



Alpine Shire

ORDINARY COUNCIL MEETING

MINUTES

M1 – 6 February 2018

Bright Council Chambers

7:00pm



The **Ordinary Meeting** of the **Alpine Shire Council** was held in the Council Chambers, Great Alpine Road, and Bright on **6 February 2018** and commenced at **7:00pm**.

PRESENT

COUNCILLORS

Cr Ron Janas – Mayor

Cr Sarah Nicholas – Deputy Mayor

Cr Kitty Knappstein

Cr John Forsyth

Cr Peter Roper

Cr Daryl Pearce

OFFICERS

Mr Charlie Bird – Chief Executive Officer

Ms Nathalie Cooke – Director Corporate

Mr William Jeremy – Director Assets

APOLOGIES

Cr Tony Keeble



AGENDA

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1 RECORDING AND LIVESTREAMING OF COUNCIL MEETINGS

The CEO read the following statement:

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

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

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

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

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

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

2 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS, AND RECOGNITION OF ALL PEOPLE

The CEO read the following statement:

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

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

3 CONFIRMATION OF MINUTES

3.1 ORDINARY COUNCIL MEETING – M12

*Cr Nicholas
Cr Knappstein*

That the minutes of Ordinary Council Meeting M12 held on 5 December 2017 as circulated be confirmed.

Carried

3.2 SPECIAL COUNCIL MEETING – SPM13

*Cr Forsyth
Cr Pearce*

That the minutes of Special Council Meeting SPM13 held on 18 December 2017 as circulated be confirmed.

Carried



4 APOLOGIES

Cr Tony Keeble

5 OBITUARIES / CONGRATULATIONS

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

6 DECLARATIONS BY COUNCILLORS OF CONFLICT OF INTEREST

Nil

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 CHIEF EXECUTIVE OFFICER – CHARLIE BIRD

8.1.1 Contracts approved by the CEO

Cr Roper

Cr Nicholas

That the Contracts approved by the CEO be noted.

Contract No:	CQ 17094	Process:	Public Tender
Title:	Resealing Kiewa Valley (2017-18) – Asphalt Overlay		
Tenderer:	LA Vandersluys Pty Ltd t/as Country Wide		
\$ (excl. GST):	\$108,750		

Contract No:	1708001	Process:	Full Quote process
Title:	Anderson Street Pavement Works		
Tenderer:	LA Vandersluys Pty Ltd t/as Country Wide		
\$ (excl. GST):	\$66,788.80		

Carried



8.2 DIRECTOR ASSETS – WILLIAM JEREMY

8.2.1 Nil reports



8.3 DIRECTOR CORPORATE – NATHALIE COOKE

8.3.1 Audit Committee Meeting No. 2. 24 November 2017

File Number: 0900.06

INTRODUCTION

The purpose of this report is to present the minutes and recommendations of the Audit Committee meeting held on 24 November 2017.

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

- Victorian Auditor General's (VAGO) Final Management Letter for year ending 30 June 2017);
- Risk register update;
- 2017/18 Quarter 1 Purchasing Audit;
- 2017/18 Quarter 1 Health and safety report.

Cr Nicholas

Cr Pearce

That:

- 1. The minutes of the 24 November 2017 Audit Committee meeting be received and noted; and*
- 2. The confidential 2017/18 Quarter 1 Health and Safety Report be adopted.*

Carried

BACKGROUND

Council must establish an Audit Committee under section 139 of the *Local Government Act 1989*. The Committee's charter requires it to report to Council its activities, issues and related recommendations. This report relates to the Audit Committee meeting held on 24 November 2017.

ISSUES

VAGO Final Management Letter, Year Ending 30 June 2017

The Audit Committee considered the VAGO Final Management Letter for the year ending 30 June 2017.

In addition to reviewing previous years findings the 2017 Final Management Letter identified a further four matters for Council to consider and address including:

1. Using the Department of Treasury and Finance 2008 long service leave model in assessing the net present value of Council's long service leave provisions;
2. Establishing and implementing a review of electronic funds transfer administrators and authorisers;
3. Formally reassessing the AASB140 classification of investment properties; and



4. Reviewing and revaluing waste management, recreational, leisure and community facilities, and parks, open spaces and street scape assets as part of the revaluation processes for 2018.

Risk Register

The Audit Committee had previously identified the need for Council to review its risk register.

A risk register aligned with the Council Plan 2017-2021 has been developed and reviewed. It captures key risk events that may impact Council achieving its strategic objectives or delivering its key services and provides for the assessment of those risks and the identification and monitoring of measures to mitigate or reduce the risks.

2017/18 Quarter 1 Purchasing Audit

A detailed audit report of purchasing processes was considered by the Audit Committee due to the introduction of Approval Max and Xero software solutions from 1 July 2017.

Overall the 2017/18 Quarter 1 Purchasing Audit noted no significant issues however it highlighted the need for Council to review historical and/or long term supplier relationships and to test those supplies through procurement processes. Otherwise the introduction of automated purchasing software has seen significant improvements in purchasing processes and supporting documentation.

2017/18 Quarter 1 Health and Safety Report (Confidential)

The Audit Committee reviewed the Quarter 1 2017/18 Health and Safety Report (Confidential). The report highlights that employee hazard, incident, injury and near-miss reporting, has slightly increased on previous years. New WorkCover claims were limited to one during the quarter, and training focused on mandatory requirements. The Health and Safety Committee reconvened and a schedule of meetings has now been established going forward.

POLICY IMPLICATIONS

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

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

This report is consistent with the following Strategic Objective in the Council Plan 2017-2021:

- A responsible and sustainable organisation.



CONCLUSION

In accordance with the Audit Committee Charter, the minutes of the November 2017 are submitted to Council for consideration.

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
- Health, Safety and Risk Officer

ATTACHMENT(S)

- 8.3.1 (a) Audit Committee Meeting No. 2 Minutes, 24 November 2017
- 8.3.1 (b) 2017/18 Quarter 1 Health and Safety Report (CONFIDENTIAL)



8.3.2 Quarterly Report - Council Plan

File Number: SU600.03

INTRODUCTION

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

Cr Knappstein
Cr Nicholas

That the Alpine Shire Council Plan Quarterly Report ending 31 December 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.

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 secured \$200,000 funding for the Mount Buffalo Business Case Assessment and Activation project. Council will work with a multi-stakeholder Task Force, led by Parliamentary Secretary Danielle Green to deliver the project. The project will build on the work done by the Mount Buffalo Destination Advisory Group, evaluating the feasibility of concepts identified in the community led Vision for Mount Buffalo report and aims to realise commercially feasible opportunities.

A responsible and sustainable organisation

- Review of the Dinner Plain Village Rate has commenced.

Incredible places for our community and visitors

- Many key projects have been completed, including playground upgrades, bridge renewals and pool upgrades. The Myrtleford Standish Street roundabout is a major project and is due to commence in late January.

Infrastructure and open space that our community is proud of

- Council continues to respond quickly to natural events, such as storm and flood damage. Fire prevention works have occurred across the Shire, with notices sent to landowners to ensure their properties are well prepared for the summer fire season.

Highly utilised and well managed community facilities

- Council has worked successfully with new contractors to ensure a smooth transition to a new waste and recycling collection service, with no disruption to the service.

A well planned and safe community

- Dinner Plain Design Guidelines were presented to Council in November, to commence preparation of amendment C53 to the Alpine Planning Scheme.

A thriving and connected community

- Spring remains the busiest season for the delivery of event across the Shire. November was the busiest month of the event season with several large scale events being delivered, including Bright's Iconic Rod Run, Spartan and the Spring Festival.



POLICY IMPLICATIONS

The Council Plan is a specific requirement of the *Local Government Act 1989*, and is a guiding document for Council. The Council Plan and Budget identify and commit Council to the completion of specific initiatives each year.

This report is consistent with the following Strategic Objective in the Council Plan 2017-2021:

- A high performing organisation.

FINANCIAL AND RESOURCE IMPLICATIONS

The Strategic Resource Plan and annual Budget are developed and adopted to provide the financial and human resources required to achieve the commitments in the Council Plan.

