



**ORDINARY COUNCIL MEETING**

**MINUTES**

**M11 – 14 November 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 **14 November 2017** commencing at **7:00pm**.

**PRESENT**

**COUNCILLORS**

Cr John Forsyth

Cr Tony Keeble

Cr Ron Janas

Cr Kitty Knappstein

Cr Sarah Nicholas

Cr Daryl Pearce

**OFFICERS**

Mr Charlie Bird – Chief Executive Officer

Ms Nathalie Cooke – Director Corporate

Mr William Jeremy – Director Assets

**APOLOGIES**

Cr Peter Roper



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## **1 INTERIM CHAIRPERSON**

Under section 72(2) of the *Local Government Act 1989*, 'the office of Mayor becomes vacant at 6 a.m. on the day of a general election'.

Division 2 of Council's Local Law No.1 Council Administration provides that 'the Chief Executive Officer is to preside at the election of Mayor'.

The Chief Executive Officer assumed the role of Interim Chairperson to deal with Items 2 to 9.1.3 of this Agenda.

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

*The CEO read the following statement:*

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

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

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

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

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

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

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

*The CEO read the following statement:*

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

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

## **4 CONFIRMATION OF MINUTES**

### **4.1 ORDINARY COUNCIL MEETING – M10**

*Cr Keeble*

*Cr Janas*

*That the minutes of Ordinary Council Meeting M10 held on 2 October 2017 as circulated be confirmed*

*Carried*



**5 APOLOGIES**

Cr Peter Roper

**6 OBITUARIES / CONGRATULATIONS**

Refer to Alpine Shire Council's website [www.alpineshire.vic.gov.au](http://www.alpineshire.vic.gov.au) for its YouTube live-stream recording for responses to obituaries and congratulations.

**7 DECLARATIONS BY COUNCILLORS OF CONFLICT OF INTEREST**

Nil

**8 PUBLIC QUESTIONS ON AGENDA ITEMS**

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



## **9 PRESENTATION OF REPORTS BY OFFICERS**

### **9.1 CHIEF EXECUTIVE OFFICER – CHARLIE BIRD**

#### **9.1.1 Mayoral Term**

##### **INTRODUCTION**

The *Local Government Act 1989* (the Act) sets out several requirements for the election of Mayor including the timing of the election of Mayor and the length of the term.

The Mayor must be elected after the fourth Saturday in October but not later than 30 November each year.

Council may resolve to elect a Mayor for a term of two years under section 71(2) of the Act. If Council does not choose a two-year option, Section 71(3) of the Act determines that the election of Mayor must occur 'each year'. Therefore Council must determine a one or two year term for the Mayor.

*The Chief Executive Officer will call for a motion to set the term of the Office of the Mayor (one year or two years).*

*Cr Forsyth*

*Cr Pearce*

*That the Mayor be elected for a one year term.*

*Carried*



## 9.1.2 Election of Mayor

### INTRODUCTION

The *Local Government Act 1989* sets out the requirements for the election of Mayor.

Section 71(1) of the Act requires the Mayor to be elected at a meeting that is open to the public.

Any Councillor is eligible for election or re-election to the office of Mayor under section 72 of the Act.

### Precedence and Functions of Mayor

Section 73 of the Act sets out the precedence of the Mayor:

- The Mayor of a Council takes precedence at all municipal proceedings within the municipal district.
- The Mayor must take the chair at all meetings of the Council at which he or she is present.
- If there is a vacancy in the office of Mayor or the Mayor is absent, incapable of acting or refusing to act, the Council must appoint one of the Councillors to be the acting Mayor.
- An acting Mayor may perform any function or exercise any power conferred on the Mayor.

Section 73AA of the Act specifies that the functions of the Mayor may include:

- providing guidance to Councillors about what is expected of a Councillor including in relation to the role of a Councillor, and the observation of the Councillor conduct principles and the Councillor Code of Conduct by Councillors; and
- acting as the principal spokesperson for the Council; and
- supporting good working relations between Councillors; and
- carrying out the civic and ceremonial duties of the office of Mayor.

*The Chief Executive Officer will call for nominations and a seconder for the Office of Mayor in accordance with Council's 'Election to the office of Mayor and Deputy Mayor' procedure.*

*Cr Janas was nominated by Cr Knappstein*

*Cr Nicholas seconded the nomination*

*Cr Janas accepted the nomination*



**MAYORAL RESPONSE**

*The Chief Executive Officer will invite the newly elected Mayor to address the meeting.*

The Interim Chairperson vacates the Chair and the Mayor assumes the Chair.





### **9.1.3 Election of Deputy Mayor**

The *Local Government Act 1989* only requires Council to elect a Mayor. There is no requirement under the Act to elect a Deputy Mayor.

The position of Deputy Mayor is determined by each council. Historically Alpine Shire Council has elected a Deputy Mayor.

Section 73(3) of the Act stipulates that *'if there is a vacancy in the office of Mayor or the Mayor is absent, incapable of acting or refusing to act, the Council must appoint one of the Councillors to be the acting Mayor'*. Council has traditionally appointed the Deputy Mayor to be the councillor to act on behalf of the Mayor.

Council has also historically aligned the length of the term of the Deputy Mayor to that of the office of the Mayor.

*The Mayor will call for a motion to determine if Council wishes to appoint a Deputy Mayor for the purposes of Section 73(3) of the Local Government Act 1989, to act if the Mayor is absent, incapable of acting or refusing to act.*

*In the event that Council wishes to appoint a Deputy Mayor, the Mayor will call for motions to:*

- 1. set the term of office of the Deputy Mayor; and*
- 2. call for nominations and a seconder for the position of Deputy Mayor in accordance with Council's 'Election to the office of Mayor and Deputy Mayor' procedure.*

*Cr Forsyth  
Cr Knappstein*

*That:*

- 1. Council appoint a Deputy Mayor*
- 2. The term of office of the Deputy Mayor be aligned to the term of office of the Mayor.*
- 3. The Deputy Mayor be appointed the acting Mayor in the circumstances outlined in section 73(3) of the Local Government Act 1989.*

*Carried*

### **Election of Deputy Mayor**

*Cr Nicholas was nominated by Cr Pearce*

*Cr Knappstein seconded the nomination*

*Cr Nicholas accepted the nomination*



## 9.2 DIRECTOR ASSETS – WILLIAM JEREMY

### 9.2.1 Contract 1707801 - Alpine Better Places: Myrtleford (Stage 1) - Standish Street Roundabout

File Number: 70791.01

#### **INTRODUCTION**

This report relates to the award of Contract 1707801 - Alpine Better Places: Myrtleford (Stage 1) - Standish Street Roundabout. The work includes civil construction works and landscaping for the Standish Street Roundabout on the Great Alpine Road in Myrtleford.

*Cr Pearce*

*Cr Forsyth*

*That Council:*

*Award Contract No. 1707801 for the Myrtleford (Stage 1) -Standish Street Roundabout to North East Civil Construction Pty Ltd for the lump sum price of \$646,915.26 + GST.*

*Carried*

#### **BACKGROUND**

Council commenced its Alpine Better Places project in early 2015, with the aim of delivering detailed concept designs for priority projects in each of the town centres of Porepunkah, Bright and Myrtleford. Following an extensive process of community consultation and design, the Draft Detailed Concept Designs and the priority for implementing projects was adopted by Council in March 2016.

Council committed to deliver Stage 1 of the Myrtleford works (the Standish Street Roundabout) in the 2017/18 financial year. Detailed design and documentation was completed in September 2017 and the works subsequently tendered.

The Invitation to Tender was advertised in the Herald Sun on 13 September 2017, Border Mail on 16 September 2017, on Tenders.net and the Alpine Shire Council website. Tenders closed on Wednesday 11 October 2017.

The Tender documents were downloaded by 15 prospective tenderers and 4 tender submissions were received.

#### **EVALUATION**

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

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

- Price
- Qualifications and Previous Performance



- Delivery
- Social

Following the initial assessment of offers, only one of the tenders was shortlisted for further evaluation. The tenderer was invited to clarify aspects of their tender, present their proposed construction methodology and provide further detail on their traffic management strategy, supporting their ability to meet the required timeframes. Following the tender interview it was determined that the tender from North East Civil Construction (NECC) best met the selection criteria.

### **ISSUES**

NECC has provided a traffic and pedestrian management strategy, detailing how pedestrian access will be maintained to businesses immediately adjacent to the work site throughout duration of the works. This was developed in consultation with the affected businesses. The strategy also details how vehicular traffic, including heavy vehicles and buses will be managed during the construction. A full time pedestrian/traffic controller will be on site throughout the construction period.

The roundabout construction will result in the loss of two existing short-term car parking spaces outside the Myrtleford Bakehouse on Myrtle Street. The loss of the parking bays will result in an increased footpath area with additional seating outside the bakery, and the two adjacent parking bays which are currently unrestricted will be designated short-term parking. Following completion of the upgrade works along Myrtle Street in 2019, the impact of the Alpine Better Places project will be no net loss of parking spaces in Myrtleford.

