



# Alpine Shire

**ORDINARY COUNCIL MEETING**

**MINUTES**

**M11 – 13 November 2018**

**Bright Council Chambers**

**7:00pm**



The next **Ordinary Meeting** of the **Alpine Shire Council** was held in the Council Chambers, Great Alpine Road, Bright on **13 November 2018** and commenced at **7:00pm**.

## **PRESENT**

### **COUNCILLORS**

Cr Ron Janas

Cr Sarah Nicholas

Cr John Forsyth

Cr Kitty Knappstein

Cr Tony Keeble

Cr Daryl Pearce

Cr Peter Roper

### **OFFICERS**

Mr Charlie Bird – Chief Executive Officer

Ms Nathalie Cooke – Director Corporate

Mr William Jeremy – Director Assets

### **APOLOGIES**



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## **1 INTERIM CHAIRPERSON**

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

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

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

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

*The CEO read the following statement:*

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

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

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

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

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

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

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

*The CEO read the following statement:*

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

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

## **4 CONFIRMATION OF MINUTES**

### **4.1 ORDINARY COUNCIL MEETING – M10 – 2 OCTOBER 2018**

*Cr Roper  
Cr Forsyth*

*That the minutes of Ordinary Council Meeting M10 held on 2 October 2018 as circulated be confirmed.*

*Carried*



**5 APOLOGIES**

Nil

**6 OBITUARIES / CONGRATULATIONS**

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

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

Nil

**8 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](http://www.alpineshire.vic.gov.au); for its YouTube live-streaming recording for responses to questions.



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

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

#### **9.1.1 Mayoral Term**

##### **INTRODUCTION**

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

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

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

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

*Cr Knappstein*

*Cr Nicholas*

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

*Carried*



## 9.1.2 Election of Mayor

### INTRODUCTION

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

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

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

### Precedence and Functions of Mayor

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

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

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

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

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

*Cr Pearce was nominated by Cr Roper*

*Cr Keeble seconded the nomination*

*Cr Pearce accepted the nomination*

*Cr Forsyth nominated Cr Janas*

*Cr Knappstein seconded the nomination*

*Cr Janas accepted the nomination*





*The Chief Executive Officer called for a vote by show of hands.*

*A vote was taken for those in favour of Cr Pearce. Cr Pearce did not receive any votes.*

*A vote was taken for those in favour of Cr Janas. Cr Janas received 7 votes.*

*Cr Janas was declared as being elected as Mayor.*

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

**MAYORAL RESPONSE**

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



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

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

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

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

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

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

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

***Cr Forsyth***

***Cr Keeble***

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

*Cr Roper nominated Cr Pearce*

*Cr Keeble seconded the nomination*

*Cr Pearce accepted the nomination*

*Cr Knappstein nominated Cr Nicholas*

*Cr Forsyth seconded the nomination*

*Cr Nicholas accepted the nomination.*

***The Mayor called for a vote by show of hands.***

*A vote was taken for those in favour of Cr Pearce. Cr Pearce received one vote.*

*A vote was taken for those in favour of Cr Nicholas. Cr Nicholas received 6 votes.*

***Cr Nicholas was declared as being elected as Deputy Mayor.***

***Carried***



**9.1.4 Contracts approved by the CEO**

*Cr Forsyth*

*Cr Roper*

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

Contract No:	CQ18070 Havilah Road Culvert Crossing	Process:	Public Quotation
Title:	Havilah Road Culvert Crossing		
Tenderer:	James Excavations		
\$ (excl. GST):	\$118,395		

*Carried*



## 9.2 DIRECTOR ASSETS – WILLIAM JEREMY

### 9.2.1 Mount Buffalo Business Case Assessment and Activation

File Number: 150.02

#### INTRODUCTION

The purpose of the report is to present the Mount Buffalo Business Case Assessment and Activation Report and outline Alpine Shire Council's (Council) next steps in relation to the project.

*Cr Forsyth*

*Cr Nicholas*

*That Council:*

- 1. Notes the Mount Buffalo Business Case Assessment and Activation Report and the assessment of the seven concepts identified in the 'Vision for Mount Buffalo' document;*
- 2. Endorses the food and beverage concept (café in the Chalet) as the critical first step to realising the 'Vision for Mount Buffalo'; and*
- 3. Commits to continued facilitation and advocacy of the food and beverage concept (café in the Chalet).*
- 4. Council commits \$200,000 to the food and beverage concept (café in the Chalet) as outlined in the attached PwC proposal subject to the future State Government committing to invest the remaining amount of funds required for the project prior to the election.*

*Carried*

#### BACKGROUND

The Mount Buffalo Destination Advisory Group (MBDAG) was established in March 2016 to work collaboratively with Parks Victoria and provide strategic recommendations about the future of Mount Buffalo. MBDAG engaged with the local community and interested parties and developed a concept plan entitled 'Vision for Mount Buffalo'. This concept plan includes ideas to re-invigorate Mount Buffalo's major visitor hubs – The Gorge and Chalet Village, Lake Catani, Dingo Dell, Cresta Valley and the Gateway.

In December 2017, Parliamentary Secretary for Tourism, Major Events and Regional Victoria, MP Danielle Green announced that the Victorian Government would provide Alpine Shire Council with \$200,000 for the Mount Buffalo Business Case Assessment and Activation project. The purpose of the project was to determine the feasibility of concepts identified by MBDAG and work with investors to realise feasible concepts. The Victorian Government also established a Taskforce to oversee the project.

On 3 April 2018 Council, as the lead agency of the Taskforce, awarded the consultancy contract to PricewaterhouseCoopers (PwC) to assess the feasibility of the



seven tourism concepts identified in the *Vision for Mount Buffalo* document and explore activating feasible concepts.

## **ISSUES**

The report prepared by PwC (included in Attachment 9.2.1) provides an assessment of the following seven concepts and determines their potential commercial and economic return:

- Gorge skywalk tourism attraction
- Mount Buffalo Chalet and Village
- Food and beverage offering
- Glamping and wilderness eco-pods
- Enhancement of activity and event offering
- Dingo Dell outdoor education centre of excellence
- Mountain gateway.

The assessment shows that the food and beverage concept (café in the front rooms of the Chalet) returns the highest net present value (NPV). It will reconnect the people to the Chalet and build confidence with the community, business operators and potential investors. It is a prudent and logical step towards achieving the full reinvigoration of the Chalet.

To this end, the Taskforce, Council and PwC have been working together and engaging with relevant Ministers' offices, government departments and the Parks Victoria Board to realise this concept. Feedback has been positive from all stakeholders about establishing a café in the Chalet, however the two main challenges relate to planning and funding.

The Mount Buffalo Chalet is located in a Public Conservation and Resource Zone. The time period for prior use rights has now lapsed, and previous activities at the Chalet are no longer permitted under the current zoning. Council has been working closely with the Department of Environment, Land, Water and Planning and Parks Victoria to determine the most appropriate way to amend the Planning Scheme to enable a café to be operated in the front rooms of the Chalet.

PwC has worked with consulting engineers, business operators, Parks Victoria and Council to determine a comprehensive cost estimate to establish a café in the front rooms of the chalet - \$2 million. Council and other Taskforce members have advocated strongly for funding from the Victorian Government to realise the food and beverage concept (café in the Chalet).

## **POLICY IMPLICATIONS**

This report is consistent with the following strategic objective in the Council Plan 2017-2021:

- A thriving and connected community.



## **FINANCIAL AND RESOURCE IMPLICATIONS**

The budget for the Mount Buffalo Business Case Assessment and Activation project is \$270,000, comprising \$200,000 from Regional Development Victoria's Regional Tourism Infrastructure Fund, and \$70,000 from Parks Victoria. There has been no cash contribution to the project from Council.

Council's Executive Team has managed the delivery of the project on behalf of the Mount Buffalo Activation Taskforce. As responsible land manager for Mount Buffalo National Park, Parks Victoria is responsible for managing development and operations in the Park.

It has been estimated that it will cost \$2 million to establish a café in the front rooms of the chalet, which includes the implementation of environmentally sustainable technologies for power generation, heating and wastewater management, as well as the provision of facilities enabling universal access (compliant with the requirements of the *Disability Discrimination Act*).

## **CONSULTATION**

The Mount Buffalo Business Case Assessment and Activation project has been led by the Taskforce, which has met regularly since its establishment in December 2017. The Taskforce comprises representatives from both state and local government, and local community groups, including:

- Parliamentary Secretary for Tourism, Major Events and Regional Victoria - Danielle Green MP (Chair)
- Regional Development Victoria
- Parks Victoria
- Department of Environment, Land, Water and Planning
- Tourism North East
- Taungurung Clans Aboriginal Corporation
- Mount Buffalo Destination Advisory Group
- Community Action for the Chalet
- Alpine Shire Council.

Council, Taskforce representatives and consultants PwC have also met and engaged with interested members of the community throughout the project upon request.

Council, Taskforce representatives and consultants PwC have presented the food and beverage concept (café in the Chalet) to the following stakeholders:

- Parks Victoria Board
- Office of the Minister for Environment
- Office of the Minister for Regional Victoria
- Member for Ovens Valley - Tim McCurdy MP.

Feedback has been positive.



Council has engaged with the Office of the Minister for Planning, Department of Environment, Land, Water and Planning and Parks Victoria to address the Planning Scheme anomaly to allow previous uses at the Chalet.

Council and PwC have presented an overview of the report to the:

- Office of the Minister for Environment
- Office of the Minister for Regional Victoria.

The Taungurung Clans Aboriginal Corporation has recently been formally recognised by the Victorian Government as the traditional owners of land that includes Mount Buffalo. The Taungurung Clans Aboriginal Corporation is a member of the Taskforce and has provided in-principle support for the seven concepts assessed in this project.

### **CONCLUSION**

Mount Buffalo is an incredible asset for our community and beyond – from an environmental, heritage, tourism and economic perspective. This has been a positive project and Council has been pleased how well the Taskforce has worked together. The PwC report provides an assessment of seven concepts identified in the community-led '*Vision for Mount Buffalo*, and we now have a greater understanding of the cost of these concepts and their economic benefit. It is public information, available for anyone to explore and deliver concepts.

Council's current focus is to see a café opened in the Chalet – it will reconnect the people to the Chalet, and build confidence with the community, business operators and potential investors. It is a prudent and logical step towards achieving the full reinvigoration of the Chalet. Council has been advocating strongly for investment in this concept (café in the Chalet) and looks forward to it becoming reality in the near future.

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

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

- Chief Executive Officer
- Director Assets

### **ATTACHMENT(S)**

- 9.2.1 Mount Buffalo Business Case Assessment and Activation Report, September 2018



### 9.2.3 Building Better Regions Fund - Bright to Harrietville Shared Trail

File Number: 01766.21

#### **INTRODUCTION**

An opportunity exists for Council to seek significant funding to deliver the remaining section of the Bright to Harrietville shared trail. This report outlines the project and details of the proposed funding application and seeks Council's financial commitment to the project.

*Cr Nicholas*

*Cr Knapstein*

*That Council authorises the submission of a grant application for the completion of the Bright to Harrietville shared trail with a Council commitment of no more than \$1,300,000 + GST.*

*Carried*

#### **BACKGROUND**

The Australian Government has recently announced the commencement of round 3 of the Building Better Regions Funds (BBRF). The BBRF is an initiative to create jobs, drive economic growth and build stronger regional communities into the future. \$200 million of funding is available, with up to \$45 million earmarked to support tourism related infrastructure projects.

Grants of between \$20,000 and \$10 million will be provided to support projects which involve the construction of new infrastructure, or the upgrade or extension of existing infrastructure that provide economic and social benefits to regional and remote areas. Grant funding of up to 50% of eligible project costs is available, and projects funded under this program need to be completed by 31 December 2021. The closing date for applications is 15 November 2018.

Construction of a shared trail from Bright to Harrietville has been a long-term community aspiration that is envisaged to have a significant impact on the local economy through enabling increased participation in cycle tourism. In response to the January 2013 Harrietville bushfires, the Victorian State Government provided \$1.0m of grant funding which enabled the following two sections of the shared trail to be completed:

- Pioneer Park, Harrietville to Stoney Creek (Harrietville Trout Farm) - 5km.
- Centenary Park, Bright to Germantown - 5.5km.

Since their completion in 2014, the local communities has been campaigning for the remaining section of shared trail to be delivered, linking Harrietville to Bright through Smoko and Freeburgh along a combined trail length of approximately 24km. A petition received by Council in February 2016 listed 468 signatures and requested completion of the next planned section of trail from Germantown to Freeburgh.





In April 2016, the new Freeburgh Bridge was opened to the public. The bridge is located on the proposed route for the shared trail and includes a shared path. It had been estimated previously that a standalone shared trail crossing would have added \$100,000 to the cost of the proposed shared trail project.

### **POLICY IMPLICATIONS**

This report is consistent with the following strategic objective in the Council Plan 2017-2021:

- Incredible places for our community and visitors.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

The estimated cost to deliver the remaining section of the Bright to Harrietville shared trail is \$2.6 million, with \$1.3 million to be sought from grant funding and the remaining \$1.3 million from Council funds. This expenditure would be incurred over three financial years from 2018/19 and 2020/21, with the majority of the spend coinciding with the construction phase of the project in 2019/20.

Committing to the completion of the shared trail ahead of the funding deadline of December 2021 would result in a reduction in Council's cash reserves, or would require deferral of planned projects to an equivalent value.

The impact of delivering the shared trail without the deferral of other planned projects has been modelled in Council's Long Term Financial Plan, and shown to result in a reduction in the forecast working capital ratio from 3.3 to 3.1. This reduction can be accommodated without impacting significantly on Council's financial sustainability, however it does reduce Council's ability to commit to further discretionary spend on capital projects into the future.

### **CONSULTATION**

Over a number of years, Council officers have been engaging with members of the community in relation to the completion of the shared trail. In February 2016 a petition comprising 468 signatures was received with a request to extend the shared trail from Germantown Bridge to Freeburgh.

Council officers have consulted across a broad spectrum of stakeholders with interest in the project.

Regional Development Australia (RDA) has been consulted, and is providing input to assist in preparing a strong project proposal.

Should funding be secured, then a detailed stakeholder engagement plan will be prepared and implemented throughout the delivery of the project.



## **CONCLUSION**

There is strong community demand for the remaining section of the Bright to Harrierville shared trail to be completed. The Building Better Regions Fund presents a significant opportunity to secure grant funding for a project which is already listed for delivery in Council's project pipeline. The completion of the shared trail fulfils the requirements for funding, and in the event that a grant funding application was to be successful, Council has the financial capacity to commit the balance of funds needed to deliver the project.

## **DECLARATION OF CONFLICT OF INTEREST**

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

- Director Assets
- Manager Asset Development

## **ATTACHMENT(S)**

- Nil



#### **9.2.4 Contract 1805301: Resealing (2018-19) - Sprayseal**

File Number: CT18053

##### **INTRODUCTION**

This report relates to the award of the Alpine Shire Council's Resealing (2018-19) - Sprayseal Tender. Council undertakes road resealing each year as part of its local roads renewal program.

*Cr Pearce*

*Cr Nicholas*

*That Council awards Contract No. 1805301 for "Resealing (2018-19) - Sprayseal" to Downer EDI Works for the lump sum price of \$332,919 + GST.*

*Carried*

##### **BACKGROUND**

The 2018-19 resealing program is based in the lower Ovens Valley and resealing will be carried out in Myrtleford, Mudgegonga, Eurobin, Barwidgee, Merriang South, Merriang and Kancoona South.

A total road length of approximately 12km is scheduled to be resealed this year.

The Tender was advertised in the Border Mail on 22 September 2018, Herald Sun on 26 September 2018, as well as on tenders.net and Alpine Shire Council websites.

The Tender documents were downloaded by 14 prospective tenderers and four responses were received by the closing date.

##### **EVALUATION**

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

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

- Price
- Qualifications and Previous Performance
- Delivery
- Social

The evaluation panel assessed that the Tender from Downer EDI Works best met the selection criteria and achieved the overall highest assessment score.



### **POLICY IMPLICATIONS**

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

This report is consistent with the following strategic objective in the Council Plan 2017-2021:

- Incredible places for our community and visitors.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

There is sufficient allocation within the project budget to deliver the resealing works through award of this Contract.

### **CONCLUSION**

Following a comprehensive assessment, the Tender from Downer EDI Works is considered to present the best value option for Council.

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

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

- Director Assets
- Manager Asset Development
- Project Officer

### **ATTACHMENT(S)**

- Nil



## 9.2.5 Contract 1805001: Road Stabilisation and Patching (2018-19)

File Number: CT18050

### **INTRODUCTION**

This report relates to the award of the Alpine Shire Council's Road Stabilisation and Patching (2018-19) Tender. Council undertakes pavement renewal works each year by a process of in-situ stabilisation and patching to repair and prolong the life of the road network.

*Cr Pearce*

*Cr Nicholas*

*That Council awards Contract No. 1805001 for "Road Stabilisation and Patching (2018-19)" to Szabolics Construction for the lump sum price of \$167,836 + GST.*

*Carried*

### **BACKGROUND**

Council conducts regular inspections across the Shire's road network. A range of road pavement defects was identified and prioritised during recent inspections under Council's asset management process. These defects require rehabilitation through in-situ pavement stabilisation followed by emulsion primer-sealing.

A list of the identified defects was included in the tender documents, which shows the location and size of the identified defects. This year's program covers a broad area including Myrtleford, Bright, Mudgegonga, Rosewhite, Kancoona, Mount Beauty, Tawonga, Upper Gundowring, Mongans Bridge and Coral Bank.

