the conduct of the election, which includes a certified record of the number of ballot papers and declarations printed, used, spoiled and returned. Council is then required to present this report to the earliest practicable meeting of the Council after the report is received by the CEO.

The report as presented contains information regarding candidates, voting, results, election statistics, complaints, and post-election activities. It also contains a formal record of ballot papers, public notices, media releases,

#### **POLICY IMPLICATIONS**

The presentation of the VEC Returning Officer's report ensures that Council is compliant with the *Local Government Act 1989*.

#### **FINANCIAL AND RESOURCE IMPLICATIONS**

The cost of the election was allocated in Council's 2016/17 annual budget. No further costs are associated with the presentation of this report.

#### **CONSULTATION**

No consultation was required.

**CONCLUSION**

As the presentation of the VEC Returning Officer's report is a requirement of the Local Government Act, it is now appropriate for Council to receive and note the report.

**DECLARATION OF CONFLICT OF INTEREST**

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

- Chief Executive Officer
- Governance Officer

**ATTACHMENT(S)**

- 8.1.3 Alpine Shire Council Election Report 2016



## 8.2 DIRECTOR ASSETS – CHARLIE BIRD

### 8.2.1 Petition - Reduce the speed limit on Redbank - Mullagong Roads Coral Bank

File Number: 1543.06

#### INTRODUCTION

The purpose of this report is to inform Council and provide response to a request to reduce the speed limit from 100 km/h to 60 km/h and install associated signage on Redbank/Mullagong Roads, Coral Bank to improve the safety of pedestrians, school children, cyclists and all other road users.

*Cr Roper*

*Cr Nicholas*

*That Council:*

- 1. Note the petition for a proposed speed limit reduction from 100 km/h to 60 km/h and installation of associated signage on Redbank/Mullagong Roads, Coral Bank;*
- 2. Note the proposed approach for Council Officers to carry out further investigations and work with the relevant stakeholders; and*
- 3. Advise the main proponent of the petition that a recommendation will be put to Council at the April 2017 Council meeting regarding the speed limit and associated signage on Redbank/Mullagong Roads, Coral Bank.*

*Carried*

#### BACKGROUND

A petition for a proposed speed limit reduction from 100 km/h to 60 km/h and installation of associated signage on Redbank/Mullagong Roads, Coral Bank was tabled at the February 2017 Council meeting. The section of road is located near the intersection of Redbank/Mullagong Roads and Bay Creek Lane, Coral Bank.

The petition has signatures from 188 residents and visitors. The petition wording indicates that the objective of reducing the speed limit and installing appropriate traffic managements measures on Redbank/Mullagong roads, Coral Bank is to improve the safety of pedestrians, school children, cyclists and all other road users.

Redbank/Mullagong Roads are defined as Collector Roads 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.



## **ISSUES**

This section of Redbank and Mullagong roads provides access to a local winery, quarry as well as the Mongans Bridge caravan park. This section of road also has a cross road with Mongans Bridge to the west side of the intersection. Some of the factors around this intersection need to be included in this assessment to ensure safety for both the pedestrians and motorists.

The recreational use of the area is the factor driving the request for a speed limit change. Visitors to the caravan park cross Redbank/Mullagong Road close to the intersection to access the recreational reserve which fronts the Kiewa River. There are a number of different solutions to this problem, Council officers want to ensure that the correct decision is made to ensure pedestrian safety is improved, and that general principles around speed zone guidelines are adhered to where appropriate.

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 investigate the options to improve the safety of pedestrians and road users.

If the speed limit is changed and other traffic managements measure are implemented there would be minor costs associated.

## **CONSULTATION**

Council officers will engage with the key stake holders as part of their investigations. The key stakeholders identified are as follows:

- Mongans Bridge Caravan Park
- Mongans Bridge Quarry
- Bay Creek Winery.

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



## **CONCLUSION**

A petition with 188 signatures has been received for a proposed speed reduction from 100 km/h to 60 km/h and associated signage installations along Redbank/Mullagong Roads, Coral bank. To allow Council to make an informed decision it is prudent to further investigate this section of road to understand the most appropriate option for this location. It is proposed that a recommendation be put to Council at the April 2017 Council meeting regarding the speed limit reduction an installation of associated traffic management measures on Redbank/Mullagong Roads, Coral Bank.

## **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
- Engineering Coordinator

## **ATTACHMENT(S)**

- 8.2.1 Petition for reducing the speed limit and installation of traffic management measure on Redbank/Mullagong Roads, Coral Bank, received 13 December 2016.



## 8.2.2 Contract 1608401 - Alpine Better Places: Myrtleford Design Consultancy Services

File Number: 1780.78

### INTRODUCTION

This report relates to the award of the Alpine Better Places: Myrtleford Design Consultancy Services Contract.

*Cr Forsyth*

*Cr Roper*

*That Council:*

- 1. Award Contract No. 1608401 for the Myrtleford Design Consultancy Services Contract to Michael Smith & Associates for the lump sum price of \$179,400 + 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 Porepunkah, Bright and Myrtleford. Following an extensive process of community consultation and design, the Final Detailed Concept Designs and the priority for implementing projects was adopted by Council at the March 2016 Council Meeting.

As a result, Council committed to implement the Myrtleford works in the 2017/18 financial year and commence construction documentation for the Myrtle Street works this financial year.

The request for quotation was advertised on Tenders.Net and the Alpine Shire Council website. Tenders closed on Monday 30 January 2017.

The Tender documents were downloaded by 99 prospective tenderers and eight tender submissions were received.

### EVALUATION

The evaluation panel consisted of the Director Assets, 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, two 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 program, 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 Michael Smith & Associates (MS&A) best met the selection criteria.

### **ISSUES**

MS&A and their proposed sub-consultant team have demonstrated previous experience in the delivery of recent similar detailed design and documentation projects, including the Colac CBD and Entrances Project for Colac Otway Shire and the Sorrento Streetscape Project for Mornington Peninsula Shire. MS&A have compiled a comprehensive team of sub-consultants whom they have worked with before. The team includes architects, structural engineers, civil engineers, traffic engineers, graphic designers, lighting designers and quantity surveyors. MS&A have not completed any recent projects for Alpine Shire Council, however reference checks have revealed that they are professional, meet the required timeframes and are excellent communicators throughout the project.

### **POLICY IMPLICATIONS**

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 (99 tender document downloads), 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 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 \$90,000 to progress the Alpine Better Places - Myrtleford works. This budget was for detailed design and documentation of the Myrtle Street component of the works only. However, in November 2016, Council received notification that we were successful in securing



\$990,000 from the National Stronger Regions Fund. This funding (\$714,000 towards the Myrtleford works) enables Council to proceed with confidence in the delivery of all of the Myrtleford works. Therefore, it was deemed logical to tender the design services for all components of the works, so that one consultant team was responsible for all coordination and interface issues between Myrtle Street, the Standish Street roundabout and Jubilee Park.

### **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 (early 2015 to early 2016).

Throughout the detailed design and documentation phase Council will continue to engage with all stakeholders, as well as the broader community. 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 Michael Smith & Associates 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
- Senior Project Engineer
- Project Manager

### **ATTACHMENT(S)**

- Nil



## **8.3 DIRECTOR CORPORATE – NATHALIE COOKE**

### **8.3.1 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 two. This is as a result of

- Higher than expected Grants and Other Income for the first half, including some income relating to the prior year (Valuation subsidy and Fire Services Levy)
- Employee costs year to date are less than budget due to vacant positions, impact of wage freeze and managed in line with budget.
- Materials and services costs are nominally less than budget and are being managed in line with a favourable result.

A favourable result is forecast at year end.

*Cr Nicholas*

*Cr Pearce*

*That Council:*

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

*Carried*

#### **BACKGROUND**

##### Preparation of the Finance Report - Quarterly Review

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 Finance Report Quarterly Review (FRQR) 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 Finance Report Quarterly Review 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 \$2.7m, 65% of which relates to capital works to be carried forward to the 2017/18 budget.

**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.

- Acting Manager Corporate

**ATTACHMENT(S)**

- 8.3.1 Finance Report - Quarterly Review for the quarter ending 30 December 2016



### **8.3.2 Development of the Alpine Community Plantation Partnership in Mystic Park and shire wide plantations.**

#### **INTRODUCTION**

Alpine Community Plantation (ACP) is a collaborative partnership of Alpine Shire Council, Hancock Victoria Plantations (HVP), and community groups - Alpine Cycling Club (ACA), North East Victoria Hang Gliding Club (NEVHG) and the Bright and District Chamber Of Commerce (B&DCC).

ACP's key purpose is to provide the best recreation experience in Australia in Mystic Park by being a genuine alternative for biking and nature tourism. ACP also manages the recreational use of all the plantation land in the Alpine Shire.

The growth of recreation activities in Mystic Park has increased new visitation to the Alpine Shire and has attracted investment from business and industry stimulating economic activity to ensure that our community remains vibrant. To ensure ongoing viability ACP requires funding commitment from partners.

