



# Alpine Shire

## **ORDINARY COUNCIL MEETING**

### **AGENDA**

**M4 – 2 May 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 **2 May 2017** commencing at **7:00pm**.

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## **1 RECORDING AND LIVESTREAMING OF COUNCIL MEETINGS**

The CEO will read the following statement:

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

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

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

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

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

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

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

*The CEO will read the following statement:*

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

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

## **3 CONFIRMATION OF MINUTES**

### **3.1 ORDINARY COUNCIL MEETING – M3 – 4 APRIL 2017**

#### **RECOMMENDATION**

*That the minutes of Ordinary Council Meeting M4 held on 4 April 2017 as circulated be confirmed*

## **4 APOLOGIES**

## **5 OBITUARIES / CONGRATULATIONS**

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



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

Questions on Notice will be limited to two questions per person per agenda item.

Questions on Notice can be written or from the floor.



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

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

#### **8.1.1 Contracts approved by the CEO**

##### **RECOMMENDATION**

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

Contract No:	CQ 16085	Process:	Request for Quotation
Title:	Drainage works to Porepunkah Airfield (Stage 1)		
Tenderer:	McPhersons Earthmoving		
\$ (excl. GST):	\$58,835		

Contract No:	CQ17020	Process:	Request for Quotation
Title:	McNamara Reserve Lighting Upgrade (Electrical Services)		
Tenderer:	CBE Electrical and Air-Conditioning Pty Ltd		
\$ (excl. GST):	\$130,050		



### **8.1.2 Appointment of Charlie Bird to Acting Chief Executive Officer position**

File Number: 1350.01

#### **INTRODUCTION**

Under the *Local Government Act 1989* Council is required to appoint a person to act as its Chief Executive Officer for a period of not more than twelve months.

#### **RECOMMENDATION**

*That:*

- 1. Charlie Bird be appointed to the position of Acting Chief Executive Officer for a period of up to twelve months effective from 22 May 2017.*
- 2. The Mayor be authorised to finalise the terms of the Acting Chief Executive Officer's appointment on behalf of Council.*

#### **BACKGROUND**

The current Chief Executive Officer has been appointed to a new position and having given three months' notice will leave Council to commence his new position on 19 May 2017.

Council has engaged a recruitment company to undertake the search for a new Chief Executive Officer and this process is likely to take between 6 and 12 months.

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

Council has made an allocation in the draft Budget 2017/18 for the recruitment process.

#### **CONCLUSION**

That Charlie Bird be appointed to the position as Acting Chief Executive Officer for a period not to exceed twelve months in accordance with the *Local Government Act 1989*.

#### **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



## **8.2 DIRECTOR ASSETS – CHARLIE BIRD**

### **8.2.1 Review of Road Management Plan**

File Number: 250.15

#### **INTRODUCTION**

The purpose of this report is to present the revised draft Road Management Plan to Council and to seek endorsement for it to be placed on public exhibition.

#### **RECOMMENDATION**

*That Council:*

- 1. That the draft Alpine Shire Council Road Management Plan 2017, prepared in accordance with Section 52 of the Road Management Act 2004 (Attachment 8.2.1) be endorsed by Council for the purpose of placing it on public exhibition; and*
- 2. Public notice of the amended Alpine Shire Council Road Management Plan be given, inviting submissions to be considered in accordance with Section 54 of the Road Management Act 2004.*

#### **BACKGROUND**

The Victorian Government introduced the *Road Management Act in 2004*. This Act provides the legislative framework for the Road Management Plans including the purpose, the contents and the review requirements.

In December 2004 Council adopted its first Road Management Plan which was subsequently reviewed in 2009 and 2013.

In accordance with the *Road Management (General) Regulations 2016* (Regulation 8), "Each incoming Council must review its road management plan during the same period as it is preparing its Council Plan under the *Local Government Act 1989*". Hence, this review is required to be completed by 30 June 2017.

As part of this review process, Council must publish a public notice advising of the review and stating that any person may make a submission on the proposed review. The minimum notice period for the public to make a submission is 28 days from the date of the public notice.

A Road Management Plan sets out the broad management system and standards for the inspection, maintenance and repair of public roads. It is an important document to provide road authorities with a statutory defence against litigation provided they can demonstrate compliance with their adopted Plan.

The objective of the Plan is to clearly outline Council's management system including inspection frequencies, defect intervention standards and response times to effect repairs to road infrastructure. Council's Road Management Plan applies a classification-based system in its inspection and maintenance standards to correlate with its hierarchy of roads and pathways.





Council's Road Management Plan has to be read in conjunction with Council's Register of Public Roads, which lists all of the roads and pathways for which it is the Coordinating Road Authority and which Council deems are reasonably required for general public use. Each road or path listed in the Register of Public Roads should list the appropriate classification of the road or path to align with the standards set out in the Road Management Plan. The Register of Public Roads is a separate document and does not form part of the Road Management Plan.

Council officers have reviewed the current Plan in consultation with Council's public liability insurer. This is in addition to the insurer's risk audit which has generally found that Alpine Shire Council is complying with its Road Management Plan.

The key changes compared to Council's Road Management Plan 2013 include:

- Refined hierarchy definitions of the road classifications (Collector and Access roads).
- Amended maintenance inspection timetables.

No material changes have been made to the inspection frequencies or maintenance standards contained in the Plan.

## **ISSUES**

It is important that the standards in the Road Management Plan are achievable and not aspirational. Where Council is unable to achieve something outlined in the Plan (e.g. a scheduled inspection or the rectification of a hazard within a prescribed timeframe), then it is exposed to potential litigation.

Council must be able to demonstrate compliance with its Road Management Plan. Therefore it must have a robust and traceable data management system linking inspections, defect identification and defect repair, all date recorded. Council has developed an App that allows relevant data to be collected efficiently and accurately.

Council's Register of Public Roads is to be read in conjunction with the Road Management Plan; however it does not form part of the Plan. The Register has been updated to align the roads with the improved definitions of road classifications in the Road Management Plan.

## **POLICY IMPLICATIONS**

In accordance with Regulation 8 of the *Road Management (General) Regulations 2016*, Council is required to review its Road Management Plan by 30 June 2017.

The draft Road Management Plan 2017 must be prepared in accordance with Section 52 of the *Road Management Act 2004*.

In accordance with Section 54 of the *Road Management Act 2004*, Council is required to place the draft Road Management Plan on public exhibition for 28 days and invite submissions.



## **FINANCIAL AND RESOURCE IMPLICATIONS**

The changes recommended to the existing Plan at this stage are largely around the formatting of the Plan and minor changes. The standards themselves have been found to be appropriate and are recommended to remain largely unchanged. Hence there are no financial implications with respect to any proposed changes to the Plan.

## **CONSULTATION**

The revised Draft Road Management Plan is to be placed on public exhibition and submissions invited from the public. Following consideration of any submissions received, it is intended to bring a revised Plan back to Council for adoption prior to the end of June.

Consultation at this stage has been limited to Council staff and Council's public liability insurer.

It is proposed to place the draft revised plan on public exhibition for a minimum of 28 days and invite submissions from the public. A media release will also be prepared.

## **CONCLUSION**

The review of the Road Management Plan has resulted in some structural and administrative changes to the Plan. The inspection and maintenance standards are deemed appropriate and no significant changes are proposed. The draft Road Management Plan is ready to be placed on public exhibition.

## **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)**

- Draft Road Alpine Shire Council Management Plan 2017
- Alpine Shire Council Register of Public Roads



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

#### **8.3.1 Audit Committee Meeting 4 Minutes – 24 March 2017**

File Number: 0900.06

##### **INTRODUCTION**

The purpose of this report is to present the minutes of meeting 4 of the Audit Committee held on 24 March 2017.

Key items presented to and considered by the Committee at this meeting were:

- 2017/2018 Budget process;
- Local Government Performance Reporting Framework ;
- Ombudsman's report into transparency of local government decision making;
- JMAPP audit ranking;
- Audit Committee Charter Review; and
- Health and Safety Report.

