



Alpine Shire

ORDINARY COUNCIL MEETING

MINUTES

M5 – 6 June 2017

Bright Council Chambers

7:00pm



The next **Ordinary Meeting** of the **Alpine Shire Council** was held in the Council Chambers, Great Alpine Road, Bright on **6 June 2017** commenced at **7:00pm**.

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1 RECORDING AND LIVESTREAMING OF COUNCIL MEETINGS

The Acting 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 Acting 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 – M4

Cr Keeble

Cr Nicholas

That the minutes of Ordinary Council Meeting M4 held on 2 May 2017 as circulated be confirmed.

Carried

4 APOLOGIES

5 OBITUARIES / CONGRATULATIONS



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

6 DECLARATIONS BY COUNCILLORS OF CONFLICT OF INTEREST

Cr Kitty Knappstein declared an indirect conflict of interest with respect to item number 8.3.2 Planning Application 5.2016.74.2.

7 PUBLIC QUESTIONS ON AGENDA ITEMS

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

Questions on Notice can be written or from the floor.

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



8 PRESENTATION OF REPORTS BY OFFICERS

8.1 ACTING CHIEF EXECUTIVE OFFICER – CHARLIE BIRD

8.1.1 Contracts approved by the former CEO

Cr Keeble

Cr Nicholas

That the Contracts approved by the former CEO be noted.

Contract No:	CQ17016	Process:	Request for Quotation
Title:	Construction of box culvert crossing of German Creek on Dunstons Track		
Tenderer:	Hutchinson Civil		
\$ (excl. GST):	\$93,050		

Contract No:	CQ17034	Process:	Request for Quotation
Title:	Shed modification works		
Tenderer:	Aligned Engineering		
\$ (excl. GST):	\$125,640		

Contract No:	State procurement contract	Process:	State purchasing contract
Title:	White fleet replacement		
Tenderer:	Wangaratta Motor Group		
\$ (excl. GST):	\$114,901		

Carried



8.1.2 Appointment of Charlie Bird as Director of MomentumOne Shared Services Pty Ltd

File Number: 1361.00

INTRODUCTION

Council's interests as a shareholder of MomentumOne Shared Services Pty Ltd (MomentumOne) are represented by the appointment of its Chief Executive Officer as a Director of MomentumOne.

Cr Roper

Cr Nicholas

That Council:

- 1. Appoint Charlie Bird as a Director of MomentumOne Shared Services Pty Ltd for the period of his appointment as Acting Chief Executive Officer.*

Carried

BACKGROUND

MomentumOne was established by Alpine Shire Council and Towong Shire Council to deliver the benefits of shared services by reducing service delivery costs and improving service delivery quality through:

- delivering innovative technology solutions
- improving and harmonising systems (policies, processes and procedures)
- streamlined administrative overheads
- achieving economies of scale to improve procurement outcomes.

A Company Constitution, Shareholders Agreement and the Corporations Act 2001 provide the governance framework for MomentumOne. The Shareholders Agreement requires each Shareholder to appoint their Chief Executive Officer to the Board of Directors.

ISSUES

To comply with its obligations under the Shareholders Agreement and the Company Constitution, Council needs to appoint its Acting Chief Executive Officer as a Director of MomentumOne.

POLICY IMPLICATIONS

The recommendation contained in this report is consistent with following Strategic Objective of the Council Plan:

- 5.2 - Manage resources well to ensure sustainability.



FINANCIAL AND RESOURCE IMPLICATIONS

Shareholder appointed Directors on the Board of MomentumOne do not receive any remuneration from MomentumOne for their office. A reasonable amount of time is required by Directors to fulfil their responsibilities in connection with the Company.

CONCLUSION

That Charlie Bird be appointed as a Director of MomentumOne Shared Services Pty Ltd for the period of his appointment as Acting Chief Executive Officer.

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 Chief Executive Officer

ATTACHMENT(S)

Nil



8.2 ACTING DIRECTOR ASSETS – WILLIAM JEREMY

8.2.1 Community Sports Infrastructure Fund – Mount Beauty Skate Park Upgrade

File Number: 1562.10

INTRODUCTION

An opportunity exists for Council to seek funding to upgrade the Mount Beauty Skate Park. This report outlines the project and details of the proposed funding application and seeks Council's financial commitment towards the project.

Cr Roper

Cr Nicholas

That Council:

- 1. Authorise the submission of a State Government grant application for the upgrade of the Mount Beauty Skate Park with a Council commitment of up to \$150,000.*

Carried

BACKGROUND

In November 2012, CONVIC was engaged by the Mount Beauty Skate Park Committee to prepare a concept design and cost estimate for an extension to the skate park. The concept was prepared and the cost of the works estimated at \$255,000.

Council received 16 submissions to the Draft 2016/17 Annual Budget outlining concerns that no funds had been allocated to an upgrade of the skate park, and noting that the community had raised \$15,000 to contribute to the upgrade. Council subsequently incorporated \$20,000 in the 2016/17 Annual Budget for planning and design works for the skate park upgrade.