Cr Roper moved the following recommendation:

*Cr Roper*

*Cr Nicholas*

*That Council:*

- 1. Council commits to contributing up to \$50,000 for ACP to implement the following risk mitigation measures prior to 30 June 2017:*
  - a. Road improvement;*
  - b. Installation of entry gates and signage;*
  - c. Implementation of a new entry at Bakers Gully;*
  - d. Certification of the mountain bike trails and improved mapping; and*
  - e. Weekly mountain bike trail monitoring and assessment until 30 June 2017.*
- 2. Council will consider providing further financial contributions to ACP after receiving an ACP Board approved 10 year business plan. The business plan is to include performance milestones; usage targets and income projections.*

*Carried*

#### **BACKGROUND**

ACP has worked for four years to develop and manage recreation and community activities using the HVP estate. The strategic directions of ACP are to create a range of recreational and tourism opportunities and make Alpine Shire the Mountain Bike and Nature Tourism destination in Victoria and Australia. Grants have enabled ACP to develop a master plan for over 70km trail and to build as part of Alpine Events Project the epic Hero Trail



Local activities in ACP managed plantations include:

- Spartan event
- Buffalo Stampede
- Archery competitions in Myrtleford.
- Horse-riding club in Myrtleford
- Junior mountain bike club with 120-130+kids
- Bright Pre World Cup Paragliding
- Three years of the national mountain bike championships

## ISSUES

ACP needs to be sustainable as it is indicated by HVP that Mystic Park would not continue to be available for recreation purposes if ACP does not flourish and achieve its full potential.

The financial support of all partners is essential for Mystic Park to keep its focus as the most exciting Mountain Bike (MTB) Park in Australia and continue to entice and attract the Mountain Bike and Nature Tourist. From the quantum research paper into Mountain Bike Rider Segmentation

"The region is well placed to be Victoria's top mountain biking destination. However, whilst intermediate and advanced trails are numerous, there is an obvious gap in the number and length of beginner trails. There is also increasing competition located closer to Melbourne, with development of trails at Warburton, the You Yangs, Red Hill / Arthurs Seat, Forrest and Buxton."

The research also indicated that Mount Buller is the most top-of-mind destination in Victoria and we want the tourist dollar here in Bright with Mystic Park highlighted as the MBT destination in both Victoria (Melbourne mountain bikers is our key market segment 88% and Australia).

### **Economic Benefit to the Shire through increase in growth and numbers of Mountain Bike tourists**

Since the opening of the Hero trail local motels and cafes/brewery indicate increased traffic and bookings specifically from mountain bike riders. Bright bike shops have identified an identifiable increase in sales and bike tourists. Strava data (data collected by mobile phones of cyclists ) indicates over 6000 rides on Hero trail in a two week period and Blue Dirt shuttles have since December been carrying 80-120 riders per weekend on a fortnightly basis.

Councils Manager Economic and Community Development advises "The economic benefits to ASC's economy by developing ACP include:

- Mystic Park is recognised as a key venue for sporting events. This will increase with the Alpine Events Park development which will create a direct link between Mystic and the Alpine Events Park precinct.



- The value of "events" across the Shire annually is approximately \$41million of which \$6million is derived from cycle events and \$3million in trail running/personal challenge events;
- Aerial events and casual usage is also significant
- The Hero Trail and Mystic Park are now key destinations within the "Ride High Country" initiative - developed by Tourism North East;
- The park provides a range of activities – for a range of people/sports;
- The MTBA Nationals event itself injected \$2.4million into the economy over the three years the event was hosted in Bright;
- The Spartan Trifecta event injected \$2.3million in its first year and has just confirmed the events' return in 2017;
- New business establishment: including ATC cycles; new MTB guiding, skills development and shuttle businesses;
- Job creation within other businesses as a result of the growth in tourism.

Additionally there is informal use of the park by walkers and runners, bike riders, horse riders, and aerial sport participants. This informal use is by shire residents as well as visitors. The impact on accommodation, hospitality and other support industry is difficult to quantify but is substantial.

**To maintain the current rapid growth, economic benefits and ongoing community activity developments the following are essential:**

- To have three – five year committed funding for ACP staffing, marketing and projects
- Extended land management role
- Realise funding for road infrastructure to create loop for Paragliding World Cup bid and MTB shuttles
- Meet the costs of compounding road maintenance due to increased traffic
- Provide adequate funding to maintain all park infrastructure
- Carry out marketing specific to the park and work in parallel with Councils Tourism and Event teams
- Develop other parts of the planation for other activities
- Seek and convene opportunities/pollinations across the Shire including current shuttle movement and Team Mount Beauty

ACP needs to be sustainable into the future if it is to continue its work and allow Mystic Park to continue to operate. As the budget (attachment 8.3.2) indicates that even with funding input from Council combined with significant work to attract sponsorship, events and other paying customers the viability of the organisation and Mystic Park is limited.





The financial support of all partners is essential for Mystic Park to keep its focus as the most exciting MTB Park in Australia and continue to entice the mountain bike and nature based enthusiast.

HVP has indicated it will continue to provide in-kind support and financial contributions are expected from all community groups.

## **POLICY IMPLICATIONS**

### **Liveability Plan 2013-2017**

The outcomes created in this funding opportunity fully meet a range the four liveability outcomes in the plan.

### **Recreation and Open Space Plan 2013**

As Alpine Shire Council works in partnership with many organisations to provide a wide range of recreation opportunities, Council must be clear about its role in delivering prioritised actions that offer maximum community benefit.

### **Council Plan 2013-2017**

The Alpine Community Plantation Partnership meets the objectives of the Council Plan through advocating on behalf of and representing stakeholders on key issues, considering the health and wellbeing of the community and supporting investment and existing enterprise.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

Financial implications are a four year commitment on a reducing annual scale or pending ACP's financial sustainability.

Councils yearly contribution as requested over four years will contribute to the annual income and will be expended on - staffing to carry out marketing, sponsorship attraction, maintenance, safety checks and other operational activities on a seasonal basis, road upgrade, signage improvement and new, and event management. The budget in attachment one outlines this in more detail.

Council officers currently make up two members of the ACP Board.

ACP will continue to implement a user pay system and explore sponsorship and grants to develop and maintain financial viability.

HVP Plantations contribution:

- Currently HVP provide approximately \$65,000 in kind work to ACP and MTB development in:
  - Road building and maintenance
  - Improving safety from rock falls
  - Removal of trees
  - Project management
  - Fire support (relevant to Hero Trail)



Partner contributions from ACC, B&DCC and NEVHGC are small and mostly for a designated purpose.

### **CONSULTATION**

Consultation has occurred with current partners and local businesses. The conclusions are that partners commit through funding or in kind and include:

- Funding for car park construction for the start of Hero Trail
- Planning and expertise assistance
- Project management for Hero Trail
- Funding for current and ongoing road development and maintenance
- Widening of pinch at Huggins
- Platform at Avid

### **CONCLUSION**

Mystic Park, Hero Trail and recreation activities in the Alpine Shire have increased targeted tourist activity to an unprecedented level and ACP as the management body requires funding to ensure development and marketing continues to meet the target groups' needs.

### **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
- Manager Economic and Community Development
- Director Corporate

### **ATTACHMENT(S)**

- 8.3.2 Alpine Community Plantation Budget



### 8.3.3 Local Planning Policy for Bulk Water Extraction on Amenity issues

File Number: 1468.C40

#### INTRODUCTION

The purpose of this report is to:

1. Advise Council of proposed Amendment C40 which places a local policy into the Planning scheme dealing with amenity issues related to bulk water extraction.
2. Recommends that Council seek authorisation from the Minister for Planning to prepare Amendment C40, and when authorised, exhibit the amendment.

*Cr Roper*

*Cr Nicholas*

*That Council:*

1. *Request under Section 8A (2) and (3) of the Planning and Environment Act 1987 that the Minister for Planning authorise Alpine Shire Council to prepare Amendment C40 to the Alpine Planning Scheme;*
2. *Notify the Minister for Planning that when it exhibits Amendment C40, Alpine Shire Council intends to give full notification of the amendment under Section 19 of the Planning and Environment Act 1987 for the minimum statutory exhibition period of one month; and*
3. *When authorised by the Minister for Planning, exhibit Amendment C40 to the Alpine Planning Scheme under Section 19 of the Planning and Environment Act 1987.*

*Carried*

#### BACKGROUND

In May 2012 Council resolved to prepare an amendment to the Alpine Planning Scheme to introduce a local planning policy on bulk water extraction. In 2014 Council was requested by State Government to withdraw its amendment because it was considered to be a state wide issue and should therefore be considered further by the State Government.

A letter was sent to the Minister for Planning from the Mayors of Alpine, Towong and Indigo Shire Councils in June 2016.

The response from the Minister advised the Mayors that he is not proposing to look at the planning system's regulation of bulk water extraction for commercial bottling.

The Minister went on to say that if Council felt a local policy was the best method to deal with issues arising from bulk water extraction then it could seek authorisation to prepare and exhibit an amendment. This report is now requesting this form of action.