CONSULTATION

The Council Plan is subject to public exhibition each year prior to being adopted by Council. As part of an 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:

- Directors
- Managers
- Governance Officer

ATTACHMENT(S)

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



8.3.3 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:	138
Planner:	Sam Porter

Cr Roper

Cr Knappstein

That a Notice of Refusal be issued for the four lot re-subdivision and modification of an access to a Road Zone 1 on the following grounds:

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



- a. The development will detract from the long term productive capacity of the land as the re-subdivision fails to respond to the existing land use patterns and natural site features.*
 - b. The development seeks to create lots that are focused on establishing suitable future dwelling locations and entitlements rather than being agriculturally justified.*
- 3. The development is inconsistent with Clause 22.03-2 of the Local Planning Policy Framework as:*
 - a. The high quality agricultural land will be fragmented into multiple lots and will reduce the long term productivity of this land.*
 - b. A large area of the land is high quality agricultural land and the proposal does not adequately acknowledge this with inappropriately positioned new boundaries which segregate this valuable land.*
 - c. The proposed re-subdivision does not result in a clear improvement to farm efficiency and land management.*
 - d. It has not been demonstrated that the proposal will result in productive agricultural units.*
 - e. The proposal will result in the fragmentation of agricultural land.*
- 4. The development is inconsistent with the purpose of the Farming Zone as:*
 - a. The proposal seeks to create three lots greater than 40 hectares which will have an as-of-right entitlement for a dwelling.*
 - b. The proposal does not retain the productive agricultural land area; it fragments the productive land area.*
 - c. There is potential for rural land use conflict with lots used for residential use and the surrounding agricultural uses.*

Carried

PROPOSAL

The proposal comprises re-subdividing four existing lots to create four new lots. Lot 1 would contain the existing dwelling which is located near the Kiewa Valley Highway. Lot 1 would be 3.7 hectares in area and would take up the frontage to the Kiewa Valley Highway.

Lot 2 would 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 would extend to the western boundary of the subject land and comprise part of the forested land; the lot would be approximately 106 hectares in area.

Lot 3 would be located on the southern side of Tressiders Lane and consist of open, cleared, agricultural land with a large dam. Lot 3 would 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 would be approximately 272 hectares in area.

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

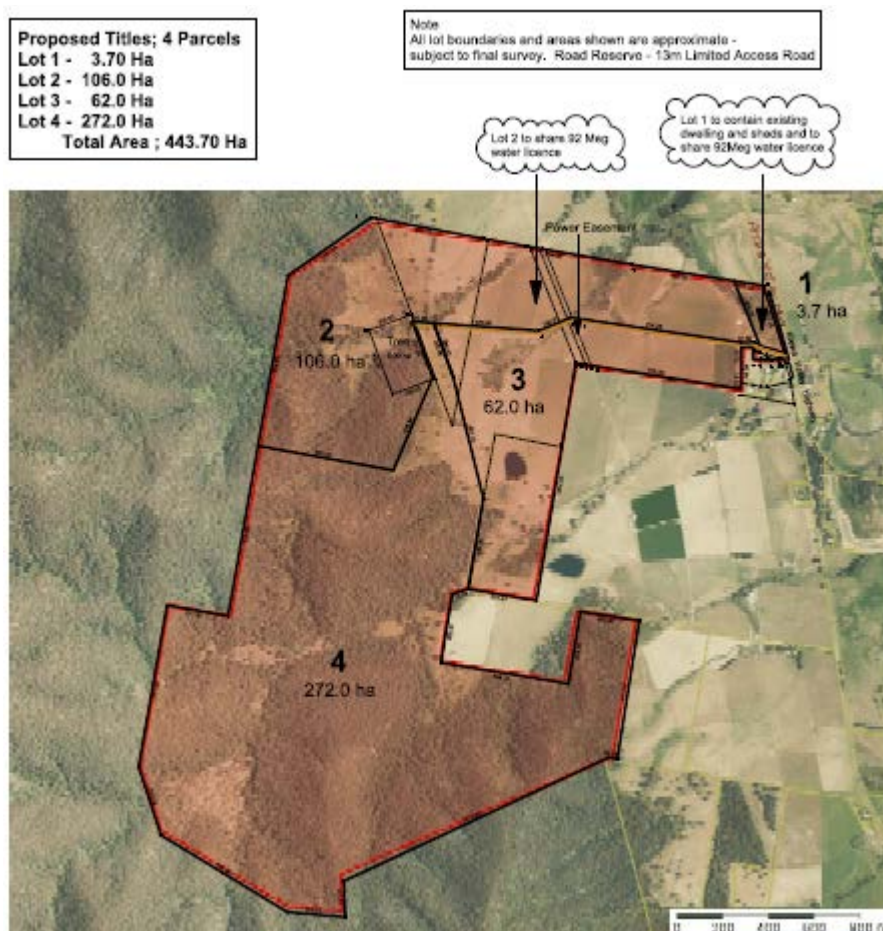


Figure 1: Proposed Plan of Subdivision



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.

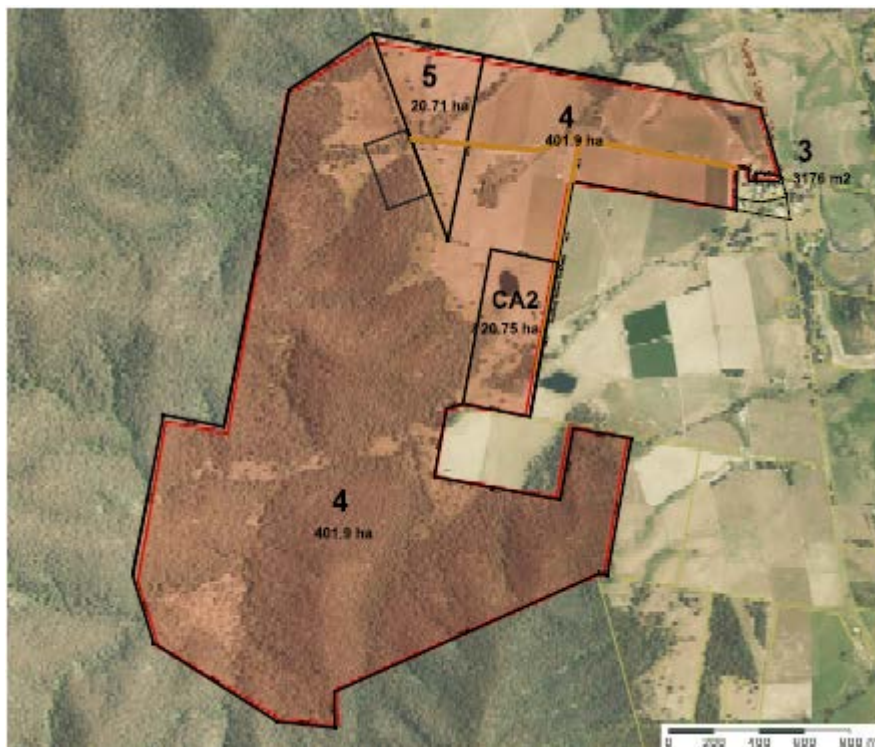


Figure 2: Subject Land

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.

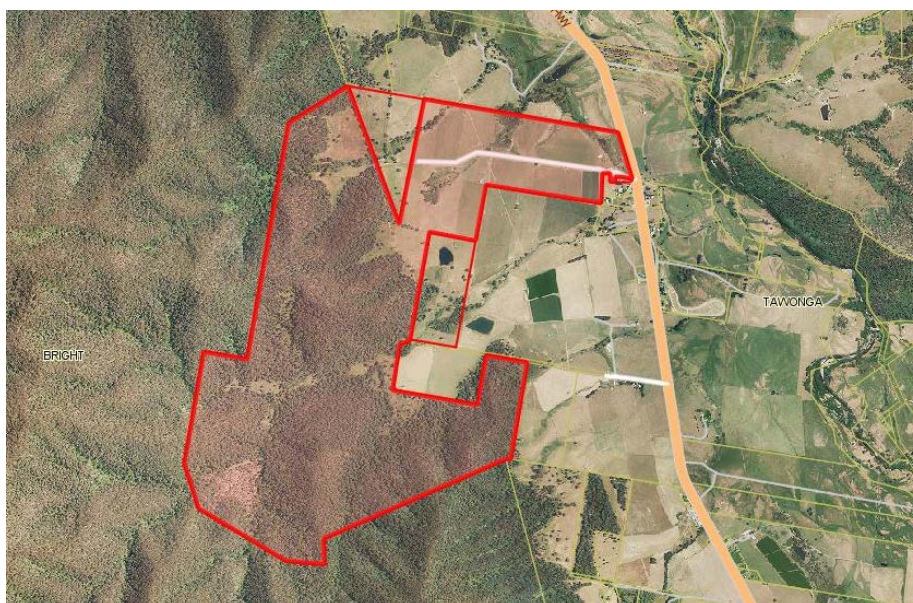


Figure 3: Subject Land and Surrounds



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 or 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

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

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 by Council. Council officers provided a suggested alternative plan.