Specialist skate park design company Enlocus was appointed in early 2017, and given a brief to develop a concept and cost estimate for the skate park upgrade. The scope of this design brief was broader than the previous concept design study, and considered how the skate park upgrade might best be integrated into the precinct, between the new netball court, upgraded and expanded Lakeview Children's Centre, and upgraded playground and BBQ facilities at the pondage foreshore.

Following consultation with key stakeholders and the local skating community, a draft concept and costing has been prepared. The estimate for the whole-of-precinct improvement works is \$500,000.

In May 2017 the Community Sports Infrastructure Fund opened. The Community Sports Infrastructure Fund is a State Government funding program that helps provide high quality, accessible community sport and recreation facilities across Victoria.

The Minor Facilities category is accessible to local government authorities. The maximum funding allocation per application is \$100,000 for any one project, and for



rural councils a maximum funding ratio of State Government \$2 : \$1 local government is applicable. Project proposals are due 7 June 2016.

ISSUES

Although Sport and Recreation Victoria (SRV) supports the precinct wide planning considered and undertaken as part of the current project, they will not fund elements of the project that do not directly contribute to increased participation in sport and recreation. Therefore, funding for the construction of carparks, paths, fencing and garden bed planting will not be provided. However, SRV will fund the skate park extension and other complementary infrastructure which helps to support participation such as, bike rails, trees for shade and a drinking fountain.

Extension of the skate park will require the removal of one mature Radiata Pine (*Pinus radiata*). This tree has been assessed by a consultant arborist as having a fair to poor structure and fair health with a useful life expectancy of 10-20 years. The tree is asymmetrical in form as a result of previous high voltage power line clearance works. There are many visible surface roots which extend some distance from the tree. Extending the skate park will not be possible without removal of this tree.

POLICY IMPLICATIONS

Upgrade of the Mount Beauty Skate Park is consistent with the following Strategic Objectives of the Council Plan:

- 1.1 - To effectively communicate and engage with stakeholders
- 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

The estimated cost of the skate park extension component of the works is \$265,000, with \$100,000 to be sought from grant funding, \$150,000 from Council funds and the remaining \$15,000 from the Mount Beauty Skate Park Committee. It is anticipated that this expenditure would be incurred in the 2018/19 financial year.

The impact of committing to the skate park extension component of the works in the 2018/19 financial year has been modelled in the Long Term Financial Plan (LTFP). The modelling indicates that the working capital ratios are not substantially reduced with the addition of this project. However, this project will impact the delivery of other new and upgrade projects in the project pipeline.

Funding for the balance of the cost of the precinct-wide upgrade, including car parking, footpaths and fencing, will be subject to future consideration by Council, and opportunities to secure additional sources of external grant funding for these works will be explored.

CONSULTATION

Key stakeholders have been regularly consulted throughout the concept design phase:



1. In March 2017 key stakeholders attended a preliminary site meeting to discuss their ambitions for the project. This meeting included representatives from the Mount Beauty Skate Park Committee, the Recreation Reserve Committee of Management and Lake View Child Care Centre.
2. In April 2017 Skate Park questionnaires were posted on Facebook and located at the Mount Beauty Library, Lake View Children's Centre, Mount Beauty Secondary College, Mount Beauty Primary School and at Take Out (in Kiewa Crescent). 65 people completed the questionnaire with the majority of respondents from the local community and aged 10-17 years old.
3. SRV has been consulted and is supportive of an application to the 'Minor Facilities' category of the Community Sports Infrastructure Fund for this project.

CONCLUSION

The local community has worked towards an extension of the Mount Beauty Skate Park for many years and there is strong community interest in and support for this project, as demonstrated by the high number of responses to the recent questionnaire.

The project fulfils the requirements for funding under the 'Minor Facilities' category of the Community Sports Infrastructure Fund and the project proposal is ready to submit before 7 June 2016.

Securing funding under the Community Sports Infrastructure Fund will enable Council to deliver a quality skate park extension which reflects the needs and wants of the local community.

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 Asset Development
- Acting Director Assets

ATTACHMENT(S)

Nil



8.3 DIRECTOR CORPORATE – NATHALIE COOKE

8.3.1 Mayor and Councillor allowances

File Number: 640.01

INTRODUCTION

Section 74 of the *Local Government Act 1989* specifies that Councils must review and determine the level of councillor and mayoral allowances prior to 30 June in the year following the general elections.

Council will effectively freeze councillor and mayoral allowances by adopting a decrease of 5% to the previously set allowances, thereby removing the effect of the annual adjustment factor for the remainder of the council term.