Prior to this report a request was sent to 7 councils to see if they wanted to be part of an amendment in which more than one council participates in the same amendment



(this is called a GC amendment). For those Councils that responded it was either not a priority or not the right time for them to be considering this course of action.

There are four known bulk water extraction facilities within the Alpine Shire: 769 Kancoona South Road, Kancoona; 471 Buffalo Creek Road, Myrtleford; 54 Glanford Road, Buffalo River and, 63 Rock Pool Road, Mount Beauty.

Council officers regularly get enquiries for bulk water extraction sites however no formal planning applications have been received.

The Local policy will not provide information on whether water can or should be extracted that is the remit of the *Water Act 1989*. However, it will provide information on resolution of potential amenity issues that the extractor will be required to detail in order to obtain a planning permit for the use and/or development of the land on which the water is to be extracted. The report on these amenity issues includes:

- The impact of truck movements on the local community.
- The existing and proposed vehicle movements to and from the site per day.
- The potential visual impact of these facilities when viewed from public view points.
- The amenity impacts of these facilities on residential and other sensitive land uses.
- The area of land to be used by the water extraction facility and the loss of agricultural land.
- The use and ongoing management of the balance of the land.
- The access to the site and impact on local traffic.
- The type of trucks to be used by the water extraction facility.
- The hours of operation of the water extraction facility.
- The number of dwellings located within close proximity of the site.
- Whether onsite bottling of the extracted water is proposed

## **ISSUES**

The current definition of bulk water extraction as a utility installation under clause 74 of the Alpine Planning Scheme places the use in the same category as a sewerage treatment plant, a telecommunications facility, a stormwater detention basin or a major gas pipeline.

The difficulty for Council and the community is understanding that the utility installation definition also provides for the taking of water for commercial bottling and subsequent sale or other off site uses.

The ability to extract water is given by Goulburn Murray Water under the *Water Act 1989*. Council does not have a say in whether water can be extracted but has to deal with the amenity impacts that arise from water extraction such as location, amenity, visual impact, traffic management impact on Council roads and bridges and access.



A permit is required for a utility installation in every zone so Council will naturally become involved in the matter.

A local policy would enable Council to have some control over water extraction facilities. A local planning policy is an appropriate tool to use where a planning authority wants to state its views on a planning issue and its intentions for an area. A local planning policy provides guidance on decision-making on a day-to-day basis where this is not achievable in zones and overlays. This is most certainly the case with bulk water extraction facilities.

A local planning policy would establish Council's position on bulk water extraction within the Alpine Shire. A local policy could address issues such as location, amenity, visual impact, traffic management and access.

### **POLICY IMPLICATIONS**

The amendment will amend some of the strategic directions for land use related to land use and development in Alpine Shire, including inserting a local policy to deal with amenity issues arising from bulk water extraction.

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 five out of the seven key directions of:

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

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

### **FINANCIAL AND RESOURCE IMPLICATIONS**

The insertion of a local policy into the Alpine Planning Scheme to deal with amenity issues arising from bulk water extraction was written internally. The cost to council is for the planning scheme amendment which will be funded out of the 2016/2017 allocation for Strategic Planning.



## **CONSULTATION**

Amendment C40 has previously been sent to state government and Goulburn Murray Water whose comments have been included in the revised local policy on bulk water extraction as attached to this report.

Council will send the amendment documentation to those people who live near-by bulk water extraction facilities and to those developers and/ or operators of bulk water extraction facilities as well as statutory Ministers and agencies.

## **CONCLUSION**

Proposed Amendment C40 will incorporate a local policy to deal with amenity issues arising from bulk water extraction. The policy will provide clarity on the expectations of extractors on amenity issues which affect the community.

This policy has been considered over many years. It is anticipated that this will provide guidance on the expectation of acceptable amenity matters.

This report recommends that Council seek authorisation from the Minister for Planning to prepare the amendment, and when authorised, exhibit the amendment to provide for community and agency input.

## **DECLARATION OF CONFLICT OF INTEREST**

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

- Chief Executive Officer
- Manager Planning and Amenity
- Strategic Planner

## **ATTACHMENT(S)**

- 8.3.3 Local planning policy on amenity issues arising from Bulk water extraction



### 8.3.4 Application withdrawn - Planning Application 5.2016.140.1 - Four Lot Re-Subdivision of Land and Modification of an Access Way to a Road Zone 1

Application number:	5.2016.140.1
Proposal:	Four Lot Re-Subdivision of Land and Modification of an Access Way to a Road Zone 1
Applicant's name:	Tony Iaria
Owner's name:	Latteria Holdings Pty Ltd
Address:	6848 Kiewa Valley Hwy, Tawonga
Land size:	443.70ha spread over four existing lots
Current use and development:	Single dwelling and associated outbuildings, dairy (not currently in operation) and grazing pastures
Site features:	The land contains a mixture of land forms from cleared flat high quality arable land to foothill mainly grazing pastures up to vast areas of remnant native vegetation forest on steep country.
Why is a permit required?	A permit is required to under both the Farming Zone and partial coverage of the Bushfire Management Overlay to subdivide this rural property.
Zoning:	Farming zone (FZ)
Overlays:	Bushfire Management Overlay (BMO)
Restrictive covenants on the title?	A Section 173 Agreement is attached to the existing Lot 4. This agreement secures a native vegetation offset and is unlikely to be affected by this proposal.
Date received:	Original application lodged 4 October 2016 with further information received on 17 December 2016
Statutory days:	79 Days
Planner:	Sam Porter

*Withdrawn by applicant prior to Council meeting*

**RECOMMENDATION:**

*That a Notice of Refusal be issued for the re-subdivision of 6848 Kiewa Valley Highway into four lots on the following grounds:*

- 1. The proposal is inconsistent with the State Planning Policy Framework and the Municipal Strategic Statement and Local Planning Policy.*
- 2. The development is inconsistent with Clause 14.01-1 (SPPF) as:*



- *The development will detract from the long term productive capacity of the land as the re-subdivision fails to respond to the existing land use patterns and natural site features*
  - *The development seeks to create lots that are focused on establishing suitable future dwelling locations and entitlements rather than being agriculturally justified*
3. *The development is inconsistent with Clause 22.03-2 (LPPF) as:*
- *The high agricultural capability of the land will be reduced by the inappropriate subdivision that will fragment the land*
  - *A large area of the land is of high agricultural quality and the proposal does not adequately acknowledge this with inappropriately positioned new boundaries segregating this valuable land area*
  - *The proposed re-subdivision does not result in a clear improvement to farm efficiency and land management.*
  - *It has not been demonstrated that the proposal will result in productive agricultural units therefore the proposal must be viewed as inappropriate fragmentation*
4. *The development is inconsistent with the purpose of the Clause 35.07 Farming zone as:*
- *the primary purpose of the land does not provide for the use of the land for agriculture*
  - *the development does not encourage the retention of productive agricultural land*
  - *There is potential for rural land use conflict between a residentially focus lot and surrounding rural land uses*