The Tender was advertised in the Border Mail on 22 September 2018, Herald Sun on 26 September 2018, as well as on tenders.net and Alpine Shire Council websites.

The Tender documents were downloaded by 19 prospective tenderers and five responses were received by the closing date.

### **EVALUATION**

The evaluation panel consisted of the Director Assets, Manager Asset Development and the Project Officer.

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

- Price
- Qualifications and Previous Performance
- Delivery
- Social

The evaluation panel assessed that the tender from Szabolics Construction best met the selection criteria and achieved the overall highest assessment score.



### **POLICY IMPLICATIONS**

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

This report is consistent with the following strategic objective in the Council Plan 2017-2021:

- Incredible places for our community and visitors.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

There is sufficient allocation within the project budget to deliver the road stabilisation and patching works through award of this Contract.

### **CONCLUSION**

Following a comprehensive assessment, the Tender from Szabolcs Construction is considered to present the best value option for Council.

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

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

- Project Officer
- Manager Asset Development
- Director Assets

### **ATTACHMENT(S)**

- Nil



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

#### **9.3.1 Proposed Community Local Law 2019**

##### **INTRODUCTION**

This report provides for the release of the proposed Community Local Law 2019 for public comment.

*Cr Roper*

*Cr Knappstein*

*That Council:*

- 1. Endorses the proposed Community Local Law 2019 (as attached 9.3.1(a)) for the purpose of seeking public submissions in accordance with Section 119 of the Local Government Act 1989.*
- 2. Endorses the Community Impact Statement (as attached 9.3.2 (b)) to accompany the proposed Community Local Law 2019, for the purposes of community consultation.*
- 3. Publishes public notices of its intention to make the Community Local Law 2019 in the Victoria Government Gazette, the Alpine Observer, the Myrtleford Times, and on Council's website, inviting public submissions.*
- 4. Form a committee according to Section 223(1)(b) of the Local Government Act 1989, if required, for the purpose of hearing submissions in relation to the Community Local Law 2019.*

*Carried*

##### **BACKGROUND**

A Local Law is a subordinate instrument created under the authority of the *Local Government Act 1989*. Local Laws must not be inconsistent with other acts or regulations.

Council has become aware of a number of issues of concern to our local community that indicate that our existing Local Laws are not performing well in some areas. In addition, Local Laws sunset or expire after ten years, and as such a periodic renewal is required.

Council currently has seven Local Laws, which are:

- Local Law 1: Council Administration
- Local Law 2: Municipal Places
- Local Law 3: Dinner Plain
- Local Law 4: Livestock



- Local Law 5: Amenity
- Local Law 6: Streets and Roads
- Local Law 7: Murray to Mountains Rail Trail

## **ISSUES**

### **Structural changes**

Current 'best practice' is to consolidate and simplify local laws in order to provide greater clarity and reduce duplication that generally exists with multiple local laws. Using this principle, Council has taken this opportunity to consolidate Local Laws 2-7 into the draft Community Local Law 2019. The key structural changes are:

- Removal of duplication between Local Laws, for example in the application for permits sections;
- Removal of clauses that duplicate existing legislation or regulations; and
- Removal of prescriptive conditions and policies, which are to be kept separate from the Local Law and can therefore be changed by Council from time to time as required to respond to changing circumstances or evolving community expectations.

### **Response to specific issues**

Council has been aware of a number of issues of concern in the community, and has undertaken targeted consultation with stakeholders and key community groups to understand these issues. The proposed Community Local Law 2019 seeks to respond to these issues, which include changes to the current Local Law in the following areas:

- Consumption of alcohol in public places;
- Portable advertising signage, footpath trading and dining;
- Dinner Plain specific matters, such as dog permits, snowmobiles and snow clearing;
- Dog on and off lead areas;
- Amenity impacts of noise;
- Recreational vehicles;
- Regulating activities on the Murray to Mountains Rail Trail; and
- Council's kerbside waste service.

The changes and proposed permit conditions are detailed in the attached *Local Law Incorporated Documents, Policies and Permit Conditions* (as attached 9.3.1 (c)). Maps for Consumption of alcohol in public places and Dogs on lead areas (as attached 9.3.1(d)).





## **Community Impact Statement**

Council has prepared a Community Impact Statement to explain the changes to, and effect of local law.

## **POLICY IMPLICATIONS**

The making of Local Laws is in accordance with the *Local Government Act 1989*.

This report is consistent with the following strategic objective in the Council Plan 2017-2021:

- A well planned and safe community.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

There have been no budgeted costs against this local law. The law sets out offences and fines payable.

There may be costs associated with improving compliance, for example through staff costs increased enforcement activities. Increased revenue from infringements is considered to be minor. There may also be costs associated with increased signage.

## **CONSULTATION**

Section 119 of the *Local Government Act 1989* sets out the procedure required when making a local law. This includes giving public notice in the locally circulating newspaper and in the Government Gazette. As part of this process, a Section 223 Public Consultation process must be followed, giving the public 28 days to comment on the proposed Local Law.

Following the period of public consultation, and adoption by Council, a further public notice must be made to advise of the formal adoption of the Local Law, and its application. A copy must also be sent to the Minister for Local Government.

In addition to these requirements, Council has conducted preliminary consultation to provide insight into the issues facing our community and the performance of our current Local Laws.

A series of targeted stakeholder consultations were undertaken during September and October 2018 to test possible solutions to the known issues and check if there were other underlying issues.

Council officers consulted with:

- A total of 59 representatives from 12 different community organisations from Myrtleford, Mount Beauty and Bright representing event-organisers, agriculture, service and business groups;
- Agency stakeholder groups including, Victoria Police, Alpine Health, EPA Victoria and Mount Hotham Alpine Resort Management Board;



- Staff and contractors of Alpine Shire Council including CEO, Directors, Managers and operational staff; and
- Alpine Shire Councillors.

### **CONCLUSION**

The draft Community Local Law 2019 reflects a significant change from the previous Local Law structure that removes a significant amount of duplication and redundant content. The new law will bring the Alpine Shire into line with current best practice, and make the law more accessible, relevant and adaptable to serve our community over the life of the law.

In approving this draft Community Local Law 2019 for exhibition, Council is complying with the processes required under the *Local Government Act 1989*.

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

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

- Director Corporate
- Acting Manager Building and Amenity

### **ATTACHMENT(S)**

- 9.3.1(a) Draft Community Local Law 2019
- 9.3.1(b) Community Impact Statement
- 9.3.1 (c) Local Law Incorporated Documents Policies and Permit Conditions
- 9.3.1 (d) Maps of areas with restrictions



### 9.3.2 Domestic Wastewater Management Plan

File Number 1022.12.2

#### **INTRODUCTION**

This report provides for the release of the draft Domestic Wastewater Management Plan (DWMP) for public comment.

*Cr Pearce*

*Cr Nicholas*

*That Council:*

- 1. Endorses the draft Domestic Wastewater Management Plan (attached as 9.3.2) for public exhibition.*
- 2. Publish public notices of its intention to adopt the Domestic Wastewater Management Plan in the Alpine Observer, Myrtleford Times and on Council's website, inviting public comment.*

*Carried*

#### **BACKGROUND**

Alpine Shire Council is committed to responsible and sustainable domestic wastewater management practices to protect the health of the community and the surrounding environment. Council is required to prepare a DWMP to fulfil its obligations with respect to Clause 32 of the State Environment Protection Policy (Waters of Victoria) and the *Environment Protection Act 1970*.

The DWMP deals with all domestic wastewater in the Shire, both within reticulated sewerage districts as well as areas that are serviced by onsite systems. Management of domestic wastewater is required to ensure that it does not pose a risk to human health or the environment, and that appropriate planning and design takes place for new systems or alterations to existing systems.

#### **ISSUES**

The DWMP will be implemented through an Action Plan that covers the next three years. After three years, the DWMP will be reviewed. The main objectives of the DWMP is to:

- Provide for a more consistent approach to issuing new permits for onsite wastewater systems;
- Improve our understanding of how current wastewater systems are performing, to enable Council to ensure they do not compromise health or environmental values;
- Address gaps in our understanding of older wastewater systems across the Shire; and
- Validate and refine our understanding of 'high risk' areas across the Shire.



The DWMP deals with the following key action areas:

- Existing onsite systems (identification of issues and education for occupiers);
- Future onsite systems (planning and design to best practice standards); and
- Sewer areas, ensuring connections are made to reticulated sewerage where appropriate, and supporting the establishment of clear sewerage districts.

The key action that will impact on the community is wastewater system inspections. Council will implement an inspection regime across the Shire to examine existing systems, and gather data on the location, condition and type of systems. The inspections will be targeted to improve our understanding of the 'high risk' areas across the Shire, address gaps in our current information, and provide an opportunity to improve the community's understanding of wastewater system maintenance.

The cost of these inspections will be borne by Council. In the event that an inspection identifies a wastewater system that is failing with a risk to public health or the environment, owners will be required to fix the system at their own cost. This is no different to current requirements.

### **POLICY IMPLICATIONS**

The adoption of the DWMP is required for Council to fulfil its obligations with respect to Clause 32 of the State Environment Protection Policy (Waters of Victoria) and the Environment Protection Act 1970.

This recommendation is consistent with the following strategic objective of the Council Plan 2017-2021:

- A well planned and safe community.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

There is no allocation in the 2018-19 budget for the implementation of the DWMP. Future year implementation will be subject to budget being approved at that time, and some projects may also be eligible for state government funding.

### **CONSULTATION**

Extensive consultation has occurred with key stakeholders in the preparation of the DWMP, namely Goulburn-Murray Water and North East Water. These agencies will continue to be integral to the successful implementation of the DWMP, and ongoing consultation and liaison will be required.

Internal consultation has also been undertaken with Council's Planning, Local Laws, Building and Asset Maintenance departments.



## **CONCLUSION**

The DWMP is required for Council to fulfil its statutory and regulatory obligations under Clause 32 of the State Environment Protection Policy (Waters of Victoria) and the *Environment Protection Act 1970*.

Importantly, the DWMP will, over time, provide Council with a clear understanding of the condition of onsite wastewater systems in the Shire, and validate our understanding of any risks posed to the environment or human health as a result of domestic wastewater.

## **DECLARATION OF CONFLICT OF INTEREST**

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

- Director Corporate
- Acting Manager Building and Amenity

## **ATTACHMENT(S)**

- 9.3.2 Draft Domestic Wastewater Management Plan



### 9.3.3 Airport Services Lease for Hangar at Porepukah Aerodrome

File Number: 1500.01

#### **INTRODUCTION**

A lease has been prepared for the hangar on land contained in Lot 1 Plan of Subdivision PS612929, 266 Buckland Valley Road Porepukah for a 10 year term, with a second 10 year option. An existing hangar at the aerodrome has been sold and a new lease has been prepared for one of the new hangars. The purpose of this report is to seek approval to execute one of the new leases at the Porepukah Aerodrome.

*Cr Pearce*

*Cr Nicholas*

*That Council:*

- 1. Approve and execute one lease forming part of Lot 1 PS612929, 266 Buckland Valley Road Porepukah for Aircraft Hangar; and*
- 2. Sign and Seal the lease in favour of Ian and Catherine King 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 negotiate with the airfields adjoining land owner with regard to acquisition of additional land for potential hangar relocation and new hangar.

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 Aerodrome.

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 hangars and taxi way.

Lease documentation has been developed for the purpose of entering into long term hangar 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 \$900 (plus GST) per annum calculated based on the square meterage for each site.

#### **ISSUES**

Under Section 5(2)(d) of the *Local Government Act 1989* (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 and Section 223 of the Act.

### **POLICY IMPLICATIONS**

This process is in accordance with obligations under the *Local Government Act 1989* and 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 the hangar is approximately \$900 (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 hangar rentals at the airfield is paid to the Porepunkah Aerodrome Association to assist it in fulfilling its responsibilities to operations and day to day maintenance of the airfield.

### **CONSULTATION**

In accordance with Section 190 of the Act public notices were posted in September 2018 notifying of the proposed leases and inviting submissions in accordance with Section 223 (Section 190(3b)& (4)). No submissions were received regarding either of the proposed leases.

### **CONCLUSION**

Having met Council's obligations under the *Local Government Act 1989* Council may enter into the lease with one of the owners of the land by executing one of the attached lease documents.

### **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



### **9.3.4 Contract 1802401 - Operation and Management of the Myrtleford, Porepunkah and Mount Beauty Transfer Stations**

File Number: CT1802401

#### **INTRODUCTION**

The purpose of this report is to recommend the award of a contract for the operation and management of the Myrtleford, Porepunkah and Mount Beauty Transfer Stations.

A tender was conducted in June 2018 for the operation of Council's three Transfer Stations and Council has prepared a contract for their operation and management commencing 1 January 2019 for a period of three years, with one option to extend for a further period of three years.

*Cr Keeble*

*Cr Pearce*

*That Council award Contract No. CT1802401 for the Operation and Management of Myrtleford, Porepunkah and Mount Beauty Transfer Stations to Cr8tve Waste Management Pty Ltd for a three year term at an estimated contract value of \$495,444 (plus GST) plus an option to extend for a further three years.*

*Carried*

#### **BACKGROUND**

Council directly operates and manages Transfer Stations in Porepunkah and Mount Beauty. Porepunkah Transfer Station has operated solely as a transfer station since 2008 when landfill activity ceased at the site, Mount Beauty Transfer Station has operated solely as a transfer station since approximately 1990 and Myrtleford Transfer Station ceased operations as a landfill site in May 2017. Both the Porepunkah and Mount Beauty facilities are operated and managed by Council.

The Myrtleford facility currently operates under a contract held by Cr8tve Waste Management. Which was awarded at a Special Council Meeting held on 16 May 2013 the contract was for a period of five years commencing 1 July 2013 and provided for two extension options. Council has exercised one of these options and the current contract ends on 31 December 2018.

With the cessation of landfill operations at Myrtleford Transfer Station and in line with Council's organisational review, a tender has been undertaken to ascertain the market for the operation of the three transfer stations and inform future operations decision making.

As a result of the tender process a contract has been prepared for the operation of the three facilities commencing 1 January 2019 for a period of three years, with one option for an additional three years.





The tender was released in June 2018 and closed 5 July 2018. It was structured in separable parts and invited submissions for:

- The operation and management of the Myrtleford Transfer Station;
- The operation and management of the Porepunkah and Mount Beauty Transfer stations; and
- The operation and management of all three sites.

The tender was advertised in local papers, the Border News, the Herald Sun and listed on tenders.net. Fifteen parties downloaded the tender documentation, however only one submission was received with Cr8tve Waste Management submitting a conforming tender and a non-conforming tender.

### **EVALUATION**

The conforming tender provides a schedule of rates in separable parts for the staffing, site vehicles and day-to-day operations of each of the transfer stations. This includes all customer service functions; site stockpile management; the handling and loading of kerbside waste received at Myrtleford Transfer Station and minor site works. Under this contract Council would retain responsibility and costs for the transportation and disposal of waste and other materials from the site; major site works; provision of heavy equipment; key infrastructure including staff amenities; utilities; licences and any onsite processing of stockpiles such as green waste and concrete.

The non-conforming tender provides an annual fee for the management of the three transfer stations (not separable) with the key variances from the tender request being that Council provides staff to support the operation of the three sites to an agreed rostered level. The contractor provides staff to manage the bulk waste at Myrtleford Transfer Station as well as a proportion of rostered shift coverage at Porepunkah and Mount Beauty Transfer Stations; a vehicle at both Mount Beauty and Myrtleford, and the supervision and management of site operations including rostering; customer service; stockpile management; site inspections and compliance checks.

When assessing the non-conforming bid consideration has also been given to the following additional factors:

- A vehicle be provided by the contractor to be located at the Mount Beauty transfer station. The site does not currently have a vehicle on site and the presence of a vehicle will assist staff with end of day site checks and managing minor stockpile contamination issues.
- The presence of an experienced waste management facility operator onsite at each facility on at least one day per week. This provides an improved level of supervision of site operation and should improve consistency of operations and customer service standards across all three sites.
- The development of standard operating procedures across all three sites.



- Cr8tve Waste Management has extensive experience operating a licenced landfill and an understanding of key infrastructure such as leachate management systems, monitoring infrastructure and compliance and reporting requirements and standards. With both Myrtleford and Porepunkah operating under EPA required licences, monitoring and/or aftercare management programs this experience is considered of significant value in ensuring Council's obligations are met.

The evaluation panel consisted of the Manager Facilities and Director Corporate. The tenders were evaluated according to the key selection criteria listed in the Invitation to Tender:

- Price
- Qualifications and Previous Performance
- Delivery
- Social

Following the initial assessment of the offers, the tenderer was invited to clarify aspects of their tender; this included information regarding the planned management of the sites, the contractor provided resourcing, supervisory hours split across the sites and the oversight of kerbside waste and recycling waste management. Following this, it was determined that the non-conforming tender from Cr8tve Waste Management addressed all the requirements of the selection criteria and presented the best value for Council.

## **ISSUES**

Key elements of the proposed contract are:

- Contract Term – The proposed contract term is for three years, with one option of an additional three years. The initial term allows sufficient time for Council to complete the review of the possible introduction of a third kerbside collection bin for food organics/green organics. Any implications on this potential change on the operations of the transfer stations will be able to be assessed before the end of the initial contract period and will help inform the decision on enacting the available option.
- Annual Increases - Rates associated with the contract may be reviewed and varied annually based on a Consumer Price Index (CPI) calculation contained within the contract, rates are expressed in January 2019 values. CPI will be equal to the Melbourne All Groups CPI figures for the September quarter of the year in question.
- Staffing - In the non-conforming offer Council would provide a maximum of 74 hours per week of rostered staffing. Any other staffing required under the contract would be provided by Cr8tve Waste Management. Council staff would be supervised directly by Cr8tve Waste Management under the terms of the contract, however remain managed by Council. Retaining Council staff at transfer stations will also mitigate the risk associated with any failure of the contractor to be able to meet the terms under the contract.