Cr Forsyth

Cr Pearce

That:

- 1. Having reviewed the councillor and mayoral allowances in accordance with Section 74(1) of the Local Government Act 1989, the allowances be set as follows:*
 - a. Set the councillor allowance at \$18,890, in accordance with the limits and ranges for a Category 1 Council;*
 - b. Set the mayoral allowance at \$56,435, in accordance with the limits and ranges for a Category 1 Council;*
 - c. Increase the set allowances by any adjustment factor specified by the Minister for Local Government under section 73B of the Local Government Act 1989; and*
 - d. Pay the equivalent of the Superannuation Guarantee contribution (currently 9.5%) in addition to the set councillor and mayoral allowances as required by the Order in Council.*
- 2. It be noted that no submissions were received regarding the setting of councillor and mayoral allowances.*
- 3. The committee formed for the purpose of hearing submissions in relation to the mayor and councillor allowance review be disbanded.*

Carried

BACKGROUND

Section 74 of the *Local Government Act 1989* ('the Act') provides for allowances to be paid to councillors and the mayor. A review of these allowances is required prior to 30 June in the year following a general election, and the review must be subject to a s223 public submission process.



Council reviewed the councillor and mayoral allowances at the ordinary council meeting on 4 April 2017, resolving to seek public submissions prior to setting the allowances.

As part of the review, Council proposed to set the allowances at a level 5% lower than the maximum allowance levels - to remove the effect of the annual adjustment factor, which increases the allowances by a mandatory factor each year (usually 2.5%).

ISSUES

Allowance category and limits

Councils are classified into one of three categories, which are based on the number of residents in the municipal area, and the total recurrent revenue of the council. Categories and allowance ranges are formally published in the Victorian Government Gazette ('the gazette').

Alpine Shire Council is classified as a category 1 council, which is the lowest of the three allowance categories. The allowance range and limits were published in the gazette on 24 November 2016, effective from 1 December 2016. For a category 1 council, the ranges and limits as gazetted are:

Councillors: \$8,324 to \$19,834 per annum

Mayor: a maximum of \$59,257 per annum

A council may determine to set the allowances within the ranges and limits allowable by the relevant category.

Adjustment factor

The Minister for Local Government is required by Section 73B of the Act to annually review the limits and ranges of the councillor and mayoral allowances, taking into account the levels of remuneration of executives in public administration. As previously stated, the annual adjustment factor is commonly 2.5%. This adjustment is published in the gazette, and all Councils must abide by this adjustment factor.

Reduction in allowance

The Alpine Shire Council Enterprise Agreement 2016 applied a wage freeze for Council staff until 30 June 2019 with wage increases equivalent to CPI or WPI-All Sectors (whichever is greater for the period June Quarter 2018 to June Quarter 2019) on 1 July 2019.

The mechanism by which councillor and mayoral allowances may also be frozen under s74 of the Act is to adopt a decrease of 5% to the current value within the allowance range thereby providing manual modification to remove the effect of the annual adjustment factor over the four year term.

Superannuation guarantee

In addition to the allowance limits, an additional amount equivalent to the superannuation guarantee contribution (currently 9.5%) is payable. This is to be paid in addition to the allowance.



POLICY IMPLICATIONS

The councillor and mayoral allowances are governed by the *Local Government Act 1989* and determinations by the Governor in Council and the Minister for Local Government as published in the Victorian Government Gazette.

Other expenses such as travel, accommodation and childcare that may be claimed by councillors in fulfilling their duties are addressed by the Councillor Reimbursement of Expenses Policy (No. 76). A separate policy (No. 75) addresses the provision of mayoral and councillor vehicles.

FINANCIAL AND RESOURCE IMPLICATIONS

The councillor and mayoral allowances must be accounted for in Council's annual budget. The 2017/18 budget has been prepared on the assumption that a decrease of 5% to the current value within the allowance range is applied thereby providing manual modification to remove the effect of the annual adjustment factor over a four year term.

CONSULTATION

The review of councillor and mayoral allowances was subject to a public submission period, with submissions closing on 11 May. No public submissions were received regarding the councillor and mayoral allowances. The call for submissions was advertised in the Alpine Observer, Myrtleford Times and on Council's website.

CONCLUSION

Council must review and determine the allowance levels to be paid under section 74(1) of the *Local Government Act 1989*, taking into account the ranges and limits set for a Category 1 Council.

The allowances once set will be the allowance that will apply for the balance of the term of the current Council. The allowance can only be further amended if the Minister for Local Government undertakes a review of the allowance ranges and limits under section 73B of the Act.

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
- Governance Officer

ATTACHMENT(S)

Nil

Cr Kitty Knappstein left Council Chambers at 7.32pm as she has declared a conflict of interest with the planning application.



8.3.2 Planning Application 5.2016.74.2

Application Number:	5.2016.74.2
Proposal:	Use of land for the sale and consumption of liquor (general licence) and car parking dispensation
Applicant's Name:	Kurt Adam
Owner's Name:	Glenmar
Address:	Lot: 1 PS: 733798, 13-15 Camp Street and Road Reserve Adjacent to this Land, Bright
Land size:	210m2
Current use and development:	Vacant commercial shop
Site features:	Existing commercial premise
Why is a permit required?	A permit is required to change the liquor licence type and increase the consumption area. A permit is also needed to reduce the amount of car parking needing to be supplied – 19 spaces
Zoning:	Commercial 1 Zone (C1Z)
Overlays:	Bushfire Management Overlay (BMO) - n/a
Restrictive covenants on the title?	No
Date Received:	19 April 2017
Statutory Days:	48
Planner:	Sam Porter

Cr Pearce

Cr Nicholas

That Council:

- 1. issue a Notice of Decision to Grant an Amended Planning Permit for the use of land for the sale and consumption of liquor (general licence) and car parking dispensation in accordance with the conditions outlined in Appendix A, and*
- 2. add a note to the Planning Permit that prior to the use of the on street dining area, the construction of this area must be complete and a Local Laws permit must be applied for and issued.*

Carried



REASON FOR THE RECOMMENDATION

It is considered that the proposed use can provide an appropriate balance between the creation of vibrant retail uses with active street frontages, while not impacting on local amenity, including pedestrian amenity.