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

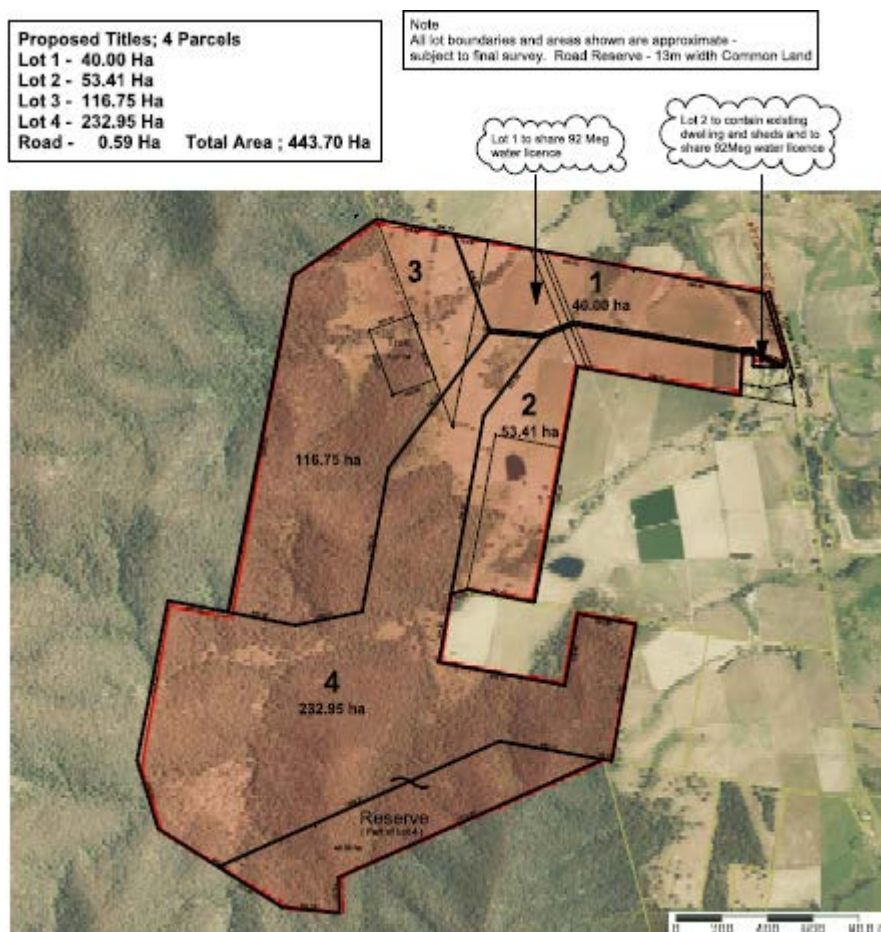


Figure 4: Previous Plan of Subdivision Submitted to Council

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, it was withdrawn just prior to the meeting.

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.



Figure 5: Alternative layout 1



Figure 6: Alternative layout 2

Site Visit

As nothing further had been stated by the applicant the proposal went to a Council meeting on 14 November 2017. The applicant made representation and the matter was deferred to enable a site visit to take place between the owner, Council officers and Councillors.

The site inspection took place on 13 December 2017. In attendance were the applicant and his sons, Councillors and Council officers. Time was spent looking at the property and proposed re-subdivision application. The applicant verbally indicated that he may choose to review the layout of the bush block (proposed lot 4 in figure 1) and its common boundary with lot 2 but would not choose to revisit the layout of the proposed lots 2 and 3 which divide the high quality agricultural portions of the property.

From a planning perspective no new information was provided on the site visit, or in the time since, that would change the recommendation on the re-subdivision application that was considered at the Council meeting on 14 November 2017.



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 management of the land.

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 Polies

Both State and Local planning policies 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 would 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.

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 wellbeing of the Shire.

Clause 22.03-2 of the policy 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 would be impacted by the fragmentation of the high quality agricultural land. The proposed subdivision would 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 would 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 single 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 would not result in more efficient land management practices as it would 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 would be 3.7 hectares in area and contain the existing dwelling;
- Lot 2 would be 106 hectares in area;
- Lot 3 would be 62 hectares in area; and,
- Lot 4 would 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 would 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
- Manager Planning and Amenity
- Senior Planning Officer

APPENDICE(S)

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



APPENDICES 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 excerpts 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:

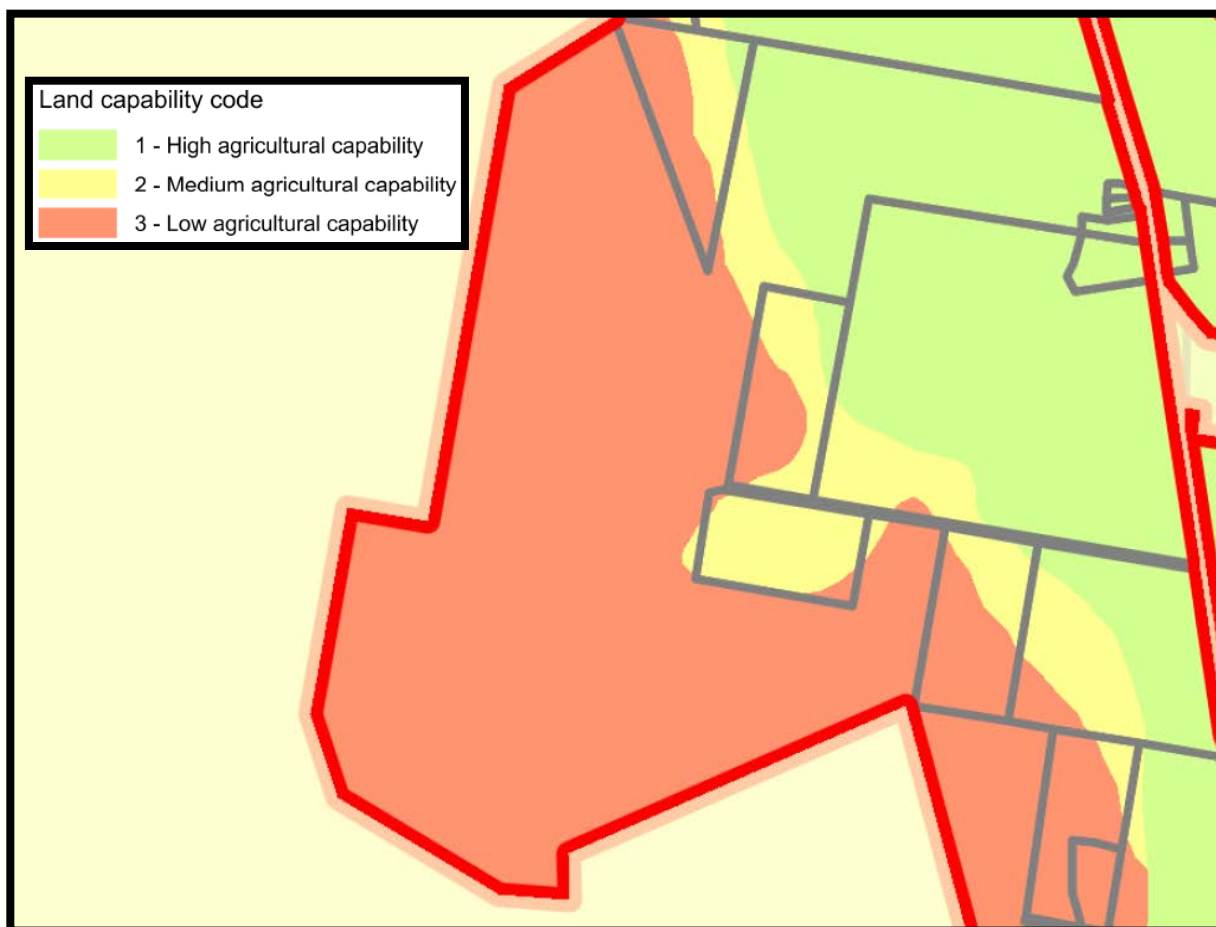
- Sustainable agricultural industries which incorporate best management practice will be strongly supported.
- Intensive agricultural industries will be located and managed having regard to soil and water quality, the adequacy of infrastructure services and the location of sensitive use and development.