- Site Operations - All decisions regarding fees, site operating hours, service and operating conditions and guidelines would continue to be determined by Council not the contractor. The Contractor would be responsible for complying with the conditions of any EPA Licence or Notice that may apply to the site during the period of this contract, the *Guide to Best Practice at Resource Recovery Centre*, and all relevant documents and requirements as contained within the contract.

### **POLICY IMPLICATIONS**

The tender was advertised and evaluated in accordance with Council's Procurement Policy and is in accordance with obligations under the *Local Government Act 1989*.

Current temporary staffing arrangements at Porepukah and Mount Beauty Transfer Stations will be reviewed with a view to formalising staffing for the three year contract term. Staff would be supervised directly by Cr8tve Waste Management under the terms of the contract, however remain under Council management.

This report is consistent with the following strategic objective of the Council Plan 2017-2021:

- Highly utilised and well managed community facilities.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

There is sufficient provision within the overall 2018-19 Budget to deliver this contract. Whilst it would result in an increase in Council staff rostered hours from approximately 54 hours per week to 74 hours per week, this increase in wages costs would be offset by the lower costs of the contracted service provided by Cr8tve Waste Management compared to the current contract. This contract would result in a small annual saving of approximately \$450 per annum compared to the current total cost operating all three transfer stations.

The proposed contract would also free up management and officer resourcing within Council to allow greater focus on strategic initiatives within the waste area, such as Food Organics/Green Organics waste management.

### **CONSULTATION**

The staff have been consulted on the proposal to tender the operations of the three Transfer Stations.

### **CONCLUSION**

It is recommended that Council award the contract for the Operation and Management of the Myrtleford Transfer Station, Porepukah Transfer Station and Mount Beauty Transfer Station, contract number CT1802401 to Cr8tve Waste Management.



**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



### 9.3.5 Planning Application 5.2018.20.1 - Development of a Second Dwelling

Application number:	5.2018.20.1
Proposal:	Buildings and works for the construction of a second dwelling
Applicant's name:	Eaz Build
Owner's name:	R M Hall
Address:	22 Showers Avenue, Bright
Land size:	799 square metres
Current use and development:	Land has been developed with a single storey dwelling with carport and shedding
Site features:	Site is well vegetated with a domestic garden and has a slope from the front to the rear.
Why is a permit required?	A planning permit is required to develop the land with a second dwelling pursuant to Clause 32.08-6 General Residential Zone Schedule 1, and for buildings and works associated with accommodation pursuant to Clause 44.06-2 Bushfire Management Overlay
Zoning:	General Residential Zone Schedule 1
Overlays:	Bushfire Management Overlay Proposed Land Subject to Inundation Overlay Proposed Floodway Overlay
Restrictive covenants on the title?	Nil
Date received:	Initial application received 17 January 2018 Amended application received 15 August 2018
Statutory days:	90
Planner:	Sam Porter

*Cr Roper*  
*Cr Forsyth*

*That a Notice of Refusal be issued for buildings and works for the construction of a second dwelling at 22 Showers Avenue, Bright in accordance with the grounds outlined in Appendix A.*

*Carried*

Cr Pearce called for a division.

For: Cr Knappstein, Cr Roper, Cr Nicholas and Cr Keeble

Against: Cr Pearce, Cr Forsyth and Cr Janas

The motion was moved.



## **PROPOSAL**

It is proposed to construct a second dwelling on the site. The dwelling would be located at the rear of the existing dwelling and would be two storey. It would comprise a kitchen, living area and laundry on the ground floor, and two bedrooms and two bathrooms on the first floor. A double garage with a dividing wall would be located on the eastern side of the dwelling, and would have one space designated for the existing dwelling and the other space designated for the proposed dwelling. Private open space for the proposed dwelling would be located at the front and rear of the dwelling as well as on a balcony on the first floor level. The dwelling would be contemporary in design with a sloping skillion roof. Proposed materials have not been specified.

The existing dwelling would be modified by the removal of the carport attached to its eastern side. Private open space would be located at the rear and front of the dwelling, and car parking would be at the rear of the site as discussed.

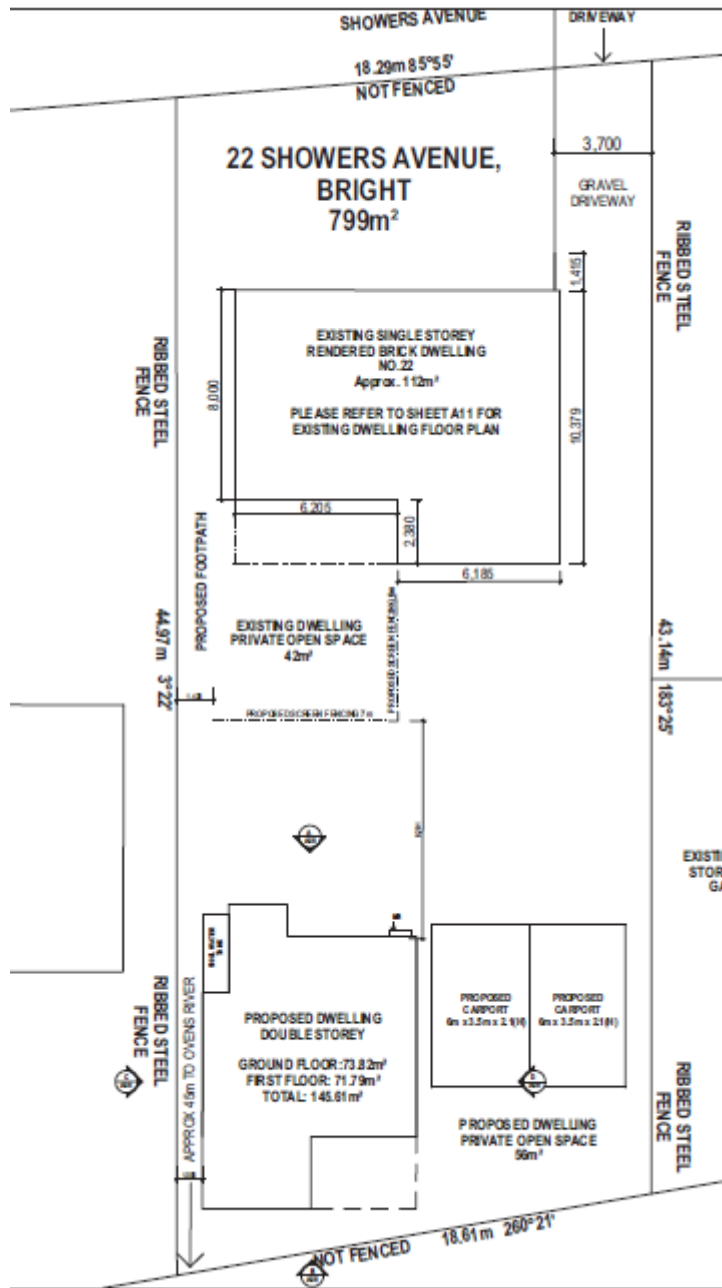
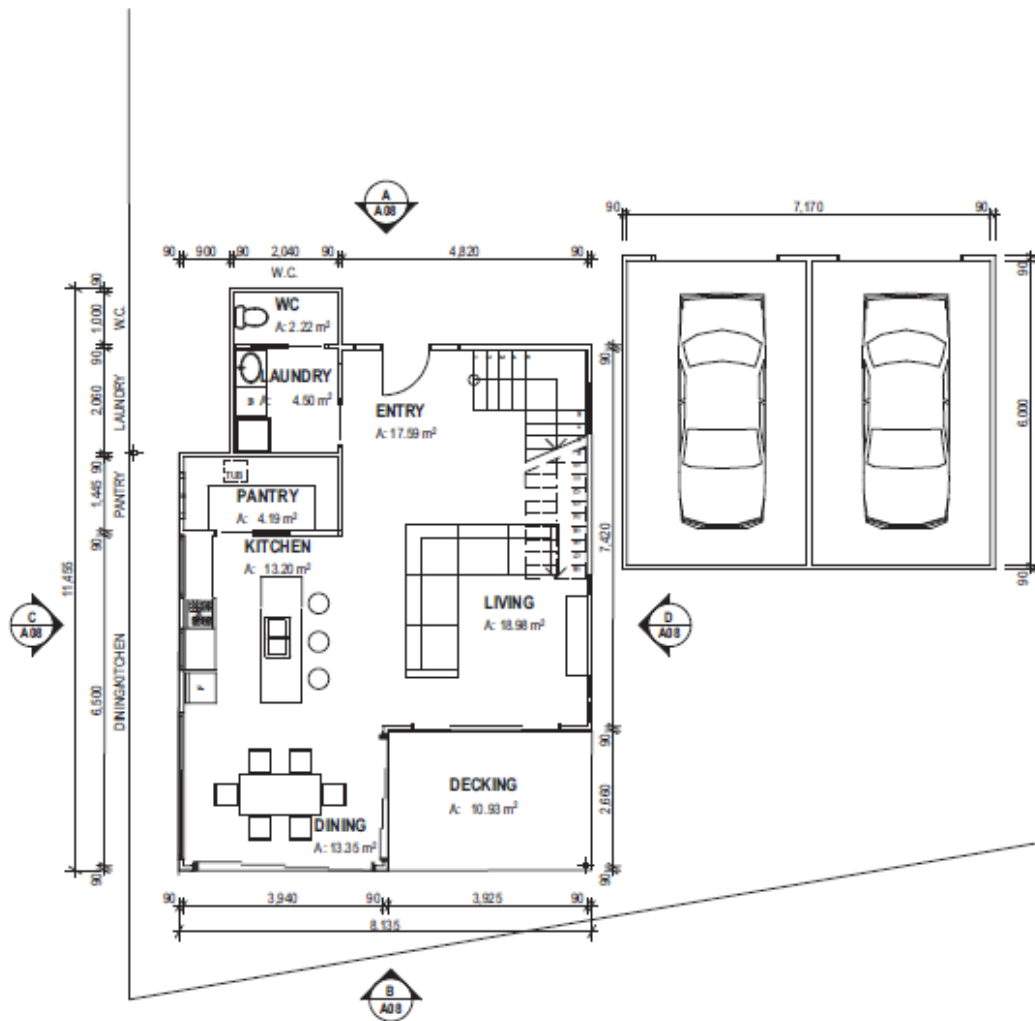


Figure 1: Shows the development layout on site.



Ground Floor (1)  
1:100

Figure 2: Ground floor of the proposed dwelling.



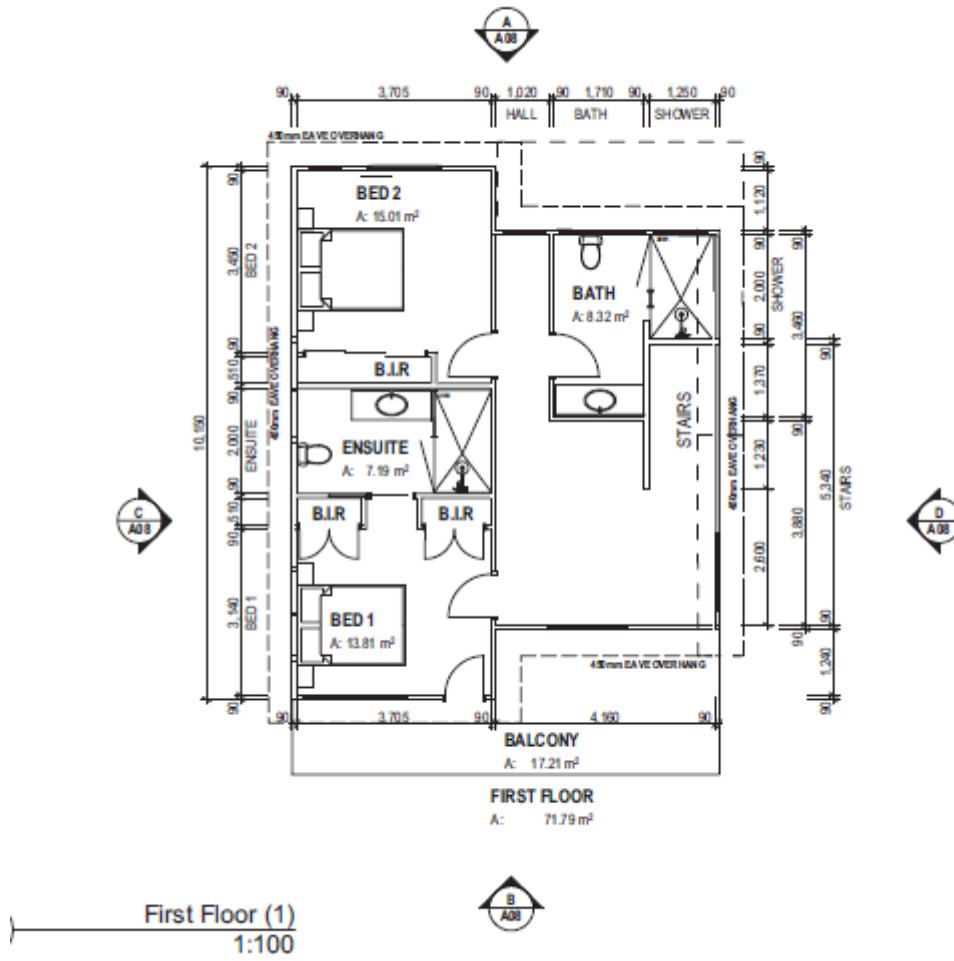
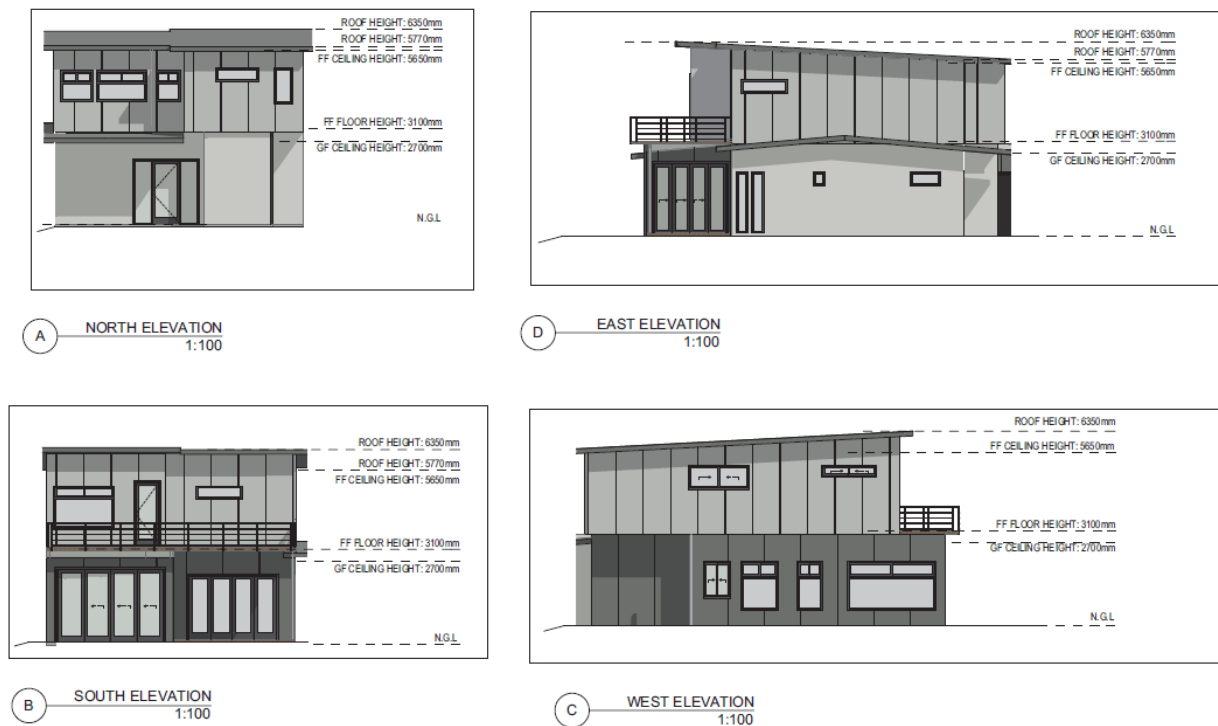


Figure 3: First floor of the proposed dwelling.



**Figure 4: Elevations of the proposed dwelling**

### **SUBJECT LAND AND SURROUNDS**

The subject site is regular in shape and is located on the southern side of Showers Avenue in Bright. The rear of the site backs onto the Ovens River and Canyon Walk. The site has a frontage of 18.29 metres, a depth of 44.97 metres, and an overall area of 799 square metres. It has a slope from the front to the rear.

The site has been developed with a single storey dwelling which is currently used for short-term holiday accommodation. The dwelling is located at the front of the site and a garage is located in the rear south-eastern corner. The remainder of the site contains an extensive garden that is open to the rear to provide access to the river.

The site is located in the Bright Township to the north-west of the commercial centre. Land surrounding the site to the north, east and west has generally been developed with single dwellings. To the south of the site is the Ovens River with its associated reserve which includes the Canyon Walk.