##### **RECOMMENDATION**

*That:*

- 1. The minutes of meeting 4 of the Audit Committee held 24 March 2017 be received and noted.*
- 2. The amended revised Audit Committee Charter 2017 be adopted and signed and sealed at the appropriate stage of the agenda.*
- 3. The confidential 2016/2017 Year to Date 28 February 2017 Health and Safety Report (Confidential) be adopted.*

##### **BACKGROUND**

###### **2017/2018 Budget Process**

The Committee noted the process and timeframe being utilised by Council in the preparation of the 2017/2018 budget.

###### **Local Government Performance Reporting Framework 2016/2017 Confidential**

The committee noted the 2016/2017 quarter 2 results for the service performance indicators of the of the Local Government Performance Reporting Framework which indicate positive results for the majority of measures and consistent or better results than previous years.

###### **Ombudsman Report into Transparency of Local Government Decision Making**

The committee noted the Ombudsman's recommendations and the status of Council's compliance with these.



### **JMAPP Audit Rankings 2014-2016**

Council's property assets are insured under the JLT Municipal Asset Protection Plan Discretionary Trust Arrangement (JMAPP) and every 2 years JLT undertake a JMAPP property risk management audit.

The committee discussed Council's audit results and ranking within the State and the North Central Region. The rankings reveal that Council has made improvements since the 2012-2014 audit

### **Audit Committee Charter Review**

The current Audit Committee Charter was reviewed in 2015 and aligned with Local Government Victoria's Audit Committees: A Guide to Good Practice Guide for Local Government, January 2011.

The Health, Safety and Risk Officer has reviewed the charter against the guide and other local government audit committees charters as well as addressing governance issues that have arisen since the last review.

The charter has been updated to generally improve structure and wording and also to provide greater clarity around the committee's purpose, its authority, membership and meetings. The committee requested minor reference and wording changes and endorsed the charter for adoption by Council.

### **Health and Safety Report - Confidential**

The Committee reviewed the 2016/17 year to date 28 February 2017 Health and Safety Report (Confidential) and endorsed it for Council adoption. The report identifies that health and safety event reporting is consistent with previous years and the focus of training and health initiatives has been restricted to mandatory matters.

### **IMPLICATIONS**

Council complies with the following sections of the *Local Government Act 1989*.

- Section 139 requires Council to have an audit committee and act within the guidelines made by the minister for Audit Committees.
- Section 136 requires Council to implement the principles of sound financial management.

This report is consistent with the following strategic documents:

Council Plan 2013-2017 (2016 Review)	
Theme 5: Performance Focused Organisation	
Strategic Objective 5.2	To manage resources well to ensure sustainability
Strategic Objective 5.3	To support people and business practices
Strategic Objective 5.4	To ensure a high standard of governance
2016/17 Budget	
Section 2.5	Performance focused organisation



## **CONCLUSION**

The Audit Committee, being satisfied with the detail provided in its agenda and the officer reports, recommends Council adopt the detailed resolutions.

## **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 Corporate (Acting)
- Health, Safety and Risk Officer

## **ATTACHMENT(S)**

8.3.1 (a) Audit Committee Meeting 4 Minutes, 24 March 2017

8.3.1 (b) Audit Committee Charter 2017

8.3.1 (c) 2016/2017 Year to Date 28 February 2017 Health and Safety Report  
(Confidential)



### 8.3.2 Quarterly Report - Council Plan

File Number: SU600.03

#### **INTRODUCTION**

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

#### **RECOMMENDATION**

*That the Alpine Shire Council Plan Quarterly Report ending 31 March 2017 be received and noted.*

#### **BACKGROUND**

##### **Council Plan development**

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

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

A new Council Plan has been prepared following the 2016 Council Elections. This plan will commence in the 2017/18 financial year, and is currently 'on exhibition', seeking public comment on the strategic objective, strategies and indicators contained of the plan.

#### **ISSUES**

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

#### **HIGHLIGHTS**

##### **Inspired Community Leadership**

- Council completed preparation of the draft Council Plan 2017-2021, ready for public exhibition at the April Council meeting (in Q4). Council invites the public to make submissions regarding the plan.

##### **Enhancing the Environment and Liveability**

- Showcase gardens as part of the Victorian Adaptation and Sustainability Partnership project are complete. An audit of irrigation in the river precinct in Bright has highlighted improvements in infrastructure that can be implemented to improve water usage.



### **Strengthening the Community**

- The colourful street art installation at Apex Park in Myrtleford was officially opened by Jaclyn Symes MP (Member for Northern Victoria) during February. The "Brighten the Park" project was an initiative to install a street art piece on the amenities building at Apex Park.

### **Prosperous Economy, Employment And Investment**

- Destination marketing continued across the Shire. Social media and an upgraded regional digital platform continue to be an important part of the campaign. Work on attracting new events to the region continues.

### **Performance Focused Organisation**

- Council continues to improve its processes and systems to ensure workflows and procedures are simple and efficient.

### **POLICY IMPLICATIONS**

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

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

### **FINANCIAL AND RESOURCE IMPLICATIONS**

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

### **CONSULTATION**

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

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

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

### **CONCLUSION**

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



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

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

- Governance Officer

### **ATTACHMENT(S)**

8.3.2 Alpine Shire Council Quarterly Report - ending 31 March 2017.





### 8.3.3 Draft 2017/18 Annual Budget

#### INTRODUCTION

The purpose of this report is to receive the Alpine Shire Council 2017/18 draft Annual Budget, and to place it on public exhibition inviting submissions.

#### RECOMMENDATION

*That:*

- 1. The proposed Alpine Shire Council 2017/18 Annual Budget annexed to this resolution and featuring a 1.9% rates and charges rise, be the draft budget prepared by Alpine Shire Council for the purposes of section 127(1) of the Local Government Act 1989.*
- 2. The Chief Executive Officer be authorised to:*
  - a. Give public notice of the preparation of the Alpine Shire Council 2017/18 Annual Budget in accordance with section 129(1) of the Local Government Act 1989; and*
  - b. Make available for public inspection the information required to be made available in accordance with the Local Government (Planning and Reporting) Regulations 2014.*
- 3. Consideration be given to any submission on any proposal contained in the budget made under sections 129 and 223 of the Act, with submissions closing 3pm, 8 June 2017;*
- 4. A committee is formed according to Section 223 (1)(b) of the Local Government Act 1989, if required, consisting of Councillors for the purpose of hearing submissions in relation to the Alpine Shire Council 2017-18 Annual Budget 2017/18; and*
- 5. A recommendation to adopt the budget be presented to a Special Meeting of Council on 27 June 2017.*

#### ISSUES

##### Background

Council has prepared an Annual Budget for 2017/18 which is aligned to the vision in the draft Council Plan 2017-21. It seeks to maintain and improve services and infrastructure as well as deliver projects and services that are valued by our community, and do this with a lower rate increase than that mandated by the State Government.

This Annual Budget projects a surplus of \$3.6 million which is influenced by:

- Rates to increase by 1.9% being 0.1% lower than the 2.0% rate cap set by the State Government.
- Reduction on previous year's employee costs of \$0.1 million to \$8.7 million.
- Increased rates in lieu of approximately \$0.4 million



Council is focusing on its capital works program to provide greater benefits to the local community. This year the capital works program is budgeted at \$8.5 million.

In addition to capital projects Council is undertaking projects that align with the draft Council Plan 2017-21 strategic objectives as follows:

**Strategic Objective 1: A High Performing Organisation**

- Communicate and engage with stakeholders.
- Advocate for the community on key issues.
- Lead and govern with integrity.
- Build a skilled organisation with a positive culture.

**Strategic Objective 2: A Responsible and Sustainable Organisation**

- Provide an excellent customer experience.
- Manage our financial resources sustainably.
- Identify and manage Council's risk.

**Strategic Objective 3: Incredible Places for Our Community and Visitors**

- Identify and plan for our community's infrastructure aspirations.
- Deliver Council's capital works program on time, to budget, and to the satisfaction of stakeholders.

**Strategic Objective 4: Infrastructure and Open Space that our Community is proud of**

- Manage and maintain Council infrastructure.
- Understand and plan for Council's asset renewal requirements.
- Prepare for and assist in the response to emergency events.
- Maintain Council's parks, trees, and reserves.

**Strategic Objective 5: Highly Utilised and Well Managed Community Facilities**

- Sound operation and management of community facilities.
- Deliver quality services for our community.
- Align services with community expectations.