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.



APPENDICES B



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



8.3.4 Planning Application 5.2017.147.1 - Use and Development of a Second Dwelling

Application number:	5.2017.147.1
Proposal:	Use and development of a second dwelling
Applicant's name:	Oxley & Co
Owner's name:	Janelle Boynton & Boszar Superannuation Pty Ltd
Address:	6619 Great Alpine Road, Porepunkah
Land size:	26.99 hectares
Current use and development:	Vineyard, winery, cellar door, restaurant, accommodation and dwelling
Site features:	<p>The site is undulating and has been extensively planted with grape vines. A tract of native vegetation is located in the east of the site with revegetation works located in the north. The winery, restaurant and accommodation are located in the south east corner of the site.</p> <p>The site is dissected into two parts by Rimini Road which is a government road.</p> <p>Access to the property is via the Great Alpine Road and Rimini Road. Jones Road abuts the site to the west but is partially leased to the adjoining property owner and is currently not maintained by Council to the proposed development access point. The Murray to the Mountains Rail Trail runs along the southern boundary.</p>
Why is a permit required?	A planning permit is required under the Farming Zone to use and develop the site for a second dwelling, and under the Bushfire Management Overlay to develop the land for accommodation.
Zoning:	Farming Zone (FZ)
Overlays:	Bushfire Management Overlay (BMO)
Restrictive covenants on the title?	A section 173 agreement is registered on the title for the site. It refers to revegetation works and future protection of vegetation as part of a previous permit. The proposed dwelling would not impact on the requirements of the agreement.
Date received:	2 October 2017
Statutory days:	52
Planner:	Sam Porter



Cr Roper
Cr Knappstein

That a Notice of Decision to grant a planning permit be issued for use and development of a second dwelling in accordance with the conditions outlined in Attachment (a) and for the following reasons:

- 1. The proposed development is generally consistent with the relevant provisions of the State Planning Policy and Local Planning Policy including the Municipal Strategic Statement.*
- 2. The development is consistent with the purpose of Clause 35.07 Farming Zone as the proposed dwelling is reasonably required to continue to manage an existing agricultural activity and a rural tourism use on the land.*
- 3. The applicant has provided a Whole Farm Plan/Business Plan which substantiates the need for an additional dwelling on the land. This has been independently reviewed by a qualified farm evaluation professional who concluded that there is a valid need for two full-time managers to live on the property due to the nature and scale of the large and expanding horticultural/hospitality/tourism business on the land.*
- 4. The proposal has adequately addressed the purpose and decision guidelines of the Bushfire Management Overlay and Clause 52.47. Bushfire protection measures, including the siting, design and construction of the dwelling, vegetation management, water supply and access and egress can be readily implemented and managed within the property.*
- 5. The application is generally consistent with the general decision guidelines of Clause 65.*

Carried

PROPOSAL

It is proposed to use and develop a second dwelling on the site. The dwelling is proposed to be used in conjunction with the management of the existing uses on the site being a vineyard, winery, cellar door, restaurant and accommodation.

The dwelling would be located in the north of the site and would be accessed via Jones Road. Due to the slope of the house site, the dwelling would be split level, with a garage and carport located on the lower level and the remainder of the dwelling located on the ground floor level.

The dwelling would have two bedrooms and would be contemporary in design with a metal skillion roof and walls clad in a combination of colorbond, rendered cement sheet, stone and timber cladding. Figures 1 to 4 below illustrate the proposed dwelling and its location.





Figure 3: **Proposed elevations**

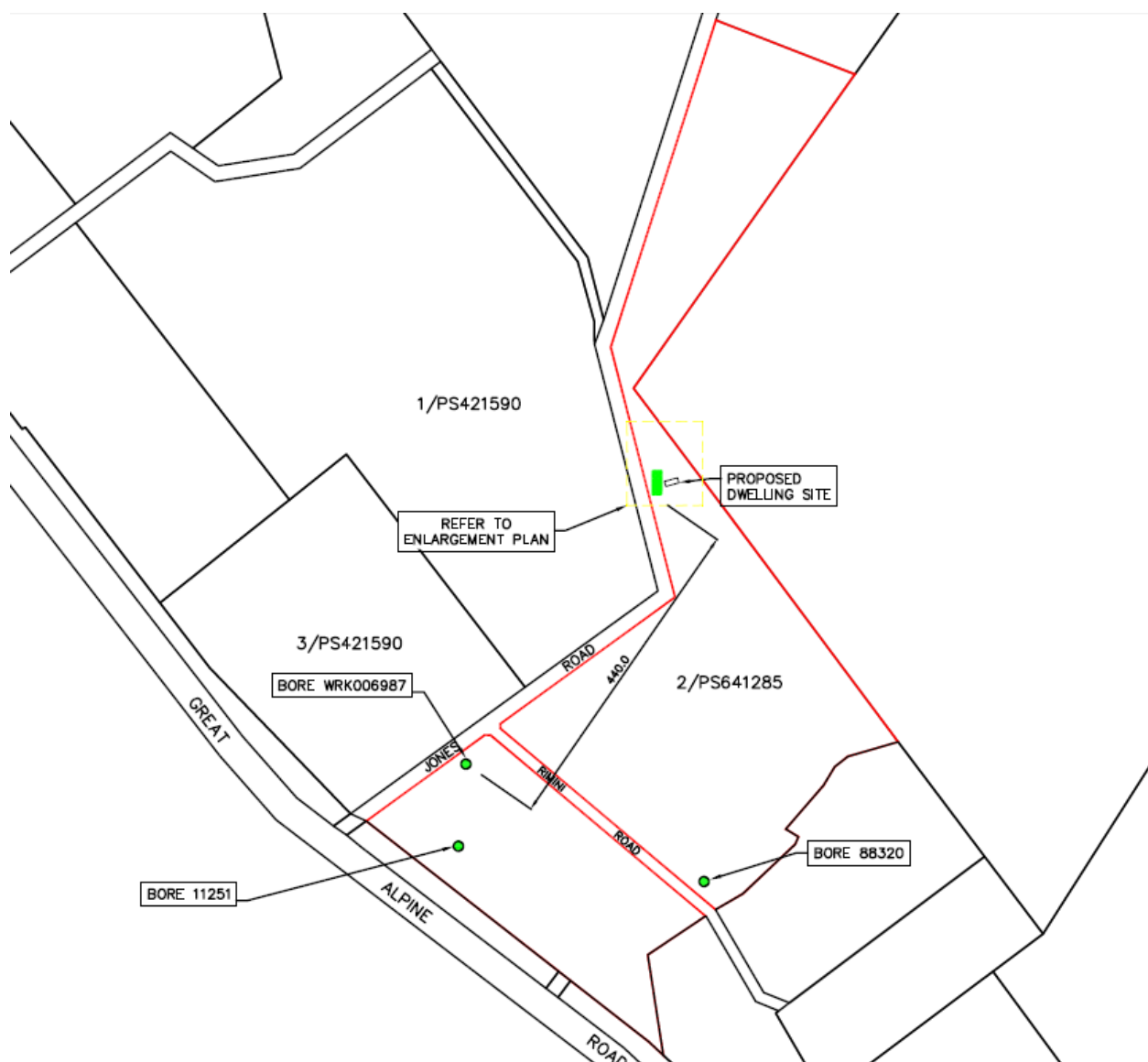


Figure 4: **Proposed site plan**

SUBJECT LAND AND SURROUNDS

The land is located in Porepukah approximately 3 kilometres to the north-west of the Porepukah township as shown in Figure 5 below. The land is irregular in shape and located on the north-eastern side of Great Alpine Road with a frontage to Great Alpine Road of 479 m, and an overall area of 28.43 hectares. The site is separated into two parcels by Rimini Road. Jones Road runs adjacent to the western boundary of the site.

The land comprises old river bed flats at the front of the site rising to steeper slopes at the rear. The majority of the site has been planted with vines. The site has been developed with infrastructure for winery production, cellar door, restaurant and accommodation located in the south-east of the site, and a dwelling located in the east of the site.