**Figure 5: 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 four surrounding landholders and occupiers. A sign was displayed on the subject land for 14 days. One objection was received; the reasons for objecting are as follows:

- Proposed dwellings close proximity to side and rear boundary
- Two story building
- Loss of views towards nearby Farrington Poplars
- Noise
- Overlooking from proposed second storey balcony

### **REFERRALS**

<b>Referrals / Notice</b>	<b>Advice / Response / Conditions</b>
Section 55 referrals:	CFA - no objection subject to planning permit conditions
Internal / external referrals:	NECMA - objection on the following grounds: <ol style="list-style-type: none"><li>1. Development of the site is not consistent with the objective of VPP Clause 13.02-1 (Floodplain Management) and the purpose of the proposed Floodway Overlay and Land Subject to Inundation Overlay at the site.</li><li>2. Development of a second residential dwelling on the lowest part of the site is not consistent with the flood hazard as access will be impeded in times of flooding, resulting in a</li></ol>



	<p>risk to life, health and safety for residents and emergency services personnel.</p> <p>Engineering - no objection subject to planning permit conditions.</p>
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**PLANNING ASSESSMENT AND RESPONSE TO GROUNDS OF OBJECTION**

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

**Planning Policy Framework (PPF) and Local Planning Policy Framework (LPPF)**

The proposal is considered to be appropriately located within the Bright Township as it would support the PPF by increasing residential densities to help consolidate urban areas. It would provide housing in an established urban area that has good access to services, employment, transport and infrastructure. The proposal also adequately addresses bushfire risk.

However the proposal does not adequately address flooding or the on and off-site amenity impacts the proposed design would generate.

Clause 13.03-1S Floodplain Management has the objective:

To assist the protection of:

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

The site is located in an area identified by North East Catchment Management Authority (NECMA) as being affected by flooding. NECMA has advised that it objects to the proposal as it is likely the majority of the site would be subject to inundation from the Ovens River in a 1 in 100 year flood event, with the proposed dwelling to be located in an area subject to the deepest flooding with depths varying from 0.6 to 1.2 metres. Given this information, the proposal does not adequately address Clause 13.03-1S as it would not assist in the protection of life and property with regard to floodplain management.

Clause 15.01-1S Urban Design has the objective:

To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.

The design of the proposed dwelling does not adequately address the requirements of Clause 55 ResCode with regard to on and off-site amenity impacts. This will be discussed in the later part of this report.

The proposal also does not adequately address Clause 22.01-1 Battle-axe Blocks Policy. The policy requires a driveway to have a minimum width of 5 metres where a battle-axe arrangement is proposed. The driveway would have a width of only 3.7 metres thereby not satisfying the policy requirements.



## Zoning

The subject land is zoned General Residential Zone Schedule 1. An application for a second dwelling on the site must be assessed against Clause 55 ResCode. The proposal has a number of areas of non-compliance with Clause 55 which are discussed later in this report.

## Bushfire Management Overlay Schedule 2 and Clause 53.02 Bushfire Planning

The application has satisfactorily addressed the objectives of the BMO and Clause 53.02. The application was referred to CFA who had no objection to the proposal subject to planning permit conditions.

## Proposed Floodway Overlay and Land Subject to Inundation Overlay

As discussed the site is located in an area where flooding has been identified. As a result, two proposed overlays affect the site - proposed Floodway Overlay (FO) and proposed Land Subject to Inundation Overlay (LSIO). See Figure 6.

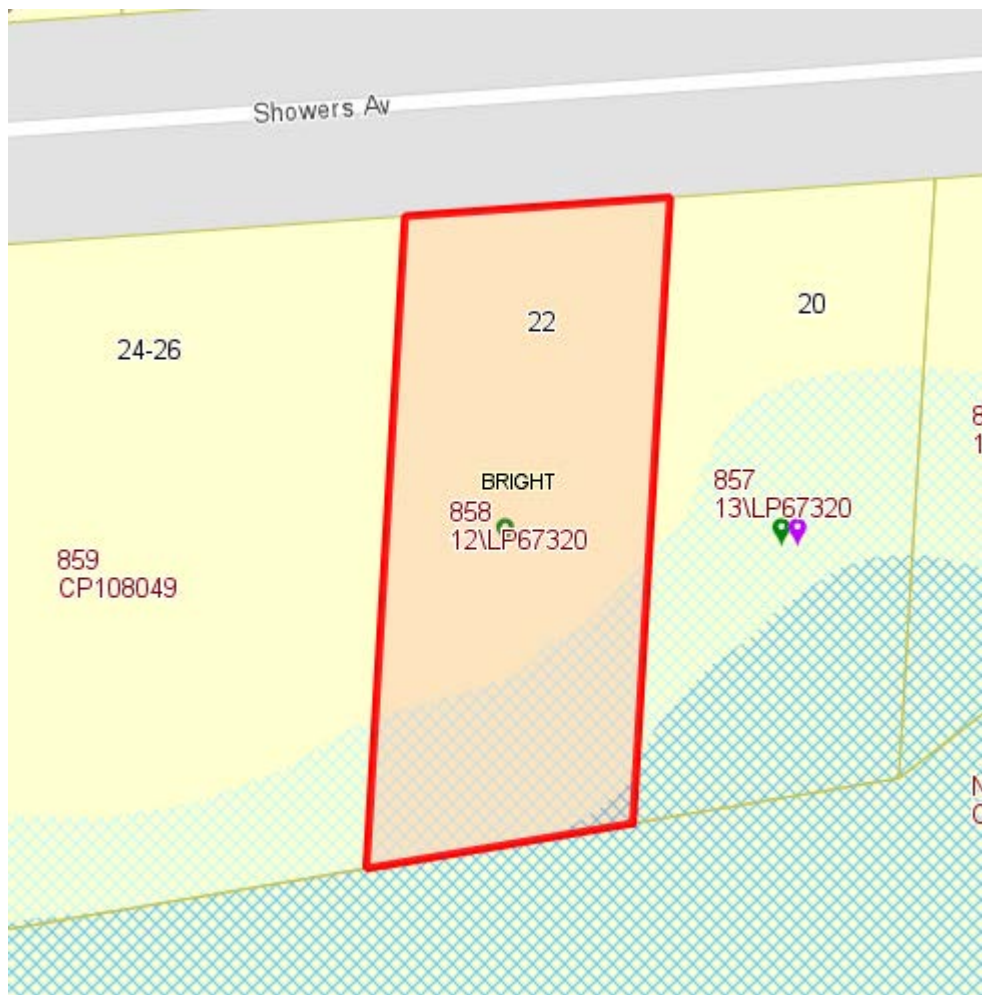


Figure 6: Proposed FO (dark green) and LSIO (light green)



The application was referred to NECMA who has objected to the proposal as discussed. As the overlays are only proposed at this point in time and NECMA is therefore an informal referral authority, Council is not bound to refuse the application based on NECMA's objection. However it is considered prudent to take NECMA's advice and refuse the application on the grounds provided due to the risk to life and property as a result of flooding from the Ovens River.

**Clause 52.06 Car Parking**

The proposal would provide one car parking space per dwelling which satisfies the requirements of this clause however the location of the car parking space is not considered to appropriate as discussed below.

**Clause 55 Two or More Dwellings on a Lot**

The proposal has been assessed against the relevant clauses of Clause 55 and found it to be deficient in the following areas:

- Clause 55.03-5 Energy Efficiency Objectives

Buildings should be oriented to make appropriate use of solar energy with living areas and private open space located on the north side of the development, if practicable. Developments should be designed so that solar access to north-facing windows is maximised.

The proposed dwelling is not provided with any north facing windows to living areas despite the site providing plenty of opportunity for this to occur due to its size and orientation. A lack of north facing windows will have an impact on the energy efficiency and amenity of the dwelling and is considered to be a poor design outcome.

- Clause 55.03-10 Parking Location Objectives

Car parking spaces should be reasonably close and convenient to dwellings. The car parking space for the existing dwelling would be located at the rear of the site adjacent to the car parking space for the proposed dwelling. Whilst the distance to the space is not great, the location may cause management and amenity conflicts due to the proximity of the space to the proposed dwelling. It is considered that there are more practical locations for the car parking space for the existing dwelling such as at the rear of this dwelling beyond the private open space area. This would provide a car parking space that would be more connected to the dwelling.

- Clause 55.04-1 Side and Rear Setbacks Objective

A new building not located on or within 200 mm of a boundary should comply with the setbacks stipulated in this clause. The proposed dwelling would have a wall height on its western side of 6.35 metres. As such, the wall should be set back a minimum of 1.8 metres from the western boundary. A setback of only 1.0 metre is proposed which does not comply with the clause.

- Clause 55.05-4 Private Open Space Objective

Each dwelling should have 40 square metres of private open with one part of 25 square metres located at the side or rear. Both dwellings are able to achieve this





requirement although the site plan is unclear about the delineation of private open space, particularly for the proposed dwelling. It is not known if the area to the north of the dwelling would be used for private open space or for some other use such as communal open space or a vehicle turnaround area.

- Clause 55.05-6 Storage Objective

Each dwelling should be provided with 6 cubic metres of externally accessible secure storage space. This has not been provided for either dwelling.

- Clause 55.06-1 Design Detail Objective

Garages and carports should be visually compatible with the development. Elevations of the proposed garage to be used by both dwellings have not been provided. In addition, the garage would be set back less than 1.0 metre from the proposed dwelling, creating an unusable and inaccessible space as well as blocking light to the ground floor windows on the eastern elevation of the dwelling.

- Clause 55.06-3 Common Property Objectives

This clause seeks to ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained, and that future management difficulties in areas of common ownership are avoided. As discussed, the proposed car parking arrangement is considered to be problematic as it has the ability to cause management and amenity issues for the future residents of the dwellings. The garage for the existing dwelling would be located in close proximity to the proposed dwelling. An improved design, as discussed, is required to ensure this conflict does not occur.

## **CONCLUSION**

The proposal has been assessed against the relevant provisions of the Alpine Planning Scheme, including the Planning Policy Framework, the Local Planning Policy Framework, the General Residential Zone Schedule 1 and Bushfire Management Overlay. It has been determined that the proposed development is inappropriate for the site as it does not satisfactorily address the flood risk to the site or the design considerations of Clause 55. It is therefore recommended that the proposal be refused.

## **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
- Senior Planning Officer

## **APPENDIX**

- 9.3.5 (A) – Grounds of Refusal
- 9.3.5 (B) – Policy and decision guidelines



### **9.3.5 APPENDIX (A) GROUNDS FOR REFUSAL**

1. The proposal is inconsistent with Clause 11.01 Settlement, Clause 12.03 Water Bodies and Wetlands, Clause 13.03 Floodplains, Clause 14.02 Water, Clause 15.01 Built Environment and Heritage and Clause 16 Housing of the Planning Policy Framework.
2. The proposal is inconsistent with Clause 21.03 Settlement, Built Form and Heritage, Clause 21.04-4 Environmental Risk, Clause 21.04-6 Catchments and Waterways and Clause 22.01-1 Battle-axe blocks policy of the Local Planning Policy Framework.
3. The proposal is inconsistent with the Purpose and Decision Guidelines of Clause 32.08 General Residential Zone Schedule 1.
4. The proposal does not adequately address the following Clause 55 requirements:
  - Clause 55.03-5 Energy Efficiency Objectives
  - Clause 55.03-10 Parking Location Objectives
  - Clause 55.04-1 Side and Rear Setback Objective
  - Clause 55.05-4 Private Open Space Objective
  - Clause 55.05-6 Storage Objective
  - Clause 55.06-1 Design Detail Objective
  - Clause 55.06-3 Common Property Objective
5. The proposal is inconsistent with Clause 65 Decision Guidelines.
6. The proposal is contrary to the orderly and proper planning of the area.

### **NORTH EAST CATCHMENT MANAGEMENT AUTHORITY**

7. Development of the site is not consistent with the objective of VPP Clause 13.02-1 (Floodplain Management) and the purpose of the proposed Floodway Overlay and Land Subject to Inundation Overlay at the site.
8. Development of a second residential dwelling on the lowest part of the site is not consistent with the flood hazard as access will be impeded in times of flooding, resulting in a risk to life, health and safety for residents and emergency services personnel.





### **9.3.5 APPENDIX (B) POLICY AND DECISION GUIDELINES**

#### **Planning Policy Framework**

The Planning Policy Framework (PPF) provides relevant direction to the proposal at the following clauses:

Clause 11.01 Settlement

Clause 11.01-1R Settlement - Hume

Clause 12.03 Water Bodies and Wetlands

Clause 12.05 Significant Environments and Landscapes

Clause 13.02 Bushfire

Clause 13.03 Floodplains

Clause 14.02 Water

Clause 15.01 Built Environment and Heritage

Clause 16 Housing

Clause 19.03 Development Infrastructure

#### **Local Planning Policy Framework**

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

Clause 21.03 Settlement, Built Form and Heritage

Clause 21.04-4 Environmental Risk

Clause 21.04-6 Catchments and Waterways

Clause 21.07-1 Bright

Clause 22.01-1 Battle-axe blocks policy

Clause 22.04 Infrastructure

#### **Zone**

The subject land is zoned General Residential Zone Schedule 1 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/32\\_08.pdf](http://planning-schemes.delwp.vic.gov.au/schemes/vpps/32_08.pdf)

#### **Overlays**

The planning permit application must address Clause 44.06 Bushfire Management Overlay.

#### **General Provisions**

Clause 65 of the Alpine Planning Scheme provides the decision guidelines.



### 9.3.6 Planning Application 5.2018.50.1 - Three Lot Re-Subdivision

Application number:	5.2018.50.1
Proposal:	Three lot re-subdivision
Applicant's name:	North East Survey Design
Owner's name:	Naynad Investments Pty Ltd
Address:	Lot: 1 TP: 84368, 4 Sangsters Lane, Wandiligong Lot 1 TP 384856, Centenary Ave, Wandiligong CA1 SEC A, Township of Wandiligong, Centenary Ave, Wandiligong
Land size:	3.83 hectares
Current use and development:	Developed with a dwelling and outbuildings. Remainder of the site used for agriculture
Site features:	The site is used for agricultural purposes which includes stock grazing and a small orchard. There are a number of fenced paddocks, and irrigation infrastructure which draws water from Moses Creek to irrigate chestnut trees in the southern part of the site. There is scattered native and exotic vegetation across the site. The site slopes gently eastwards towards Moses Creek reserve.
Why is a permit required?	A planning permit is required for subdivision pursuant to Clause 35.07-3 (Farming Zone), Clause 43.01-1 (Heritage Overlay) and Clause 44.06-2 (Bushfire Management Overlay)
Zoning:	Farming Zone
Overlays:	Significant Landscape Overlay Schedule 3 Heritage Overlay HO83 Bushfire Management Overlay
Restrictive covenants on the title?	No
Date received:	4 April 2018
Statutory days:	50
Planner:	Scott Taylor

*Cr Pearce*

*Cr Forsyth*

*That a Notice of Refusal be issued for a three lot re-subdivision at Lot: 1 TP: 84368, 4 Sangsters Lane, Lot 1 TP 384856, Centenary Ave, and CA1 SEC A, Township of Wandiligong, Centenary Ave, Wandiligong in accordance with the grounds outlined in Appendix A.*

**The motion was lost.**

Cr Pearce called for a division

For: Cr Knappstein, Cr Roper

Against: Cr Keeble, Cr Nicholas, Cr Janas, Cr Pearce and Cr Forsyth



## PROPOSAL

It is proposed to re-subdivide three existing lots to create three lots as follows:

Lot 1 – would be 8523 square metres and contain the existing dwelling, shedding, wastewater disposal system and domestic infrastructure. Vehicle access would be via an existing crossover from Sangsters Lane. The lot would also have frontage to Centenary Ave.

Lot 2 – would be 2.434 hectares and contain a small chestnut orchard, fencing and irrigation infrastructure. It would have frontage to Centenary Ave.

Lot 3 – would be 5271 square metres and have frontage to Centenary Ave. The applicant has stated that this lot is proposed as a future house lot.



**Figure 1:** Shows the subdivision layout on site.



## SUBJECT LAND AND SURROUNDS

The subject site is comprised of three allotments:

CA 1 Sec A has an area of 0.725 ha, is irregularly shaped and does not contain any structures. It appears to be landlocked and has frontage to Morses Creek on its eastern boundary.

Lot 1 TP 384856 has an area of 1.543 ha and is regular in shape. It does not contain any structures and is used for agricultural purposes. It has a frontage to and access from Centenary Ave on its western boundary.

Lot 1 TP 84368 has an area of 1.545 ha and is irregularly shaped. It is located on the south-eastern corner of Centenary Ave and Sangsters Lane and has vehicle access from Sangsters Lane.

The site is located to the west of the Wandiligong Township in an area that is zoned for farming but is highly fragmented. Many of the lots surrounding the site are used for rural lifestyle purposes.



**Figure 2: Subject land.**

## PUBLIC NOTIFICATION

The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987*. Notice of the application was sent to 12 surrounding landholders and occupiers, and two signs were displayed on the subject land. Eight objections were received; the reasons for objecting are as follows:

- The application is in violation of the Farming Zone purpose.





- The proposed subdivision will destroy the natural and historical landscape setting, values, integrity and character of the Wandiligong valley.
- The proposal does not maintain the historical density of the site.
- The land is not lost to agricultural production.
- The land does not form part of the Wandiligong Township and should not be treated as if it were.
- The land is currently used for domestic farming activities which should not be discounted.
- The disposal of effluent from the site may have a detrimental impact on the environment due to the presence of a number of natural springs close to the surface which have not been identified.
- The south-eastern boundary of proposed Lot 3 is very close to a bore on the adjoining property.
- The Land Capability Assessment has not been undertaken for the entire site.
- Any future residential development would be detrimental to the intrinsic character and integrity of Centenary Ave and more widely to the Wandiligong Township.