**Strategic Objective 6: A Well Planned and Safe Community**

- Plan for and manage development to enhance livability.
- Raise awareness and educate community about applicable laws, regulations and codes.
- Enforce local laws, regulations and codes.



### **Strategic Objective 7: A Thriving and Connected Community**

- Strengthen visitor attraction and experience.
- Support and encourage investment and enterprise.
- Improve healthy eating and physical activity.
- Stop violence against women and children.
- Reduce the incidence of alcohol and other drug related harm.
- Create socially connected and supported communities.

### **The Rate Rise**

Council's rate revenue rise will be 1.9%. This is lower than the 2.0% order set by the Minister for Local Government under the Fair Go Rates System. Council is also proposing to reduce the Dinner Plain Village Rate (2017/18) from a level of 65% of the general rate in the dollar to a level of 43% of the general rate which aligns with the shire-wide Commercial Industrial Differential Rate. This would result in a reduction of \$141,225 in special rate revenue when compared to the revenue achieved in 2016/17. Overall Council's rates and charges revenue will increase by 3.4% compared to the 2016/17 forecast.

Key drivers in determining the rates and charges for 2017/18 in this draft Annual Budget are:

- To minimise rate increases to ratepayers.
- To fund renewal and upgrade of infrastructure and community assets.
- To fund ongoing service delivery.
- Valuations as per the General Revaluation dated 1 January 2016 (as amended by supplementary valuations).

### **Context**

Key budget information is provided in the draft Annual Budget about the rate increase, operating result, services, cash and investments, capital works, financial position, financial sustainability and strategic objectives of the Council.

In advance of preparing the draft Annual Budget, Officers firstly review and update Council's long term financial projections. Financial projections for at least four years are ultimately included in Council's Strategic Resource Plan (SRP), which is the key medium-term financial plan produced by Council on a rolling basis. In addition to the Council prepares and models a Long Term Financial Plan (LTFP) to ensure financial sustainability for 10 years into the future.

The preparation of the budget, within this broader context, begins with Officers preparing the operating and capital components of the annual budget during January and February. Consideration is also given to submissions received in the prior year which were not funded and community consultation which has occurred throughout the year. A draft consolidated budget is then prepared and various iterations are considered by Council at informal briefings during April. A 'proposed'



budget is prepared in accordance with the *Local Government Act 1989* and submitted to Council for approval 'in principle'. Council then seeks feedback from the Community through the formal submission process.

### **POLICY IMPLICATIONS**

The draft Annual Budget is prepared in accordance with the *Local Government Act 1989* and the *Local Government (Planning and Reporting) Regulations 2014*.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

The 2017-18 draft Annual Budget provides a strong financial position for Alpine Shire Council, forecasting an operating surplus of \$3.6 million dollars and a liquidity ratio of 170%. This has been achieved whilst delivering a capital works budget in the order of \$8.5 million and no reduction in the volume or standard of services delivered to the Shire.

Staff levels are stabilising at 105 FTE, delivering a marginal year on year saving against total employee costs of \$8.7 million.

The key expense of materials and works is relatively consistent with previous years and remains an ongoing area of efficiency review and improved forecasting.

### **CONSULTATION**

Council is required to give 'public notice' that it intends to 'adopt' the Annual Budget. It must give 28 days' notice of its intention to adopt the proposed Annual Budget and make the Annual Budget available for inspection at its offices and on its web site.

Under Section 223 of the *Local Government Act 1989* a person has a right to make a submission on any proposal contained in the budget and any submission must be considered before adoption of the budget by Council. Council must allow a minimum 28 days after the public notice to receive submissions. A person has the right to have their submission heard at a committee be formed according to Section 223 (1)(b) of the *Local Government Act 1989*, if required, consisting of Councillors for the purpose of hearing submissions.

Council officers undertake community engagement processes throughout the year to assist with the development of the budget. The final step is for Council to adopt the budget after receiving and considering any submissions from interested parties. The budget is required to be adopted by 30 June and a copy submitted to the Minister within 28 days after adoption.

### **CONCLUSION**

The draft Annual Budget has been prepared in accordance with Alpine Shire Council's draft Council Plan 2017-21 Strategic Objectives and the *Local Government Act 1989*. The draft Annual Budget is presented for Councils consideration and public exhibition.



**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 Corporate (Acting)

**ATTACHMENT(S)**

8.3.3 Alpine Shire Council draft Annual Budget 2017/18



### **8.3.4 Dinner Plain Village Rate (2017/18) Public Notice of Proposed Declaration**

File Number: 950.01

#### **INTRODUCTION**

A Council may declare a special rate for the purposes of defraying expenses when the performance of a function is of special benefit to the persons required to pay the special rate. The declaration of a special rate is a requirement of the *Local Government Act 1989*, Section 163.

#### **RECOMMENDATION**

*That Council:*

- 1. Give public notice in accordance with s163 of the Local Government Act 1989 of their intention to declare a special rate (deemed the Dinner Plain Village Rate), for the period 1 July 2017 to 30 June 2018 at a level of 43% of the General Rate which aligns with the Shire-wide Commercial Industrial Differential Rate as follows:*
  - a. A special rate be declared for the purpose of defraying any expenses in relation to the provision of services to Dinner Plain village;*
  - b. The total cost of the performance of this function is estimated to be \$601,240 over one year;*
  - c. The amount of the Dinner Plain Village Rate to be levied is estimated to be \$293,941 over one year, or such other amount as is lawfully raised as a consequence of this Resolution;*
  - d. Defrayment of expenses will be of special benefit to those persons required to pay the Dinner Plain Village Rate;*
  - e. The Dinner Plain Village Rate will apply to land within Dinner Plain village;*
  - f. The basis of calculation of the Dinner Plain Village Rate for the 2017/18 Financial Year be 0.002147 cents in the dollar multiplied by the Capital Improved Value of each parcel of rateable land;*
  - g. The amount of the special rate will be the amount shown as due and payable in any notice sent to a person required to pay the Dinner Plain Village Rate; and*
  - h. Each person liable to pay the Dinner Plain Village Rate by instalments in line with Council's general rate payment requirements in each year.*
- 2. Consider the Dinner Plain Village Rate for 2017/18 declaration at a Special Council Meeting on 27 June 2017.*
- 3. Commit to the delivery of a \$1.5m capital works project pipeline within Dinner Plain by 2027; this will be funded by the residual funds within the Dinner Plain reserve (forecast to be \$998,000 at 30 June 2017) and additional funds as allocated by Council.*



- 4. Dissolves the Dinner Plain Advisory Committee, acknowledging the Committee's contributions; and undertake to continue to consult with the Dinner Plain community.*
- 5. Invite public submissions in relation to the proposed declaration of the Dinner Plain Village Rate in accordance with s163A and s223 of the Local Government Act 1989.*
- 6. Form a committee according to Section 223 (1)(b) of the Local Government Act 1989, if required, consisting of Councillors for the purpose of hearing submissions in relation to the proposed declaration of the Dinner Plain Village Rate*

## **BACKGROUND**

Dinner Plain operates as a discrete business unit within Alpine Shire Council and a strategic approach to long term financial planning and management has been undertaken to acknowledge and sustain the unique development and operational needs of the village, and to manage a fair and equitable rate structure.

The declared Special Rate Dinner Plain Services for 2016/17 was reduced to 65% (from 80.7% in 2015/16). It is now proposed to declare a 2017/18 special rate at 43%, this aligns the proposed Dinner Plain Village Rate with the Shire-wide Commercial Industrial Differential Rate.

## **ISSUES**

A ten-year analysis of projected income and expenditure demonstrates that expenditure will exceed income within the ten-year period; it is proposed that this deficit will be covered by the Dinner Plain reserve in the short term.

Council has identified a pipeline of capital projects in consultation with the Dinner Plain Advisory Committee and sought feedback from Dinner Plain ratepayers in the survey completed in 2016. In addition, Council remains committed to the delivery of essential services to Dinner Plain. In order to defray these expenses Council is recommending a special rate of 43% for the Financial Year 2017/18, it is acknowledged that this level does not recover the full cost of the performance of this function.