The additional car parking dispensation in the commercial area is appropriate for the proposed expanded restaurant use.

The proposal complies with the provisions of the Commercial 1 zone and Clause 52.27 – Licensed Premises of the Alpine Planning Scheme.

It is recommended that Council issue a Notice of Decision to Grant a Planning Permit, subject to conditions.

PROPOSAL AND BACKGROUND

Existing Planning Permit

- On the 25 July 2016 Council issued a planning permit for the use of land for the sale and consumption of liquor (cafe and restaurant) and car parking dispensation
- The subject area covered only one of the three retail premises located at 13-15 Camp Street.
- The permit waived the requirement to supply 19 car parking spaces.
- No submissions were received as a part of the notification process.
- The restaurant has been in operation for longer than 6 months and Council has received no complaints regarding it or any other restaurant operations in Bright.
- The use of a land for a restaurant in a C1Z doesn't require any planning permission.

Proposed Planning Permit Amendment

- On the 19 April 2017 a planning permit amendment was lodged.
- Amendment proposes to increase its area for the supply and consumption of liquor into both the neighbouring shop and onto the road verge area adjacent to both retail spaces, see figure 1 below.
- Prior to the use commencing a permit must be obtained to reduce the car parking requirement. Based on the additional capacity (50 patrons) allowable within the new premise area, therefore, a total of 19 spaces need waiving.
- The application was publically notified and one objection was received.

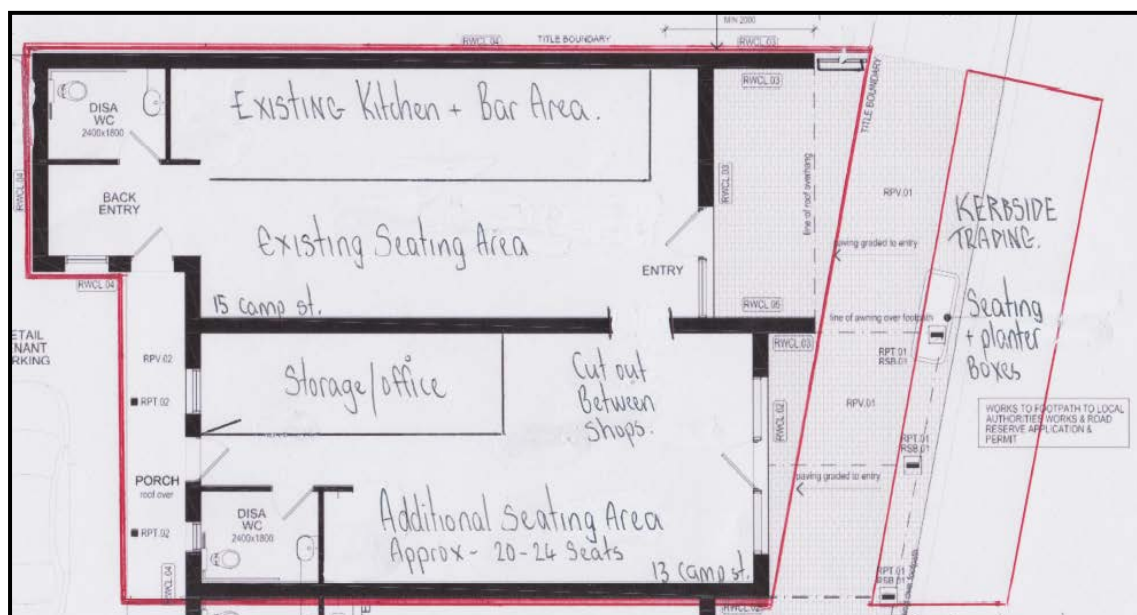


Figure 1: Development Plan

SUBJECT LAND AND SURROUNDS

The subject land is 210m² in size and contains three separate retail premises, see Figure 2 below. The development was constructed in the past two years and formed an overall development of the site which saw two dwellings constructed at the rear (only concrete slabs visible in figure 2).

Currently two of the three premises are occupied. The most northern premise contains a restaurant approved under this original permit. The middle premise is vacant and is the subject of this amendment application which proposes to allow an expansion of this existing restaurant. The third and most southern premise contains a winery cellar door which provides light food offerings to accompany wine tastings.

North of the site is a Chinese restaurant, to the east is Rotary Park and Morses Creek, to the south is a dwelling used for holiday accommodation and to the overall west is the Bright RSL, shown below.