## **PROPOSAL**

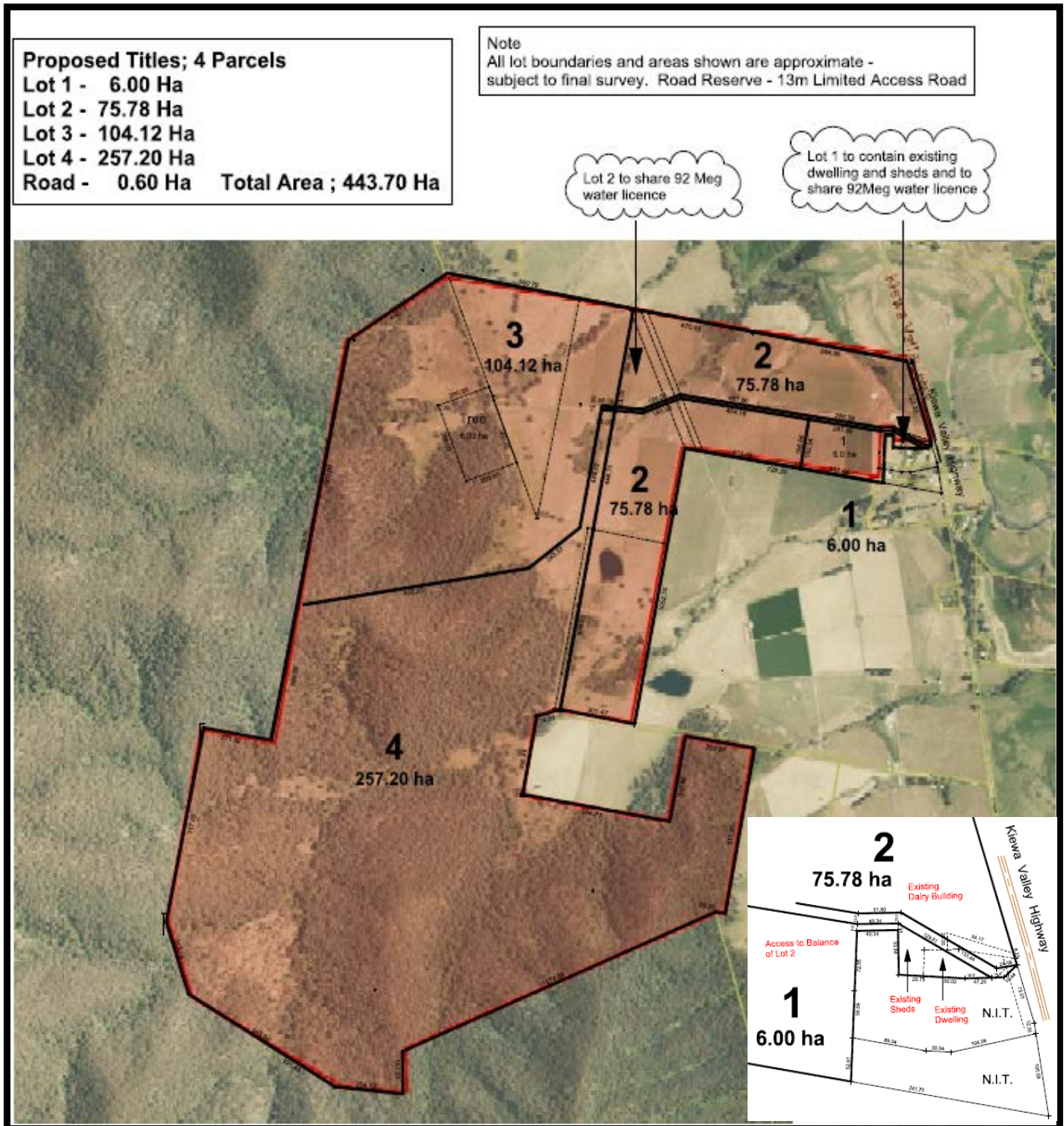
The 443.7ha property is currently made up four existing lots. The proposal seeks to subdivide those existing four lots into a different layout, see Figure 1. Proposed Lot 2 is to consist of two parts due to the creation of a 1.3km long road reserve. The proposed road reserve follows an existing farm access track commonly known as Tresidders Lane. This road reserve is required to provide legal and practical access for all lots. As result of needing to create and build a road that will adjoin a Road Zone 1 (RDZ1) in the Kiewa Valley Hwy a permit is also required to facilitate those necessary works.

For context of the exiting four lots that make up the properties subject land please refer to Figure 2 below.

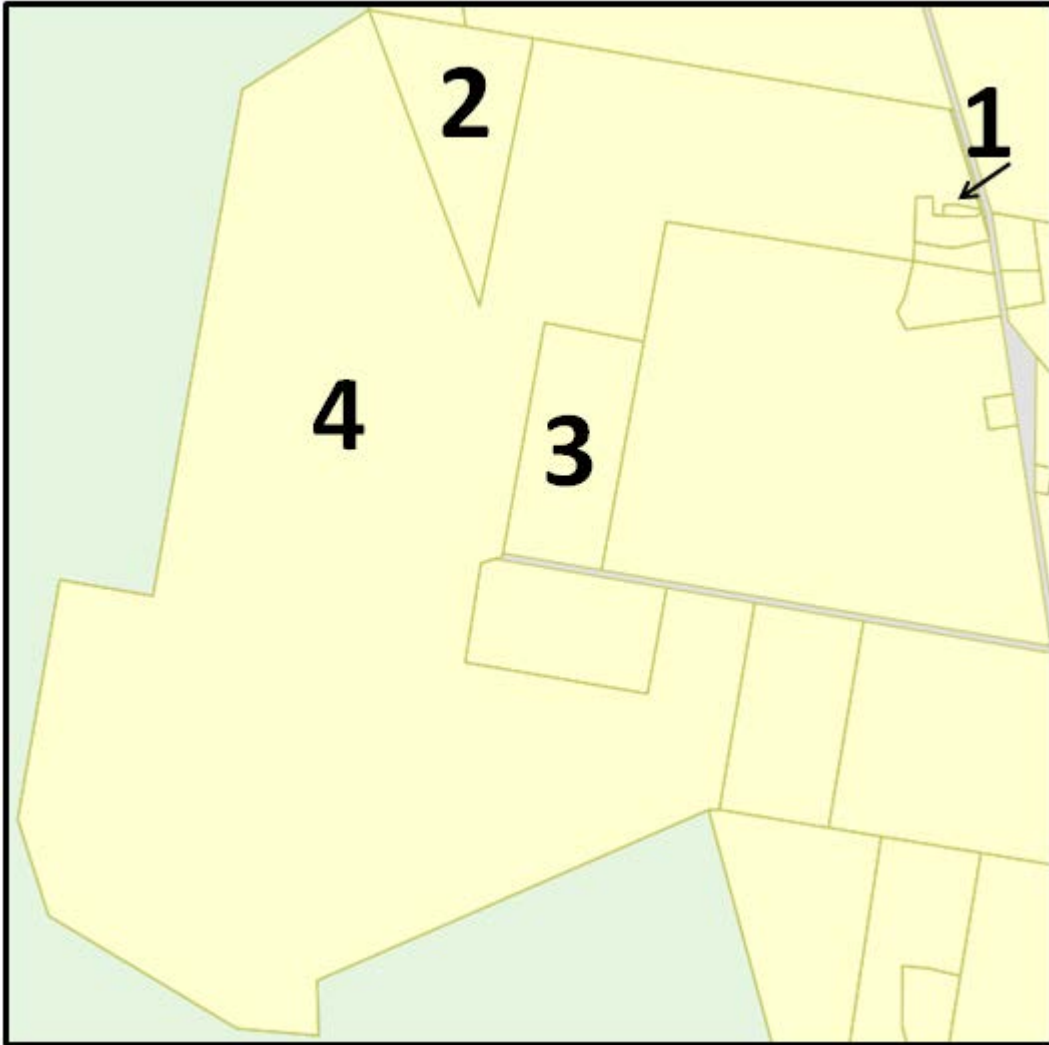




**Figure 1: Shows the proposed re-subdivision layout.**



**Figure 2: Shows the existing four lots that make up the subject property**



### **SUBJECT LAND AND SURROUNDS**

The subject land is located on the western side of the Kiewa Valley Hwy 3km north of the Tawonga Township. The subject land is shown below in Figure 3 along with the surrounding properties. This farming area of the Kiewa Valley contains a mixture of farming property sizes as can be seen below with most properties having the majority of their land cleared for agricultural purposes.

The main land uses in the surrounding area are beef cattle and dairy cattle operations, of note however are the two green tea growing operations in the immediate area including the neighbouring property to the east.

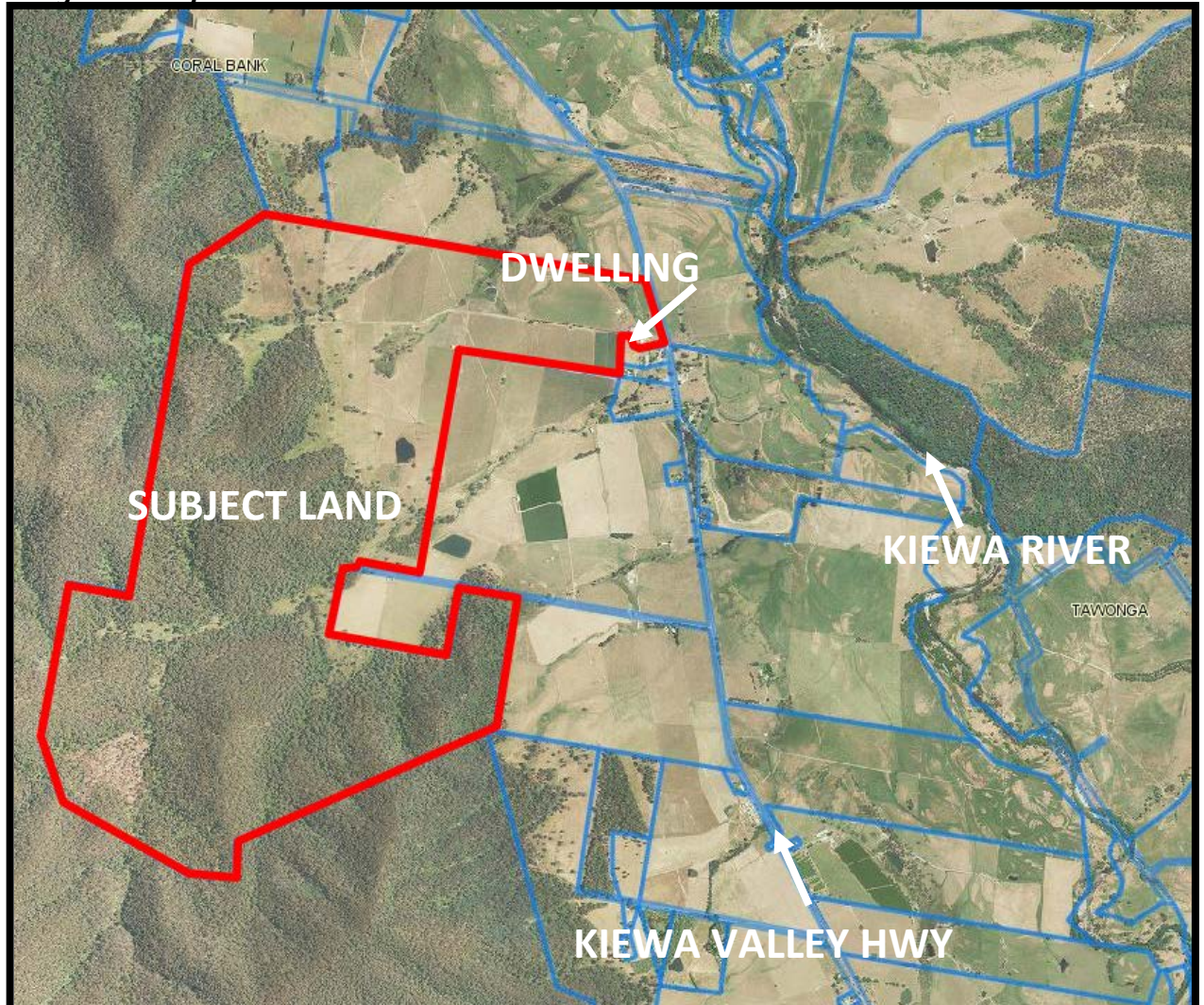
The property currently contains a single dwelling in the most easterly corner that abuts the Kiewa Valley Hwy. Also in this corner is a mixture of farm shedding including a dairy that is currently not used.