A small watercourse traverses the far south-east boundary and native vegetation is located in the east to the north of the dwelling. Revegetation works have been undertaken in the north of the site under the direction of a previous planning permit for the site and subsequent section 173 agreement registered on title.

Land surrounding the site is used for agricultural purposes to the north-west, rural residential uses to the south-east, State park to the north and plantations to the south.



Figure 5: **Subject land and surrounding context**



Figure 6: **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 six surrounding landholders and occupiers, and a sign was displayed on the subject land.



One objection was received, the reasons for objecting are as follows:

- Loss of productive agricultural land.
- Dwelling does not have a reasonable nexus with the agricultural enterprises located on the land.
- Will fragment agricultural land by extending rural living into farmland.
- Approval would set a precedent for the area and could lead to a proliferation of dwellings.
- Existing accommodation on the site could be used for caretaker's accommodation to provide security for the site.
- Proposal is not supported by the planning policy framework or the purposes of the Farming Zone.
- Unclear from the application if the native vegetation areas to be protected via the on-title section 173 agreement will be impacted by the dwelling and by defensible space requirements.
- Proposal will divert water away from entering objector's farm dam and will therefore impact on fire protection.
- Proposal does not provide a 100 m set back of the septic system from a watercourse.
- Details of external lighting not provided.
- No provision has been made for the planting and management of native vegetation for screening of the proposed dwelling.
- A s173 agreement must be required to ensure the dwelling is used in conjunction with the winery and vineyard.

REFERRALS

Referrals / Notice	Advice / Response / Conditions
Section 55 referrals:	Country Fire Authority (CFA) and Goulburn-Murray Water have both granted conditional consent.
Internal / external referrals:	Council's Engineer has given conditional consent. No response has been received from Environmental Health or DELWP.

PLANNING ASSESSMENT AND RESPONSE TO GROUNDS OF OBJECTION

All applicable policy and decision guidelines can be found in Appendix (b).

State and Local Planning Policy Framework

The State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF) give support to the proposal under the following clauses:

Clause 14.01 Agriculture



Clause 14.02 Water

Clause 21.03-3 Rural lifestyle, subdivision and dwellings

Clause 21.04-4 Environmental risk

Clause 21.05-1 Tourism

Clause 21.05-3 Agriculture

Clause 21.07-11 Rural precincts

Clause 22.03-1 Tourist use and development

Clause 22.03-2 Agriculture

The above policy gives clear support to the proposal. The following response can be provided:

- The proposed dwelling would be used in conjunction with the agricultural and rural tourism use of the site. That is, as the business has expanded and is projected to expand into the future, two on-site managers are required to manage the various uses on the site.
- The applicant has demonstrated that the proposed dwelling is required to support a legitimate, established agricultural activity. The applicant submitted a Farm Plan (Plan) which provided details of the existing conditions of the site, future vision for the existing business, land management for the agricultural use, and management of the associated tourism uses of the land. Council officers undertook to have the Plan reviewed by an independent, qualified farm evaluation professional who concluded that:

"Due to the lack of suitable close-by rental accommodation, the construction of a second managers dwelling on site would assist in the effective management of the business.

The presence of a good quality, new manager's dwelling would also assist in attracting and retaining a high calibre of staff and ensure the succession of good quality employees in the future.

The success of this business is closely linked to the calibre of the management staff.

In 2016, Feathertop Winery reported employing 84 staff in casual, part-time and full-time roles.

It is clearly a large and growing, horticultural/hospitality/tourism business. Based on the information provided, the requirement for two full-time manager positions living on the property appears to be a valid requirement for the nature and scale of this diversified business."

A copy of this report is available upon request.

- The application was referred to CFA who provided conditional consent for the proposal. This demonstrates that the proposal has taken into consideration the site context and natural features of the site and surrounds and is able to minimise the risk to life and property from bushfire through the appropriate location, design and management of the dwelling.



- The application was referred to Goulburn-Murray Water who provided conditional consent for the proposal. The proposed dwelling and its associated wastewater system therefore should not impact the Ovens River Catchment and will protect the quality of surface water, groundwater, rivers and streams located in the catchment.
- The proposal will support the expansion of an established rural based tourism business in a manner that builds on and complements the agricultural industry and environmental assets.
- The proposal will continue to support the predominant use of the site for agriculture while providing a rural based agri-tourism use.
- The proposal will ensure the long term sustainable agricultural use of land.

Zoning and land use

The subject land is zoned Farming Zone. The development is consistent with Clause 35.07 purpose and decision guidelines for the following reasons:

- As discussed, the proposal has adequately demonstrated that the dwelling is required for the management of the agricultural and tourism uses on the site.
- The proposal would support and enhance agricultural production through the provision of accommodation for on site management.
- The proposal would not limit the operation and expansion of adjoining and nearby agricultural uses as the proposed dwelling would be used in conjunction with an agricultural use. This carries with it an understanding of the operations of farm businesses and its potential associated off-site impacts.
- The design of the proposed dwelling including proposed materials is considered to be appropriate for the site as it would blend in well with the natural environment.

Overlay

The site is subject to the Bushfire Management Overlay (BMO). The application has been referred to CFA who has no objection to the proposal subject to standard planning permit conditions including the submission of a bushfire management plan. The bushfire management plan will detail defendable space, water supply, access and construction of the dwelling to a BAL-29 standard.

The application has been assessed against the requirements of the overlay and the requirements of Clause 52.47 Planning for Bushfire and found that the fire hazard is moderate given the native bush forest to the north and plantation to the south. It is considered that with the inclusion of conditions as per the CFA referral response on any approval issued, the risk to life and property from fire will be able to be managed to an acceptable level.



Objections

The following points are provided in response to the concerns outlined in the objection received:

- Loss of productive agricultural land; Dwelling does not have a reasonable nexus with the agricultural enterprises located on the land; Will fragment agricultural land by extending rural living into farmland.

The need to develop an additional dwelling on the land has been substantiated by the applicant through their Farm Plan which outlines the existing and proposed operations for the site. The size of the current and future operations requires the need for two on-site managers to supervise the number of uses across the site, the main one being the agricultural use. As such it is considered that there is a reasonable nexus between the proposed dwelling and the agricultural use of the land. This view is supported by an independent qualified farm evaluation professional.

- Approval would set a precedent for the area and could lead to a proliferation of dwellings.

The approval of a second dwelling on the subject site will not set a precedent for the area and will not lead to a proliferation of dwellings. Planning permit applications are assessed on their merit. Any application for a second dwelling in the Farming Zone in the surrounding area must provide sufficient justification for a second dwelling and must be supported by the State and Local Planning Policy Framework and the zone and overlay purpose and decision guidelines. The approval of a second dwelling on the site will not automatically allow other landowners to do the same.

- Existing accommodation on the site could be used for caretaker's accommodation to provide security for the site.

The existing accommodation on the site has been lawfully established and forms part of the business plan for the site. It is not applicable to the consideration of this application.

- Proposal is not supported by the planning policy framework or the purposes of the Farming Zone.

As discussed in this report, the proposal is supported by the State and Local Planning Policy Framework and the purpose and decision guidelines of the Farming Zone.

- Unclear from the application if the native vegetation areas to be protected via the on-title section 173 agreement will be impacted by the dwelling and by defensible space requirements.

The dwelling will not be located near the revegetation areas protected by the section 173 agreement on title, and will not be impacted by defensible space requirements.

- Proposal will divert water away from entering objector's farm dam and will therefore impact on fire protection.



The proposed dwelling will not impact the waterway that flows through the objector's property.

- Proposal does not provide a 100 m set back of the septic system from a watercourse.

The application was referred to Goulburn-Murray Water who had no objection to the proposal subject to conditions regarding the treatment of wastewater. It can therefore be concluded that the septic system will be located an appropriate distance from waterways and will not impact on their quality.

- Details of external lighting not provided.

The dwelling will be located over 500 metres from the nearest dwelling therefore it is considered unlikely that light spill from the dwelling will impact the amenity of surrounding properties.

- No provision has been made for the planting and management of native vegetation for screening of the proposed dwelling.

As discussed, the dwelling will be located over 500 metres from the nearest dwelling therefore it is not considered necessary to require screening.