Three existing trees will be removed from the Standish Street road frontage of Target and the Myrtleford Chemist, in order to meet VicRoads required sight-lines on the approach to the roundabout. The trees are a poor species selection for this location, and one of these trees will also obstruct the new footpath alignment. The trees will be replaced by low shrubs. The pear tree on Standish Street in front of the Myrtleford Bakehouse will be retained, as it is recognised to provide useful shade for people using the seating area. Some pruning on the lower branches of the tree will be necessary to meet the required sight-lines through the roundabout.

### **POLICY IMPLICATIONS**

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

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

- Incredible places for our community and visitors; and
- A thriving and connected community.



## **FINANCIAL AND RESOURCE IMPLICATIONS**

There is sufficient budget within the adopted 2017/18 Annual Budget to deliver the planned Standish Street Roundabout works and award this contract for the recommended amount.

## **CONSULTATION**

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

Throughout the detailed design and documentation phase, engagement has continued with all stakeholders, as well as with the broader community. Face-to-face meetings have been held with all directly impacted business owners, and information sessions have been held in Myrtleford. Continuing project updates will be distributed via email and on Council's website and Facebook page, and drop-in sessions are planned between now and the end of the calendar year. The implementation of the project stakeholder and communication plan will continue throughout the duration of the project.

## **CONCLUSION**

Following a comprehensive assessment, the Tender from North East Civil Construction for the Myrtleford (Stage 1) - Standish Street Roundabout was deemed to present the best value for Council.

## **DECLARATION OF CONFLICT OF INTEREST**

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

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

## **ATTACHMENT(S)**

- Nil



## 9.2.2 Alpine Events Park – Multipurpose Facility Construction Update

File Number: 1780.87

### INTRODUCTION

The purpose of this report is to note anticipated additional works required to complete the Multipurpose Facility at the Alpine Events Park in Pioneer Park, Bright.

*Cr Keeble*

*Cr Nicholas*

*That Council note the anticipated additional works required to complete the Multipurpose Facility at the Alpine Events Park in Pioneer Park, Bright.*

*Carried*

### BACKGROUND

In May 2016, Council was awarded grant funding of \$1.87 million from the Commonwealth Department of Infrastructure and Regional Development's National Stronger Regions Fund for the redevelopment of Pioneer Park into the Alpine Events Park. A further \$1.87 million has been committed by Council, the plantation operator HVP, Alpine Community Plantations, and the United Bright Football and Netball Club, bringing the total project budget to \$3.74 million.

A key component of this project is construction of a Multipurpose Facility, which includes the following:

1. Demolition of the existing pavilion;
2. Partial demolition of the lower change room building;
3. Refurbishment and expansion of the lower change room building;
4. Construction of a new upper level facility;
5. Civil works around the facility; and
6. Restoration of the grandstand, which is located within a heritage overlay.

In September 2017, Council approved the award of Contract No. 1705101 Alpine Events Park - Multipurpose Facility to Barton St. Developments for the lump sum price of \$1,819,787+GST.

The contract works began on 18 September 2017, commencing with the partial demolition of the lower change room building. The lower change room building was originally built by Alpine Shire Council as an owner/builder in 2006.

In October 2017, during partial demolition of the lower change rooms, the building contractor raised concerns regarding the apparent lack of core filling within the blockwork of the rear retaining wall. Subsequent investigations and destructive tests revealed a number of issues of concern with potential impact on the structural integrity of the existing building.



## **ISSUES**

The key issues identified with the building are as follows:

- The blockwork in the retaining wall at the rear of the change rooms has only been partially core-filled with concrete;
- The retaining wall has been constructed 3.0m high, which exceeds the approved maximum design height of 2.4m; and
- The drainage and waterproofing behind the retaining wall is not in accordance with the approved design.
- In addition it was identified that whilst the existing suspended concrete slab had been constructed in accordance with the approved design, it does not meet current design load capacities which have been increased since the building was constructed.
- The project team sought the opinion of two independent structural engineers, the building contractor, Council's Senior Building Surveyor and the architect. A number of alternative options were evaluated in order to remediate these issues and ensure the new building has the required structural integrity. It is recommended that the most cost-effective solution is to demolish and rebuild the retaining wall, suspended concrete slab and internal walls, and to retain the existing ground slab and retaining wall footings.

## **POLICY IMPLICATIONS**

Legal advice has been sought, confirming that these works are a logical extension to the contracted package of works and can therefore be treated as a legitimate variation to the existing build contract.

A firm quote will be sought from Barton St. Developments to implement the remediation works and this process is in accordance with Council's Procurement Policy.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

The works required are significant and will require additional time and cost. Although the full impact on the project schedule is not yet known, it is now considered unlikely that the lower level change rooms will be completed prior to Easter 2018. However, the additional building works will not impact on the delivery timeframe of the overall Alpine Events Park project.

A preliminary cost estimate for this additional work has been prepared based on an estimate of material quantities and construction duration. The upper end of this preliminary cost estimate is \$430,000.

Detailed design and costing of the remaining components of the Alpine Events Park is not yet complete. However, it is anticipated that all of the remaining project components necessary to satisfy the funding agreement can be delivered from the uncommitted project budget, as well as the additional remediation work required to



the address the issues identified with the pavilion change rooms. However, delivery of some aspirational elements of the project will, need to be reassessed.

Given the nature of this additional building work, the builder's variation quotation can be readily benchmarked against known material costs and labour rates to ensure that Council achieves value for money in the delivery of the works.

### **CONSULTATION**

Two independent structural engineers, the building contractor, project architect, and Council's Building Surveyor have all been consulted to assist in determining the best way in which to address the issues which have been identified.

The United Bright Football and Netball Club has been consulted with regard to the anticipated delay to the completion of the building works and the likelihood that the change rooms will not be completed prior to Easter 2018.

The Alpine Cycling Club has also been consulted, as the remaining project components are largely infrastructure elements associated with the 'cycle hub'.

Consultation with all user groups will continue throughout the delivery of the Multipurpose Facility construction works.

### **CONCLUSION**

Following the discovery of structural issues with the existing lower level change rooms and the subsequent investigations, the advice provided by experienced and qualified building practitioners is that the most time and cost-effective solution is to demolish and rebuild the retaining wall, suspended concrete slab and internal walls, and to retain the existing ground slab and retaining wall footings. This additional work will result in some time delays and additional costs to the Multipurpose Facility building works, but will not impact the overall project timeframe or budget.

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

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

- Director Assets
- Acting Manager Asset Development

### **ATTACHMENT(S)**

- Nil



### **9.3 DIRECTOR CORPORATE – NATHALIE COOKE**

#### **9.3.1 Quarterly Report - Council Plan**

File Number: SU600.03

##### **INTRODUCTION**

This report provides the first quarterly report against the Alpine Shire Council Plan 2017-2021.

*Cr Keeble*

*Cr Nicholas*

*That the Alpine Shire Council Plan Quarterly Report ending 30 September 2017 be received and noted.*

*Carried*

##### **BACKGROUND**

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

The Alpine Shire Council Plan 2017-2021 was developed following the election of the Council in October 2016, and adopted in June 2017. The Council Plan outlines the strategic objectives, strategies and indicators that will be used to achieve this Council's direction for the four year term of the plan.

###### **Quarterly reporting**

While there is no legislative requirement to report to Council on the progress against the Council Plan, the Governance and Management Checklist that forms part of the Local Government Performance Reporting Framework (LGPRF) suggests that it is best practice to report at least on a six-monthly basis.

The Checklist suggests that a report reviewing the progress of the Council against the Council Plan, including the results in relation to the strategic indicators, is prepared at least for the first six months of the year. Likewise for the Performance Reporting (LGPRF), six-monthly reports of indicators measuring results against financial and non-financial performance, including the performance indicators referred to in s131 of the *Local Government Act 1989* (service performance indicators of the LGPRF) should be presented.

By reporting quarterly, Council ensures that progress against the Council Plan and LGPRF is on schedule, and ensures that actions and indicators are maintained as priorities throughout the year.

Some of the LGPRF indicators form part of the Council Plan indicators, ensuring they are reported as per best practice. Where quarterly or half-yearly reporting of indicators does not generate meaningful results, these will be reported at end of financial year as part of the annual report. LGPRF results are also reported via Council's Audit Committee.





## **ISSUES**

Council's 2017/18 Budget outlines the Major Initiatives that will be undertaken throughout the year, as well as other key activities in line with the Alpine Shire Council Plan 2017-2021. This quarterly report provides a progress report against those initiatives and activities, and also on the indicators that show progress against the strategic objectives in the Council Plan.

## **HIGHLIGHTS**

### **A high performing organisation**

- Council continues to provide training to staff to support learning and development. "Learn from within" lunchtime sessions also contribute to sharing knowledge within the organisation.