Figure 2: 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 11 surrounding landowners and occupiers and a sign was displayed on the subject land. One submission was received from the RSL whose property is located to the rear of the subject land. The key points of concern within their objection are:

- The development will further exacerbate limited on-street parking in Camp Street.
- Need for Car Parking Strategy,
- Staff from surrounding business parking in the street all day.

PLANNING ASSESSMENT

Local Planning Policy Framework

The Local Planning Policy Framework (LPPF) Clause 21.07-1 Bright, contains a number of strategies and requires that the 'appropriate recommendations of the Bright Future: Urban Design Framework (2003) and Bright Framework Plan (2009)' be implemented when considering development applications. The Bright Future Urban Design Framework contains many directions that are referenced below.

*Note a copy of the Bright Future – Urban Design Framework can be provided upon request.



Particular Provisions

Car Parking

Clause 52.06-3 requires a planning permit be granted prior to a new use commencing that is unable to supply the specified car spaces onsite. Based the on existing premise area having already obtained some dispensation for a use as a shop which has the rate of 4 spaces to each 100m² of floor space. The additional floor spaces and amenities to be occupied will allow the restaurant to have a maximum capacity of 100 (currently 50). The additional dispensation sought for this amendment to the planning permit based on a restaurant use car parking rate of 0.4 of a space to each patron permitted onsite is 19 car spaces.

The decision guidelines relevant to this application taken from Clause 52.06-6 are:

- *'Any relevant local planning policy or incorporated plan.*
- *The availability of alternative car parking in the locality of the land, including:*
- *Public car parks intended to serve the land.*
- *On street parking in non residential zones.*
- *Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.*
- *The future growth and development of any nearby activity centre.*
- *Any car parking deficiency associated with the existing use of the land.*
- *Local traffic management in the locality of the land.*
- *The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.*
- *Access to or provision of alternative transport modes to and from the land.*
- *The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.'*

In response the following information is provided:

- As referenced earlier the Bright Future Urban Design Framework is a document listed in the Alpine Planning Scheme, it includes the following statements:
 - Aim to reduce reliance on cars in Bright, making it a safe and pleasant environment for pedestrians and cyclists. [page 27]
 - Maximise on-street car parking. [page 23]
 - Emphasise pedestrian links to shopping precincts to encourage parking on peripheral streets. [page 23]
 - Encourage use of existing off-street car parks for longer term parking. [page 23]



- Formalise areas currently used for car parking in order to maximise the number of spaces.[page 23]
- Existing on-street parking generally caters adequately for parking requirements at most times of the year. Although it is true that parking can be difficult during peak times, the parking strategy for Bright should provide a balance of on-street and off-street parking and should avoid catering for peak parking demand at the expense of streetscape quality and the public realm in general. [page 43]

It is through the above statements that Council takes much of its guidance in often reducing car parking requirements for commercial uses only in the commercial zoned areas.

- The surrounding car parking supply on public land sufficiently caters for Bright's current and future commercial land uses outside of current peak periods (see future discussion below).
- The surrounding land is either zoned commercial or public park and recreation, therefore, on street parking isn't adversely impacting surrounding residential uses.
- The stimulation of the area through the recent development has provided Council an opportunity to improve line marking of on street parking in the surrounding Camp/Gavan Street area creating a total of 10 additional spaces.
- Pedestrian and cycle activity in the surrounding area is well served by existing networks and will remain unaffected by this proposal.
- The overall size and walkability of Bright currently shows that the café and restaurant uses located centrally in Bright experience high visitation by customers both walking and cycling. To provide all or the majority of car parking spaces required within Bright's commercial area would be counterproductive and not supportive of an active and healthy living lifestyle both Council and it's planning scheme seek to encourage.

Liquor Licence

Clause 52.27 (http://planningschemes.dpcd.vic.gov.au/schemes/vpps/52_27.pdf)
Licensed Premises requires a permit be granted in this instance as:

- The applicant is seeking to increase the area allowed to have liquor served and consumed within.
- The applicant is seeking to change the category of licence. From Café and Restaurant to General.

The new area is needed as the business proposes to expand into the neighbouring premise and also introduce seating within the road verge area. The change in category will enable the premise to sell liquor for sale off the premise (take away's). It should be noted that a number of restaurants in Bright already operate under a General Licence for the same reason.



The liquor licence aspect of the proposal has not been raised as part of the objection.

RESPONSE TO GROUNDS OF OBJECTION

The concerns raised in the objection are entirely focused around the additional car parking generated by the expansion of the restaurant use and its inability to provide car spaces onsite. In response to the car parking dispensation concerns the following points and information is provided:

The development will further exacerbate limited on-street parking in Camp Street.