Within the 2017/18 rating period Council will undertake a financial assessment on the impact of reducing the Dinner Plain Village Rate for 2018/19 to apply to commercial properties (including holiday homes) only within Dinner Plain village. This assessment will include a detailed analysis of projected income and expenditure and document the potential income deficit achieved once the Dinner Plain reserve is exhausted. This analysis will allow Councillors to make an informed decision on the future strategy to defray these expenses.



## POLICY IMPLICATIONS

The preparation of the Dinner Plain Village Rate 2017/18 strategy is in accordance with the:

- Special rates and Charges, Ministerial Guidelines, September 2004
- Alpine Shire Rating Strategy
- Strategic Resource Plan

## FINANCIAL AND RESOURCE IMPLICATIONS

Council has undertaken analysis that demonstrates expenditure will exceed income within the ten year period of the plan; the deficit will be covered by the Dinner Plain reserve in the short term.

The Dinner Plain reserve is forecast to be approximately \$998,000 at 30 June 2017 with Council undertaking to allocate additional funding to deliver \$1.5m of planned future capital works within Dinner Plain village by 2026/27.

The Dinner Plain Village Rate for 2017/18 is proposing to raise an estimated \$293,941 over the 12 months. This is significantly lower revenue than lower than the total cost of the performance of this function over the year , and less then that raised in previous years' special rate declarations for Dinner Plain village.. This deficit in revenue against the cost of the function is illustrated in the below table which shows a comparison of revenue raised from the special rate in the previous two financial years.

Year	Special Rate Revenue	Proposed Special Rate revenue 2017/18	Comparison Deficit in revenue raised
2015/16	\$564,735	\$293,941	\$270,794
2016/17	\$435,166*	\$293,941	\$141,225

\*Year to date figure

## CONSULTATION

Under Section 223 of the *Local Government Act 1989* a person has a right to make submissions on the proposed Dinner Plain Village Rate 2017/18. Council must allow a minimum 28 days after the public notice to receive submissions.





## **CONCLUSION**

Public notice of intention to declare a special rate is a requirement of the *Local Government Act 1989*.

Council is giving public notice of the intent to declare a Dinner Plain Village Rate of 43% for the period 1 July 2017 to 30 June 2018 in accordance with Section 163 of the *Local Government Act 1989*. It is proposed to declare the Dinner Plain Village Rate at a Special Council Meeting on 27 June 2017.

## **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
- Director Corporate
- Director Assets
- Manager Corporate
- Rates Coordinator

## **ATTACHMENT(S)**

8.3.4 Dinner Plain Village Rate Map



### 8.3.5 Planning Application 5.2010.125.4

Application Number:	5.2010.125.4
Original Permit:	Building and works for the replacement of an existing dwelling and associated earthworks
Amended Permit:	To amend the current planning permit for the site in order to undertake the following: Construction of a 7m x 9m weatherboard clad storage shed with bathroom. Construction of a brick entry statement. Construction of a 3.5m wide concrete driveway from the entry statement to the dwelling. Installation of a below ground swimming pool Construction of an associated pump/store room. Construction of a retaining wall set back between 5 and 7 metres from the dwelling. Removal of unauthorised fill from around the site.
Applicant's Name:	F & J Notarianni
Owner's Name:	F & J Notarianni
Address:	72 Toniazzo Lane, Myrtleford
Land size:	5.92 hectares
Current use and development:	Site has been developed with a single dwelling and a cluster of sheds in the north-western corner of the property.
Site features:	Rectangular shaped allotment with a single storey dwelling located in the western part of the site. The Ovens River forms the site's rear boundary. The site does not contain any significant vegetation and is relatively flat due to its location on the floodplain.
Why is a permit required?	Pursuant to Clauses 35.07-4 (building and works in the Farming Zone) and 44.04-1 (buildings and works on land within the Land Subject to Inundation Overlay)
Zoning:	Farming Zone (FZ)
Overlays:	Land Subject to Inundation Overlay (LSIO)



## **RECOMMENDATION**

***That Council issue a Notice of Decision to Grant an amended Planning Permit for buildings and works for the replacement of an existing dwelling, outbuilding, swimming pool and associated pump/store room, entry statement fencing, concrete driveway, retaining wall and associated earthworks at 72 Toniazzo Lane, Myrtleford in accordance with the conditions outlined in Appendix A and the submitted plans shown in Attachment 1.***

## **REASON FOR THE RECOMMENDATION**

- The proposal satisfactorily addresses the State and local planning policy frameworks, and the provisions of the Farming Zone and Land Subject to Inundation Overlay.
- With appropriate conditions included on the amended permit as requested by NECMA, the proposal will ensure the free passage and temporary storage of floodwaters is maintained, flood damage is minimised, and no significant rise in flood level or flow velocity will occur as a result of the proposed buildings and works.

## **PROPOSAL AND BACKGROUND**

Planning Permit 5.2010.125.1 was issued on 9 November 2010. The permit allowed for the construction of a replacement dwelling on the site and associated earthworks including retrospective approval for earthworks to elevate the pad for the new dwelling.

Since approval of the original application, the plans for the development have been amended under secondary consent to approve the addition of a verandah to the dwelling in 2012. The permit was granted an extension of time in 2015.

Prior to submission of the amended permit application, the owners of 92 Toniazzo Lane raised concerns with unauthorised fill being placed on the subject land in a letter to Council dated 5 May 2015. The primary concern raised in the letter being that the alleged placement of fill had the potential to result in increased flood flows impacting on their property which lies approximately 130m to the north of the subject land.

During a site visit to the subject land on 1 June 2015, the landowner advised Council staff that fill had been placed around the house in order to gradually taper fill down from the perimeter of the house to surrounding natural ground levels.

Following that site visit, Council wrote to the landowner on 3 June 2015 advising the following:

1. Council was in receipt of a letter alleging unauthorised placement of fill on the property.
2. Council required verification that the volume and placement of fill to build up the house pad was in-line with the original planning permit issued in 2010 and the



owner engage a licensed land surveyor to undertake a survey of the property to show volumes of cut and fill across the property.

3. The owner submit application to amend the planning permit to authorise any works that did not form part of the original planning permit and any other planned works that required approval.
4. If the placement of unauthorised fill was verified as not forming part of the works authorised by the original planning permit, then works to remedy the matter may be required.

The landowner subsequently submitted an application to amend the planning permit on 28 August 2015. The amendment sought approval for the following additional buildings and works:

- Construction of a 12m x 8m steel shed.
- Construction of a brick entry statement (largely completed).
- Construction of a 3.5m wide concrete driveway from the entry statement to the dwelling.
- Installation of a below ground swimming pool.
- Extension to the period for the removal of the original dwelling which was required to be demolished.

Accompanying the application was a survey of the land undertaken by Esler and Associates (licensed land surveyors). The survey, undertaken in July 2015, showed levels on the front third of the property and also areas at the rear of the site that were used as borrow pits to provide fill at the front of the property.

Following public notification of the application, receipt of an objection, and referral of the application to North East Catchment Management Authority (NECMA), the owner lodged further amended plans.

The amended plans replaced the above plans and sought approval for the following:

- Construction of a 7m x 9 m weatherboard-clad shed. The shed would have a pitched colorbond roof and an overall height of 4.94 m. It would contain a bathroom which would be used in association with the proposed pool. The remainder of the shed would be used for storage. It would be located to the rear of the existing (new) dwelling, to the south of the proposed pool. The shed would have the same finished floor level as the new dwelling of 205.4 AHD (Australian Height Datum).
- Installation of a below ground swimming pool. The pool would be located at the rear of the dwelling with the pool fence directly abutting the rear verandah.
- Construction of a pump/storeroom associated with the pool. This structure would be located to the north of the pool and would measure 3 m x 5 m. It would also have a finished floor level of 205.4 AHD.
- Construction of a brick entry statement to the site which comprises six capped brick piers ranging in height from 1.8 m to 2.0 m with wrought iron infill.



Wrought iron gates would provide access to the site. (This structure has already been built.)

- Construction of a 3.5m wide concrete driveway from the entry statement to the dwelling.
- Construction of a retaining wall around the dwelling, proposed sheds and pool.
- Removal of fill to create an even fall from the dwelling to the front entry gates.
- Removal of fill beyond the retaining wall.