### **A responsible and sustainable organisation**

- The rollout of new software in Council's accounts department on 1 July provides improvements in efficiency and a reduction in reliance on hard copy for billing and creditor payment.

### **Incredible places for our community and visitors**

- Funding secured in the first quarter will provide the ability for Council to undertake bridge upgrades, and flood event planning.

### **Infrastructure and open space that our community is proud of**

- Council's Road Management Plan (version 4) was adopted at the ordinary council meeting on 4 July 2017.

### **Highly utilised and well managed community facilities**

- New kerbside collection services have been operational since 1 July.

### **A well planned and safe community**

- Amendments to the Alpine Planning Scheme are in preparation dealing with Dinner Plain design guidelines, and bulk water extraction.

### **A thriving and connected community**

- New collateral for the Cycle Guide, and the Walks and Trails Guide has been developed. The Youth Awards were held in September, with 240 people in attendance.

## **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 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:

- Chief Executive Officer
- Directors
- Managers
- Governance Officer

## **ATTACHMENT(S)**

- 9.3.1 Alpine Shire Council Quarterly Report - ending 30 September 2017.



### 9.3.2 CCTV Surveillance Camera Policy No. 93

File Number: Policy register

#### **INTRODUCTION**

This report relates to the amendment of Council's CCTV Surveillance Camera Policy No. 93 to include the Bright Sports Centre as a nominated location for the use of Closed Circuit Television (CCTV). Council's approval is required for the policy to be amended.

*Cr Forsyth*

*Cr Pearce*

*That Council:*

- 1. Amend the CCTV Surveillance Camera Policy, to include Bright Sports Centre as an approved location for the purpose of ensuring the safety of Bright Sports Centre members during unsupervised after-hours access;*
- 2. Adopt Policy No. 93 - CCTV Surveillance Camera Policy (version 3 - 2017); and*
- 3. Sign and seal the policy at the appropriate stage of this meeting.*

*Carried*

#### **BACKGROUND**

##### **Existing CCTV policy (version 2 – 2014)**

Several key pieces of legislation govern the use of CCTV surveillance cameras in public places, including the *Surveillance Devices Act 1999* and the *Privacy and Data Protection Act 2014*.

Council Policy No. 93 – CCTV Surveillance Camera Policy (version 2 - 2014) was developed to allow Council to operate CCTV cameras according to policy and legislative guidelines at specific locations as identified in the policy.

The purpose of the policy is to provide guidance for the appropriate installation and use of CCTV surveillance cameras and use of footage collected. Supporting operational procedures provide guidelines around the authorised operation of the systems, encompassing strict privacy considerations and access controls.

The objectives of the 2014 policy are to:

- Ensure the safety of Council employees, councillors and members of the public;
- Protect property from theft and damage;
- Discourage unlawful activity; and
- Improve investigation of incidents at the Council office and depot in Bright.

Council must ensure that the installation and use of CCTV systems is conducted in line with relevant legislation, standards and best practice guidelines. Council staff



and the general public are made aware of the operation and purpose of the CCTV cameras by the use of appropriate signage at approved locations.

## **ISSUES**

### **Bright Sports Centre**

At the April 2016 Ordinary Council meeting, a petition for the extension of the operating hours of the Bright Sports Centre requesting 7 day per week extended-hours access was presented to Council.

At that meeting, Council resolved to include works for the installation of equipment and technology necessary to enable unsupervised access (after-hours access) to the dry areas of the Bright Sports Centre in Council's Project Pipeline for prioritisation and 2016/17 Budget consideration. The project was subsequently approved in the 2016/17 Council budget.

CCTV infrastructure forms part of the security measures installed to facilitate extended / after-hours access, which is in line with the fitness industry standard. However, while system hardware was installed late in 2016/17, the CCTV system cannot be activated until it becomes an approved location under Council's CCTV Surveillance Camera Policy.

### **Proposed policy update**

Given that Council's CCTV Surveillance Camera Policy (version 2 - 2014) specifies approved locations, this policy must be updated to include the Bright Sports Centre as an approved location. Once updated, the policy and associated procedures will govern the operation and use of the CCTV system at the centre.

Version 3 of the policy (attached to this report) incorporates an additional objective, which is to:

- *enable unsupervised use of the Bright Sports Centre by members or participants in approved programs.*

*Other minor changes to the policy have been made to reference legislative changes since the policy was adopted in 2014, and to update staff member titles in the document. No other modifications to the intent or content of the policy have been made. All modifications made can be found in the 'track changes' copy of the document attached to this report.*

### **Next steps for Bright Sports Centre**

The CCTV system has been installed at the Bright Sports Centre but will not be activated until the following is complete:

- Amendment of Councils CCTV Surveillance Camera Policy to incorporate Bright Sports Centre;
- Development / review of centre operating procedures for emergency response, system operation, member inductions;
- Update of membership application / information to include option for unsupervised use;



- Operational Risk Assessment; and
- Camera signage installation.

Procedures and signage will be developed to ensure compliance with Councils CCTV Surveillance Camera Policy. After-hours access and associated security measures will be advertised to Bright Sports Centre members and the general public once Council has prepared all necessary controls identified above.

### **POLICY IMPLICATIONS**

The use of CCTV systems is governed by a suite of legislation to ensure that operation meets surveillance and privacy guidelines. The following legislation was considered when the policy document was prepared:

- *Surveillance Devices Act 1999*
- *Privacy and Data Protection Act 2014*
- *Public Records Act 1973*
- *Private Security Act 2004*
- *Freedom of Information Act 1982*
- *Evidence Act 2008*
- *Charter of Human Rights and Responsibilities Act 2006*

The provision of after-hours access to the Bright Sports Centre ensures that Council is delivering on its Council Plan 2017-2021 priorities including the following strategic objectives:

- 1. A high performing organisation;
- 2. A responsible and sustainable organisation; and
- 5. Highly utilised and well managed community facilities.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

The installation of the security hardware required for after-hours access to the Bright Sports Centre was provided for in the 2016/17 Council budget.

The update of the CCTV Surveillance Camera Policy has been undertaken by Council staff, and has no financial impact.

### **CONSULTATION**

Council is responding to the petition presented to the Ordinary Council meeting held on 5 April 2016, where the petitioners requested additional access to the Bright Sports Centre.

The decision to introduce the CCTV policy in 2014 was accompanied by consultation with staff prior to the installation of the system. The general public are made aware of the location of CCTV systems by signage installed on access doors / gates and in specific camera locations.



Persons utilising the Bright Sports Centre will be made aware of the presence of CCTV cameras and other security measures once they are activated. Membership application forms, inductions and operational procedures are being updated for the centre to ensure that all persons using the centre have been informed regarding the CCTV cameras, and other security measures in place at the centre.

### **CONCLUSION**

Best practice for the installation and use of a CCTV system in a public place is the development of policy and procedures detailing the purpose, objectives, management, operation and evaluation of the CCTV system.

The proposed update to the CCTV Surveillance Camera Policy (version 3 – 2017) ensures that Council is only utilising CCTV cameras in approved locations, with appropriate controls placed over the collection and handling of footage.

### **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
- Governance Officer

### **ATTACHMENT(S)**

- 9.3.2 Policy No. 93 - CCTV Surveillance Camera Policy (version 3 - 2017) - proposed



### 9.3.3 Risk Management Policy

File Number: Policy Register

#### **INTRODUCTION**

The purpose of this report is to present to Council the 2017 review of the Alpine Shire Council Risk Management Policy No.054 and seek Council's adoption of the revised policy.

*Cr Keeble*

*Cr Nicholas*

*That Council:*

1. *Note that a review of the Risk Management Policy has been completed with the following modifications:*
  - a. *complete reformatting of the policy;*
  - b. *a clear statement of the policy intent ;*
  - c. *recognition of the need to develop and embed a governance and risk culture and training for employees;*
  - d. *requirement for the development of a governance and risk framework and risk register;*
  - e. *establishment of a monitoring program;*
  - f. *updated references to supporting documents and standards.*
2. *Revoke Alpine Shire Council Risk Management Policy No.054, Version 2*
3. *Adopt Alpine Shire Council Risk Management Policy No.054, Version 3; and*
4. *Sign and seal Alpine Shire Council Risk Management Policy No.054, Version 3 at the appropriate time of the meeting.*

*Carried*

#### **BACKGROUND**

Council operates within a highly legislated environment, is accountable to its community, faces many challenges and is influenced by internal and external factors.

By adopting good governance and risk management practices, Council can undertake its activities in the knowledge that appropriate and adequate measures are in place to minimising the negative or unanticipated effects of risks to Council achieving its objectives all while meeting its legislative obligations.

Council's current Risk Management Policy was adopted by Council on 6 February 2007 and has not been reviewed in the intervening period. The existing policy contains objectives, a statement of intent, responsibilities and refers to a superseded Australian standard. It is also heavily focused on occupational health and safety risks rather than broader risk management.