A planning forum was held to discuss the application on 24 September 2018 at the Council offices. The applicant, one objector, four Councillors and Council officers attended. The application was discussed at length however no agreement was reached between the parties.

**REFERRALS**

<b>Referrals / Notice</b>	<b>Advice / Response / Conditions</b>
Section 55 referrals:	CFA - no objection and no planning permit conditions required Goulburn-Murray Water - no objection subject to conditions
Internal / external referrals:	NECMA - no objection and no planning permit conditions required DELWP - no objection and no planning permit conditions required Engineering - no objection subject to planning permit conditions Environmental Health - no objection subject to planning permit conditions



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

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

### **Planning Policy Framework (PPF) and Local Planning Policy Framework (LPPF)**

The site is located in the Wandiligong Valley as identified in Clause 21.07-11 of the Scheme. The clause requires applications for this area to be guided by the recommendations in the Alpine Shire Rural Land Strategy (2015) (Strategy). The Strategy was adopted by Council in 2015 and is a reference document in the Scheme.

The Strategy locates the subject site in Precinct 3 – Wandiligong Valley. The Strategy states “There is an opportunity to expand nature based tourism, creating synergies with agri-tourism in Centenary Avenue, an area that is fragmented from agriculture.” (p. 33) the precinct map also includes the site in an area where rezoning should be investigated. The recommendations chapter of the Strategy contains implementation measures for the Strategy and includes, among other things, “Undertake a rural living strategy to determine supply, demand and the need for additional rural living zones and suitable locations.” (p. 52) the rural living strategy has not commenced to date.

The Strategy identifies the site as being in a location that is fragmented from agriculture. This is evidenced by the smaller lot sizes in the vicinity of the site and the high incidence of rural residential living although some lots contain small scale agricultural uses. The site is subject to the BMO, SLO3 and HO83 and is located in a Special Water Supply Catchment. There is no reticulated sewerage. Given these constraints it is considered that the most likely future zoning of the land would be more in line with the Rural Living Zone than the Low Density Residential Zone. However this remains to be determined via further strategic work.

The Scheme states at Clause 21.03-2 Rural Residential Living that in the Rural Living Zone, lot sizes in the range of 2.0 hectares should be encouraged. The proposed lot sizes are 0.8 ha, 0.5 ha and 2.4 ha therefore two of the proposed lots are not in line with the preferred lot size for the Rural Living Zone.

By comparison, the Low Density Residential Zone requires lots to be at least 0.4 ha where reticulated sewerage is not connected. All of the proposed lots would satisfy this requirement.

Given the existing subdivision layout in the immediate area and in the absence of a Rural Living Strategy and further strategic work that identifies the most acceptable future zoning of Centenary Ave, the subdivision of the site into small lots is considered to be premature.

The proposal is also inconsistent with the current zoning of the land. The proposed lot sizes would not support the continuation of agriculture and have the ability to create land use conflicts between agricultural uses and rural residential uses. The applicant has not provided any evidence that the creation of smaller lot sizes will improve farm economics or viability, or create lots that would be capable of holding sustainable agricultural uses.

It is considered that the applicant has not provided adequate strategic justification in relation to the future rural residential zoning of the area or the benefit to agriculture under the current zoning. The proposal is therefore considered to be at odds with



the future strategic direction of the area and the current zoning of the land. The proposal is considered to be premature for this area as strategic work has not been undertaken to transition the zoning of the area to one that is more reflective of its future strategic direction.

### **Special Water Supply Catchment**

The site is located in the Ovens River Special Water Supply Catchment Area. Pursuant to Clause 66.02-5, an application to subdivide land in a Special Water Supply Catchment Area must be referred to the relevant water board or water supply authority who is a determining referral authority. In this instance the application was referred to Goulburn-Murray Water (G-MW) who initially objected to the proposal but is prepared to reconsider their position should additional information be received. Following receipt of an amended Land Capability Assessment (LCA) for proposed Lot 3 and its increase in size from 2300m<sup>2</sup> to 5271m<sup>2</sup>, an LCA for proposed Lot 2 and also an increase in size to Lot 1 G-MW has now granted conditional consent.

### **Zoning**

The subject land is located in the Farming Zone. As discussed, the proposed subdivision is considered to be inconsistent with purpose and decision guidelines of the zone as the proposal would further fragment agricultural land into 3 small lots that would all have the potential to be used for dwellings. It would create lot sizes that would not be suitable for agriculture with respect to the two smaller lots with the potential for the larger lot to be either used for a larger residential lot and/or small scale agriculture that would have the potential to create a land use conflict with adjoining lots. As a result part of the land would be permanently lost to agriculture (the smaller lots), and the balance of the land, (the larger lot) could also be lost to agriculture if used as a lifestyle lot.

The applicant has not provided any evidence to demonstrate that a viable agricultural use could be carried out on proposed Lots 1 and 3 in particular. The creation of rural lifestyle lots has the capacity to impact on the operations on adjoining and nearby agricultural uses as farming practices can create amenity impacts which may not be tolerated by rural lifestyle residents. Overall the proposed subdivision does not provide for the use of the land for agriculture as required by the zone.

### **Clause 42.03 Significant Landscape Overlay Schedule 3 – Wandiligong Valley Significant Landscape Area**

No planning permit is required for subdivision under the overlay requirements.

### **Clause 43.01 Heritage Overlay – HO83 Wandiligong**

The Wandiligong Heritage Guidelines (2016) have been considered in the assessment of the application under the overlay.

The guidelines state the following with regard to subdivision and siting:

The existing irregular pattern of subdivision and building siting in Wandiligong Heritage Area illustrates the early and rapid growth of the township and contributes to Wandiligong's landscape character.



## Guidelines

Potential subdivisions and building siting must reinforce the existing irregular nature of subdivision and avoid modern, suburban development patterns;

The proposed subdivision would reinforce the existing irregular nature of Wandiligong as per the guidelines however, as discussed, the proposed lot sizes are not large enough for this part of the township. In particular, proposed Lot 3 does not respond to its context as it would create a lot of 0.5 ha in an area that generally accommodates larger rural living style lots. As such it is considered that the proposed subdivision would adversely affect the heritage significance of Wandiligong.

### **Clause 44.06 Bushfire Management Overlay (BMO) and Clause 53.02 Bushfire Planning**

The application has satisfactorily addressed the objectives of the BMO and Clause 53.02. The application was referred to CFA who had no objection to the proposal and did not require any planning permit conditions.

### **Clause 65.02 Decision Guidelines**

The following is an assessment against the relevant decision guidelines of Clause 65.02 of the Scheme:

The suitability of the land for subdivision

The land is not considered to be suitably zoned for the proposed subdivision as it is located in the Farming Zone and the proposal seeks to create rural residential lots. Strategic work is required to be undertaken to determine the appropriate zoning of the land. The proposal is therefore premature in this regard.

The existing use and possible future development of the land and nearby land.

The site is developed with a dwelling with the remainder of the site used for agriculture. The proposed subdivision would remove land from agriculture and would create at least two rural residential allotments. This is contrary to the current zoning of the land.

The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.

The proposed subdivision pattern is based on creating two residential sized lots and a larger lot that would be used for either agriculture or a dwelling or both. It is reasonably consistent with the variable "legacy" pattern of lot sizes in the locality in this respect but does not respect the potential for land use conflicts or the primary purpose of the zone.

The density of the proposed development.

The density of the proposed development is at odds with the Farming Zone provisions as well as the future Rural Living Zone provisions as the proposed lot sizes are not compatible with these zones. The density would be compatible with a Low Density Residential Zone however strategic work has not commenced at this stage to determine the best zoning for the site and surrounding area.





The area and dimensions of each lot in the subdivision.

As above.

The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.

The site has water, electricity and telecommunications available to it.

### **Response to Grounds of Objection**

- The application is in violation of the Farming Zone purpose.

The proposal does not accord with the Farming Zone requirements as it will create lots that would be too small for agriculture.

- The proposed subdivision will destroy the natural and historical landscape setting, values, integrity and character of the Wandiligong valley.

The proposal does not maintain the historical density of the site.

- The land is not lost to agricultural production.

- The land does not form part of the Wandiligong Township and should not be treated as if it were.

- The land is currently used for domestic farming activities which should not be discounted.

- Any future residential development would be detrimental to the intrinsic character and integrity of Centenary Ave and more widely to the Wandiligong Township.

As discussed, this part of the Wandiligong Valley has been identified in the Rural Land Strategy for rezoning as it is considered to be highly fragmented farmland which is a challenge to be used for commercial agricultural uses. Many lots are already developed for rural residential purposes, some with small scale agricultural uses. A Rural Living Strategy is proposed to be undertaken to determine the most appropriate zoning of the land which in turn will guide future use, development and subdivision of this area.

- The disposal of effluent from the site may have a detrimental impact the environment due to the presence of a number of natural springs close to the surface which have not been identified.

- The south-eastern boundary of proposed Lot 3 is very close to a bore on the adjoining property.

- The Land Capability Assessment has not been undertaken for the entire site.

Goulburn-Murray Water had initially objected to the proposal on the basis that the hydrology of the site has not been taken into consideration and that proposed Lots 2 and 3 in particular would not be capable of effectively disposing of waste water should each be further developed. However, as discussed above G-MW conducted a waterway determination for the subject land and are now satisfied for the provided LCA's and their ability to ensure no surface or groundwater impact.



## **CONCLUSION**

The proposal has been assessed against the relevant provisions of the Alpine Planning Scheme, including the Planning Policy Framework, the Local Planning Policy Framework, the Farming Zone, Heritage Overlay and Bushfire Management Overlay. It has been determined that the proposed subdivision is inappropriate for the site as it does not accord with the current zoning of the land or the future strategic direction of the surrounding area. The proposal is therefore recommended for refusal.

## **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

## **APPENDIX**

- 9.3.6 (A) – Grounds of Refusal
- 9.3.6 (B) – Policy and decision guidelines



**9.3.6 APPENDIX (A)**

1. The proposal is inconsistent with Clause 11.01 Settlement, Clause 14.01 Agriculture, Clause 14.02 Water, and Clause 15.03 Heritage of the Planning Policy Framework.
2. The proposal is inconsistent with Clause 21.03 Settlement, Built Form and Heritage, Clause 21.05-3 Agriculture, Clause 21.07-11 Rural Precincts and Clause 22.03-2 Agriculture of the Local Planning Policy Framework.
3. The proposal is inconsistent with the Purpose and Decision Guidelines of Clause 35.07 Farming Zone.
4. The proposal is inconsistent with the Purpose and Decision Guidelines of Clause 43.01 Heritage Overlay.
5. The proposal is inconsistent with Clause 65 Decision Guidelines.
6. The proposal would prevent the orderly and proper planning of the area.



### **9.3.6 APPENDIX (B)**

#### **Planning Policy Framework**

The Planning Policy Framework (PPF) provides relevant direction to the proposal at the following clauses:

Clause 11.01 Settlement

Clause 11.01-1R Settlement - Hume

Clause 12.05 Significant Environments and Landscapes

Clause 13.02 Bushfire

Clause 14.01 Agriculture

Clause 14.02 Water

Clause 15.03 Heritage

Clause 19.03 Development Infrastructure

#### **Local Planning Policy Framework**

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

Clause 21.03 Settlement, Built Form and Heritage

Clause 21.04-3 Landscapes

Clause 21.04-4 Environmental Risk

Clause 21.04-6 Catchments and Waterways

Clause 21.05-3 Agriculture

Clause 21.07-11 Rural Precincts

Clause 22.03-2 Agriculture

#### **Zone**

The subject land is zoned Farming Zone 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](http://planning-schemes.delwp.vic.gov.au/schemes/vpps/35_07.pdf)

#### **Overlays**

The planning permit application must address Clause 44.06 Bushfire Management Overlay.

#### **General Provisions**

Clause 65.02 of the Alpine Planning Scheme provides the decision guidelines for subdivision.



### **Referral and Notice Provisions**

Clause 66.02-5 Special Water Supply Catchment Area - an application to use, subdivide or consolidate land, to construct a building or construct or carry out works, or to demolish a building or works that are within a Special Water Supply Catchment Area listed in Schedule 5 of the Catchment and Land Protection Act 1994 and which provides water to a domestic supply. An application must be referred to the relevant water board or water supply authority as a determining referral authority.

Clause 66.03 - an application to subdivide land subject the BMO must be referred to the relevant fire authority as a recommending referral authority.

### **Operational Provisions**

Clause 71.02-3 Integrated Decision Making



### 9.3.7 Planning Application 5.2018.98.1 - Construction of Four Dwellings

Application number:	5.2018.98.1
Proposal:	Construction of Four Dwellings
Applicant's name:	Mountain Planning
Owner's name:	Heavener Investments Pty Ltd
Address:	4 Butler Court, Bright
Land size:	876 square metres
Current use and development:	The land is vacant having recently had the single dwelling previously on site demolished
Site features:	Clear flat land
Why is a permit required?	A planning permit is required to develop the land with a multiple dwellings pursuant to Clause 32.08-6 General Residential Zone Schedule 1, and for buildings and works associated with accommodation pursuant to Clause 44.06-2 Bushfire Management Overlay
Zoning:	General Residential Zone Schedule 1
Overlays:	Bushfire Management Overlay
Restrictive covenants on the title?	Nil
Date received:	Initial application received 13 June 2018 Revised plans received 23 August 2018
Statutory days:	81
Planner:	Sam Porter

*Cr Roper*

*Cr Keeble*

*That a Notice of Decision to grant a planning permit be issued for the construction of four dwellings in accordance with the conditions outlined in Appendix (A) and for the following reasons:*

- 1. The application responds to the direction of Planning Policy and Local Planning Policy.*
- 2. The application has addressed the requirements of the development code for multiple dwellings on a lot, Clause 55 ResCode of the Alpine Planning Scheme.*
- 3. The development satisfactorily addresses the car parking requirements of Clause 52.06.*
- 4. The proposal is generally consistent with the decision guidelines of Clause 65 of the Alpine Planning Scheme*

*Carried*



## **PROPOSAL**

The proposal is to construct four dwellings on the site. All four dwellings are proposed to be two storey, Units 1, 2 and 3 would be two bedroom with a single garage on the ground floor and open plan living and dining on the first floor. Each dwelling has an 8m<sup>2</sup> balcony located off the open plan area for outdoor open space, whilst Unit 1 also has an additional front yard solely available for open space. Unit 4 located at the rear will contain a double garage and open plan living and dining on the ground floor accessible to the surround yard to be used for outdoor open space. The first floor will contain three bedrooms all orientated to the north.

The development will be set against eastern and southern boundaries with all the traffic movements contain to the westerly side. The driveway area is shaped to allow for the necessary vehicle movements and also to provide for complimentary landscaping space. The built form of the development will see a 25degree hip and gable end roof finished in the colorbond colour 'Basalt'. The elevations feature ground to first floor articulation finished with two brick colours, a darker ash coloured brick will have a lighter grey brick used for contrast. Feature cladding will also incorporate section of shale grey render, shale grey vertical cladding and natural stone around entrances. All garage doors will be timber finishes to soften their impact on the overall design.



**Figure 1:** Shows 3D perspective and the development layout on site and first floor layout.

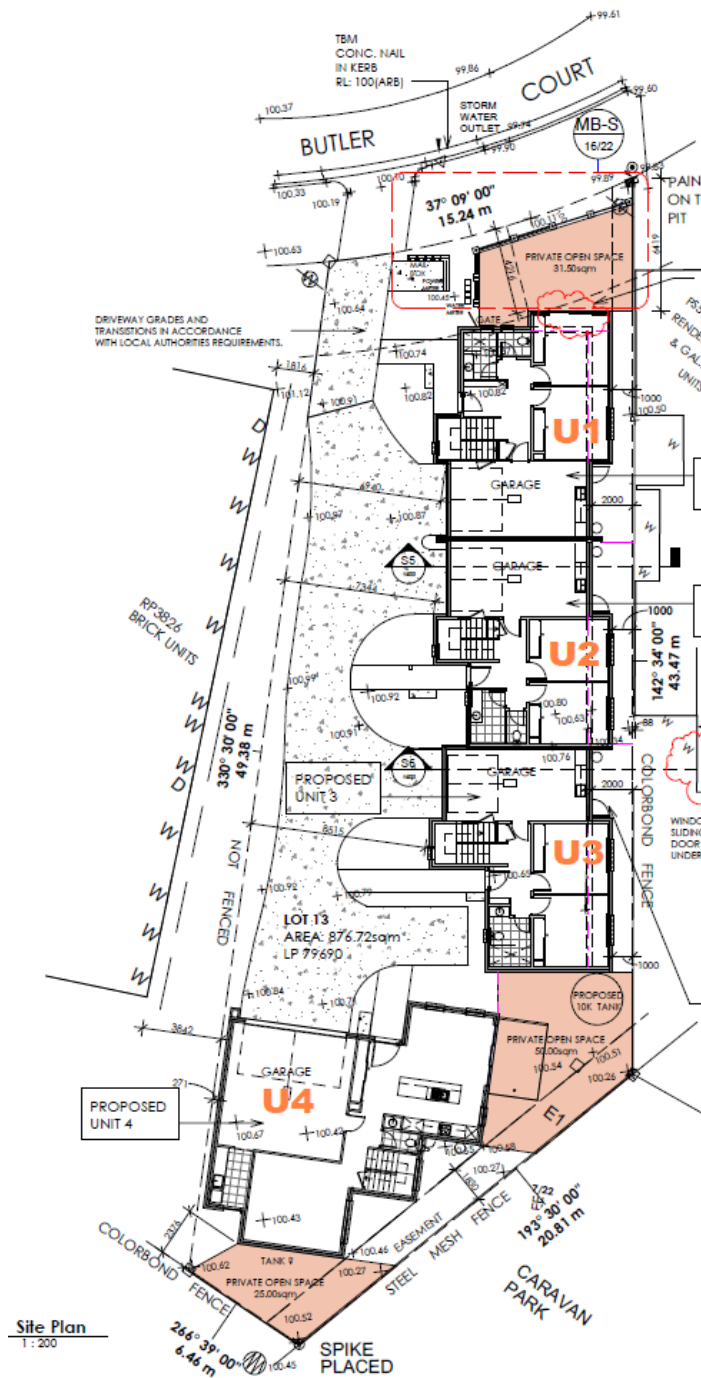






Figure 2: First floor of the proposed dwellings.