The landowner has submitted further revised plans on 25 April 2017, which respond to recommendations of NECMA for a reduced offset between the dwelling and retaining walls. These plans also include an increased offset for the southern retaining wall to incorporate the existing wastewater treatment system – discussed later in report. See Attachment 1 for a copy of the amended plans.

### **SUBJECT LAND AND SURROUNDS**

The subject site is generally rectangular in shape and is located on the eastern side of Toniazzo Lane in Myrtleford. It has a frontage of 198 metres, a depth of 398 metres and an overall area of 5.92 hectares. The Ovens River forms the rear (eastern) boundary of the site.

The site contains a single dwelling approved under the subject permit in 2010. In the north western corner of the site are a number of outbuildings used for storage of machinery and equipment associated with the owner's electrical contracting business and general maintenance of the property. Vehicle access to the site is via an existing crossover and driveway located directly in front of the new dwelling.

Being located on the Ovens River flood plain, the site is relatively flat but has been modified with fill.

The site is located approximately 1.8km to the west of the Myrtleford town centre in an area characterised by small fragmented farming lots, many developed with dwellings. The site and surrounds are subject to inundation from the Ovens River when it is in flood.



**Figure 1: Subject Land**

## **PUBLIC NOTIFICATION**

The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987*. Notice of the application was sent to eight (8) surrounding landowners and occupiers and a sign was displayed on the subject land. One objection was received from the landowner to the north of the site. See discussion below with regard to the grounds of objection.

## **REFERRALS**

Referrals / Notice	Advice / Response / Conditions
Section 55 Referrals	North East Catchment Management Authority (NECMA) – conditional consent
Internal / external referrals	Nil



## **PLANNING ASSESSMENT**

### **State Planning Policy Framework**

The State Planning Policy Framework (SPPF) provides:

- Clause 13.02-1 Floodplain management

Objective - *To assist the protection of:*

- *Life, property and community infrastructure from flood hazard.*
- *The natural flood carrying capacity of rivers, streams and floodways.*
- *The flood storage function of floodplains and waterways.*
- *Floodplain areas of environmental significance or of importance to river health.*

The subject site is located in a Land Subject to Inundation Overlay. The application was referred to NECMA who has had extensive dealings with the proposal and has provided conditional consent for the proposed buildings and works. With conditions provided by NECMA, the proposal accords with the objective of this clause and will ensure that the proposal should not intensify the impacts of flooding on or near the site.

### **Local Planning Policy Framework**

The Local Planning Policy Framework (LPPF) has the following relevant clauses:

Clause 21.04-4 Environmental risk

Relevant Key issues and influences - *"Flooding within parts of the Alpine Shire is a severe constraint on development with the extent of flooding in the Ovens River and tributaries being well documented".*

Objectives

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





## **Farming Zone**

The subject land is zoned Farming Zone (FZ) pursuant to the Alpine Planning Scheme. The purpose of the zone is:

*“To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

*To ensure that 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.”*

A planning permit is triggered under the provisions of the Farming Zone as the proposed earthworks potentially have the ability to change the rate of flow or the discharge point of water across a property boundary. This will be discussed in more detail in the next section of this report under the LSIO requirements.

The remaining proposed buildings and works do not require approval under the Farming Zone provisions.

## **Land Subject to Inundation Overlay**

The site is subject to the Land Subject to Inundation Overlay. The purpose of the overlay as relevant to this application is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority. To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, is compatible with the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).*
- *To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.*

NECMA is the relevant floodplain manager for the site. The application was referred to NECMA to provide advice regarding the effects the proposed buildings and works would have on the Ovens River floodplain. NECMA provided conditional consent in its response of 5 October 2015 - see Attachment 2. Following a meeting attended by NECMA, the applicant and the objector facilitated by Council to discuss the application, and the submission of amended plans by the applicant, NECMA provided





an additional response in February 2016, again providing conditional consent - see Attachment 3.

NECMA provided the following comments in its second referral response:

*Flood levels for the 1% AEP (100 year ARI) flood event have not been designated or declared for this area under the Water Act 1989. The Authority's best estimate of the 1% AEP flood level for the location described above is RL 205 metres AHD which was obtained from Myrtleford Flood Study Report.*

*Consequently the Authority advises that in the event of a 1% AEP flood event it is likely the majority of the property would be subject to inundation from the Ovens River.*

### **General Decision Guidelines**

Clause 65 of the Alpine Planning Scheme provides the decision guidelines that must be considered before deciding on an application. The decision guidelines that are appropriate to consider in this instance include:

*The orderly planning of the area.*

The proposed amended permit will allow for the reasonable development of additional infrastructure for a rural residential dwelling. The dwelling and its additions will not impact on the ability of adjoining properties to undertake agricultural activities and will not impact on the flow and storage of floodwaters. Approval of the proposal will be consistent with the orderly planning of the area.

*The effect on the amenity of the area.*

With appropriate conditions imposed, the proposal will not impact on the amenity of the area and should not increase the flood risk to adjoining properties.

*The proximity of the land to any public land.*

The site abuts the Ovens River to the rear. As discussed, with appropriate conditions imposed on the amended permit, the proposal should not impact on natural river systems or the biodiversity of the area.

The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

Conditions included on the amended permit will mitigate the flood hazard associated with the site to an acceptable level.

### **NECMA RESPONSE**

NECMA provided its conditional consent to the amended permit application on 5 October 2015 and following the submission of amended plans it provided a further letter of conditional consent on 15 February 2016 with amended conditions. Subsequent to these two responses, NECMA has provided additional analysis and comment on the proposal at the request of Council.

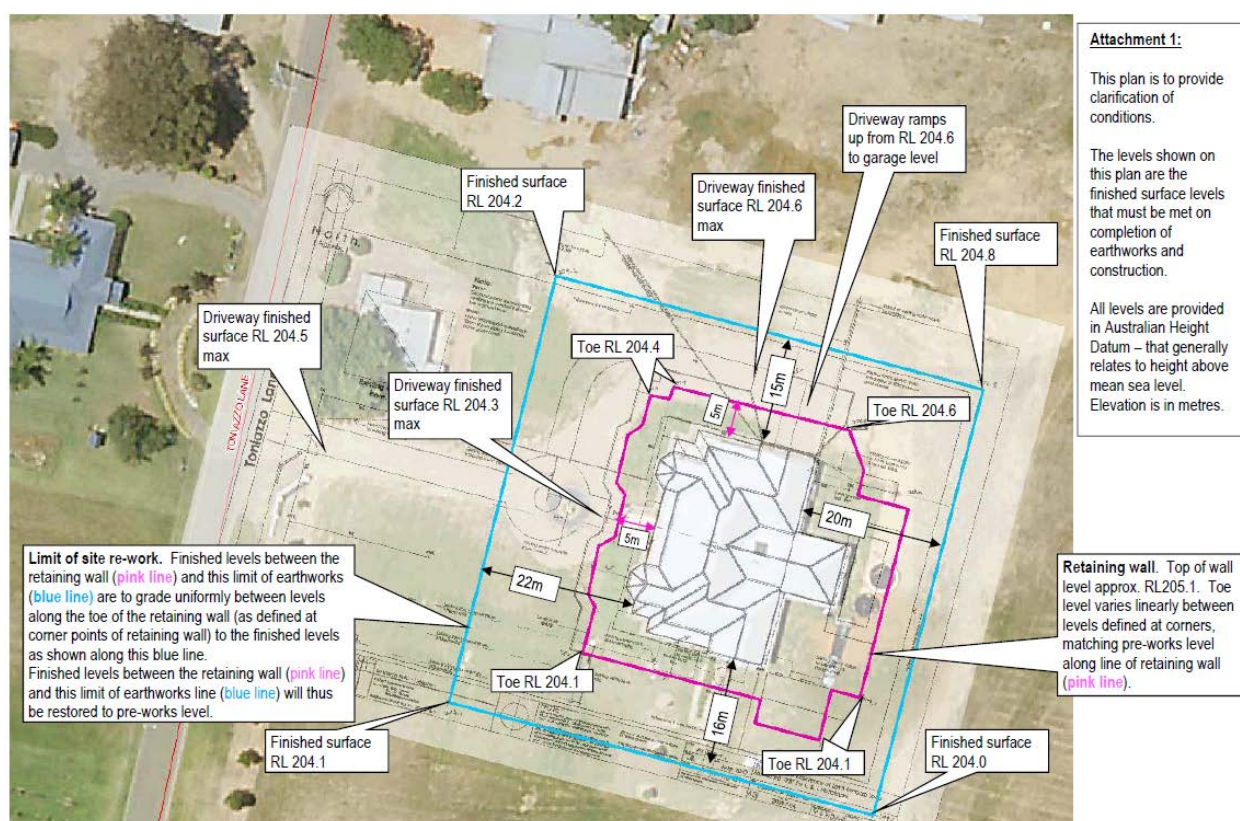


In summary, NECMA has undertaken a comparison of contour levels from the survey undertaken by Esler and Associates in July 2015 and LiDAR data flown between November 2009 and March 2010. LiDAR is a surveying method that measures the distance to a target by illuminating that target with a pulsed laser light, and measuring the reflected pulses with a sensor. Differences in laser return times and wavelengths are then used to generate an image of the contours of the land.