The policy has been thoroughly reviewed in light of Australian, New Zealand and International Risk Management Standard AS/NZS ISO 31000:2009 and presented in Council's current policy format.

## **ISSUES**

### **Policy Intent**

The revised policy, through a policy statement, purpose and objectives, outlines Council's commitment to and expectations in relation to governance and risk management.

The intent is to create a culture of governance and risk management within the organisation and embed an integrated approach to governance and risk management into Council's strategic and operational planning and decision making processes to mitigate that could impact the achievement of Council's objectives, services and activities.

### **Governance and Risk Framework**

The revised policy requires the development and approval of a governance and risk framework.

The framework will provide a structure for responsibilities and accountabilities and specifies the broader governance and risk management approach including policies, procedures and tools that are aimed at identifying and managing Council's governance, risk and compliance obligations.

### **Risk Register**

The revised policy also requires the establishment and maintenance of a risk register.

The register captures key risk events that may impact Council achieving its strategic objectives or delivering its key services. The register provides for the assessment of those risks and the identification and monitoring of measures to mitigate or reduce the risks.

### **Monitoring**

Upon establishment of the framework and register, the revised policy establishes a requirement for these documents to be monitored every six months by Council, the Audit Committee and management team.

### **Employee Training**

A critical component of ensuring that Council's governance and risk policy, framework, procedures and register are understood and implemented is appropriate employee training. The revised policy commits Council to regular employee training in these topics and ensuring their inclusion in new employee induction programs.

### **New Standards**

AS/NZS ISO 31000:2009 supersedes AS/NZ 4360:2004. The standard establishes the principles to be satisfied to ensure effective risk management practices. The review of the policy has had regard to and updates references to AS/NZS ISO 31000:2009.





### **POLICY IMPLICATIONS**

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

- A responsible and sustainable organisation.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

The Risk Management Policy has been reviewed in-house. The policy establishes Council's commitment to governance and risk management which will require Council to allocate resources through its annual budget to implement governance and risk management initiatives and training.

### **CONSULTATION**

Council's Audit Committee was consulted on the proposed changes to the Risk Management Policy. The Committee endorsed the changes at its meeting on 5 September 2017.

### **CONCLUSION**

The review of the Alpine Shire Council Risk Management Policy has been completed. The significant changes as a result of the review are that the policy content will now address: the risk culture of the organisation; development of a governance and risk framework; maintenance of a risk register; monitoring and reporting on a regular basis; and employee training and awareness programs. Other minor changes include formatting and updating references to standards.

### **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
- Health, Safety and Risk Officer

### **ATTACHMENT(S)**

- 9.3.3 Alpine Shire Council Risk Management Policy No.054, Version 3



### 9.3.4 Dinner Plain Design Guidelines

File Number: 1468.53

#### **INTRODUCTION**

The purpose of this report is to:

1. Advise Council of proposed Amendment C53 which updates the planning controls at Dinner Plain to reflect the Dinner Plain Masterplan 2015.
2. Recommend that Council seek authorisation from the Minister for Planning to prepare Amendment C53, and when authorised, exhibit the amendment.

*Cr Pearce*

*Cr Keeble*

*That Council:*

1. *Request under Section 8A (2) and (3) of the Planning and Environment Act 1987 that the Minister for Planning authorise Alpine Shire Council to prepare Amendment C53 to the Alpine Planning Scheme;*
2. *Notify the Minister for Planning that when it exhibits Amendment C53, Alpine Shire Council intends to give full notification of the amendment under Section 19 of the Planning and Environment Act 1987 for the minimum statutory exhibition period of one month; and*
3. *When authorised by the Minister for Planning exhibit Amendment C53 to the Alpine Planning Scheme under Section 19 of the Planning and Environment Act 1987.*

*Carried*

#### **BACKGROUND**

Council commissioned improved design guidelines as part of the preparation of the Dinner Plain Masterplan 2015 to improve compliance with the original design vision for Dinner Plain Village.

To incorporate the new design guidelines in the planning scheme, schedule 1 to the Special Use Zone, which sets out the planning controls for Dinner Plain Village, has been amended.

This process has provided an opportunity to review schedule 1 to the Special Use Zone to:

- expand the planning scheme controls to support a broader range of commercial and recreational uses to improve economic viability and assist in developing a year round destination;
- simplify the planning scheme controls to make it easier to interpret.



## ISSUES

### What's proposed to change?

- Inclusion of images showing design guidelines for Dinner Plain such as the ones below.
- Expansion of the uses that are allowed in Dinner Plain Village to encourage more commercial and recreational uses; and
- Removal of planning controls that are set out elsewhere in the planning scheme to avoid repetition and ensure the planning control remains up to date over time.



Figure 9.1.4 – Traditional Dinner Plain style dwelling

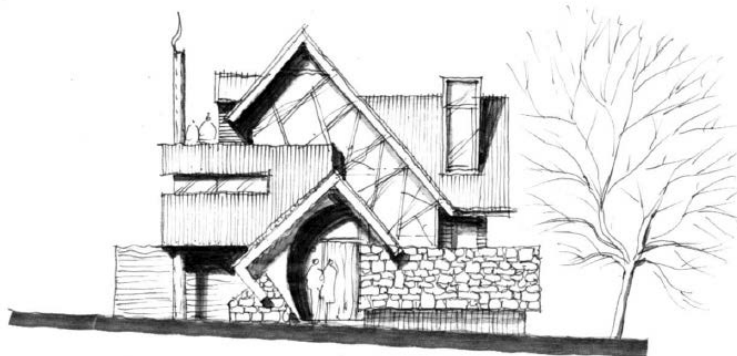


Figure 9.1.5 – Modern interpretation of Dinner Plain style dwelling

### Figure 1: Example of images showing preferred design outcomes at Dinner Plain Village

### What's not changing?

The proposed amendments to schedule 1 to the Special Use Zone are not intended to change the strategic intent or detailed policy already included. They are designed to strengthen the planning controls and make it clearer to developers and applicants



how to achieve the desired design outcome in Dinner Plain Village. Planning controls that are maintained include:

- Ensuring scale, intensity, bulk and character of all development is sympathetic and complimentary to the alpine environment and village neighbourhood character;
- Retain the natural character of the space including the snow gums;
- Maintain an average lot size of 220 sqm;
- Street scape characteristics including features of varying roof pitches and non-aligned sidewalls creating an informal and clustered image;
- Architectural characteristics including: varying roof profiles, mixed use of wall materials such as timber, stone and glass;
- The use of subdued colour schemes which blend in with the snow gums;
- Setbacks from the Great Alpine Road which is 120 metres for buildings other than utility type buildings, 100 metres for buildings on the western side of the village entrance, and a minimum setback from significant environment areas of 20 metres; and
- The built form which should be articulated and appear fragmented to break up the mass of the buildings.

### **POLICY IMPLICATIONS**

The amendment will amend some of the strategic directions for land use related to land use and development in Alpine Shire, including amending policy directions for development at Dinner Plain.

This complements Council's own policies and strategies namely the Alpine Shire Council Plan incorporating the Health and Wellbeing Plan 2017 - 2021.

The amendment links to and implements the Council Plan, in particular the themes:

- A well planned and safe community

The amendment links to and implements the whole of the Alpine Shire 2030 Community Vision that is the vision of *'the Alpine Shire providing outstanding opportunities for its residents and visitors through sustainable growth in balance with the natural environment'*.

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

### **FINANCIAL AND RESOURCE IMPLICATIONS**

The cost to council is for the planning scheme amendment which will be funded out of the 2017/2018 budget allocation for Strategic Planning. Planning fees are set out by the Victorian State Government. The costs of a planning scheme amendment will be dependent on how many submissions are received and if a Panel Hearing is necessary.



At this stage it is not anticipated that there will be many submissions to the amendment. This is because the intent of the planning controls has not changed; rather the policy has been clarified and strengthened to better achieve the preferred outcomes at Dinner Plain Village.

### **CONSULTATION**

Full notice of the proposed amendment will be provided to all Dinner Plain residents and business through letters to those owners and occupiers affected by the amendment. The notice will also go out to architects, draftspeople and developers servicing Dinner Plain. Notices will also be placed in the newspapers, government gazette and on Councils and DELWPs websites as required by the Planning and Environment Act 1987.

In the event of unresolved submissions being received, submissions will be referred to an independent panel for consideration.

### **CONCLUSION**

Proposed Amendment C53 will update the planning scheme controls for Dinner Plains, set out schedule 1 to the Special Use Zone to:

- improve compliance with the original design vision for Dinner Plain Village;
- expand the planning controls to support a broader range of commercial and recreational uses to improve economic viability and assist in developing a year round destination; and
- simplify the planning controls to make it easier to interpret.

This will assist in providing understanding and clarity of the expectations of development in Dinner Plain Village.

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

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

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

- Director Corporate
- Acting Manager Planning and Amenity
- Strategic Planner

### **ATTACHMENT(S)**

- 9.3.4 Amended schedule 1 to the Special Use Zone.