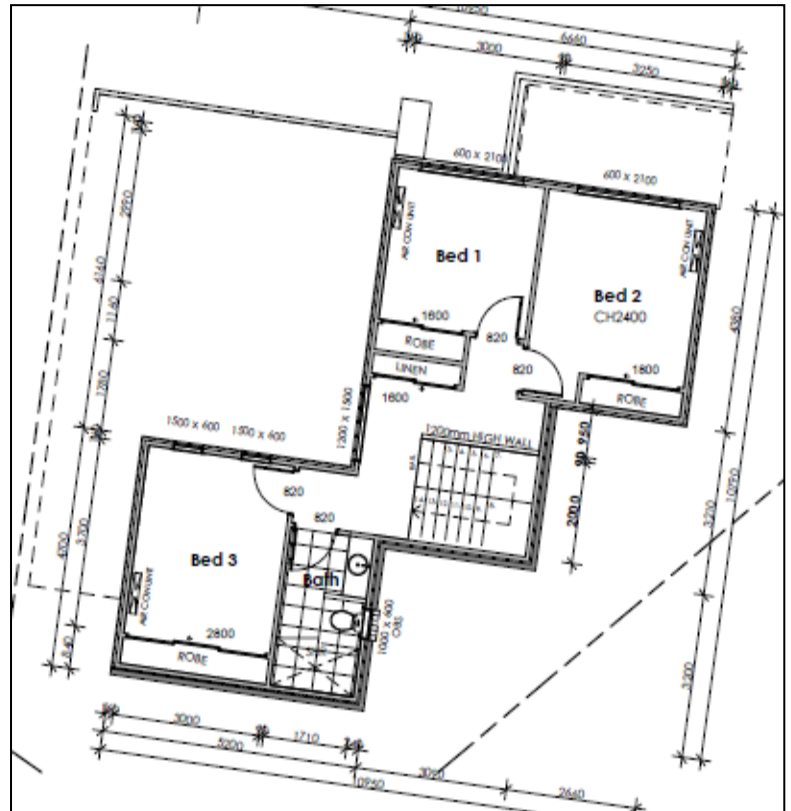
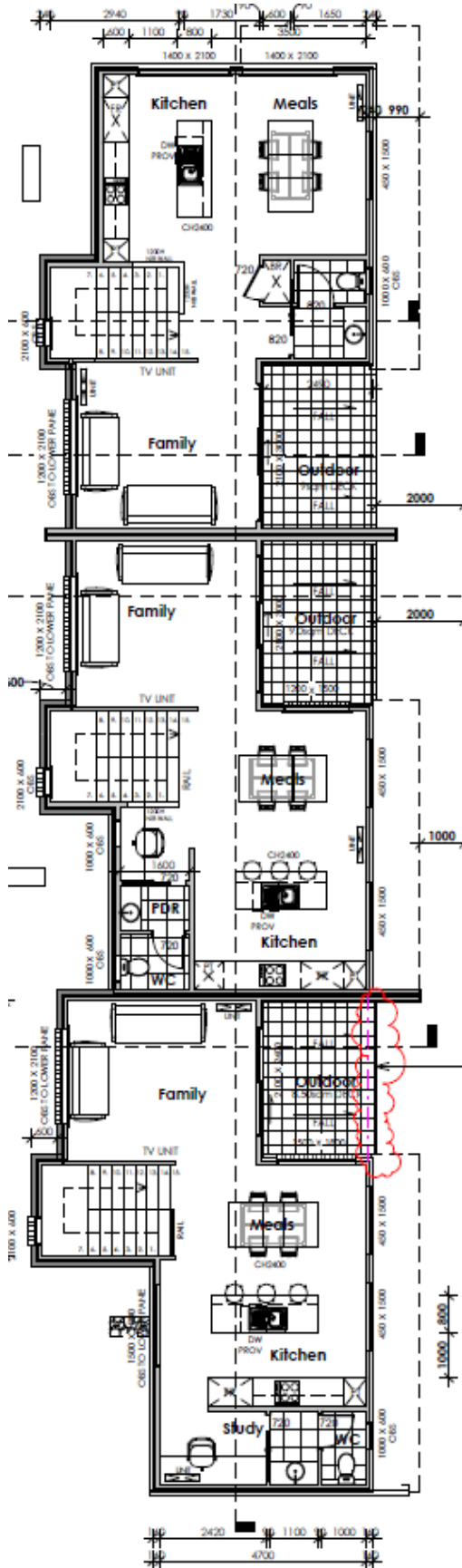
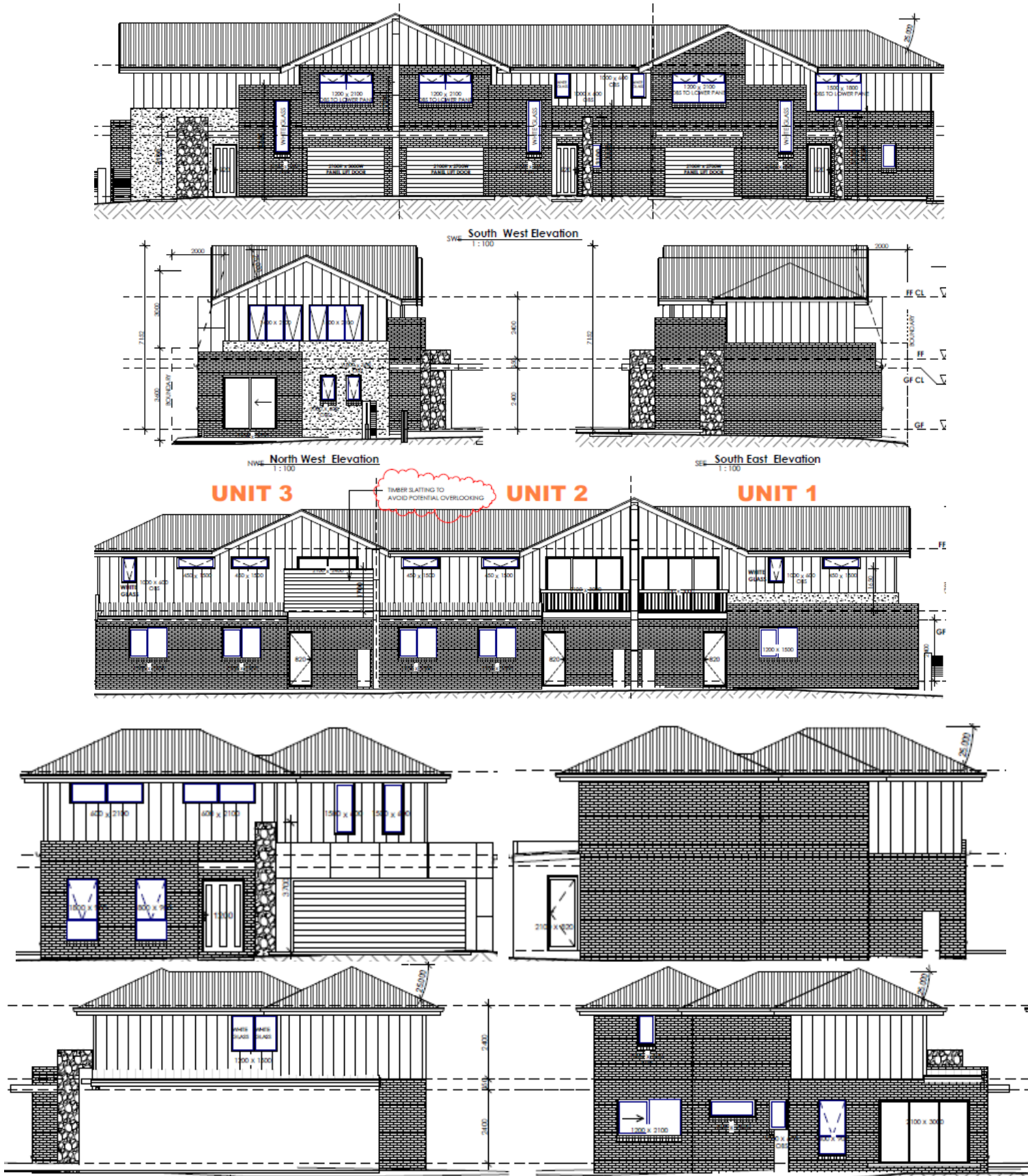




Figure 3: Elevations of the proposed dwellings





## SUBJECT LAND AND SURROUNDS

The subject site is regular in shape and is located on the southern side of Butler Court in Bright. The site has a 15m frontage, a depth of 54m and an overall area of 876m<sup>2</sup>. The site is flat and will drain to the rear of the site. The site previously contained a single residence; however, this has recently been demolished in preparation for redevelopment.

Butler Court is a residential zoned cul-de-sac street located off and to the west of Wills Street which forms the eastern commercially zone edge of Bright. Butler Court contains 19 properties with an average density of one dwelling to 413m<sup>2</sup>. Abutting the western boundary is a six unit common property development whilst to the east is a three dwelling common property development. 1A and 1B Butler Court also form part of a six unit development whilst the remainder of the court contains single detached residences built predominately during the 1970's and 80's. The subject land and surrounds is shown below in Figure 4.

**Figure 4: 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 four surrounding landholders and occupiers. A sign was displayed on the subject land for 14 days. Six objections and one petition were received; the reasons for objecting are as follows:

- Increased car movements
- Car parking pressure on street
- Elderly residents in street
- Excessive Density
- Two Storey Design
- Overshadowing
- Overlooking
- Inadequate Private Open Space
- Noise from Private Open Space areas
- Potential use of Garage Roof space for Unit 4
- Air Conditioning/Services locations and noise impacts
- Proposed fences
- Stormwater capacity
- Lack of visitor parking onsite
- Lack of strategic plan for nearby commercial area of Wills Street and associated impacts on Butler Court

Following the completion of the notification period a planning forum meeting was held at Council offices. All objectors were represented at this meeting including two Councillors and the applicant. The meeting was beneficial to all parties and ensured an improved understanding of the development and the planning requirements under which it is being considered. The meeting also resulted in the applicant tabling some minor amendments in order to address some of the listed concerns.

**REFERRALS**

<b>Referrals / Notice</b>	<b>Advice / Response / Conditions</b>
Section 55 referrals:	CFA - no objection subject to planning permit conditions
Internal / external referrals:	Engineering - no objection subject to planning permit conditions.



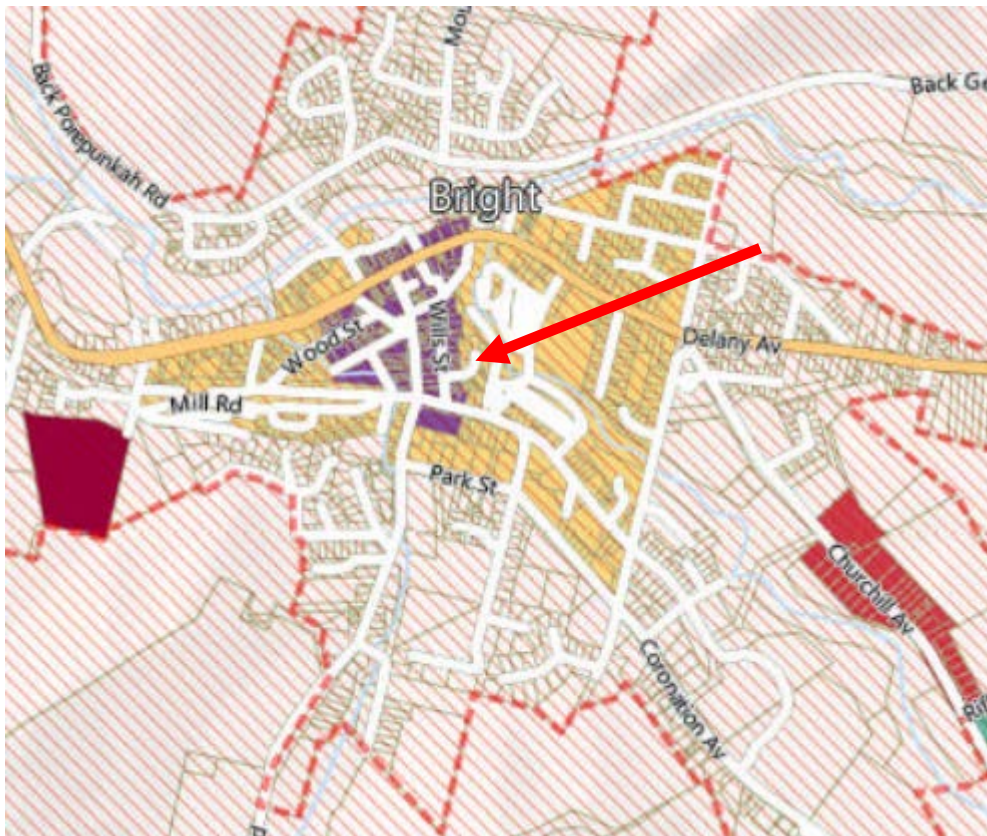
## PLANNING ASSESSMENT AND RESPONSE TO GROUNDS OF OBJECTION

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

### Planning Policy Framework (PPF) and Local Planning Policy Framework (LPPF)

The proposal is considered to be appropriately located within the Bright Township as it would support the PPF by increasing residential densities to help consolidate urban areas. It would provide housing in an established urban area that has good access to services, employment, transport and infrastructure. This acceptability is further strengthened by locally specific policy within the Alpine Planning Scheme that directs and encourages medium density development into a centrally mapped area. Clause 21.07-1 contains the strategy to 'direct medium density development into identified precincts' (shown yellow) as shown in Figure 5 below (Butler Court identified by arrow).

**Figure 5: Bright Structure Plan**



The proposal also adequately addresses bushfire risk with proposed conditions to be implemented on any permit granted that would see the risk to life and property reduced to an acceptable level.

Clause 15.01-1S Urban Design has the objective:

To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.



The design of the proposed dwellings adequately addresses the requirements of Clause 55 ResCode with regard to on and off-site amenity impacts. This will be discussed in the later part of this report.

### **Zoning**

The subject land zoned General Residential Zone Schedule 1. An application for multiple dwellings on the site must be assessed against Clause 55 ResCode. In order to achieve compliance with Clause 55 a development needs to be developed site responsively taking into account not only the subject land constraints but also its surrounds, for example adjoining habitable windows and existing secluded private open space must not be impacted or overlooked. In brief the development proposed with its layout and design characteristics has ensured the both the objectives of Clause 55 are met and those of the General Residential Zone Schedule 1 by offering housing diversity to the Bright Township.

### **Bushfire Management Overlay Schedule 1 and Clause 53.02 Bushfire Planning**

The application has satisfactorily addressed the objectives of the BMO and Clause 53.02. The application was referred to CFA who had no objection to the proposal subject to planning permit conditions.

### **Clause 52.06 Car Parking**

The proposed four dwellings generate a total of five required car parking spaces. Each two bedroom dwelling requires one space each, with the three bedroom dwelling requiring two spaces. The development is not required to provide any additional visitor car parking onsite this requirement is only necessary at five or more dwellings. The proposed car spaces are all located in garages and therefore conveniently accessed to each dwelling. The shared common driveway area is further designed in to ensure all cars entering and exiting the site can do so in a forward direction to ensure maximum safety.

### **Clause 55 Two or More Dwellings on a Lot**

As previously mentioned the proposal has been assessed against the relevant clauses of Clause 55 and found it to be consistent with its standards and objectives. As many of the points of objection directly relate to Clause 55 requirements the following is in direct response to those points already listed:

- Increased car movements

Council's Development Engineer reviewed the application and is satisfied that the proposed additional traffic movements from three additional dwellings onto Butler Court and surrounding road network is acceptable and that no infrastructure upgrades are required as a result of this proposal

- Car parking pressure on street

The curved alignment of Butler Court, the court bowl itself along with the existing driveway crossovers creates limited on street parking opportunity. Whilst car space compliance has already been discussed and shown to comply, it must be noted that additional spaces onsite would begin to compromise the developments landscaping opportunity. It is conceivable that additional housing



in the street would at times generate more parking demand; however, the large public unrestricted car park abutting the nearby Senior Citizen Centre (170m away) provides an acceptable opportunity in peak usage periods of the street.

- Elderly residents in street

With car movements entering and exiting the street in a forward direction shown to be an acceptable design outcome and representing best practice in multiple dwelling developments. Combine this with the shortness of the street and low average speed as a result ensures road users particularly in the absence of a footpath in Butler Court won't be subject to a change in risk regarding road usage as a result of this proposal.