This comparison has provided evidence that fill has been placed on the land surrounding the approved dwelling beyond what would be reasonably expected to raise the floor pad for the dwelling. NECMA's consent to the amended permit application is subsequently conditional on fill being removed from the site with levels returned to the levels shown by the LiDAR data. It is noted that NECMA has found no evidence that fill was placed on-site prior to the LiDAR being flown in early 2010.

The specific contour levels to be achieved following the removal of fill are included as draft conditions of the amended permit. The landowner will be required to undertake a survey post the removal of fill to demonstrate compliance with the draft conditions.

Figure 2 below shows the areas between the pink lines (proposed retaining wall) and blue lines (general fill extents) being where NECMA has requested that fill be removed.



**Figure 2: Site Re-work plan**

To better illustrate that the fill required to be removed will achieve pre-2010 LiDAR levels, NECMA has provided a series of charts comparing the 2015 surveyed levels,



the 2010 LiDAR levels and the required levels along the toe of the retaining wall (the pink line in figure 2) and the required levels to be achieved at the fill extents (the blue line in figure 2) – see Attachment 4.

A further draft condition of approval is for the removal of any fill beyond the area designated by NECMA (the blue line in figure 2) should observational evidence reveal additional fill placement. It is proposed that this be achieved as follows. Following removal of fill to the 'blue line', Council's Engineer will attend site to conduct an investigation for any additional fill. Any illogical soil profiles or unconsolidated fill discovered will be deemed as imported fill and will be required to be removed from site to the satisfaction of Council.

### **GROUNDINGS OF OBJECTION**

As mentioned earlier in the report, an objection to the application was received from the landowner to the north of the site at 92 Toniazzo Lane. The objection was lodged to the original plans submitted with the application with an additional objection based on the amended plans and NECMA's referral response of 15 February 2016. As previously mentioned, the objector had also raised concerns with unauthorised filling of the property in a letter to Council in May 2015 (prior to the lodgement of the amended planning permit application). See Attachment 5 for a copy of the two objections and the May 2015 letter.

The main grounds of objection in the second objection letter are summarised as follows:

#### **Placement of Unauthorised Fill**

*Fill has been transported to the site since 2007 raising the original ground level including an area between the new dwelling and existing sheds in the north of the site in the location of a major flow path. NECMA has recommended soil be removed to 2010 LiDAR levels, not pre-2007 levels.*

NECMA has provided Council with historic images of the subject land – see Attachment 6. The sequence of photos shows no specific evidence of the placement of fill prior to the 2010 LiDAR being flown.

In addition to the removal of fill around the dwelling, a draft condition of permit will require the removal of soil along a portion of the site where there is anecdotal evidence of fill placement. This condition is to allow for a continuous flow path for flood waters between the new dwelling and sheds on the northern boundary of the subject land.

#### **Backyard levels (eastern side of new dwelling)**

*NECMA has not assessed the impact of the entire backyard being filled and ground level being raised to the level of the height of the back verandah. We are concerned that the works will result in localised changes to water flow across our land with consequential property damage.*



NECMA has provided conditional consent to building and works (pool, two sheds and retaining wall at the rear of the dwelling) subject to the removal of fill beyond the retaining wall to a distance of 20m from the edge of the dwelling (the 'blue line in figure 2). Council requested NECMA consider any benefits arising from the removal of additional soil to the east of the dwelling to allow flood water to flow in a general south-west direction. NECMA has stated that the removal of additional soil beyond that already required as to not being either '*necessary or beneficial*'. NECMA's provided the following explanation in a letter to Council dated 30 January 2017:

*"This is based on the available LiDAR in this area (assuming that levels east of the dwelling were not significantly modified prior to 2010) which shows levels around RL 204.7-204.8 m AHD in a broad ridge east of the dwelling. This area would be flooded only in large flood events (larger than the October 2016 event) at which point broad scale inundation of the floodplain would be expected. Excavation through the ridgeline would potentially divert some flows to the south of the dwelling at 72 Toniazzo Lane (to the benefit of 92 Toniazzo Lane) but is not considered by the Authority to represent a restoration of pre-works conditions."*

### **Consistency of NECMA response**

*The response provided by NECMA in October 2015 conflicts with its February 2016 response in relation to the distance the fill extends from each side of the house. The objector believes the February 2016 response to be invalid.*

NECMA has provided the following explanation with regard to differences in data used:

*"In relation to the query re different fill offsets quoted in our response F-2010-0169-03 and F-2010-0169-04 I've pulled together a summary of the basis for these estimates.*

- The estimates provided in F-2010-0169-03 were based largely on the north-south and east-west cross-sections, measuring offsets from the dwelling to the point at which fill depth was tailing off. The stated 50m offset to the north reflected the filling understood to have occurred prior to LiDAR.*
- The estimates provided in F-2010-0169-04 were based on a LiDAR depth analysis which is arguably more precise in showing the extent of filling but needs to be summarised given that the fill lines are not at consistent offset from the dwelling so have had to state an average/indicative offset.*

*Essentially this is not an exact science. Discrepancy between -03 and -04 reflects different method of assessment and was not an intentional revision of extent."*

NECMA has provided a comprehensive response to the specific aspects of the proposal and has raised no objection to the proposal subject to the following:



- The applicant proposes to construct a retaining wall generally offset 5 metres from the dwelling.
- The existing fill material beyond the retaining wall (as amended above) must be restored to the pre-works level as represented by 2010 LiDAR (surveying data held by NECMA). NECMA has provided specific finished surface levels to be achieved for the site.
- Specific levels for the driveway have also been provided and will be required to be implemented.
- The proposed structures are acceptable.

#### **AMENDMENT TO RETAINING WALL ALIGNMENT**

In a letter to Council dated 21 February 2017, the landowner made a request to Council to consider the following:

1. The realignment of the retaining wall on the south side of the dwelling being increased from 5 metres to 7 metres. This realignment is to accommodate the dwelling's wastewater treatment system and associated sand filter, which the owner mistakenly thought to be within 5 metres of the dwelling.

Council Planning staff have assessed the proposed amendment and consider it acceptable on the basis that a minor change to the alignment of retaining wall on the southern side of the dwelling will not impact on flood flows or flood storage – see Attachment 7 'Amended Services and Utility' plan showing realigned retaining walls.

2. That Council permit the owners to relocate the fill required to be removed to the rear of the subject land from where it was originally sourced.

The 2015 survey submitted by Esler and Associates indicates that the majority of fill has been sourced from a borrow location at the rear of the property. As a consequence, it could be argued that the impact on floodplain storage is largely unaffected. However, given the amount of fill permitted to be placed within the retaining walls, it is recommended that the requirement for the fill to be removed and placed off-site remain as a condition of the permit.

#### **CONCLUSION**

In assessing the amended permit application, NECMA and Council's Planning staff have undertaken a thorough analysis of the impact of the proposal on local flooding and potential impact on adjoining properties. This assessment has included numerous meetings with the objectors to the proposal in order to address their concerns.

NECMA in its role as a statutory recommending referral Authority for floodplain management has recommended a permit be granted subject to conditions requiring the removal of fill. Additional conditions for the removal of fill, beyond that required by NECMA, are recommended to be imposed to ensure that all unauthorised fill is removed from the subject land.