**9.3.5 Planning Application 5.2017.105.1 - Four Lot Re-Subdivision and Modification of an Access to a Road Zone 1**

|                                     |   |
|-------------------------------------|---|
| Application number:                 | 5.2017.105.1  |
| Proposal:                           | Four Lot Re-Subdivision and Modification of an Access to a Road Zone 1  |
| Applicant's name:                   | Tony Iaria  |
| Owner's name:                       | Latteria Holdings Pty Ltd   |
| Address:                            | 6848 Kiewa Valley Highway, Tawonga  |
| Land size:                          | 443.70 hectares comprises of four existing allotments   |
| Current use and development:        | Single dwelling and associated outbuildings, dairy (not currently in operation) and grazing pastures  |
| Site features:                      | The land contains a mixture of land forms from cleared flat high quality arable land to foothill, mainly grazing pastures, up to vast areas of remnant native vegetation forest on steep country. |
| Why is a permit required?           | A planning permit is required to subdivide the land pursuant to the provisions of Farming Zone (35.07-3) and the Bushfire Management Overlay (Clause 44.06-1).                                    |
| Zoning:                             | Farming   |
| Overlays:                           | Significant Landscape Overlay - Schedule 1 and part Bushfire Management Overlay.  |
| Restrictive covenants on the title? | A Section 173 Agreement is attached to the existing Lot 4. This agreement secures a native vegetation offset and is unlikely to be affected by this proposal.                                     |
| Date received:                      | 17 August 2017  |
| Statutory days:                     | 55  |
| Planner:                            | Sam Porter  |

*Cr Forsyth*

*Cr Keeble*

*That the matter be laid on the table and deferred to a later date.*

*Carried*

**PROPOSAL**

It is proposed to re-subdivide four existing lots to create four new lots. Lot 1 will contain the existing dwelling which is located near the Kiewa Valley Highway. Lot 1 will be 3.7 hectares in area and will take up the frontage to the Kiewa Valley Highway.

Lot 2 will be located on the northern side of the existing internal access track which is commonly known as Tressiders Lane. To facilitate access to Lot 2, 3 and 4 the existing access point to the Kiewa Valley Highway is proposed to be modified to move it

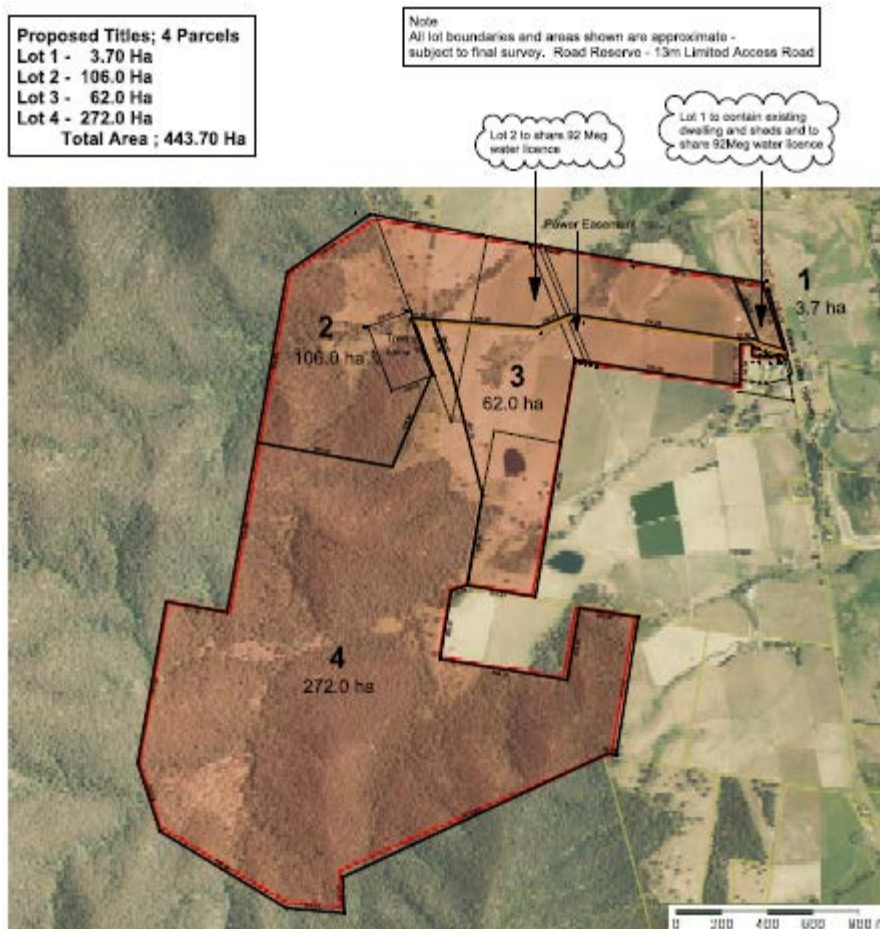


slightly to the north of the existing access location. Lot 2 will extend to the western boundary of the subject land and comprise part of the forested land; the lot will be approximately 106 hectares in area.

Lot 3 will be located on the southern side of Tressiders Lane and will consist of open, cleared, agricultural land with a large dam. Lot 3 will be approximately 62 hectares in area.

Lot 4 will be accessed from the end of Tressiders Lane and will comprise of the balance of the forested land; Lot 4 will be approximately 272 hectares in area.

The proposed Plan of Subdivision is shown in Figure 1 below.



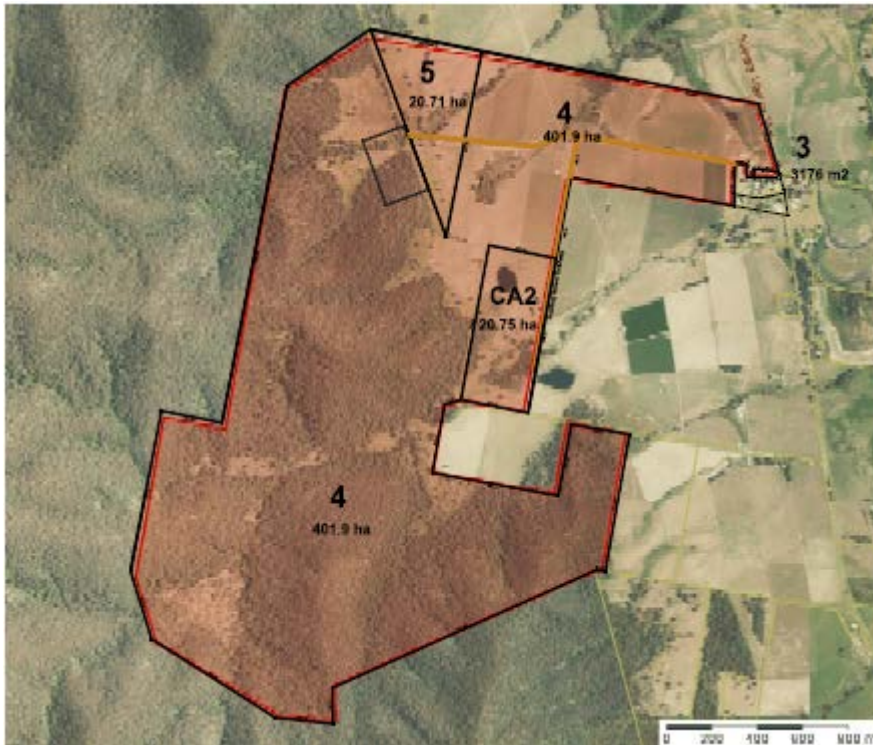
**Figure 1: Proposed Plan of Subdivision**