The majority of the cleared subject land is improved land that has irrigation infrastructure established onsite and has access to a 92 mega litre water allocation. This portion of the property gently slopes to the east and has some steeper gullies running through it in the north easterly direction. The remainder of the land has



steeper foothill gradients that are under pasture production with a large area covered by native forest that is difficult to access and has limited to no agricultural value.

**Figure 3: Subject land.**



### **PUBLIC NOTIFICATION**

*Environment Act 1987.* Notice of the application was sent to 14 surrounding landholders and occupiers. Two objections were received; the reasons for objecting are as follows:

- High production land being split into non-viable holdings
- Kiewa Valley Hwy road entrance safety concerns
- Traffic increase creating dust and noise issues
- Potential for environmental impacts on a listed fern species under the Flora and Fauna Guarantee Act 1988

### **REFERRALS**



<b>Referrals / Notice</b>	<b>Advice / Response / Conditions</b>
Section 55 referrals:	Country Fire Authority (CFA) and VicRoads have both granted conditional consent
Internal / external referrals:	Council's Engineer has given conditional consent.

### **APPLICATION BACKGROUND**

The original application received by Council contained a 1.5km long common property and lots that saw the high quality portion of the property ending up spread over three of the four lots. Further information was requested and to assist with the request a suggested alternative plan was provided, see attachment A.

Following further discussion with the Applicant Attachment B was suggested to try to facilitate an outcome that could be supported. Following the consideration of Attachment B by the applicant the current layout as shown in Figure 1 was submitted.

### **PLANNING ASSESSMENT**

All applicable policy and decision guidelines can be found in Attachment C.

#### **Farming Zone and Lot Sizes**

The FZ allows for a minimum lot size of 40ha. Therefore mathematically this property is capable of a high lot yield. 40ha is the minimum area when creating a new lot, however, in this instance due to the property already consisting of four lots and the proposal seeks to rework their positions within the property; the need for each lot to be at least 40ha isn't a mandatory requirement. Therefore, the lot sizes proposed are not the primary reason in deciding on the application. With the minimum lots size not being under direct consideration an application to subdivide farming land must also be agriculturally justified. The relevant purposes listed in the Farming zone state:

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



The application isn't able to meet the purpose of the zone as :

- The primary purpose of the development isn't to provide for agriculture but rather subdivide because an ability exists with the provision of the FZ due to both existing lot numbers and the large land size.
- The application isn't encouraging productive land retention or facilitating sustainable land management practices.

### **State and Local Policy**

The application does not facilitate and support agriculture. The following points are the reasons given as to why the development isn't able to comply with policy direction:

- The proposed lots do not suitably correlate to existing land use practices. The design fragments high agriculturally capable units by designing lots around access to a roadway rather than considering land capacity and both existing and future land usage, see attached Land Capability Map in Attachment D.
- Lot 4 is focused around access and frontage to the proposed road, furthermore it appears to have no regard for the watercourse that the access arm of this lot needs to cross over.
- The application fragments mapped, acknowledged high quality agricultural land that has existing irrigation infrastructure in place and a reliable 92 mega litre commercial water allocation.
- The application creates dwelling proliferation as two additional dwelling entitlements are created as result of the proposed layout.
- Additional dwelling proliferation in the FZ creates future land use conflicts and issues over 'right to farm'.
- Proposed boundaries could be better located to utilise existing fence lines and tracks between lots 2 and 4; however, the application appears to disregard both existing site circumstances and the higher quality land area resulting in an agriculturally insensitive outcome.
- The application is not site responsive to the existing land forms and land usage, this is most evident on the common boundaries between Lots 3 and 4 and Lots 4 and 2.
- The proposed new boundaries do not avoid remnant vegetation and waterways, whereas the suggested layout plans managed to find acceptable outcomes to these existing site features and constraints.
- The increase of small existing dwelling allotment from 3167m<sup>2</sup> to 6ha results in a removal of high quality agricultural land.

In addition to the above points the following statements are made with regards to supporting rural based subdivision:



- The application as always asserted that given the quality and potential of the land it is realistic that future land owners will be able to intensively farm much of the land and therefore the proposed lots are acceptable and should be created.
- To approve any split up of the high quality agricultural land in the hope that it will be viably and sustainably farmed in the future before any actual new land use has commenced would be irresponsible of Council. If the agricultural land uses were in existence on the land then Council would be in a much better position to facilitate rural based subdivision. In this instance the quality land area is currently being farmed as one unit, therefore, at this point in time a re-subdivision of it area shouldn't proceed.

### **Objections**

The following points are provided in responses to the concerns outlined in the two objections received:

- High production land being split into non-viable holdings  
As clearly referenced above considerable issues have already been identified with the detail of this proposed development, therefore, this aspect of each objection is agreed with.
- Kiewa Valley Hwy road entrance safety concerns  
The poor sight lines at the proposed intersection of the planned roadway and Kiewa Valley Hwy are acknowledged. However, the application was referred to VicRoads who has granted conditional consent which includes the requirement to construct a turning lane treatment to the Kiewa Valley Hwy.
- Traffic increase creating dust and noise issues  
If the application was to be approved the proposed limited access roadway would not be required to have a sealed surface other than for the initial bell mouth area with the Kiewa Valley Hwy. Some additional traffic noise and dust could be expected for the surrounding landowners. These additional movements are not likely to be unreasonable in the context of minor rural roadway.
- Potential for environmental impacts on a listed fern species under the Flora and Fauna Guarantee Act 1988  
This concern relates to the impacts on species that could potentially be affected with the works required to build the roadway access to the Kiewa Valley Hwy. As the exact engineering detail is not known at this point in time it is not possible to provide a complete response. It should be noted however that if this species is to be impacted then the developer will be subject to the requirements of the Flora and Fauna Guarantee Act 1988 which is administered and enforced by State Government rather than Local Government.



## CONCLUSION

The application is considered to be inconsistent with the Alpine Planning Scheme and must be refused for the following reasons:

- The application is inconsistent with direction and policy of the both the SPPF and LPPF
- The application is predominantly focused on ensuring that each vacant parcel is a desirable land holding for a future dwelling rather than prioritising the preservation of high quality land units
- The application disregards the existing land usage patterns (fencing, watercourses and levelled areas established for irrigation) and agricultural capacity to focus on creating lots that can contain future 'as of right dwellings'

Despite a concerted effort by the Planning Department to facilitate a four lot re-subdivision (as shown in Attachments A and B) that both achieves an agriculturally responsive outcome and the current land owners objectives a satisfactory amended submission was not provided. As is often the case and will continue to be the case the Planning Department as directed by policy will always facilitate and give priority to agriculturally justified re-subdivisions.

## DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate
- Manager of Planning and Amenity
- Senior Planning Officer

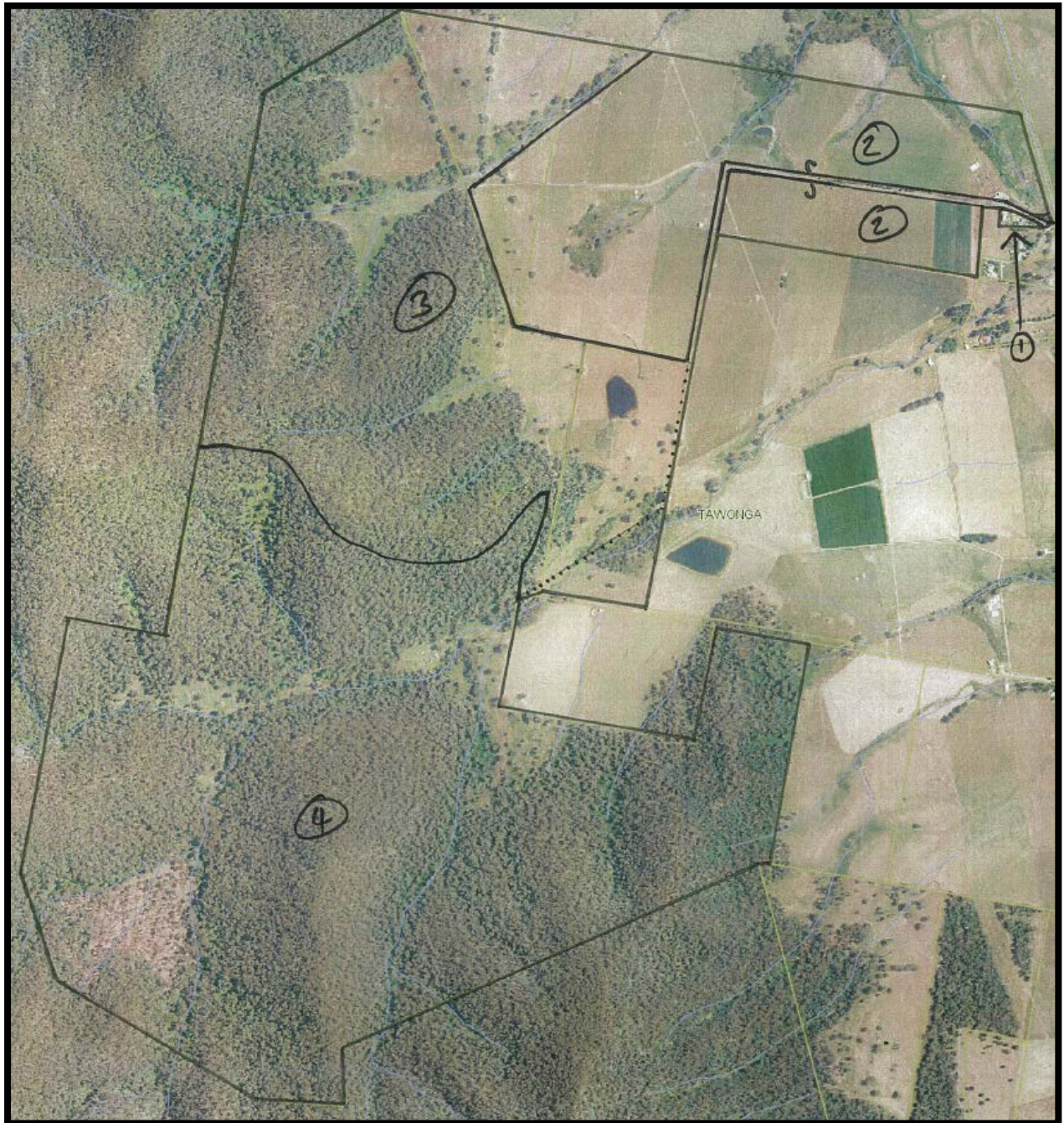
## ATTACHMENTS

Please note attachments follow agenda report below.

- **Attachment A** – Sketch plan of a proposed alternative re-subdivision as proposed by the Alpine Shire Planning Department
- **Attachment B** - A second sketch plan of a proposed alternative re-subdivision as proposed by the Alpine Shire Planning Department
- **Attachment C** - State and Local Policy and decision guidelines
- **Attachment D** – A mapping exert of the subject land as it appears in the Alpine Shire Council Land Capability Project (April 2005),



**ATTACHMENT A**







**ATTACHMENT B**





## **ATTACHMENT C**

### **State Planning Policy Framework**

The State Planning Policy Framework (SPPF) provides relevant direction to the proposal at Clause 14.01-1 Protection of agricultural land (See following link for full download: [Clause 14.01 Agriculture](#)), or applicable exerts are shown below.

#### Objective

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

#### Strategies

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

Consult with the Department of Economic Development, Jobs, Transport and Resources and utilise available information to identify areas of productive agricultural land.

Take into consideration regional, state and local, issues and characteristics in the assessment of agricultural quality and productivity.

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

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

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

Subdivision of productive agricultural land should not detract from the long-term productive capacity of the land.

Where inappropriate subdivisions exist on productive agricultural land, priority should be given by planning authorities to their re-structure.

### **Local Planning Policy Framework**

Applicable local planning policy can be found in the Local Planning Policy Framework (LPPF) section. Clause 22.03-2 Agriculture (See following Link for full download: [Clause 22.03-2 Agriculture](#)) or applicable exerts are shown below.



### Policy basis

Agriculture is a key industry in the Shire, its protection and enhancement is linked to the environmental and economic well-being of the Shire.

### Objectives

- Protect the natural and physical resources upon which agricultural industries rely.
- Promote agricultural industries which are ecologically sustainable and incorporate best management practices.
- Prevent land use conflicts between agricultural uses and sensitive uses and ensure that use and development in the Shire is not prejudicial to agricultural industries or the productive capacity of the land.
- Ensure that the agricultural capability of the land is not threatened or reduced by inappropriate subdivision or fragmentation of landholdings.
- Ensure that the subdivision results in a clear improvement to farm efficiency and land management.

### Policy

It is local policy that:

#### Agricultural Resources:

- Land capability and land suitability will be taken into account in the assessment of use and development proposals. Where relevant the findings of the Rural Land Mapping Project for the Shires of Myrtleford and Bright will be relied upon.
- Agricultural land will be protected as an economic and environmentally valuable resource. Conversion of land to non-soil based use and development will be strongly discouraged unless there is clear public benefit associated with the establishment of the proposed use such as a rural dependent enterprise that complements the agricultural production base of the Shire.
- The retention of the resource of agricultural land in productive units will be preferred and further fragmentation of land will be strongly discouraged.
- Use and development which alienates agricultural resources, is sensitive to off-site effects, lessens the capacity of essential infrastructure or in any other way may prejudice agricultural resources and agricultural production will be strongly discouraged.

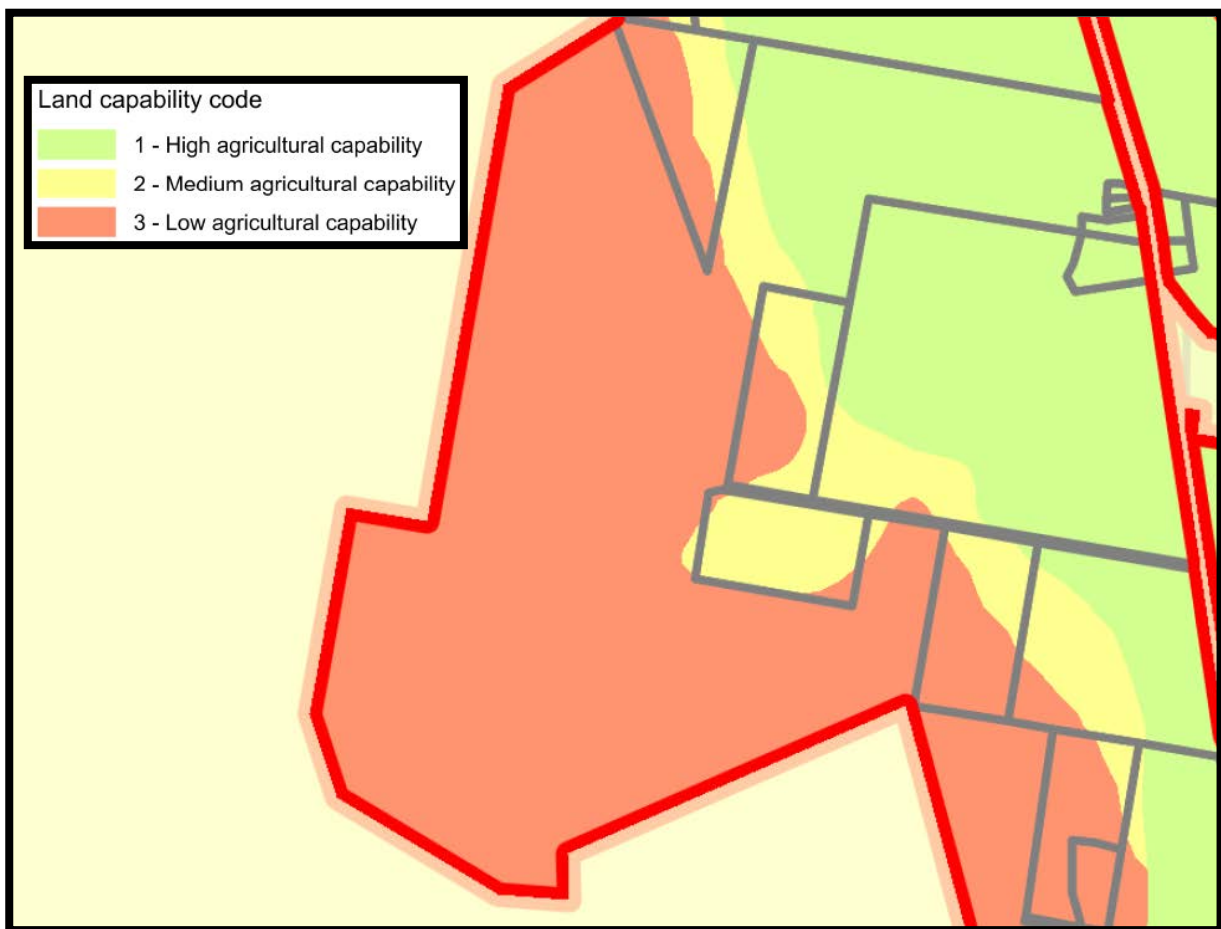
#### Agricultural Practices:

- Sustainable agricultural industries which incorporate best management practice will be strongly supported.
- Intensive agricultural industries will be located and managed having regard to soil and water quality, the adequacy of infrastructure services and the location of sensitive use and development.
- Agricultural Development:



- Use and development of agricultural lands will ensure the long term sustainable management of the natural resources and environment that support the agricultural use of land.
- Use, development and subdivision, which is in support of sustainable agriculture and improved land management will be strongly supported.
- Applications related to alternative and/or intensive agricultural activities will be carefully assessed to ensure that conflict will not be created with traditional forms of agriculture or nearby residential areas.

## ATTACHMENT D



Source: Alpine Shire Council Land Capability Project (April 2005), RM Consulting Group and O'Neil Pollock and Associates



## 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 Pearce*

*That the summary of the Assemblies of Councillor for January / February 2017 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.

<b>Date</b>	<b>Meeting</b>
31 January	Briefing Session
7 February	Briefing Session
21 February	Briefing Session

### ATTACHMENT(S)

- 9.0 Assemblies of Councillors – January / February 2017



## 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](http://www.alpineshire.vic.gov.au); for its YouTube livestreaming recording.

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

Nil

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

Council has received a petition from the upper section of Simmonds Creek Road, Tawonga South urging Council to approve the extension of the footpath in Simmonds Creek Road primarily because of concerns for safety of children and other resident.

A report will be tabled to the next Ordinary Council meeting in April 2017.



**14 DOCUMENTS FOR SEALING**

*Cr Forsyth  
Cr Nicholas*

*That the following documents be signed and sealed.*

*1. Contract No 1607001 in favour of Waratah Constructions for Bridge Renewal Works*

*2. Section 173 Agreement – Morses Creek Australia Pty Ltd  
CA: 2 & 2A, SEC: 4*

*Conditions 4 and 20 of Planning Permit 2015.133.1 for a 3 lot subdivision at 2 Delany Avenue, Bright.*

*The Agreement covers vehicular access restrictions and notification to future owners of adjoining lots of Lot 1’s commercial use.*

*The Agreement also excludes Lot 1 from Alpine Planning Scheme exemption.*

*3. Section 173 Agreement – Daniel Renn and Hayley Maree Nightingale*

*Lot 2 on Plan of Subdivision 644946*

*Volume 11542 Folio 319*

*Condition 13 of Planning Permit 2016.54.1 for construction of a second dwelling and two lot subdivision at 64 Cobden Street, Bright.*

*The Agreement is for Country Fire Authority development and subdivision conditions of the planning permit.*

*4. Contract No 1608101 in favour of North East Civil Construction Pty Ltd for the civil works at Pioneer Park.*

*Carried*

There being no further business the Chairperson declared the meeting closed at 8.04\_\_\_\_p.m

.....

Chairperson



Simmonds Creek Road  
Tawonga South, VIC, 3698

21<sup>st</sup> February 2017

Alpine Shire Council,  
P O Box 139  
Bright, VIC, 3741

Dear Councillors,

Please find attached a Petition signed by most of the residents of the upper section of Simmonds Creek Road, Tawonga South.

The Petition strongly urges Council to approve the extension of the footpath in Simmonds Creek Road, primarily because of concerns for the safety of children, and other residents.

Please contact either of the undersigned if you would like to inspect the area and/or require more information.

Yours sincerely

Alpine Shire Council	
Received	
22 FEB 2017	
File No.	00650.05.00
Doc No.	5745
Action Officer	CB
C.C.	
C.C.	
C.C.	
CRM:	

## **SUBMISSION**

The following statement is submitted on behalf of Simmonds Creek Road ("SCR") residents listed in Appendix 1. There are additional residents who have not been able to be contacted as yet, however their names will be added to the list in due course.

The issues raised are not new. They were formally raised with Council 10 years ago and they have been periodically raised by longer-term residents for much longer. All residents are united in their view that we have a right to use the street safely for transport and recreation and that the safety issues raised herein should be given the highest priority.

## **ISSUES**

### **1. Safety**

- Above Glenbourne Drive there is no sealed shoulder for walkers, parents with strollers, cyclists etc.
- Where there is a shoulder, it is unsealed, typically very narrow and mostly slopes steeply into open drains.
- SCR has a very steep, narrow section which is very dangerous, especially when vehicles are about.
- There are numerous bends in the road with very limited line of sight. These become exceptionally dangerous when cars/pedestrians/cyclists encounter one another.
- When traveling uphill, cyclists are moving very slowly, making their maneuvering more difficult and increasing their exposure to vehicles.
- There are several elderly residents who regularly walk up and down SCR year round. They have particular concerns about sharing a narrow road with cyclists, as they can be difficult to hear approaching.
- Parts of the road can be icy during the colder months, exacerbating these safety issues.
- After periods of heavy wind and rain the road is often strewn with debris making it particularly dangerous, especially for cyclists when sharing the road with vehicles.
- SCR is often used by heavy vehicles (AGL, CFA etc.), exacerbating these safety issues.
- Many drivers do not adhere to the 50km/hr speed limit, exacerbating these safety issues.
- SCR is used by recreationalists (hunters, walkers etc.) who do not appreciate its residential context.
- At various times of year, morning and afternoon/evening sun can be blinding for all road users, exacerbating these safety issues.
- The photographs in Appendix 2 highlight some of these issues.

## 2. Drainage

- Addressing the footpath will also give Council the opportunity to properly address the currently inadequate management of stormwater for much of SCR above Glenbourne Drive.
- *The current regime of temporary solutions and repairs is not a sustainable use of Council's finite resources.*

## 3. Road users

- During peak times it is very common for multiple vehicles, cyclists and pedestrians to encounter one another simultaneously.
- There are currently over 30 school children living on SCR, most of whom ride or walk to school (this does not include Glenbourne Drive or Highland Court).
- There are a number of residents who have lived on SCR for over 20 years, some of whom are elderly. Many of these residents have raised their children on SCR and tried unsuccessfully for many years to have these safety issues rectified. These residents are still active users of SCR on foot, bicycle and the like.
- There has been a large increase in the number of school children who ride or walk to school. This is a very healthy pastime which ought to be encouraged. Many residents will not let their children ride to school unattended due to the safety concerns, despite their children being adequately skilled and responsible.
- There has also been an increase in the number of adult residents who utilise SCR on foot, bicycle, roller-skis and the like.
- The safety issues noted above have been raised by all residents and road-users.
- There is a consensus opinion that it is not a matter of "if" an accident occurs, but "when".

## 4. Priorities

- A footpath extension on SCR should be given the highest priority on the basis of the safety concerns raised in this submission.
- The extension of the footpath has already been on Council's register for at least 10 years. It is currently assigned a "low priority" with an estimated timeframe beyond 2025 (over 20 years since the issue was formally raised in 2006). This is simply not acceptable.
- Elevating its priority to "medium" (2020-2025) would result in a path being constructed when many current primary school children will complete high school. This will leave children exposed to the safety issues raised above for almost the entirety of their school lives.
- Also based on these timeframes some elderly residents of SCR may not see these safety issues addressed in their lifetimes.
- Further feasibility studies should not be necessary to determine what has already been agreed upon.
- Any obstacles to the works are not insurmountable. Residents are willing and able to assist and co-operate with Council to achieve the desired result.

## 5. Brief history to date:

- **Prior to 2006:**
  - several current and prior SCR residents engaged with the Council regarding the safety issues and poor drainage on SCR. Despite being given undertakings that the issues would be addressed, nothing substantial ever eventuated.
- **2006:**
  - Residents liaised closely with Councillors and staff
  - It was acknowledged that the narrowness of the road and increase in traffic (due to increased resident numbers and tourists), combined with increased use by cyclists and pedestrians (especially children), had generated significant safety concerns.
  - A section of shared path was constructed on the lowest section of SCR, which whilst helpful, did not address the most dangerous sections of the road.
  - Meetings were also held with Council, residents and the owner of [redacted]. At one of these meetings, a plan was agreed upon which would involve minor earthworks thereby allowing the path to continue past the winery.
  - Also at these meetings, issues were raised regarding the close proximity of the road to the lot boundary at [redacted]. A study was supposed to take place but residents have never been advised of any outcome and the footpath has never extended past this property.