The proposal should allow for the free passage and temporary storage of floodwaters from the Ovens River and should not cause any significant increase in flood level or





flow velocity. The unauthorised placement of fill across the site will be removed with the site returned to pre-2010 levels beyond the proposed retaining wall. This is considered to be an acceptable planning outcome and one which will ensure that the existing and proposed works will not have a detrimental impact on adjoining properties by way of flooding.

It is therefore considered that the environmental risks, constraints and hazards that face the site with regard to flooding have been fully considered and will be adequately addressed through permit conditions.

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

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

- Manager Planning and Amenity
- Statutory Planner

#### **ATTACHMENT(S)**

8.3.5 – 1 Plans

8.3.5 – 2 NECMA Referral Response 5 October 2015

8.3.5 – 3 NECMA Referral Response 15 February 2016

8.3.5 – 4 LiDAR and Survey Analysis

8.3.5 – 5 Objection letters (x2) and letter of complaint from Torcaso family

8.3.5 – 6 Historic Images of subject land

8.3.5 – 7 Amended 'Services and Utility' plan showing realigned southern retaining wall



#### **Appendix A: Draft Conditions of Amended Permit**

- 1) The layout of the site and the size of the proposed buildings and works must be generally in accordance with the endorsed plans which form part of this permit. The endorsed plans must not be altered or modified (whether or not to comply with any statute statutory rule or local law or for any other reason) without the consent of the responsible authority.
- 2) Earthworks are to be undertaken to re-establish a flow path between the approved replacement dwelling and the northern boundary of the subject land. The earthworks must provide for a continuous east to west flow path to Toniazzo Lane and have an invert level of RL 204.0m AHD with a base width of 7-metres to the satisfaction of the responsible authority.
- 3) Prior to the commencement of earthworks required by condition 2, a plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. The plan must be drawn to scale (with dimensions) and show the alignment of the re-established drainage line required pursuant to condition 2 of the permit.
- 4) Unauthorised fill placed on the property must be removed to the satisfaction of the responsible authority as detailed in the North East Catchment Management Authority conditions. Where it is determined by site observation that fill has been placed beyond the extent required by the NECMA conditions, this fill is also to be removed from the site to the satisfaction of the responsible authority.
- 5) Upon completion of the fill removal to the levels specified in North East Catchment Management Authority conditions, the landowner is to stop all works to provide for Council to inspect the works and investigate any additional fill. Any illogical soil profiles or unconsolidated fill discovered will be deemed as imported fill and will be required to be removed and placed in a location to the satisfaction of the responsible authority.
- 6) Removal of fill to the levels specified in the North East Catchment Authority conditions is to be completed within six months of the amended permit being issued unless otherwise approved by the responsible authority.
- 7) Upon completion of the fill removal, an as-built site survey must be undertaken by a suitably qualified surveyor to demonstrate compliance with the conditions of the permit to the satisfaction of the responsible authority.

#### **NORTH EAST CATCHMENT MANAGEMENT CONDITIONS**

- 8) Amended plans to the satisfaction of the Responsible Authority and the Floodplain Management Authority must be submitted to and approved by the Responsible Authority and the Floodplain Management Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be



- provided. The plans must be generally in accordance with the plans submitted with the application or some other specified plans but modified to show:
- a. The offset from the dwelling (or verandah where applicable) to the surrounding retaining wall reduced to 5 m on the north and west sides of the dwelling.
- 9) Surface levels along the toe of the retaining wall (as modified in accordance with Condition 8) must be restored to the pre-works level, as follows
- a. North elevation: RL 204.4 m AHD at north-west corner to RL 204.6 m AHD at north-east corner.
  - b. East elevation: RL 204.6 m AHD at north-east corner to RL 204.1 m AHD at south-east corner.
  - c. South elevation: RL 204.1 m AHD at south-east corner to RL 204.1 m AHD at south-west corner.
  - d. West elevation: RL 204.1 m AHD at south-west corner to RL 204.4 m AHD at north-west corner.
- 10) Finished surface levels shall grade uniformly from the retaining wall toe (as above) to the following levels at offsets as below:
- a. 15 m to the north of the dwelling: RL 204.2 m AHD at north-west corner to RL 204.8 m AHD at northeast corner.
  - b. 20 m to the east of the dwelling (based on the eastern wall of the dwelling excluding the under-cover outdoor area): RL 204.8 m AHD at north-east corner to RL 204.0 m AHD at south-east corner.
  - c. 16 m to the south of the dwelling: RL 204.0 m AHD at south-east corner to RL 204.1 m AHD at southwest corner.
  - d. 22 m to the west of the dwelling: RL 204.1 m AHD at south-west corner to RL 204.2 m AHD at northwest corner.
- 11) Excess fill material, lying beyond the limits described below, shall be removed from the site and disposed of in an area not subject to flooding as demarcated by existing and proposed flood overlays (FO and LSIO) and at a location approved by Alpine Shire.
- 12) The driveway between Toniazzo Lane and the dwelling shall be constructed along the alignment shown on drawing TP&WD / 01 Rev B.
- 13) The driveway between Toniazzo Lane and the dwelling shall be constructed to a level no more than 100 mm above the pre-works surface level existing prior to filling of the site as represented by 2010 LiDAR information. The level of the driveway must be elevated no higher than RL 204.5 m AHD at Toniazzo Lane, grading down to RL 204.3 m AHD adjacent the proposed retaining wall at the dwelling.
- 14) The level of the secondary portion of the driveway, between the roundabout and the garage, shall vary from no higher than RL 204.3 m AHD adjacent to the roundabout to no higher than RL 204.6 m AHD prior to ramping up (to the north of the garage) to match garage floor level.





- 15) Any fencing on the property must be of an open style that would permit water to pass through freely, for example post and rail, open style pool fencing or post and wire farm fencing (no ringlock/hinge-joint).
- 16) No solid, chain or fine mesh type fence shall be constructed on the property.
- 17) The proposed pool bathroom / storage shed (7 m x 9 m) shall be constructed in the location and level shown on Drawing TP&WD / 03 (Dec 2015).
- 18) Fill placement to achieve floor levels for the pool bathroom / storage shed must be retained by an appropriate vertical retaining wall coincident with the northern and eastern walls of the shed such that the level to the north and east of the shed matches the pre-works surface level existing prior to filling of the site.
- 19) The proposed pool pump / storage shed (3 m x 5 m) shall be constructed in the location and level shown on Drawing TP&WD / 03 (Dec 2015) and constructed on piers without placement of fill.
- 20) No fill shall be imported to, or placed within, the footprint or adjacent areas of the site of the existing dwelling (now demolished).
- 21) Landscaping / gardening shall result in no increase in level greater than 100 mm above approved surface level and shall ensure that paths, raised mounds etc. do not obstruct flow paths or impede drainage to or from the property.
- 22) No further earthworks, which may alter or impede floodwaters or drainage on the site, are to be undertaken on the property unless a planning permit has been issued for those works.
- 23) The finished floor level of the dwelling should be at least 205.3m AHD.

#### **GENERAL CONDITIONS**

- 24) All roof areas of the buildings must be connected to water tanks to assist in stormwater retention.
- 25) The external materials of the buildings including the roof must be constructed of materials of muted colours to enhance the aesthetic amenity of the area. No materials having a highly reflective surface shall be used. For the purpose of this clause "highly reflective" shall include unpainted aluminium, zinc or similar materials.
- 26) The land must be drained to the satisfaction of the Responsible Authority.
- 27) Access to the site, including all vehicular crossovers, must be provided and constructed to the satisfaction of the Responsible Authority.
- 28) A static water supply, such as a tank must be provided. This static water supply must meet the following requirements:
  - a) A minimum of 10,000 litres on-site static storage must be provided on the lot and be maintained solely for fire-fighting;
  - b) The water supply must be located within 60 metres of the dwelling.
  - c) Fire brigade vehicles must be able to get within four metres of the outlet as described in condition no 13.