- Excessive Density

The density average for the development is one dwelling to 219m<sup>2</sup>. Whilst this is below the current average of Butler Court of 413m<sup>2</sup> it must be recognised that this land is strategically located in an area where increased density is being directed and encouraged by the planning system. The proposed density in this centrally strategically acceptable location is appropriate in future planning for the township of Bright.

- Two Storey Design

The proposed two storey design is able to be permitted in a GR1Z area and it should be noted that this zoning can also allow for buildings up to 9m in height allowing for a third level to be considered. The proposed second storey elements have been well articulated with design features further combined with a variety of finishes to be used will ensure this two storey development won't unreasonably visually dominate the area.

- Overshadowing

A development can't excessively overshadow existing secluded private open space or impact daylight to existing north facing habitable room windows. An assessment of the surrounding properties combined with the applicants supplied shadow diagrams that have been checked via the Clause 55 assessment shows the development to be compliant against the overshadowing requirements.

- Overlooking

Both existing habitable room windows and secluded private open space must be recognised when positioning new windows or areas of the same use within a 9m distance measured with a 45 degree arc (measured at ground level). In accordance with the Clause 55 requirements as needed the development suitable addresses these potential areas of conflict by incorporating screens, 1.7m window sill heights or obscured glazing which is all recognised and accepted mitigating treatments.

- Inadequate Private Open Space

The private open space requirements must be located to the side or rear of a dwelling, receive acceptable sunlight and in this instance be either 40m<sup>2</sup> at



ground level or 8m<sup>2</sup> at a balcony level. The proposed development has met all the minimum required open space area requirements.

- Noise from Private Open Space areas

The potential for unreasonable noise impacts emanating from this development onto surrounding residents isn't a planning requirement covered by Clause 55. Should future anti-social behaviour or similar occur onsite and begin to affect surrounding residents then this none-planning related matter should be handled reactively by law enforcement personal at that time.

- Potential use of Garage Roof space for Unit 4

Whilst no development is proposed above unit 4 garage, the applicant has agreed to ensure no future thought is given to the scenario by agreeing to enter into a Section 173 Agreement should approval be granted restricting any development or use with in this airspace.

- Air Conditioning/Services locations and noise impact

All services are to be located along the eastern boundaries. These air conditioning compressors and the like will be located at ground level and have a 1.8m high fence located less than 2m away creating a high barrier/buffer for any potential noise impacts on existing neighbours. EPA noise regulations given future protection to any adverse impacts that can arise for servicing noise, however, in this instance given their location no adverse impact is foreseen.

- Proposed fences

Fences required as a result of ensuring planning Clause 55 compliance will need to be constructed in conjunction with the development. The proposed front fence is setback from the front boundary in order to allow for landscaping to be located forward of it to soften its presence. Furthermore, the proposed front fence will be of a higher feature like quality and be brick pillar in design with timber horizontal slates in filled between.

- Stormwater capacity

The stormwater capacity concerns relate to the acknowledged choke point within the system located at the end of Butler Court. This proposal won't add storm water to this system but rather a separate stormwater system located at the rear of the site that separately discharge to the nearby Morses Creek.

- Lack of visitor parking onsite

As discussed previously this development complies with all planning car parking requirements.

- Lack of strategic plan for nearby commercial area of Wills Street and associated impacts on Butler Court.

This topic was discussed at the well-attended planning forum. It was conveyed that Council's Assets Department had a car parking strategy for Bright.





## **CONCLUSION**

The proposal has been assessed against the relevant provisions of the Alpine Planning Scheme, including the Planning Policy Framework, the Local Planning Policy Framework, the General Residential Zone Schedule 1 and Bushfire Management Overlay. It has been determined that the proposed development is satisfactorily addresses the design considerations of Clause 55 and is an acceptable design outcome in the context of the surrounding and developing neighbourhood character.

## **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
- Senior Planning Officer

## **APPENIDIX**

- 9.3.7 (A) – Proposed Condition
- 9.3.7 (B) – Policy and decision guidelines



### **9.3.7 APPENDIX (A) Proposed Conditions**

#### **DEVELOPMENT CONDITIONS**

1. The layout of the site and the size of the proposed buildings and works must be generally in accordance with the endorsed plans which form part of this permit. The endorsed plans must not be altered or modified (whether or not to comply with any statute statutory rule or local law or for any other reason) without the consent of the responsible authority.
2. The external materials of the dwellings 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.
3. 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.
4. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - a. Transport of materials, goods or commodities to or from the land;
  - b. Appearance of any building, works or materials;
  - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - d. Presence of vermin;
5. The Body Corporate must provide a regular private waste collection including a regular collection of recyclable materials for the land to the satisfaction of the Responsible Authority. Council's waste collection contractor will not service the dwellings. This condition must be brought to the attention of all prospective purchasers of buildings to be constructed on the land by inclusion of a copy of the planning permit in the Vendors Statement affecting the land.
6. Prior to the occupation of any of the buildings hereby approved, a waste management plan must be submitted to the Responsible Authority for approval. Such plan must provide details of regular garbage collection service to each of the dwellings on the subject land, including information regarding the type of refuse bins, type and size of trucks, means of accessing bins and frequency of refuse collection, to the satisfaction of the Responsible Authority. The collection of waste must only occur between 8:30am and 5pm.
7. Before the occupation of the dwellings commence or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.



8. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.
9. All boundary and internal fences as shown on the endorsed plans must be 1.8m high fences.
10. Any walls on the boundary of an adjoining property shall be cleaned and to the satisfaction of the responsible authority.
11. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the responsible authority.
12. All approved stonework used must be natural stone to the satisfaction of the responsible authority.
13. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible 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.
14. Before the use of the development starts, the owner must enter into an agreement with the responsible authority made pursuant to section 173 of the Planning and Environment Act 1987 to provide for the following:
  - a) No development or use is permitted above the garage roof area of the approved unit 4.The owner must pay the reasonable costs of the preparation, including execution and registration of the section 173 agreement.
15. All screening proposed to prevent against overlooking must comply with the requirements of Clause 55.04-6 of the Alpine Planning Scheme to the satisfaction of the responsible authority.



## **ENGINEERING CONDITIONS**

16. Prior to issue of Statement of Compliance, plans must be submitted to and approved by the Alpine Shire Council. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. Construction detail must be shown, and shall be generally in accordance with Council's Infrastructure Design Manual ([www.designmanual.com.au](http://www.designmanual.com.au)).
17. Prior to issue of certificate of occupancy, the owner or developer must submit to the Alpine Shire Council a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb and channel, footpath, seal, street lights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to Alpine Shire Council's assets/public infrastructure caused as a result of the development or use permitted by this permit.
18. Prior to issue of certificate of occupancy, all stormwater 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 all stormwater generated on site is into the 375 mm stormwater pipe at the rear of the property.
19. Prior to issue of certificate of occupancy, the discharge from the site shall be retarded on site to the satisfaction of the Alpine Shire Council, to ensure a maximum discharge rate off-site as specified in the Infrastructure Design Manual.
20. Prior to issue of certificate of occupancy, vehicular crossings shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the Alpine Shire Council, and shall comply with the following:
  - a) Standard vehicular crossings shall be constructed at right angles to the road to suit the proposed driveways, and any existing redundant crossing shall be removed and replaced with concrete kerb and channel to match into the surrounding profile. The vehicle crossing must be constructed of plain grey concrete.
  - b) Any proposed vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense
  - c) crossings shall be constructed of concrete and be generally in accordance with IDM drawing SD240
21. 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.



The applicant must ensure that dust suppression is undertaken in the form of constant water spraying or other natural based proprietary dust suppressant to ensure that dust caused by vehicles moving along the (access road) and/or within the site does not cause a nuisance to surrounding properties to the satisfaction of the Alpine Shire Council.

22. Deliveries to and from the site for all commercial vehicles, including waste collection, must only take place between 7am and 7pm.
23. All roads/storage areas/external stockpiles/vacant or grazed areas must be covered and/or maintained to avoid dust and grit nuisance to any residential area to the satisfaction of the Alpine Shire Council.

### **CFA CONDITIONS**

Bushfire Management Plan required

24. Before the development starts, an amended bushfire management plan which is generally in accordance with the Bushfire Management Plan submitted with the application (prepared by Mountain Planning, dated 12 June 2018) must be submitted to and endorsed by the Responsible Authority. The plan must show the following bushfire mitigation measures, unless otherwise agreed in writing by the CFA and the Responsible Authority:

Defendable space

- a) Show an area of defendable space around the proposed dwelling 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.



Construction standards for all dwellings

- b) Nominate a minimum Bushfire Attack level of BAL - 12.5 that the building will be designed and constructed.

Water supply

- c) Show 2,500 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.
  - Have 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.

Access

- d) 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.

**EXPIRY CONDITION**

25. This permit will expire if one of the following circumstances applies:

- a) the development and use is/are not started within two years of the date of this permit.
- b) the development is not completed within four years of the date of this permit.

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



### **9.3.7 APPENDIX (B) Policy and decision guidelines**

#### **Planning Policy Framework**

The Planning Policy Framework (PPF) provides relevant direction to the proposal at the following clauses:

Clause 11.01 Settlement

Clause 11.01-1R Settlement - Hume

Clause 12.05 Significant Environments and Landscapes

Clause 13.02 Bushfire

Clause 15.01 Built Environment and Heritage

Clause 16 Housing

Clause 19.03 Development Infrastructure

#### **Local Planning Policy Framework**

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

Clause 21.03 Settlement, Built Form and Heritage

Clause 21.07-1 Bright

Clause 22.04 Infrastructure

#### **Zone**

The subject land is zoned General Residential Zone Schedule 1 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/32\\_08.pdf](http://planning-schemes.delwp.vic.gov.au/schemes/vpps/32_08.pdf)

#### **Overlays**

The planning permit application must address Clause 44.06 Bushfire Management Overlay. [http://planningschemes.dpcd.vic.gov.au/schemes/vpps/44\\_06.pdf](http://planningschemes.dpcd.vic.gov.au/schemes/vpps/44_06.pdf)

#### **General Provisions**

Clause 65 of the Alpine Planning Scheme provides the decision guidelines. [http://planningschemes.dpcd.vic.gov.au/schemes/vpps/65\\_01.pdf](http://planningschemes.dpcd.vic.gov.au/schemes/vpps/65_01.pdf)



## 10 ASSEMBLY OF COUNCILLORS

### INTRODUCTION

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

*Cr Pearce*

*Cr Nicholas*

*That the summary of the Assemblies of Councillor for September / October 2018 be received.*

*Carried*

### BACKGROUND

The written records of the assemblies held during the previous month are summarised below. Detailed assembly records can be found in Attachment 10.0 to this report.

<b>Date</b>	<b>Meeting</b>
26 September	Briefing Session
2 October	Briefing Session
23 October	Briefing Session

### ATTACHMENT(S)

- 10.0 Assemblies of Councillors – September / October 2018





## **11 GENERAL BUSINESS**

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

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

Nil

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

Nil



## 14 DOCUMENTS FOR SEALING

*Cr Nicholas*

*Cr Keeble*

*That the following documents be signed and sealed.*

*1. Section 173 Agreement – Wilson James McNally. Lot 2 on Plan of Subdivision 741933. Volume 11866 Folio 562. Conditions 6 and 16 of Planning Permit 2017.156.1 for a 2 lot subdivision at 3 Holmes Court, Porepunkah.*

*The Agreement is prepared for the purpose of an exemption from a planning permit activated by Bushfire Management Overlay requirements.*

*2. Alpine Shire Council lease of Lot 1 on PS 612929 being the land contained in Certificate of Title Volume 10529 Folio 040 to 041 for the private aircraft hangar located at Porepunkah Aerodrome in favour of Ian and Catherine King.*

*3. Contract No 1804301 in favour of Downer EDI Works Pty Ltd for the supply and deliver of Emulsion and Premix Asphalt to Council.*

*4. Section 173 Agreement – William George Andrews & Christine Ann Andrews Lot 1 on Plan of Subdivision 736009C. Volume 11888 Folio 761 Conditions 6, 7 and 16 of Planning Permit 2015.141.1 for subdivision of the land into two lots at 11 Porcellatos Lane, Bright.*

*The Agreement provides for the building envelope, driveway, planning permit exemption and implementation of bushfire mitigation measures.*

*5. Contract No CT18025 in favour of Alpine Locksmith Services Pty Ltd for the Lock Hardware Replacement.*

*Carried*

There being no further business the Chairperson declared the meeting closed at 9.08p.m

.....  
Chairperson



# ALPINE

SHIRE COUNCIL

## **Alpine Shire Council Quarterly Report**

**1 July – 30 September 2018**

**Presented to Ordinary Council Meeting – 4 December 2018**

# Alpine Shire Council Plan 2017-2021 – Progress Report

1 July – 30 September 2018

## Strategic Objective 1: A high performing organisation

Initiative / Indicator	Major initiative?	Progress to 30 September 2018
<b>Strategy: Advocate for the community on key issues</b>		
Conduct advocacy to all levels of government, and to key groups within the North East and Hume region.	No	Council continues to advocate to all levels of government, and key organisations within the North East.
<b>Strategy: Build a skilled organisation with a positive culture</b>		
Provide mandatory and targeted training to staff	No	28 training opportunities were provided to staff during the first quarter of 2018/19, which included 1 group training session, and 27 individual sessions. A total of 81 staff received training in Q1.
Staff turnover as a percentage of permanent staff numbers*	Indicator	Reported at end of financial year.
<b>Strategy: Communicate and engage with stakeholders</b>		
Council website refresh	Yes	Not yet commenced.
Community satisfaction with community consultation and engagement	Indicator	62 (2018 result).
<b>Strategy: Lead and govern with integrity</b>		
Improved performance data transparency	Yes	Balanced scorecard measures for 2018/19 have been finalised and first reporting will be in place for Q2 to track progress both organisational and departmental KPIs.
Percentage of Council decisions made at meetings closed to the public*	Indicator	Q1 = 4.23% YTD.
Percentage of councillors in attendance at ordinary and special Council meetings*	Indicator	Q1 = 90.48% YTD.

\* Both Local Government Performance Framework indicators, and Council Plan indicators.

## Strategic Objective 2: A responsible and sustainable organisation

Initiative / Indicator	Major initiative?	Progress to 30 September 2018
<b>Strategy: Balance financial, economic and community outcomes</b>		
Review of Council's policies and procedures	No	Policy and procedure review underway. 82 Council policies identified, 33 in progress. Of these 13 are recommended to be revoked as they may be combined with other policies or are no longer relevant.
Review of Council's business technology strategy	No	Expected to complete RFQ process to appoint a consultant to assist with this strategy project during November 2018.
<b>Strategy: Identify and manage Council's risk</b>		
Disaster recovery review	Yes	Initial strategic review completed, to be audited by an independent expert.
Lost time injury frequency rate	Indicator	Q1 = 0 YTD.
Overall financial sustainability risk rating	Indicator	Reported at end of financial year.
Percentage of planned hazard inspections undertaken	Indicator	Q1 = 0 YTD.
<b>Strategy: Manage our financial resources sustainably</b>		
Procurement policy and procedures update	No	Procurement policy reviewed and adopted in 2017/18, intranet site also updated.
Ability to pay debts: Non-current liabilities as a percentage of own source revenue*	Indicator	Reported at end of financial year.
Available revenue: Adjusted underlying surplus (or deficit) as a percentage of underlying revenue*	Indicator	Reported at end of financial year.
Working capital: Current assets as a percentage of own source revenue*	Indicator	Reported at end of financial year.
<b>Strategy: Provide an excellent customer experience</b>		
Customer request management improvement	Yes	High level requirements completed in 2017/18, currently conducting a simple trial of the request management functionality that comes as part of Council's asset management system. To be further reviewed as part of Council's technology strategy review.
Customer excellence policy	No	Customer promise finalised in conjunction with Councillors in 2017/18. Launch timing is not yet scheduled.
Community satisfaction with customer service provided	Indicator	70 (2018 result).

\* Both Local Government Performance Framework indicators, and Council Plan indicators.

### **New telephony system**

A new telephony system was rolled out to the Bright office, the Visitor Information Centres and the depots. New customer greetings were recorded and the customer service team is already seeing benefits such as improved call routing between team members and call statistics reporting.

### **New payroll system**

A new payroll system was introduced from 1 July 2018. The system has proved to be user friendly and intuitive and has introduced some improved functionality, such as the ability to configure work patterns.

### **Rates revaluation**

Rates notices were issued for the new financial year with property revaluations updated for the first time since 2016, in line with the standard two-year cycle. This meant that although the average rate increase stayed within the rate cap of 2.25%, some ratepayers' bills went up more than others, and others decreased, depending on how their property values fared compared to others. Ratepayers in certain areas such as Bright were particularly affected by property value increases. Council conducted a proactive communications strategy to let ratepayers know of the potential impacts including a media release, Facebook post, radio interview and rates flyer detailing how rates money is spent. Additional staffing was provided to customer service and rates departments to handle additional enquiries and payments.