- A section 173 agreement must be required to ensure the dwelling is used in conjunction with the winery and vineyard.

A condition of any approval issued will require the applicant to enter into a section 173 agreement that stipulates that the dwelling can only be used in conjunction with the agricultural and rural tourism use of the site as set out in the Farm Plan.

CONCLUSION

The application is considered to be consistent with the Alpine Planning Scheme and should be approved for the following reasons:

- The proposed development is generally consistent with the relevant provisions of the State Planning Policy and Local Planning Policy including the Municipal Strategic Statement.
- The proposal is consistent with the purpose and decision guidelines of the Farming Zone and Bushfire Management Overlay.
- The applicant has demonstrated that the proposed dwelling is reasonably required to continue to manage an existing agricultural activity and a rural tourism use on the land.
- The proposal will allow for the expansion of the existing uses on the site which in turn will build on and complement the agricultural and tourism industries and environmental assets of the Shire.



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

APPENDIX

- (a) – General Conditions
- (b) – Policy and decision guidelines



APPENDIX (a)

GENERAL CONDITIONS

1. Before the use and/or development start(s), amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. Provision of a site plan showing existing uses and development on the site, the location of the proposed dwelling including setbacks from boundaries and vehicle access, and offset planting areas.
2. The layout of the site and the size of the proposed buildings and works must be generally in accordance with the endorsed plan/s which form part of this permit. The endorsed plan/s must not be altered or modified (whether or not to comply with any statute statutory rule or local law or for any other reason) without the consent of the responsible authority.
3. The external materials of the building(s) including the roof must be constructed of materials of muted colours to enhance the aesthetic amenity of the area. No materials having a highly reflective surface shall be used. For the purpose of this clause "highly reflective" shall include unpainted aluminium, zinc or similar materials.
4. All wastewater from the proposed dwelling must be treated and disposed of using an EPA approved system or systems, installed, operated and maintained in compliance with the relevant Council septic tank permit conditions, EPA Code of Practice and Certificate of Approval and to the satisfaction of Council's Environmental Health Department.
5. Silt fencing material or straw hay bales (staked and keyed into the ground surface) must be placed at the bottom of the construction area prior to the commencement of construction to prevent storm water runoff entering a drainage line. Batters steeper than 2:1 (horizontal: vertical) must have a layer of straw over the entire batter to retain the topsoil.
6. An area for the storage of construction materials must be designated prior to the arrival of equipment and materials onsite. Wherever possible, disturbed areas should be used rather than areas of good quality indigenous vegetation and significant stands of trees. At the completion of construction all excess materials must be removed and the site should be regenerated to the satisfaction of the Alpine Shire.
7. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).



DWELLING ASSOCIATED WITH EXISTING USES CONDITION

8. This permit is issued for the use of the land with a second dwelling on the basis that the dwelling is required for the management of the vineyard, winery and accommodation as set out in the "Farm Plan" report endorsed under this permit and as amended if applicable.

SECTION 173 AGREEMENT CONDITION

9. Prior to the commencement of any works associated with the dwelling hereby permitted, the owner of the land must enter into an Agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987. The cost of the preparation, lodgement and registration of the Agreement and any subsequent amendment, enforcement, removal or other dealing associated with the Agreement shall be borne totally by the owner of the land. The Agreement must be registered on the certificate of title for the land. Evidence of the registration of the agreement must be provided to the responsible authority prior to the commencement of the use authorised by this permit. The Agreement must provide that:
 - a. The Farm Plan endorsed under Planning Permit 5.2017.147.1 must be fully implemented and all ongoing obligations met, unless otherwise approved by Council.
 - b. The use permitted by Planning Permit 5.2017.147.1 must cease within 9 months of the cessation of the use of the land as set out in the Farm Plan endorsed under Planning Permit 5.2017.147.1 unless an alternative agricultural use is proposed and substantiated by a Farm Plan approved by the responsible authority.
 - c. The dwelling must be decommissioned or demolished to the satisfaction of the Responsible Authority within 12 months of the cessation of the use of the land as set out in the Farm Plan endorsed under Planning Permit 5.2017.147.1 unless an alternative agricultural use is proposed and substantiated by a Farm Plan approved by the responsible authority.
 - d. The land cannot be subdivided so as to create an additional lot for an existing dwelling.

Expiration of this agreement

Clause (c) will expire in the following circumstances:

The approved whole farm plan has been successfully implemented (evidence of this must be supplied to the responsible authority) to the satisfaction of the responsible authority for a period of time not less than 15 years of the date of registration of this agreement on title.



ENGINEERING CONDITIONS

No Road Upgrading

10. The Alpine Shire Council does not perform any routine maintenance and has no plans to upgrade Jones Road. The future maintenance of the road is the responsibility of the adjoining landowners. Alpine Shire Council will only provide limited support to provide safe access, at the determination of the relevant Council Officer and available budgets.

Rural Vehicle Crossing Location

11. Any new or retained vehicular entrances to the subject land from the road shall be constructed at a location and of a size and standard satisfactory to the Alpine Shire Council. Vehicle crossings must be constructed at the applicant's expense to provide ingress and egress to the site to the satisfaction of the Alpine Shire Council.

The crossover shall be constructed as per the relevant standard drawing in the Infrastructure Design Manual. A Works in Road Reserve Permit must be obtained from the Alpine Shire Council prior to any works commencing. This driveway is to be an appropriately constructed crushed rock pavement. Advice is available through the Works in Road Reserve Permit application.

Limited Access

12. Access to the site shall only be from Jones Rd and shall be limited to the single existing vehicle crossing, such vehicle crossing must not exceed 6.0m in width
13. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Alpine Shire Council.

STORMWATER DRAINAGE

14. Prior to the issue of a certificate of occupancy for the dwelling, all storm water and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge by underground pipe to the satisfaction of the Alpine Shire Council. No effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system. The legal point of discharge for this site is to the roadside drain on Jones road.

COUNTRY FIRE AUTHORITY CONDITIONS

Bushfire Management Plan

15. Before the development starts, a bushfire management plan must be submitted to and endorsed by the Responsible Authority. The plan must show the location of the proposed dwelling with sufficient dimensions to property boundaries as well as the following bushfire mitigation measures, unless otherwise agreed in writing by the CFA and the Responsible Authority:
 - a) Defendable space



Show an area of defensible space for a distance of 35m around the proposed building or to the property boundary where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

b) Construction Standards

Nominate a minimum Bushfire Attack Level of BAL – 29 that the building will be designed and constructed.

c) Water Supply

Conditions required for all applications

Show 10,000 litres of effective water supply for firefighting purposes which meets the following requirements:

- Is stored in an above ground water tank constructed of concrete or metal.
- All fixed above-ground water pipes and fittings required for firefighting purposes must be made of corrosive resistant metal.
- Include a separate outlet for occupant use.

The water supply must also –

- Incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting).
- Be located within 60 metres of the outer edge of the approved building.
- The outlet/s of the water tank must be within 4m of the accessway and be unobstructed.
- Be readily identifiable from the building or appropriate identification signage to the satisfaction of CFA must be provided.



Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling).

d) Access

Show the access for firefighting purposes which meets the following requirements:

- Curves must have a minimum inner radius of 10m.
- The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.
- Have a minimum trafficable width of 3.5m of all-weather construction.
- Be clear of encroachments for at least 0.5m on each side and 4m above the access way.
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

Mandatory condition – Maintenance of bushfire mitigation measures

16. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

GOULBURN-MURRAY WATER CONDITIONS

17. All wastewater from the dwelling must be treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant or equivalent. The system must have a certificate of conformity issued by the Conformity Assessment Body (or equivalent approval) and be installed, operated and maintained in accordance with the relevant Australian Standard and EPA Code of Practice.
18. The wastewater disposal field must be located in accordance with the requirements of Table 5 of the EPA Code of Practice – Onsite Wastewater Management, 891.4, July 2016.
19. All wastewater must be applied to land via pressure-compensating sub-surface irrigation installed along the contour.
20. The wastewater disposal area must be kept free of stock, buildings, driveways and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed.



21. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).

EXPIRY CONDITION

22. This permit will expire if one of the following circumstances applies:
- a. the development is not started within two years of the date of this permit.
 - b. the development is not completed within four years of the date of this permit.
 - c. the use has not commenced within four years of the date of this permit.