## SUBJECT LAND AND SURROUNDS

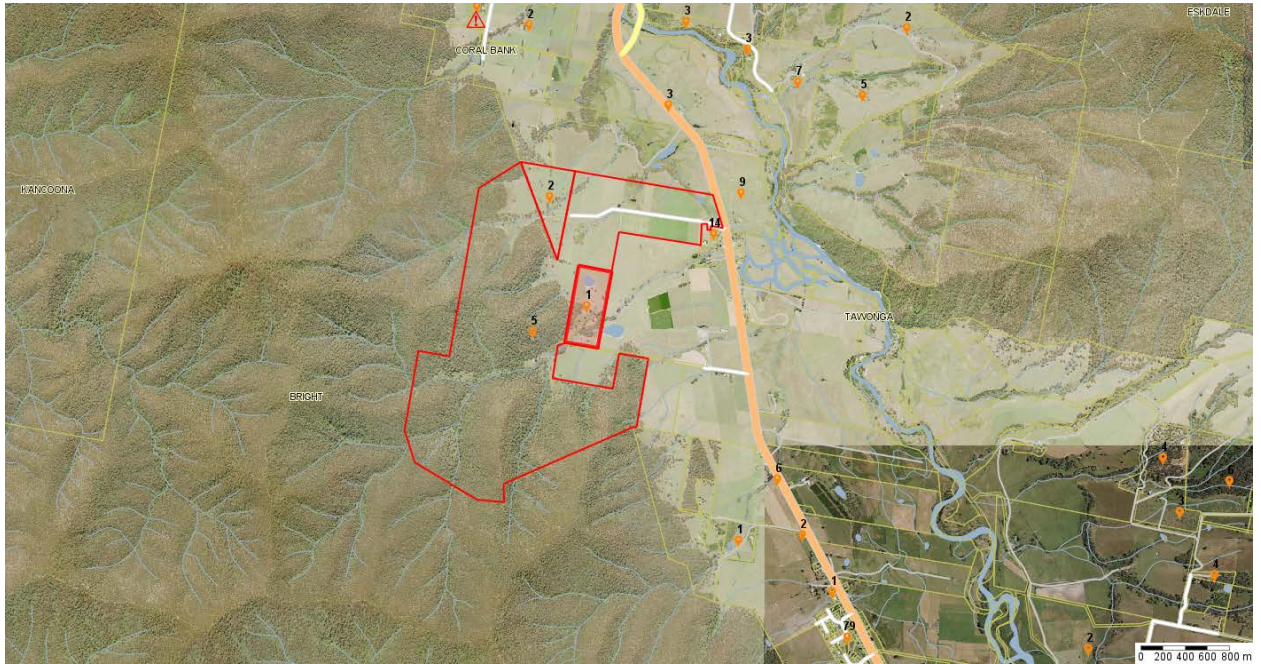
The subject land is located on the western side of the Kiewa Valley Hwy 3km north of the Tawonga Township; it comprises of four existing allotments as shown in Figure 2.



**Figure 2: Subject Land**

The subject land and surrounds are shown in Figure 3. The subject land is located within an agricultural area of the Kiewa Valley. Lot sizes are varied within the surrounding context and most appear to be productively farmed for a range of purposes.





**Figure 3: Subject Land and Surrounds**

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

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

The majority of the cleared subject land is improved land that has irrigation infrastructure established onsite and has access to a 92 mega litre water allocation. This portion of the property gently slopes to the east and has some steeper gullies running through it in the north easterly direction. The remainder of the land has steeper foothill gradients that are under pasture production with a large area covered by native forest that is difficult to access and has limited to no agricultural value.

### **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 14 surrounding landholders and occupiers. Objections have not been received to the proposed development.



## REFERRALS

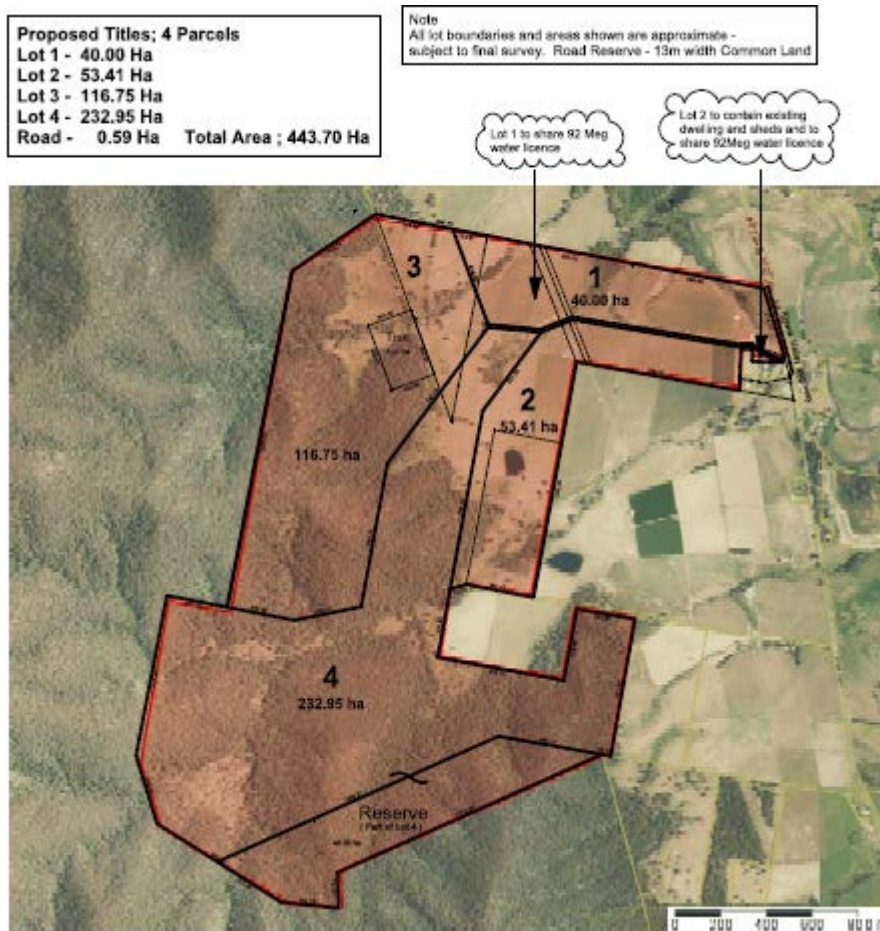
| <b>Referrals / Notice</b>      | <b>Advice / Response / Conditions</b>  |
|--------------------------------|--|
| Section 55 referrals:          | <p>The Country Fire Authority (CFA), Ausnet and VicRoads have both consented to the grant of the planning permit subject to conditions.</p> <p>The Department of Environment, Land, Water and Planning did not provide a response within the required timeframe.</p> |
| Internal / external referrals: | <p>The application was referred to the engineering section of Council and conditional consent has been provided.</p>   |

## APPLICATION BACKGROUND

The proposed development is now in its third iteration. The original application received by Council contained a 1.5km long common property and lots that saw the high quality portion of the property ending up spread over three of the four lots. Further information was requested and to assist with the request a suggested alternative plan was provided.



Following further discussion with the applicant an amended plan was submitted; this is shown in Figure 4.

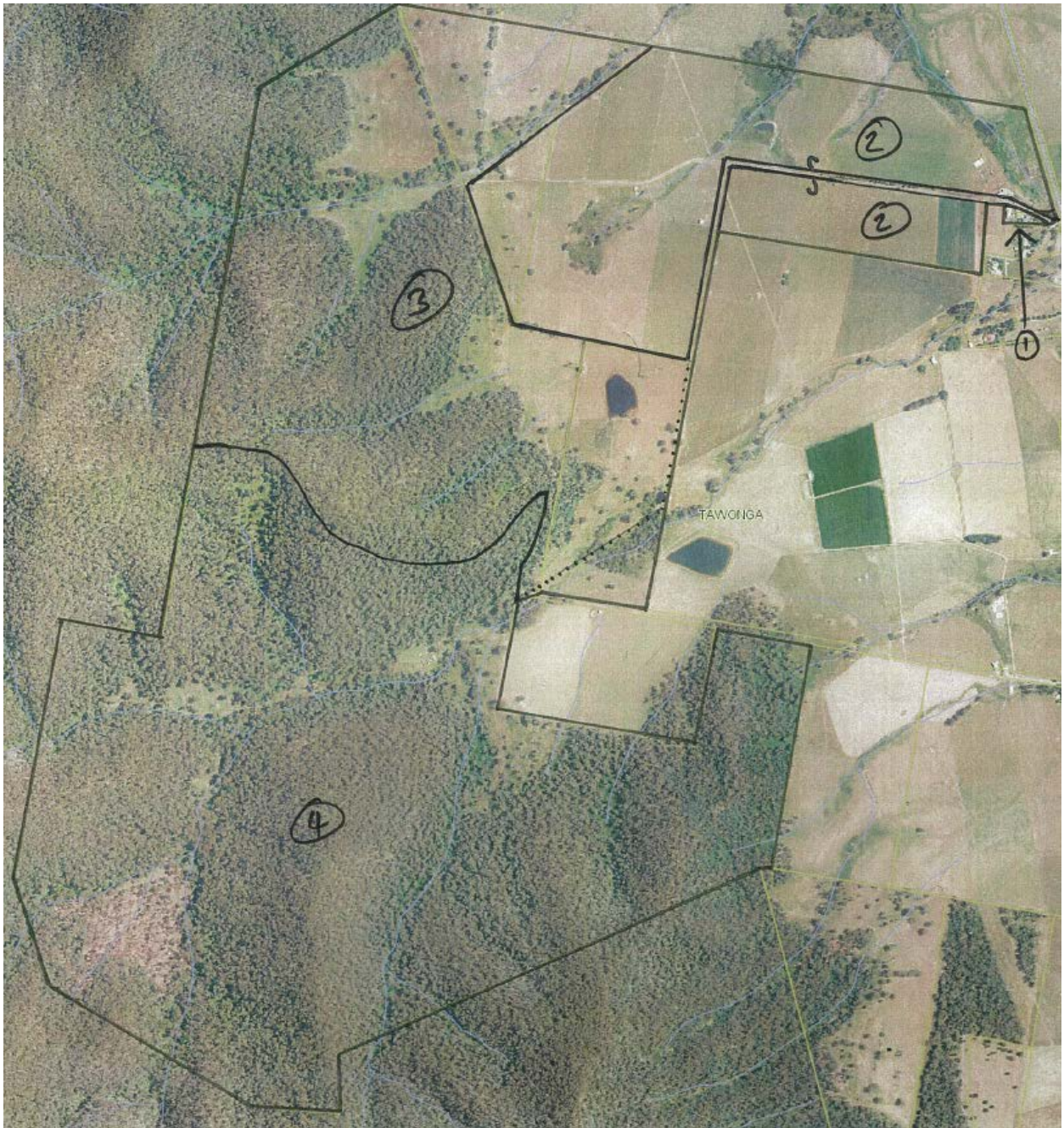


**Figure 4: Previous Plan of Subdivision Submitted to Council**

The planning permit application for the plan within Figure 4 was recommended for refusal and was due to be considered by Council at a Council meeting. However, at the eleventh hour the application was withdrawn.