During the original development approval of the site in 2014 a planning permit was granted by Council that allowed three shops (two of those shops form the subject land) and two dwellings. Within this application submitted was a Traffic Impact Assessment completed by TraffixGroup. TraffixGroup submitted data taken on the following periods:

- Monday 4th to Friday 8th April, (normal weekdays)
- Saturday 9th to Wednesday 20th April, (school holidays including Market Day on Saturday 16th April)
- Friday 22nd and Saturday 23rd April, (Easter),
- Thursday 28th to Saturday 30th April, Monday 2nd to Wednesday 4th May, Friday 6th May and Monday 9th May, (Autumn Festival),
- Tuesday 10th to Saturday 14th May, Tuesday 17th to Friday 20th May, Tuesday 24th May to Sunday 5th June, Tuesday 7th to Sunday 12th June, Wednesday 15th to Saturday 18th June, Monday 20th to Thursday 23rd June and Tuesday 28th June to Friday 1st July, (all normal days except for Saturday 18th June which was a Market Day), and
- Saturday 2nd to Tuesday 5th July, Thursday 7th July, Friday 8th July and Monday 11th to Thursday 14th July, (school holidays).

In summary, the survey data includes 76 days of which 45 were 'regular' days, 20 were school holiday days, two were Easter days, two were market days and 7 were 'autumn festival' days.

Of the 89 car parking spaces surveyed under this report the following summary can be given:

	Regular Days	School Holidays	Market Days	Easter	Autumn Festival
% Occupancy	57%	66%	94%	100%	55%

It is therefore concluded that sufficient capacity exists within the Bright commercial area and that the impacts of a further 19 spaces being waived will not be significant to the orderly planning and use of the area



Council must continue to ensure that the Bright Futures Urban Design Framework, as detailed earlier forms a key component in decision making and that high quality urban design is not reduced in place of car parking measures that cater for peak periods.

Need for Car Parking Strategy/Plan

The draft 2017/18 Budget includes an allowance for the purpose of a car parking plan during the 2017/18 financial year. It is expected that once complete Council will be better guided on the suitability permitting car parking dispensations in commercial areas and also the key locations of future parking areas remote from the commercial district. The issue of cash in lieu payments for parking dispensations will be considered as part of this plan.

Staff from surrounding business parking in the street all day

There is an issue with commercial workers parking on street in timed parking areas. Council has limited enforcement capacity and relies on limited patrolling at peak times to encourage parking turnover. This issue is not something that can be considered as part of this planning application.

CONCLUSION

Pursuant to Clause 10.04 of the planning scheme, when making decisions Council is required to "balance relevant policy objectives to ensure development is sustainable and achieves a net community gain". In this context, the proposed use is considered appropriate given the following:

- The proposed use complies with the purpose of the Commercial 1 Zone and the purpose and decision guidelines of Clause 52.27 – Licensed Premises.
- The proposal is consistent with relevant State and local planning policies.
- Subject to conditions, the use of the land can help achieve the objective of creating vibrant retail uses with active street frontages without impacting upon local amenity, including pedestrian amenity.
- The proposed dispensation of a further 19 car spaces is acceptable in the context of the area and will not be of any further detriment to the surrounding land owners, occupiers and community in general.

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

ATTACHMENT(S)

Nil



Attachment A

1. The red line and layout as shown on the endorsed plan(s) shall not be altered or modified except with the written consent of the Responsible Authority.
2. The liquor license on the subject site is restricted to the area outlined in red as shown on the endorsed plans.
3. Ordinary trading hours for the on-premises Licence are to be:
 - 7am to 11pm, Monday to Saturday (excluding Anzac Day and Good Friday),
 - 10am to 11pm on Sunday; and
 - 12 noon to 11pm, Anzac Day and Good Friday.
4. Not more than one hundred patrons may be present on the premises at any one time without the written consent of the responsible authority.
5. Tables and chairs must be placed in position on the premises so as to be available for at least seventy-five patrons (75%) attending the premises at any one time.
6. The predominant activity carried out on the premises must be the preparation and serving of meals for consumption on and off the premises.
7. At all times during the operation of the use, there must be present on the premises a person over the age of 21 years who is responsible for ensuring that the activities on the premises and the conduct of persons attending the premises do not have a detrimental impact on the amenity of the locality to the satisfaction of the responsible authority (referred to in this permit as 'the manager').
8. The manager must be authorised by the operator under this permit to make statements at any time on his/her behalf to any officer of the responsible authority and of the Victoria Police and/or of Liquor Licensing Victoria authorised under section 129 of the Liquor Control Reform Act 1998; and/or to take action on his/her behalf in accordance with a direction by such officer.
9. This permit shall be subject to the issue of an appropriate Liquor Licence by the Liquor Licensing Victoria and adherence to any conditions imposed by the Commission.
10. The use must be managed so that the amenity of the area is not detrimentally affected, through the:
 - (a) transport of materials, goods or commodities to or from the land;
 - (b) appearance of any building, works or materials;
 - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and
11. (d) presence of vermin.



12. The permit will expire if one of the following circumstances applies:
- (a) The use is not commenced within two years of the date of this permit.
 - (b) The use is discontinued for a period of two years at any time.

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 if the development has not lawfully commenced prior to the expiry of the permit, or within 12 months afterwards if the development has lawfully commenced prior to the expiry of the permit.

Cr Kitty Knappstein re-entered Council Chambers at 7.42pm and resumed her position on the bench.