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

NOTE:

Prior to any construction commencing the lease or licence covering the area of Jones Road to be used in the access for the approved dwelling must be amended accordingly. It is advised that you contact the Department of Environment, Land, Water and Planning to arrange this.



APPENDIX (b)

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.

Prevent inappropriately dispersed urban activities in rural areas.

Limit new housing development in rural areas, including:

- Directing housing growth into existing settlements.
- Discouraging development of isolated small lots in the rural zones from use for single dwellings, rural living or other incompatible uses.
- Encouraging consolidation of existing isolated small lots in rural zones.

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.

In assessing rural development proposals, planning and responsible authorities must balance the potential off-site effects of rural land use proposals (such as degradation



of soil or water quality and land salinisation) which might affect productive agricultural land against the benefits of the proposals.

Planning for rural land use should consider:

- land capability; and
- the potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.

Local Planning Policy Framework

Applicable local planning policy can be found in the Local Planning Policy Framework (LPPF) section.

Clause 21.03-3 Rural lifestyle, subdivision and dwellings

Key issues and influences

- Rural lifestyle aspirations have the potential to restrict and conflict with agricultural production and create demand for the dispersed provision of infrastructure to service lifestyle developments.
- Subdivision of productive agricultural land and the development of dwellings for rural residential purposes can have a cumulative effect of reducing the amount of land available for commercial farming.
- Provision of infrastructure and services.

Objectives

- Ensure that rural lifestyle use and development is directed to existing areas zoned for rural lifestyle or areas where it can be demonstrated that the development meets the policy guidelines for rural lifestyle development.
- Ensure that rural dwellings are linked to and required for an agricultural, associated rural activity or rural tourism purpose.
- Avoid loss of agricultural land which is of strategic significance in the local or regional contexts.
- Avoid the loss of productivity to adjoining land owners arising from land use conflict.
- Protect rural land from inappropriate development to provide social, economic and environmental benefits for existing and future generations.

Strategies

- Limit rural lifestyle development in agricultural areas, particularly on 'high versatility' land.
- Ensure the cost effective servicing of towns and communities across the municipality through avoiding the impacts of a dispersed population base.
- Limit rural lifestyle use and development to defined rural residential settlements or zoned areas in proximity to urban areas where potential adverse impacts on agricultural and other rural based uses are minimised.



- Retain the potential for large scale, broad acre based farming enterprises.
- Limit the cumulative impact of house lot excisions, including serial small lot subdivisions.
- Ensure that dwellings in rural areas maintain agricultural production and do not impact on the right to farm.
- Discourage the proliferation of dwellings not associated with agriculture.
- Require any dwelling proposal to demonstrate that a dwelling is required to support a legitimate, established agricultural or rural activity.
- Discourage the proliferation of dwellings where the agricultural use of the land does not require the presence of a land manager.
- Ensure that dwellings do not result in the further fragmentation of productive agricultural land.
- Ensure that the development of dwellings in rural areas does not prejudice existing agricultural activities on surrounding land.

Clause 14.02 Water

Clause 21.04-4 Environmental risk

Clause 21.05-1 Tourism

Clause 21.05-3 Agriculture

Clause 21.07-11 Rural precincts

Clause 22.03-1 Tourist use and development

Clause 22.03-2 Agriculture

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.



Zone

The subject land is zoned Farming pursuant to the Alpine Planning Scheme. The purpose of the zone and applicable decision guidelines can be found at the following link: http://planning-schemes.delwp.vic.gov.au/schemes/vpps/35_07.pdf

Overlays

The planning permit application must address the provisions of the Bushfire Management Overlay. These requirements can be found at the following links: http://planning-schemes.delwp.vic.gov.au/schemes/vpps/44_06.pdf and http://planning-schemes.delwp.vic.gov.au/schemes/vpps/52_47.pdf

General Provisions

Clause 65 of the Alpine Planning Scheme provides general decision at the following link: <http://planning-schemes.delwp.vic.gov.au/schemes/vpps/65.pdf>



8.3.5 Report: Proposed Sale of Land and Buildings Contained in Lot 2 Plan of Subdivision PS344761E formerly known as “Lyndhurst”

File Number: 1600.48

INTRODUCTION

This report relates to the proposed sale of the land and buildings forming part of 16 Churchill Avenue in Lot 2 Plan of Subdivision PS344761E formerly known as Lyndhurst, currently occupied under a lease by Alpine Fitness Centre and Sports Camp. Council is the owner of the land. At the Ordinary Council Meeting December 2017 Council endorsed the attached Contract of Sale and approved the Invitation for Submissions under Section 223 of the *Local Government Act 1989* to the proposed sale under the terms of the Contract of Sale.

Having met Council’s obligations under Section 223 of the *Local Government Act 1989*, if Council is to proceed with the sale to the proposed purchaser the next step is for Council to enter into the Contract of Sale by signing and sealing the attached Contract of Sale.

Cr Forsyth

Cr Pearce

That Council:

- 1. Enter into the Contract of Sale of the land and buildings forming part of 16 Churchill Avenue in Lot 2 Plan of Subdivision PS344761E formerly known as “Lyndhurst”;*
- 2. Approve commencement of the process for subdivision of the land subject to the Contract of Sale; and*
- 3. Authorise the Chief Executive Officer to sign the Contract of Sale.*

Carried

BACKGROUND

Council at its Ordinary Council meeting in June 2017 sought Invitation for Submissions under Section 223 of the *Local Government Act 1989* to the proposed sale of the land and buildings forming part of 16 Churchill Avenue Bright in Lot 2 Plan of Subdivision PS344761E formerly known as Lyndhurst.

Public notice was advertised in the local newspapers (Alpine Observer and Myrtleford Times) on 14 June 2017 inviting submissions on the potential sale. Council received one submission to purchase the land and buildings. The submission included an offer price that was consistent with the independent valuation of the property by Opteon Property Group undertaken in May 2017.



A Contract of Sale and Vendors Statement was drawn up by Council. The proposed purchaser has agreed to the terms of a Contract of Sale proposed by Council. This includes a sale price of \$450,000 (excluding GST) and the special condition that the contract is subject to Registration of the Plan of Subdivision Lot 1 of Subdivision PS 812525K, Churchill Avenue, Bright, 3741. Such subdivision is to be achieved within 24 months of entering into the Contract of Sale.

At the Ordinary Council Meeting December 2017 Council endorsed the attached Contract of Sale and approved the Invitation for Submissions under Section 223 of the *Local Government Act 1989* to the proposed sale. Council did not receive any submissions regarding the endorsed Contract of Sale.

Council undertook a new valuation of the property as at 10 January 2018 with a current valuation of the property assessed to be \$480,000; however it must be noted that this valuation has taken into consideration improvements made by the tenant to the building prior to commencing as a fitness centre in 2016. The valuer has attributed the uplift in value of the premises since the tenant's occupation in early 2016 to the tenant's improvements, thereby confirming that the offer price received is consistent with the independent valuation should these tenant improvements be excluded. In addition, under the terms of the lease held by the proposed purchaser there is an option to purchase provision that can be exercised in 2022. This option has a formula for the calculation of a purchase price at that point based upon movements in median commercial property prices rather than an improved value as a result of works undertaken by the tenant on the property.

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.

In addition to fulfilling these obligations, subdivision of the land would need to occur to finalise the sale agreement.

The land is being sold with its existing Planning Zone, being Public Use Zone – Other Public Use.

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.

Prior to entering into a Contract of Sale, Section 189 of the Act requires Council to:

- To give at least 4 weeks public notice of an intention to sell or exchange land for selling by exchanging this land (Section 189 (2)(a));
- Obtain a valuation of the land which is made not more than six 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 met the requirements under Section 189 of the Act including obtaining a further independent valuation of the property by Opteon Property Group, dated 10 January, 2018.

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.

This recommendation is consistent with the following Strategic Objective of the Council Plan 2017-2021:

- Highly utilised and well managed community facilities.

FINANCIAL AND RESOURCE IMPLICATIONS

The current annual lease for the property is \$25,000 p.a. plus GST 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 24 months and has 12 months remaining on the first term and a further two terms of 3 years each.

CONSULTATION

A public notice has been undertaken where interested persons were invited to make submissions under Section 223 on the proposed sale or exchange (Section 189(3)). No submissions have been received.