- d) The water supply must be readily identifiable from the building or appropriate signage must point to the water supply. All below-ground water pipelines must be installed to the following depths:
- Subject to vehicle traffic – 300mm
  - Under houses or concrete slabs- 75mm
  - All other locations- 225mm
  - All fixed above-ground water pipelines and fittings, including water supply, must be constructed of non-corrosive and non-combustible materials or protected from the effects of radiant heat and flame.
- 29) Silt fencing material or straw hay bales (staked and keyed into the ground surface) must be placed at the bottom of the construction area prior to the commencement of construction to prevent storm water runoff entering a drainage line. Batters steeper than 2:1 (horizontal: vertical) must have a layer of straw over the entire batter to retain the topsoil.
- 30) An area for the storage of construction materials must be designated prior to the arrival of equipment and materials onsite. Wherever possible, disturbed areas should be used rather than areas of good quality indigenous vegetation and significant stands of trees. At the completion of construction all excess materials must be removed and the site should be regenerated to the satisfaction of the Alpine Shire.
- 31) That the applicant arrange for the septic tank servicing the existing dwelling to be pumped out by a suitably licensed contractor and demolished and filled with suitable material upon removal of the existing dwelling.

#### **GOULBURN-MURRAY WATER CONDITIONS**

- 32) All construction activities must follow sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
- 33) No buildings are to be constructed within 30 metres of any waterways.
- 34) All wastewater from the proposed dwelling must be treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant or equivalent. The system must be an EPA approved system, installed, operated and maintained in accordance with the relevant EPA Code of Practice and Certificate of Approval.
- 35) The existing septic tank system must be decommissioned once the new system is installed and operational.
- 36) The wastewater disposal area must be located at least 100 metres from the Ovens River.
- 37) The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must



be provided for use in the event that the primary field requires resting or has failed.

**EXPIRY CONDITION**

- 38) This permit will expire if one of the following circumstances applies:
- a. the development is not started within two years of the date of this permit.
  - b. the development is not completed within four years of the date of this permit.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards.



### **8.3.6 Report: Contract CT17025 Kerbside Waste Collection and Contract CT17026 Kerbside Collection. Acceptance and Sorting of Comingled Recyclables**

File Number: CT17025 & CT 17026

#### **INTRODUCTION**

This report relates to the award of contracts for the collection, transportation and disposal of Kerbside Waste and Kerbside Recyclables from Sub-Alpine areas of the Alpine Shire. Council's approval is required due to the Chief Executive Officers' threshold of \$150,000 being exceeded for each contract.

#### **RECOMMENDATION**

*That Council:*

- 1. Award Contract No. CT17025 to Cleanaway Pty Ltd for the Collection, Transportation and Disposal of Kerbside Waste for an initial period of seven (7) years (plus an option of one further term of three years). The cost of the tender for the first year (based upon estimated bins in service and current collection schedules) is \$350,000 (+ GST).*
- 2. Award Contract No. CT17026 to Cleanaway Pty Ltd for the Collection, Transportation and Disposal of Kerbside Recyclables for an initial period of seven (7) years (plus an option of one further term of three years). The cost of the contract for the first year (based upon estimated bins in service and current collection schedules) is \$356, 215 (+ GST).*

#### **BACKGROUND**

The current kerbside waste and recyclables collection contracts expire on 30 June 2017. Invitations to tender for the separate contracts (CT17025 – Kerbside Waste Collection & CT17026 – Kerbside Collection, Acceptance and Sorting of Recyclables) were advertised in:

- Herald Sun
- Alpine Observer
- Border Mail
- Councils website; and
- Tenders.net

The tender documents for each tender were downloaded by 11 companies. 4 tenders were submitted for each of the separate tenders.



After review of the tenders Council ran an invitation to tender for varied services for each of the contacts (CT17041 – Kerbside Waste Collection Services & CT17042 – Kerbside Collection, Acceptance and Sorting of Comingled Recyclables). The key variations were changes to the term and option period of each contract, removal of a bid for Kerbside Food Organics, Green Organics Collection from the Waste Contract and request for pricing for disposal of Comingled kerbside material at Myrtleford Transfer Station. Council did not close Tenders CT17025 and CT17026.

Invitations to tender for CT17041 and CT17042 were advertised in:

- Herald Sun
- Alpine Observer
- Border Mail
- Councils website; and
- Tenders.net

The tender documents were downloaded by 4 companies and 4 tenders were submitted for each of the separate tenders.

Tenders CT17041 and CT17042 were run to enable a full assessment of the options for collection and disposal of kerbside waste and recyclables over the next 10 years.

Council also undertook an assessment of costs of providing kerbside waste collection in house.

## **EVALUATION**

Submissions for all tenders were evaluated according to the key selection criteria listed in the Invitation to Tender, these being:

- Price
- Qualifications and Previous Performance
- Delivery
- Social

The evaluation panel consisted of the Director Corporate and the Manager Facilities. Following an assessment process it has been determined to award contracts based upon tenders CT17025 and CT17026. It has been determined through the evaluation process that Cleanaway best met the selection criteria.

## **Differences between Current and Tendered Rates**

### **Waste Collection Service**

The recommended tenderer's rates in Tender CT17025 will see a reduction in the cost of delivery of the current kerbside waste service of approximately 28%. This was 15% better than the second best offer for this service. They also submitted a competitive



offer for a change in collection frequency in the event Council introduces a “Green” kerbside collection service. Modelling over the 7 year contract period of different service options confirmed the Cleanaway bid to be the best cost option for Council in each scenario.

The contract is being awarded on the basis of the continuation of the current Kerbside Waste Collection service offering.

### **Recyclables Collection Service**

The recommended tenderer’s rates in Tender CT17026 will result in an increase in the cost of the delivery of the current kerbside recyclables service of approximately 30%. Though this is a substantial increase in cost of service delivery this was 11% better than the next best offer for this service. Key pricing changes verses the current contract were in both the cost for the collection service and disposal. The contract has been awarded on the basis of cost per bin in service model.

Through tender CT17042 Council has been able to assess the current viability of receiving the kerbside recyclable material at Myrtleford and then bulk transporting verses the current service model. The tender does not support a move to this model at this stage.

### **ISSUES**

Current contracts end June 30 providing a short turnaround time for the commencement of a new service provider. Cleanaway have indicated they have the vehicles available for a short turn around to commence the service while they transition to new vehicles.

Cleanaway are a publicly listed award winning company providing a broad range of waste management services including extensive experience in delivering kerbside waste and recyclables collection and disposal services.

In evaluation of each tender Cleanaway have submitted the best value proposition for ASC.

### **POLICY IMPLICATIONS**

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

### **FINANCIAL AND RESOURCE IMPLICATIONS**

Services under these contracts are estimated to cost in excess of \$0.7m per annum with the exact contract amounts varying due to actual number of bins in service. The contract will contain a mechanism to apply a CPI adjustment annually on the anniversary of the contract up to the contract term for contracted charges.

The financial impact of awarding these contracts is to maintain service provision at current levels but adjusted to cater for future movements in CPI. The savings in the cost of the delivery of the Waste Collection service, will in part be offset by the increase cost of the Recyclables Collection service, the estimated total outcome is a year 1 cost saving of \$45,000 (+ GST).



**CONSULTATION**

Not applicable

**CONCLUSION**

Acceptance of tender submission from Cleanaway for Tenders CT17025 and CT17026 is considered to be the best value option for the Alpine Shire 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.

- Chief Executive Officer
- Director Corporate
- Manager Facilities

**ATTACHMENT(S)**

- None



## 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.

### RECOMMENDATION

*That the summary of the Assemblies of Councillor for April 2017 be received.*

### BACKGROUND

The written records of the assemblies held during the previous month are summarised below. Detailed assembly records can be found in Attachment 9.0 to this report.

Date	Meeting
4 April	Briefing Session
18 April	Briefing Session
26 April	Briefing Session

### ATTACHMENT(S)

- 9.0 Assemblies of Councillors - April 2017





**10 GENERAL BUSINESS**

**11 MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN**

**12 RECEPTION AND READING OF PETITIONS**



### 13 DOCUMENTS FOR SEALING

#### RECOMMENDATION

*That the following documents be signed and sealed.*

- 1. Contract No CT1608401 in favour of Michael Smith & Associates for Design Consultancy Services for Myrtleford Alpine Better Places.*
- 2. Alpine Shire Council Audit Committee Charter.*
- 3. Deed of Novation of Contract No 1202201 for The Kerbside Collection, Acceptance and Sorting of recyclables for sub-alpine areas of the Alpine Shire dated 5 June 2012.*

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

.....  
Chairperson