8.3.3 Finance Report Quarterly Review

INTRODUCTION

The purpose of this report is to note the Finance Report Quarterly Review for the period ending 31 March 2017.

Cr Roper

Cr Forsyth

That Council:

1. *Note the Finance Report Quarterly Review for the period ending 31 March 2017.*

Carried

ISSUES

Background

The purpose of the Finance Report Quarterly Review is to provide a summary of how Council has performed during the quarter against budget and forecast. A summary of key points follows.

Capital Works Expenditure

After delays to some projects affected by the floods experienced in October the capital works delivery program has recovered well with significant work since undertaken.

Forecast end of year expenditure is expected to be approximately \$0.3m below budget reflecting a positive shift from the previous Finance Report with large projects, including Porepukah – Nicholson Street (Alpine Better Places) progressing and now due for completion in July.

There are a number of new funded projects that were not part of the original budget. These include:

- Dunstan Track Germantown (\$118K)
- Nil Gully Creek Drainage Strategy (\$46K)
- Cundy Park Shelter (\$47K).

It is expected that Council will achieve a capital spend of \$11.3m (97% of budgeted funds) this financial year.

Summary of operational performance

Council's operating performance is tracking favourable to forecast and budget. The main reasons for the favourable variance is due to:

1. Almost \$0.5m higher than expected grant income (forecast \$6.375m versus budget \$5.889m), in particular reflecting Alpine Better Places fund and capital grants received but not budgeted in the quarter ending 31 March 2017.



2. Savings in employee costs forecast end of year against budget of approximately \$0.8m. Reasons for the variance to budget include:
 - Vacant positions throughout the year
 - A staff wage freeze agreed within the enterprise agreement

Context

The report provides an overview for the financial quarter including the:

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

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

The report has been prepared for internal management reporting purposes and as required under Section 138 of the *Local Government Act 1989*. The report has not been audited. The report is also provided to the Audit Committee for noting.

POLICY IMPLICATIONS

The Local Government Act 1989 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.

FINANCIAL AND RESOURCE IMPLICATIONS

The financial performance year to date performance is in line with forecast, and is expected to be under budget at year end. This is due to Council's demand reduction program and emphasis on controlling employee costs.

CONSULTATION

The report 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 report 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.

CONCLUSION

The Finance Report Quarterly Review For the period ending 31 March 2017 is presented for noting.

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
- Accountant

ATTACHMENT(S)

8.3.3 The Finance Report Quarterly Review for the period ending 31 March 2017.



8.3.4 Proposed Sale of Land and Buildings Contained in Lot 2 Plan of Subdivision PS344761E known as “Lyndhurst”

File Number: 1600.48

INTRODUCTION

This report relates to the proposed sale of the land and buildings fronting Hawthorn Lane and forming part of 16 Churchill Avenue Bright contained in Lot 2 Plan of Subdivision PS344761E known as Lyndhurst, currently occupied under a lease by Alpine Fitness Centre and Sports Camp. Council is the owner of the land and buildings and approval is required to invite public submissions regarding the proposed sale of this property.

Cr Roper

Cr Pearce

That Council:

- 1. Invites submissions in accordance with Section 223 of the Local Government Act 1989 regarding the proposed sale of land and buildings forming part of 16 Churchill Avenue Bright in Lot 2 Plan of Subdivision PS344761E known as “Lyndhurst”.*

Carried

BACKGROUND

The former Alpine Children Services property known as Lyndhurst was vacated in January 2013. An Expression of Interest (EOI) and Tender process was followed at that time to seek use of the property, or use of the property and adjoining land, with Council desiring that the property and land use would result in improved services for the Alpine Shire community at large.

No successful outcome was achieved from the initial EOI process and a new process was run in 2015. This resulted in a lease of the property to Alpine Fitness Centre and Sports Camp. The lease commenced on 1 February 2016 with a term of 3 years, plus two x 3 year options.

The tenant has approached Council with a request to purchase the property, this is outside of the option to purchase provisions contained within the lease. The current lease provides the tenant with an option to purchase the property at the end of the second term. The lease also allows the landlord to sell the property to other parties outside of the option period, subject to lease conditions being met.

Section 5(2)(d) of the *Local Government Act 1989* (the Act) allows Council to sell the land and property, with obligations as to the sale of land covered by Sections 189, 190 and 223. The existing lease also recognises Council’s obligations under the Act in relation to the sale of land.

In addition to fulfilling these obligations, subdivision of the land would need to occur subject to the proposed sale. Therefore sale of the property would be subject to the



lease and the obligations under that lease, and subject to registration of a plan of subdivision, which records the part of the land to be subdivided for sale.

ISSUES

Under Section 5(2)(d) of the Act, Council is able to acquire, hold, deal with or dispose of the property (including land) for the purpose of performing its functions and exercising its powers.

Section 189 of the act requires Council to do certain things before selling or exchanging land:

- To give at least 4 weeks public notice of an intension to sell or exchange land for selling by exchanging this land (Section 189 (2)(a));
- Obtain evaluation of the land which is made not more than 6 months prior to the sale or exchange from an appropriately qualified person (Section 189(2)(b); and
- Allow interested persons to make submissions under Section 223 on the proposed sale or exchange (Section 189(3)).