CONCLUSION

If Council is to proceed with the sale with the proposed purchaser the next step is for the Chief Executive Officer to be authorised to enter into the Contract of Sale. Council would then commence the formal process of subdivision of the land subject to the sale.

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



8.3.6 Report: Airport Services Leases for Hangers at Porepukah Aerodrome

File Number: 1500.01

INTRODUCTION

This report relates to the leasing of land at the Porepukah Aerodrome for the purpose of erecting hangers.

At the Ordinary Council Meeting July 2007 Council approved the acquisition of land on Buckland Valley Road adjoining the existing airfield for the purpose of creating new access to the airfield and for construction of hangers. The land is contained in Lot 1 Plan of Subdivision PS612929, 266 Buckland Valley Road Porepukah.

Section 190 of the Local Government Act 1989 (the Act) notes the restrictions on Council's power to lease land. Under Section 190 if a lease is greater than 10 years a person has the right under Section 223 of the Act to make a submission on the proposed lease.

Leases have been prepared for two hangers on this land; these leases are for 10 year terms with a second 10 year option. Council therefore advertised through separate Public Notices an Invitation for Submissions under Section 223 of the Act to the proposed leases.

No submissions were received. Therefore having met Council's obligations under Section 223 of the Local Government Act 1989 Council may enter into the leases of the land by executing the attached lease documents.

Further enquiries for leases have also been received and it is requested that Council approve further Section 223 Invitations for Submissions against any proposed leases on the land defined in this report until land allotted for hangers is fully let.

Cr Pearce

Cr Roper

That Council:

- 1. Approve and execute the two leases of Real Estate forming part of Lot 1 PS612929, 266 Buckland Valley Road Porepukah for Aircraft Hanger;*
- 2. Approve further Section 223 Invitations for Submissions against future proposed leases for the purpose of hanger construction on land forming part of Lot 1 PS612929, 266 Buckland Valley Road Porepukah, until hanger capacity has been achieved; and*
- 3. The two lease documents be signed and sealed at the appropriate stage of the Council meeting.*

Carried



BACKGROUND

The Porepukah Aerodrome Master Plan was presented to Council at the Ordinary Council Meeting June 2006. One of the recommendations of the Master Plan was that Council negotiated with the airfields adjoining land owner with regard to acquisition of additional land for potential hanger relocation and new hangers.

At the Ordinary Council meeting July 2007 Council approved the Acting CEO be authorised to proceed with the acquisition of an adjoining strip of land at the Porepukah Airfield. The land was acquired in 2008 and is contained in Lot 1 of Plan of Subdivision PS612929, 266 Buckland Valley Road Porepukah. A new entrance to the airfield was created on this land with the remaining land set aside for hangers and taxi way.

Council has received numerous enquiries regarding hanger leases for the airfield.

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 purposes of performing its functions and exercising its powers.

Section 190 of the Act notes restrictions on Councils power to lease land. These being:

- 1) A Council's power to lease any land to any person is limited to leases for a term of 50 years or less.
- 2) Subject to any other Act, if a Council leases any land to any person subject to any exceptions, reservations, covenants and conditions, it must comply with this section.
- 3) If the lease is to be –
 - a) for 1 year or more and –
 - i) the rent for any period of the lease is \$50,000 or more a year; or
 - ii) the current market rental value of the land is \$50,000 or more a year; or
 - b) for ten years or more; or
 - c) a building or improving lease –

the Council must at least 4 weeks before the lease is made, publish a public notice of the proposed lease.

- 4) A person has the right to make a submission under section 223 of the act on the proposed lease.

Lease documentation has been developed for the purpose of entering into long term hanger leases on this land. The length of the leases is 10 years plus a 10 year option, lease charges for the attached two leases are approximately \$1,050 plus GST per annum.

Due to the length of the leases Council is required under Section 190 of the Act to publish a public notice of a proposed lease.



Documentation has been prepared for two leases at the airfield. Public notices were posted in November and December 2017 notifying of the proposed leases and inviting submissions in accordance with Section 223 of the Act. No submissions were received regarding either of the proposed leases.

Having met its obligations under Section 190 and Section 223 of the Local Government Act, Council may enter into the leases through executing the lease documents attached.

The acquired land does have capacity for further hangers. Council has also received further enquiries for Leases at the airfield. Discussions are currently being held with prospective lessees. Lease provisions are consistent for each of the hanger leases with the construction of hangers also requiring planning permits. For the purpose of more efficient processing Council is seeking pre-approval to run future public notices as required under Section 190 and according to Section 223 of the Act until the land allotted for hangers is fully let. Posting the public notice and inviting submission under Section 223 of the Act is not entering into a commitment to lease and Council would still be required to consider any submissions received through this process and also determine if a lease is executed in each case.

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.

Prior to entering into a Lease of 10 years or more, Section 190 of the Act requires Council to:

- At least four weeks before the lease is made, publish a public notice of the proposed lease (Section 190(3b)).
- Allow interested persons to make submissions under Section 223 on the proposed sale or exchange (Section 190(4)).

Council has met the requirements under Section 190 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*.

This recommendation is consistent with the following Strategic Objective of the Council Plan 2017 - 2021:

- Highly utilised and well managed community facilities.



FINANCIAL AND RESOURCE IMPLICATIONS

The commencement annual lease income for each of the two hangers will be approximately \$1,050 plus GST. Forward lease charges are indexed to CPI annually and subject to a market review after the first 10 years of the lease. Income collected from Hanger rentals at the airfield is paid to the Porepukah Aerodrome Association to assist it in fulfilling its responsibilities to operations and day to day maintenance of the airfield.

CONSULTATION

Public notices have been undertaken where interested persons were invited to make submissions under Section 223 on the proposed leases (Section 190(3b)& (4)). No submissions have been received.

CONCLUSION

Council enter into these leases to enable construction of hangers on this land by signing and sealing the attached Lease documents at the appropriate stage of the Council Meeting. To enable more efficient processing, Council approve further Section 223 Invitations for Submissions relating to future leases at the Porepukah Aerodrome.

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 November / December 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
28 November	Tour of Landfill facilities
28 November	Briefing Session
5 December	Briefing Session
13 December	Australia Day assessment panel
18 December	Briefing Session

ATTACHMENT(S)

- 9.0 Assemblies of Councillors – November / December 2017



10 GENERAL BUSINESS

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

11 MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN

Nil

12 RECEPTION AND READING OF PETITIONS

12.1.1 Petition for provision of public toilets and facilities in Tawonga South

Council has received a petition for provision of public toilets and facilities in Tawonga South.

A report will be tabled at the next Ordinary Council meeting in March 2018



13 DOCUMENTS FOR SEALING

Cr Forsyth

Cr Nicholas

That the following documents be signed and sealed.

1. *Contract No 1708501 in favour of James Excavations for the Mount Beauty Transfer Station upgrade be signed and sealed.*

2. *Contract No 1708601 in favour of James Excavations for the Myrtleford Transfer Station upgrade be signed and sealed.*

3. *Section 173 Agreement – Margaret Mary Mulcahy*

Lot 1 on Plan of Subdivision 341561E Volume 10303 Folio 884

Conditions 27 and 28 of Planning Permit 2012.64.1 for use and development of land for stone extraction and removal of native vegetation at Mount Buffalo Road, Porepunkah.

The Agreement applies to the Vegetation Offset Management Plan.

4. *Section 173 Agreement – Alpine Valley Developments Pty Ltd Crown Allotment 2 Section D in the Township of Porepunkah Volume 9666 Folio 472.*

Condition 29 of Planning Permit 2016.168.1 for a 15 Lot Subdivision at 84-92 Station Street, Porepunkah.

The Agreement indicates that Lots 12, 13, 14 and 15 on Plan of Subdivision No. PS811128B shall have constructed, and continue to maintain an appropriate sized infiltration pit on said lots. Stormwater emanating from their property is to be directed into the infiltration pit, with the overflow directed to the legal point of discharge, being Council's roadside drain.

5. *Lease of Real Estate for part of Lot 1 PS612929, 266 Buckland Valley Road Porepunkah for Aircraft Hanger, John Biggs*

6. *Lease of Real Estate for part of Lot 1 PS612929, 266 Buckland Valley Road Porepunkah for Aircraft Hanger, Michael Lapthorne.*

Carried

There being no further business the Chairperson declared the meeting closed at 8:01p.m.

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Chairperson