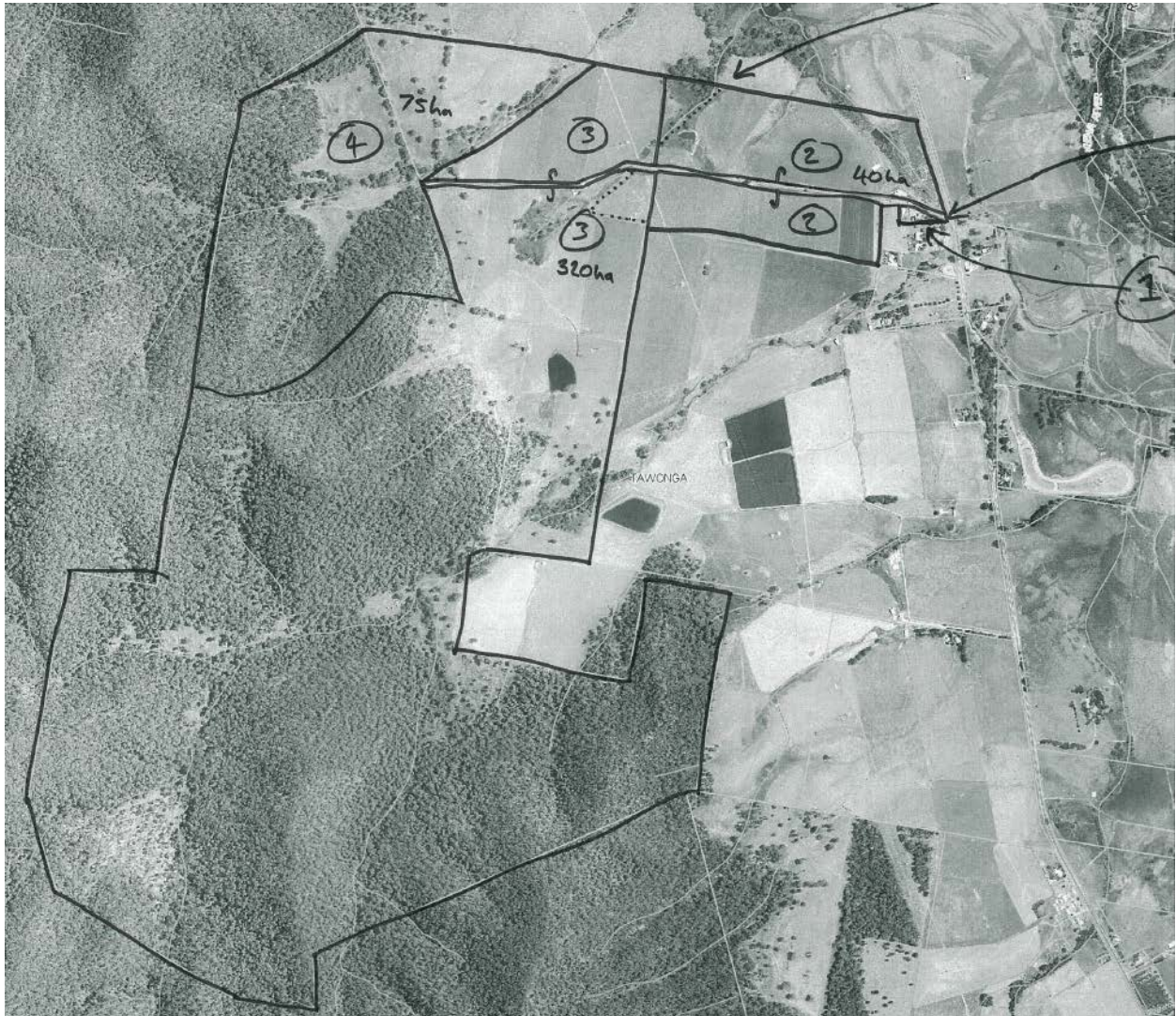
It should also be noted that Council officers have attempted to facilitate an appropriate development of this land and provided to the applicant two alternative design options that would be consistent with the Alpine Planning Scheme. These proposals are shown in figures 5 and 6 below.





**Figure 5: Alternative layout 1**





**Figure 6: Alternative layout 2**

## **PLANNING ASSESSMENT AND RESPONSE TO GROUNDS OF OBJECTION**

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

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

The subject land is zoned Farming pursuant to the Alpine Planning Scheme. A planning permit is required to subdivide land. The zone provisions state that the minimum lot size is 40 hectares, however, there is the ability to create smaller lots where the subdivision is the re-subdivision of existing lots and the number of lots is not increased. Despite the ability to create lots smaller than 40 hectares in this instance it is still desirable to create lots which have the ability of being farmed independently. Any proposed subdivision must fulfil the purposes of the Farming Zone which include:

- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.



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

It is submitted that the proposed development does not adequately respond to the purposes of the Farming Zone for the following reasons:

- The primary purpose of the subdivision is not based on the continued agricultural production of the land. Rather, it is intended to create a lot for an existing dwelling and three lots greater than 40 hectares to provide three additional as-of-right entitlements for a dwelling.
- The productive agricultural land (the open, cleared land) will be fragmented and will be broken into three allotments.
- The proposed subdivision will create three additional entitlements for dwellings and the introduction of residential uses into the area may be detrimental to the surrounding agricultural uses.
- The proposed subdivisional layout does not respond to the site constraints and will not lead to sustainable land management practices.

The Farming Zone also sets out a number of decision guidelines which must be considered in the assessment of an application. The relevant decision guidelines are:

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.
- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.

Having regards to the relevant decision guidelines the following assessment is made:

- The proposal will be detrimental to the agricultural production of the land as it will fragment the high quality agricultural land into three allotments.
- The fragmentation of the high quality agricultural land into three lots may lead to the permanent removal of this land from agriculture as it is likely that the proposed lots would be used for lifestyle purposes and not genuine agricultural uses.
- The possible introduction of three additional dwelling on the subject land may lead to a conflict between residential uses and surrounding agricultural uses.
- No detail has been provided by the applicant on how each proposed lot could sustain an agricultural use in its own right.



- The subject land has access to 92 megalitres of water, it has fertile soils, good access to the Kiewa Valley Highway, and internal Tressiders Lane, and surrounding rural infrastructure. Therefore, it should not be fragmented.

Having considered the relevant matters of the Farming Zone it is concluded that the proposed development does not meet the tests of the zone and is contrary to the purposes of the zone.

### **State and Local Planning Policy**

Both State and Local planning policy seek to protect agricultural land and support the enhancement of agricultural industries. The relevant State and Local planning policies are provided as Attachment A to this report. The following however is an assessment of the proposal against the relevant policies:

- The proposed lots do not suitably correlate to existing land use practices. The design fragments high agriculturally capable units by designing lots around the existing internal road rather than considering the land capacity; see attached Land Capability Map in Attachment B.
- Lot 4 is not associated with the agricultural use of the land. It is largely forested and no information has been submitted on how this lot is proposed to be managed in the future.
- The application fragments mapped high quality agricultural land that has existing irrigation infrastructure in place and a reliable 92 mega litre commercial water allocation.
- The application may lead to a proliferation of dwellings as three additional dwelling entitlements would be created as result of the proposed layout.
- Additional dwelling proliferation in the Farming Zone creates future land use conflicts and issues over 'right to farm'.
- Proposed boundaries could be better located to utilise existing fence lines and tracks between lots 2 and 4. The construction of a fence between proposed lots 2 and 4 will require the removal of a substantial amount of native vegetation.
- The application is not site responsive to the existing land forms and land usage.
- The proposed new boundaries do not avoid remnant vegetation and waterways, whereas the alternative layout plans, prepared by Council officers, managed to find acceptable outcomes to these existing site features and constraints.
- The increase in lot size for the existing dwelling from 3,16m<sup>2</sup> to 3.7 hectares results in a removal of high quality agricultural land.