Council has obtained an independent valuation of the property by Opteon Property Group, dated 25 May 2017.

If Council intends to further explore the sale of the property the next steps are to advertise a public notice of the intent to sell the property and to prepare a draft Contract of Sale (and Vendor Statement).

At the end of the public notice period, Council would consider any submissions made to the intension to sell the property as required under Section 223 of the Act.

POLICY IMPLICATIONS

This process is in accordance with obligations under the *Local Government Act 1989*; the Local Government Best Practice Guidelines for the Sale, Exchange and Transfer of Land has also been referred to.

FINANCIAL AND RESOURCE IMPLICATIONS

The current annual lease for the property is \$25,000 p.a. this is indexed annually to CPI with market reviews at the end of terms 1 and 2. Council has current obligations under the lease relating to major maintenance. The current lease has been in place for 16 month and has 20 months remaining on the first term and a further two terms of 3 years each.

CONSULTATION

The public notice would be advertised to advise of Council's intent to sell the property. Interested persons are invited to make submissions under Section 223 on the proposed sale or exchange (Section 189(3)).



At the end of the public notice period, Council would consider any submissions made to the intention as required under Section 223 of the Act.

CONCLUSION

After considerations of submissions made on the proposed sale or exchange (Section 189(3); any sale documentation would be presented to Council for final approval.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate
- Manager Facilities

ATTACHMENT(S)

Nil



9 ASSEMBLY OF COUNCILLORS

INTRODUCTION

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

Cr Pearce

Cr Roper

That the summary of the Assemblies of Councillor for May 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.

Date	Meeting
2 May	Briefing Session
16 May	Hearing of Council Plan Submissions
16 May	Briefing Session
23 May	Briefing Session

ATTACHMENT(S)

9.0 Assemblies of Councillors – May 2017



10 GENERAL BUSINESS

11 MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN

12 RECEPTION AND READING OF PETITIONS



13 DOCUMENTS FOR SEALING

Cr Roper

Cr Keeble

That the following documents be signed and sealed.

1. *Section 173 Agreement – Ezio Guiseppe Minutello and Goulburn-Murray Water Lot 2 on Plan of Subdivision 714956*

Condition 16 of Planning Permit 2016.115.1 for a three lot subdivision in Simmonds Creek Road, Tawonga South.

The Agreement ensures that any future subdivisions etc. is in accordance with the Overall Development Plan and Development Contribution Plan Overlay is gazetted into the Alpine Planning Scheme.

2. *Section 173 Agreement – Meagan Tamara Thomson*

Lot: 1 TP: 112454, Lot: 1 PS: 441410, Lots: 1, 2 & 3 TP: 129404 & Lot: 1 TP: 129405

Condition 24 of Planning Permit 2016.11.1 for a re-subdivision of land to form 2 lots from 6 lots at 228 & 230 Great Alpine Road, Harrietville.

The Agreement gives effect to the conditions of this permit that require bushfire mitigation measures to be implemented on Lot A.

3. *Section 173 Agreement – Bright Country Golf Club Inc, for the land situated at 308 Back Porepunkah Road Bright being CA14B Section 4, Parish of Porepunkah.*

4. *Planning permit 5.2016.158.1 permits the subdivision of the land into 9 lots.*

The Section 173 Agreement provides:

- *For an exemption from a planning permit under the provisions of the Bushfire Management Overlay for a single dwelling constructed in accordance with the endorsed Bushfire Management Plan.*
 - *That no native vegetation is permitted to be removed within 10 metres of the rear boundaries of Lots 6,7,8 and 9.*
 - *That all boundary fences be of a rural style constructed to a maximum height of 1.5 metres.*
 - *That for Lot 6 only, no filling of the land is to be undertaken below the RL291.5m AHD.*
 - *That for Lot 6 only, solid, chain or fine mesh fencing is permitted.*
5. *Contract No 17008 in favour of Elliott Holding (Aust) Pty Ltd t/a Ellwaste for the collection, transportation and disposal of waste from Myrtleford Transfer Station.*



6. *Contract No 1700702 in favour of Elliot Holdings (Aust) Pty Ltd t/a Ellwaste for the collection and disposal of waste from the Porepunkah Transfer Station.*

7. *Section 173 Agreement – Andrew Cairns Nominees Pty Ltd*

Lot 10 on Plan of Subdivision 528762 Volume 10941 Folio 808

Conditions 11 and 32 of Planning Permit no. 2015.52.1 for the construction of 5 dwellings and 5 lot subdivision at 5 Cherry Lane, Bright.

If a dwelling is constructed on the land without a planning permit that the bushfire mitigation measures set out in the plan incorporated into the Agreement must be implemented and maintained to the satisfaction of the Responsible Authority.

The development of the subject land will be in accordance with the approved plans forming part of the planning permit.

Carried

There being no further business the Chairperson declared the meeting closed at 7.52pm.

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Chairperson