## 6. Photographs

- See Appendix 2

## COMMUNICATIONS

Please forward any written responses to the email addresses below.  
Correspondence will be forward to SCR residents.

## Petition to the Alpine Shire Councillors

**Regarding:**

Simmonds Creek Road footpath and associated works.

**Context:**

See attached document (previously supplied to Councillors and staff)

**Statement:**

We, the undersigned, strongly urge the Council to approve the extension of the footpath in Simmonds Creek Road, Tawonga South, and to make provision in the budget for on ground works to commence in 2017/18.

Residents in Simmonds Creek Road have been formally advocating for this extension for more than 10 years. Some longer-term residents have been requesting these works for many more years prior.

In recent times there has been an influx of families with school-age and preschool-age children into the Road. There are many good reasons for this project to proceed as a matter of urgency (see attachment). The primary reason is the safety of pedestrians and bike riders of all ages and young children in strollers and prams. An accident is inevitable with the current road usage. These works would also allow the inadequate drainage on the Road to finally be addressed appropriately.

**The safety of Shire residents must be a top priority for the Council.**

Name	Address	Signature
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# Mongans Bridge Recreation and Camping Park Reserve

*President:*



*Secretary/ treasurer:*

*Committee:*

Alpine Shire Council	
Received	
13 DEC 2016	
Action Officer	CB
C.C.	
C.C.	
C.C.	
C.C.	

30 November 2016

Mr Ron Janus

On Behalf of the managing committee of the above reserve I wish to submit the enclosed petition relation to the speed limits on the roads surrounding the reserve.

This petition is in response to repeated near misses that have occurred on the intersection of Bay Creek Lane and Redbank- Mullagong road between walkers and vehicles.

Every year during the summer the reserve is very busy with visitors and campers to the local area and we are continually being asked why nothing has been done about the speed of the vehicles that use the roads shared by the many reserve users walking along the road and even crossing to the river.

The river near the reserve is also used daily by many locals and day trippers.

The committee has approached the Alpine Council, Vic Roads and even the local Police trying to come up with a safe solution to the problem. We have been informed that the intersection was to be re-marked and new larger signage added to make the intersection safer but this is still to be carried out.

At our own cost the committee has placed signs in the park ensuring that campers and visitors are aware of the dangers.

The committee has approached the locals that would be affected by the proposed changes listed in the petition and all have signed in support of the petition.

We hope that the Alpine Shire Council are willing to help and support us in making the shire a safer place for the visitors to the area.

If you wish to discuss any of our concerns about the above, please give me a call on 0409 924005.

Thank you for your time.

# Mongans Bridge Recreation and Camping Park Reserve

President:



Secretary/ treasurer:

Committee:

We the undersigned hereby express our wish to have the speed on the sections of road described below lowered to 60km per hour, and have appropriate signage notifying drivers of pedestrians and children using this area.  
This petitions aim is to keep the users of the Mongans Bridge Reserve and locals using the Kiewa river safe in this area.

The road sections under this petition are:

- Mullagong Road from the Bay Creek Lane intersection for a distance of 2km towards Gundowring.
- Redbank Road from the Bay Creek bridge to the Bay Creek Lane intersection and,
- Bay Creek Lane from the Kiewa Valley Highway to Ceccanti Winery.

Name	Address	Signature
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# PETITION

## To The Mayor and Councillors of Alpine Shire Council

**Petition contact person:**

**Telephone Number:**

**Address: Station Street Porepunkah**

We, the residents named in the attached petition are extremely concerned with road safety and strongly agree that the current 60 km/h zone along Station Street Porepunkah is no longer an appropriate speed and urge you to implement a 50 km/h zone on our street.

We draw your attention to the following:

There has been significant housing development in the vicinity. This has resulted in many families moving to the area and with it, a large number of children using Station Street and its road reserve to travel to and from school and the local shops. It has also meant an increase in traffic volume.

Station Street has now become the school bus route and many children board and alight the bus along its route.

Station Street has also become very popular for cyclist and the increase in traffic has brought with it added danger to the cyclists.

The speed and frequency and volume of vehicles has also now created a noise problem.

Station Street is classed as a built-up area as defined by the State Government of Victoria and like other streets similarly classified we would like to enjoy the same benefits of a lower speed limit of 50 km/h

It is accepted by Governments around the World and all responsible authorities, including the Victorian Government, VicRoads, Victoria Police, Road Safety Authorities and Emergency Services that the reduction in speed drastically reduces the likelihood of death or serious injury.

We now need Alpine Shire Council to have those same views and support our petition.

A reduction of the speed limit to 50 km/h will have multiple benefits for the community. The danger to children and cyclists will be drastically reduced.

We will see an increased level of road safety for all other road users of Station Street. A lower speed limit will reduce the noise levels created by vehicular traffic.

A 50 km/h zone only increases the travel time by a mere 24 seconds over the 2 kilometres. For those that choose to travel faster have the option of using the Great Alpine Road. This will add to the benefit of less traffic, less road noise and a much safer street to use.

We petition Alpine Shire Council to have the speed limit reduced to a much safer 50 km/h.



PETITION FOR REDUCING THE SPEED LIMIT ON STATION STREET POREPUNKAH

**WE THE UNDERSIGNED PETITION ALPINE SHIRE COUNCIL AND VICROADS TO IMPROVE THE SAFETY OF PEDESTRIANS, SCHOOL CHILDREN, CYCLISTS AND ALL OTHER ROAD USERS ON STATION STREET POREPUNKAH. THIS CAN ONLY BE ACHIEVED BY REDUCING THE CURRENT 60KM/H SPEED LIMIT TO 50KM/H**


NAME	ADDRESS	SIGNATURE

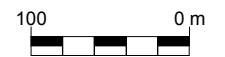
# SPECIAL RATE AREA

Dinner Plain

File Number: M001  
Author: bh  
Date: 25/06/2009  
Phone Number:  
File Location: 84

## LEGEND

 Special Rate area



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ALPINE SHIRE

**RECORD OF ASSEMBLY OF COUNCILLORS**

**Meeting Title:** Briefing Session  
**Date:** 7 March 2017  
**Location:** Committee Room, Bright Office  
**Start Time:** 4.30pm  
**Chairperson:** Cr Ron Janas, Mayor

**Councillor and staff attendees:**

<b>Name</b>	<b>Position</b>	<b>Name</b>	<b>Position</b>
Cr Ron Janas	Mayor	Dave Barry	CEO
Cr Kitty Knappstein	Councillor	Charlie Bird	DA
Cr Sarah Nicholas	Councillor	Nathalie Cooke	DC
Cr John Forsyth	Councillor		
Cr Daryl Pearce	Councillor		
Cr Peter Roper	Councillor		

**Councillor and staff apologies:**

<b>Name</b>	<b>Position</b>
Cr Tony Keeble	Deputy Mayor

**1. Conflict of interest disclosures****2. Record of Councillors that have disclosed a conflict of interest leaving the assembly****3. Matters considered**

- Preliminaries
- Alpine Community Plantation discussion
- Ordinary Council meeting agenda review
- Seed funding to form Friends Group – M2M

**RECORD OF ASSEMBLY OF COUNCILORS**

**Meeting Title:** Briefing Session  
**Date:** 21 March 2017  
**Location:** Committee Room, Bright Office  
**Start Time:** 3.00pm  
**Chairperson:** Cr Ron Janas, Mayor

**Councillor and staff attendees:**

<b>Name</b>	<b>Position</b>	<b>Name</b>	<b>Position</b>
Cr Ron Janas	Mayor	Dave Barry	CEO
Cr Tony Keeble	Deputy Mayor	Charlie Bird	DA
Cr Sarah Nicholas	Councillor	Nathalie Cooke	DC
Cr John Forsyth	Councillor		
Cr Peter Roper	Councillor		
Cr Kitty Knappstein	Councillor		

**Councillor and staff apologies:**

<b>Name</b>	<b>Position</b>
Cr Daryl Pearce	Councillor

**1. Conflict of interest disclosures**

Not applicable

**2. Record of Councillors that have disclosed a conflict of interest leaving the assembly**

Not applicable

**3. Matters considered**

- Preliminaries
- Councillor expenses discussion
- Council Plan
- Petition – Station Street Porepunkah
- Petition – Mongans Bridge
- Rates presentation
- Resolution to cause general valuation
- Tender – transportation and disposal of landfill waste from Myrtleford Transfer Station
- Tender – Kerbside waste collection
- Tender – Kerbside recycling collection
- Anderson Street pavement rehabilitation
- Victoria Bridge Myrtleford
- Anzac Day public holiday briefing session date
- Anzac Day – councillor attendance at services
- Local Government Smart planning workshop
- Stormwater camera
- Asset Maintenance Apps