Council's local policy highlights that agriculture is a key industry within the Shire and as such it should be protected and enhanced to ensure the economic well-being of the Shire.

The policy at Clause 22.03-2 states a number of objectives and policies of relevance in consideration of this application. The following is a response to the relevant provisions:



- The creation of three additional dwelling entitlements has the potential to create land use conflict between residential and agricultural land uses.
- The agricultural capability of the land will be impacted by the fragmentation of the high quality agricultural land. The proposed will result in the high quality agricultural land being comprised within 3 lots; it is more productive and efficient for this land to be farmed in one allotment.
- The proposed subdivision will not result in "clear improvement to farm efficiency and land management". Rather, it will fragment the land holding resulting in four different land management regimes. It is acknowledged that the land is comprised of four existing allotments; however, the reality of the existing configuration is that only the lot with the dwelling could be disposed of separately. Access and servicing to the other lots is not feasible and it would not be practical to separate these lots from the holding. Therefore, this land should be considered as a property and not four lots.
- The proposed subdivision design has not taken into consideration the land capability. A more site responsive design would see the high quality agricultural land being comprised within larger lots to promote the independent farming of these lots into the future.
- The proposed subdivision will not result in more efficient land management practices as it will be managed by four individual entities as opposed to one or two. The greater the number of owners the greater the variance in land management practices.

## **CONCLUSION**

It is proposed to re-subdivide the subject land, which currently comprises of four lots, into four new lots:

- Lot 1 will be 3.7 hectares in area and contain the existing dwelling;
- Lot 2 will be 106 hectares in area;
- Lot 3 will be 62 hectares in area; and,
- Lot 4 will be 272 hectares in area.

To facilitate access to lots 2, 3 and 4 it is also proposed to shift the existing access to the Kiewa Valley Highway slightly north.

The proposal is not supported by the relevant planning policy within the Alpine Planning Scheme for the following reasons:

- The proposal fragments high quality agricultural land. The high quality agricultural land is proposed to be comprised within 3 lots.
- The proposal will create an additional three dwelling entitlements and this may create a conflict with surrounding agricultural land uses.
- The proposed subdivisional layout is not site responsive. It will require the removal of a significant amount of native vegetation to facilitate common boundary fences and the realignment of internal access roads.





- No information has been provided on how each proposed lot will be managed or how the land will be used for an agricultural use.

Having considered the relevant provisions of the Alpine Planning Scheme it is recommend that a Notice of Refusal be issued for the proposed four lot re-subdivision and modification of an access to Road Zone 1.

#### **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
- Acting Manager of Planning and Amenity
- Senior Planning Officer

#### **APPENDICES**

- 9.3.5 Appendix A - State and Local Planning Policy Provisions
- 9.3.5 Appendix B - A mapping exert of the subject land as it appears in the Alpine Shire Land Capability Project (April 2005)



## **APPENDIX A**

### **State Planning Policy Framework**

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

#### Objective

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

#### Strategies

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

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

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

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

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

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

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

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

### **Local Planning Policy Framework**

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



### Policy basis

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

### Objectives

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

### Policy

It is local policy that:

#### Agricultural Resources:

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

#### Agricultural Practices:

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

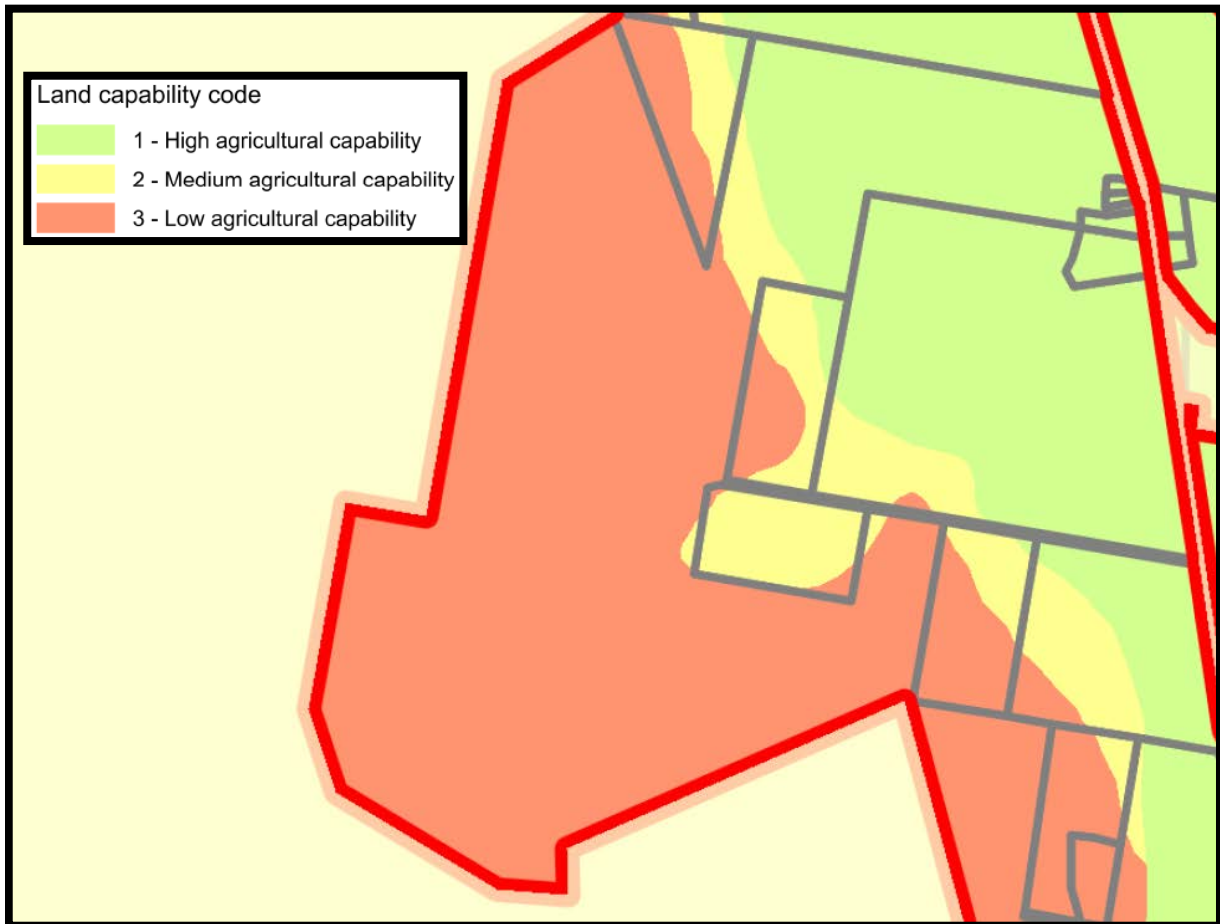


Agricultural Development:

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



## APPENDIX B



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



## 10 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 8:19pm sorry missed this one...*

*Cr Pearce*

*That the summary of the Assemblies of Councillor for September / October 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 10.0 to this report.

| <b>Date</b>  | <b>Meeting</b>   |
|--------------|------------------|
| 26 September | Briefing Session |
| 3 October    | Briefing Session |
| 17 October   | Briefing Session |
| 24 October   | Briefing Session |

### ATTACHMENT(S)

- 10.0 Assemblies of Councillors – September / October 2017



**11 GENERAL BUSINESS**

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

**13 RECEPTION AND READING OF PETITIONS**



## 14 DOCUMENTS FOR SEALING

*Cr Keeble  
Cr Nicholas*

*That the following documents be signed and sealed.*

- 1. Contract No 17026 in favour of Cleanaway Pty Ltd for the transportation and disposal of kerbside recyclables;*
- 2. Contract No 1705601 Architectural Services; Myrtleford Indoor Sports Stadium Expansion and McNamara Reserve Netball and Tennis Facilities.*
- 3. ~~Contract No 1707401 for provision of Contracted Services at Dinner Plain Village to GF and AM Peterson.~~*
- 4. Alpine Shire Council Policy No 054 Version 3 – Risk Assessment*
- 5. Alpine Shire Council Policy No 093 Version 3 – CCTV Surveillance Camera*

*Planning Permits for signing*

*The planning permit for this use and its development has been approved. You are asked to sign and seal this Agreement under Local Law 1: Council Administration.*

- 6. ~~Planning Permit 5.2012.64.1 was issued for the 'Use and Development of Land for Stone Extraction and Removal of Native Vegetation' at Lot 1 PS341561 Mount Buffalo Road. The native vegetation removal conditions require an area be secured for vegetation offsets. This offset is secured via the approval of a Vegetation Offset Management Plan Conditions 27 and 28 of the permit that is then linked to the land via a Section 173 Agreement to ensure future compliance with the offset requirements.~~*

*Carried*

There being no further business the Chairperson declared the meeting closed at 8.31p.m

.....  
Chairperson