### Strategic Objective 3: Incredible places for our community and visitors

Initiative / Indicator	Major initiative?	Progress to 30 September 2018
<b>Strategy: Deliver Council's capital works program on time, to budget, and to the satisfaction of stakeholders</b>		
Alpine Better Places - Myrtleford	Yes	Construction of the Stage 1 - Standish Street Roundabout was completed in 2017/18. Stage 2 construction is well underway in both Jubilee Park and Myrtle Street, with works scheduled for completion in April 2019.
Myrtleford Indoor Sports Stadium expansion	Yes	A public tender process has been carried out, and tenders assessed ahead of a recommendation to award a construction contract at the October Council Meeting.
Myrtleford Library upgrade	Yes	Tenders are currently being sought for the construction of both the internal and external upgrade works. Construction is due to commence in February 2019 for completion in April 2019.
McNamara Reserve netball and tennis facilities	Yes	A construction contract was awarded at the September 2018 Ordinary Council Meeting. Construction is scheduled to commence in October 2018.
Alpine Events Park	Yes	The Alpine Events Park project is over 85% complete with the Multi-purpose Facility completed for use in September 2018. The Hero Trail extension and Coronation Avenue crossing commenced in September 2018 and will be completed in early November 2018.
Refurbishment of Bright Council office	No	A contract has been awarded and construction is anticipated to commence in January 2019 for completion in April 2019.
Deliver renewal programs for Council assets	No	All renewal projects have been resourced with project managers and are being prepared for procurement of the works prior to the end of 2018.
Ratio of capital works program actually delivered compared to budgeted	Indicator	This will be reported at half year.
<b>Strategy: Identify our community's infrastructure expectations</b>		
Community access to our project pipeline	Indicator	The community was provided access to Council's Project Dashboard in late 2017/18. Community access to the Project Pipeline is anticipated in Q2.

### **Completion of the Alpine Events Park Multipurpose Facility**

The new Alpine Events Park Multipurpose Facility was completed in September 2018. This building replaces the old pavilion adjacent to the grandstand and contains a scalable event space, commercial kitchen, cold store, dry store, amenities and a meeting room. The entire facility also contains a state-of-the-art electronic locking system. The lower level change rooms were completed for use in April 2018.

The Bright United Football and Netball Club held the first event in the new facility in late September, and other local community groups are already requesting access to the facility. A formal opening event is planned for March 2019.

### **Bright Car Parking Plan**

The Bright Car Parking Plan was completed in September and is scheduled to be presented for adoption at the October Council Meeting. The plan was informed by site investigations and extensive community consultation. The plan outlines a significant number of infrastructure improvements, as well as a staging plan and priority for their implementation over the next six years.

### **Tawonga Barbeque Shelter**

The new barbeque shelter at Pioneer Memorial Park in Tawonga was completed in September 2018. This shelter was funded under Round 3 of the Stronger Communities Programme, with an equal co-contribution from Council, as well as a significant amount of time and effort from the Tawonga and District Community Association and in-kind services from numerous local businesses. The project included new picnic furniture, concrete paving, a drinking fountain and lighting.



## Strategic Objective 4: Infrastructure and open space that our community is proud of

Initiative / Indicator	Major initiative?	Progress to 30 September 2018
<b>Strategy: Maintain Council's parks, trees and reserves</b>		
Elm Leaf Beetle treatment	Yes	Elm Leaf Beetle treatment was completed in September 2018. 977 trees were treated. Council now has a GIS layer that shows specific location of trees that will require treatment in the future. Treatment is not due for another four years.
<b>Strategy: Manage and maintain Council infrastructure</b>		
Deliver maintenance programs for civil infrastructure	No	Annual external audit of playgrounds with maintenance undertaken in winter including cleaning, replacement of soft-falls and installation of rubber. Playground signage has been updated as recommended by MAV.
Undertake activities in accordance with Road Management Plan (RMP)	No	Bridge, road and footpath inspections are currently being undertaken. Prioritised works will commence following inspections. Unsealed grading program has commenced.
Community satisfaction with sealed local roads*	Indicator	60 (2018 result).
<b>Strategy: Prepare for and assist in the response to emergency events</b>		
Undertake activities in accordance with Municipal Emergency Management Plan (MEMP)	No	A desktop emergency exercise is planned for Q2. Emergency Management officers attended regional training during Q1. Sub-plans such as the Fire Management Plan are currently being worked on. Fire prevention notices will be issued in Q2.
Audit of the Municipal Emergency Management Plan	Indicator	Successful audit completed in September 2018, with certificate received.
<b>Strategy: Understand and plan for Council's asset renewal requirements</b>		
Asset management system implementation	Yes	Currently undertaking a customer request system trial. Training has been provided to asset management team. Plant and fleet have been added. Rollout through rest of year.

\* Both Local Government Performance Framework indicators, and Council Plan indicators.

### Municipal Emergency Management Plan

Council adopted the updated Municipal Emergency Management Plan (MEMP) in August 2018, ahead of the scheduled three-yearly audit in September 2018. Council received positive feedback about the plan, and successfully passed the audit process, with a certificate of compliance received.

## Strategic Objective 5: Highly utilised and well managed community facilities

Initiative / Indicator	Major initiative?	Progress to 30 September 2018
<b>Strategy: Align services with community expectations</b>		
Kerbside organic service customer survey	Yes	Not yet commenced.
Trial of free green waste disposal weekends	Yes	There is provision for two such weekends in 2018/19. Dates are yet to be set.
<b>Strategy: Deliver quality services for our community</b>		
Deliver municipal waste and recycling services	No	Ongoing.
Kerbside collection bins missed per 10,000 households*	Indicator	Q1 = 1.31 YTD.
Kerbside collection waste diverted from landfill*	Indicator	Reported at end of Q2.
<b>Strategy: Soundly operate and manage community facilities</b>		
Review membership programs at Bright Sports Centre	No	Undertaken as a part of annual budget process.
Deliver visitor information centres, seasonal pools and sports centre services	No	Ongoing.
Libraries website update	Yes	Not yet commenced.
Deliver library services including specialist programs and activities	No	Ongoing programs are delivered through the year with recent highlights including mad scientist workshops, craft sessions, a poetry workshop, and a teddy bear's sleepover.
Cost of indoor aquatic facilities per visit*	Indicator	Reported at end of financial year.
Cost of outdoor aquatic facilities per visit*	Indicator	Reported at end of financial year.
Number of visits to aquatic facilities per head of municipal population*	Indicator	Q1 = 0.23 visits YTD (note that seasonal outdoor pools were not open in Q1).
Cost of library services per visit*	Indicator	Reported at end of financial year.
Percentage of the population that are active library members*	Indicator	Q1 = 11.51% YTD.

\* Both Local Government Performance Framework indicators, and Council Plan indicators.

### **Lease issued for the Operation and Management of the Myrtleford Holiday Park**

After an extensive process Council has entered into the long term lease for the operation and management of the Myrtleford Holiday Park. The lessee is Sustainable Park Solutions Pty Ltd. The lease is for a period of 21 years and provides for substantial capital improvements at the park over the initial 3-5 years including additional powered sites, cabins, ensuite sites and upgrade of the amenities blocks. Sustainable Park Solutions is an experienced park operator with a demonstrated record of high quality operations and facility standards.

### **New Hangar Leases at Mount Beauty Airfield**

Council issued four new leases for hangars at the Mount Beauty Airfield. This brings the number of leased hangar at the airfield to nine. Construction of the hangars is expected to be complete by end of 2018. This is a significant investment in the airfield and will result in increased use of this substantial asset.

### **Library programs**

The Alpine libraries hosted another successful round of school holiday activities which were well attended with excellent feedback. All three libraries hosted a children's author and entertainer; and crafts included glass beaded lanterns, faux stained glass, tote bags, little monsters and wind chimes. The community creator Lego activity in Bright Library was a particular hit. Several workshops for older patrons were also conducted across Saturday mornings including a poetry workshop and a creative goal setting workshop.

### **Procurement of library resources**

A review of the procurement of library resources such as books, DVDs and e-audio was completed by the Library Hub for the four councils who participate as members of the High Country Library Network. These include Alpine Shire Council, the Rural City of Wangaratta, Benalla Rural City Council, and Mansfield Shire Council. The exercise ensured that councils are getting best value for a collective spend of over \$400,000 on library resources, by reviewing supplier discounts and value-adding services. The exercise confirmed that most of the incumbent suppliers are providing best value for money; one incumbent relationship was reduced to trial an alternative supplier with attractive discounts and improved reporting.

## Strategic Objective 6: A well planned and safe community

Initiative / Indicator	Major initiative?	Progress to 30 September 2018
<b>Strategy: Enforce local laws, regulations and codes</b>		
Undertake a review of Local Laws	Yes	Local Laws review is under way with legal and consultation specialists appointed, and preliminary consultation and drafting of the new Local Law under way.
Implement Domestic Animal Management Plan (DAMP) initiatives	Yes	Council partnered with the two local vets in Alpine Shire who participate in national Desex Your Pet month in July. This resulted in almost 50 desexings taking place, with a number of these animals also being registered at the time of desexing.
Issue permits and enforce compliance for building, local laws, and environmental health	No	Council continues to deal with a large workload associated with compliance and issuing permits. In particular, Council has placed an emphasis on food premise inspections and providing education about safe food practices for businesses across the Shire.
Percentage of required food safety assessments undertaken*	Indicator	Q1 = 23.63% (please note that food safety assessments are treated per calendar year, rather than per financial year).
<b>Strategy: Plan for and manage development to enhance liveability</b>		
Land Development Strategy	Yes	An essential input to the strategy, the Upper Ovens Flood Study, has not yet been completed by NECMA.
Issue permits and enforce compliance for statutory planning	No	Council received 77 planning permit applications in Q1, consisting of 55 new permit applications and 22 amended permit applications. Council issued 81 outcomes in Q1, consisting of 52 new permits issued, 27 amended permits issued, and 2 permits refused.
Undertake planning amendments	No	Despite extensive advertising, the position of Strategic Planner has not been filled and there is very limited capacity to undertake strategic projects. Amendments will be prioritised and consultancy service utilised for those that are high priority.
Percentage of planning applications processed within 60 statutory days*	Indicator	Q1 = 90.12% YTD (includes all decisions made within statutory timeframes).
Time taken to decide planning applications*	Indicator	Q1 = 21 days YTD.

\* Both Local Government Performance Framework indicators, and Council Plan indicators.

### Local Laws review

Council has commenced the review of Local Laws, with engagement of legal and consultation specialists during Q1. This has enabled Council to conduct a preliminary review of the existing Local Laws and commence consultation with stakeholders and community groups.

### Domestic Wastewater Management Plan

Council is currently finalising its draft Domestic Wastewater Management Plan for public consultation later in the year. This will provide a framework for Council to manage all aspects of wastewater in the Shire, and will be supported by an Action Plan.

### **Desex your pet month**

Council has successfully partnered with the two veterinary clinics in Alpine Shire in the delivery of national Desex Your Pet month. Around 50 desexings were conducted over the month, with a number of pets also being registered with Council. This is an important national initiative that aims to support responsible pet ownership and pet health.

## Strategic Objective 7: A thriving and connected community

Initiative / Indicator	Major initiative?	Progress to 30 September 2018
<b>Strategy: Create socially connected and supported communities</b>		
Deliver Maternal Child Health services	No	Ongoing.
Introduce Supported playgroups	Yes	Supported Playgroups Facilitator engaged in Q1. It is expected that playgroups and in-home visits as required of the program will commence in Q2.
Participation in the Maternal Child Health service*	Indicator	Q1 = 100% YTD.
Percentage of people who volunteer in the community	Indicator	Reported at end of financial year.
<b>Strategies:</b> <b>Improve healthy eating and physical activity</b> <b>Stop family violence against women and children</b> <b>Reduce the incidence of alcohol and other drug related harm</b>		
Provide community programs from youth to seniors	No	Community Grant funding recommendations for 2018/19 were endorsed by Council at the August Council meeting and projects are underway.
<b>Strategy: Strengthen visitor attraction and experience</b>		
Provide support for tourism including events and destination marketing	No	Event funding program recommendations for 2018/19 were endorsed by Council at the August Council meeting. Council is currently receiving and processing Event Permit applications for these events with majority of events being delivered through Q2, and Q3 of 2018/19. Destination Marketing activity, as planned and budgeted, is being delivered by Tourism North East and Council and is currently underway.
Implement an Events Management system	No	Stage 1 of the Event Delivery Review project has been completed, with Stage 2 underway and to be completed in Q2. An appropriate management system will be recommended through the report and is planned to be delivered in Q3 or Q4 of 2018/19.
Number of permitted festivals and events in the Alpine Shire	Indicator	Reported at end of financial year.
Visitor numbers	Indicator	Reported at end of financial year.
<b>Strategy: Support and encourage investment and enterprise</b>		
Mount Buffalo business case and activation assessment	Yes	The consultant has completed their feasibility assessment of the 7 concepts identified in 'The Vision' document, and issued their Final Report to the Task Force. The Task Force is now focussing their efforts on the activation component of the project.
Provide economic development advice for businesses	No	Ongoing.
Increase small business and light industry in the Shire	Indicator	Reported at end of financial year.

\* Both Local Government Performance Framework indicators, and Council Plan indicators.

## Dinner Plain ski season

Weather and natural snow fall conditions were at an optimal level for the 2018 ski season. The Cobungra Platter lift opened for a total of 92 days of the 114 day ski season. Weather conditions allowed for 25 snowmaking sessions to be undertaken on the ski slope throughout the season, delivering 7,681m<sup>3</sup> of man-made snow. The success of the ski slope at Dinner Plain continues to be as a result of the snow making infrastructure project completed by Council and targeted marketing campaigns in the lead up to and during the ski season, including leveraging billboard advertising of the Snow Victoria campaign.



**Snow making was possible in Dinner Plain on 25 occasions during winter 2018.**



**Cobungra Platter lift was open for 92 days, keeping snow groomers busy during winter 2018.**

## Official Visitor Guide

The review and redevelopment of the Official Visitor Guide for the Shire townships was completed in this quarter with a 40,000 print run and distribution of collateral into market occurring in Q2.

## Youth Awards

This annual event was delivered in September and recognised the achievements of youth from across the Shire. This year the event was held in Mount Beauty and organised by a team of motivated youth from Mount Beauty and surrounds. A total of 73 nominations were received across the eight categories. The celebration event was attended by 200 people and entertainment provided by young local artists.

## Grant application success

A number of grant applications were successful in this quarter. Each of the funds received will address actions as identified in the Municipal Public Health and Wellbeing Plan key priority areas:

- \$100,000 over two years to support the MTBA National Championships and Oceania Championships in 2019 (Sports and Recreation Victoria).
- \$36,500 "Free from Family Violence – Local Government project" (Office for Women). This project will deliver gender equity training, an audit, a gender equity policy/roll out training and bystander training for Alpine Shire Council.
- A total of \$51,096 to support two projects,
  - Purchase of a VMS board to provide road safety messaging; and
  - Develop a Cycle Safety Strategy for the Shire (TAC).
- \$75,000 to develop a "Kindergarten Central Enrolment Scheme" for Alpine Shire. This project will be delivered in partnership with third party organisations delivering kindergarten services across the Shire (Department of Education).

- \$25,000 to develop a model for possible co-resourcing of Maternal Child Health services with neighbouring Councils. This project will be completed in partnership with Indigo Shire Council and Rural City of Wangaratta (Department of Education).
- \$75,000 across three years for the delivery of FReeZA initiatives across the Shire. This is an increase on previous amounts received.





# Alpine Shire

## FINANCE COMMITTEE CHARTER

*DOCUMENT UNCONTROLLED WHEN PRINTED*

### DOCUMENT CONTROL

<b>Charter Number:</b> 002	<b>Status:</b> Draft	
<b>Approved by:</b> Council	<b>Date approved/adopted:</b>	<b>Next review date:</b> February 2020
<b>Department:</b> Corporate	<b>Contact person:</b> Manager Corporate	

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## REVISION RECORD

<b>Date</b>	<b>Version</b>	<b>Revision description</b>
1/02/16	1.0	Draft
5/7/16	1.0	Council adoption
3/10/18	2.0	Draft

**1. PURPOSE**

The role of the Finance Committee (the "Committee") is to advise Alpine Shire Council ("Council") as to the prudent, fair and transparent management of Council finances in a manner that best supports Council objectives.

**2. AUTHORITY AND RESPONSIBILITIES**

The Committee has no delegated power however is responsible for advising Council on issues relating to the management of Council's finances. This includes providing oversight that:

- Appropriate financial policies and strategies are in place to best support Council objectives, including income generating strategies and expenditure allocation;
- Accounts are kept and that financial reporting is accurate, transparent, and well communicated to relevant stakeholders;
- Financial budgets are properly prepared and reported on; and
- Financial risks and opportunities are monitored and appropriately managed.

**3. COMPOSITION**

The Committee will consist of two Councillors and will be supported the Chief Executive Officer, Director Corporate, the Manager Corporate, and the Council's Accountant. The Councillors will be nominated annually at its December Ordinary Council Meeting.

**4. MEETINGS**

- The Committee will meet a minimum of three times a year, with authority to convene additional meetings as circumstances require.
- Two Councillors are required to be in attendance to have a quorum.
- Appropriate briefing materials will be prepared and provided at least one week in advance to members, and minutes of the Finance Committee with be provided to Council's Audit Committee.

.....  
COUNCILLOR

Print Name

.....  
COUNCILLOR

Print Name

.....  
CHIEF EXECUTIVE OFFICER

Print Name

# Finance Report Quarterly Review



For the period ending 30 September 2018



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## Introduction

### Preparation of report

The purpose of this report is to provide Council with an overview of quarterly results and an update on the forecast financial position for the year against budget, and it includes:

- Income statement
- Cash balance
- Departmental income/expenditure summary
- Capital works summary.

This report excludes the balance sheet summary and detailed month-on-month cash trend which are usually reported as part of Council's standard quarterly reports. This is due to a) the Q1 reporting cycle being one month earlier than last year, to meet Audit Committee timetables, and b) the Council's accountant being on leave. A full view of these items will be reported once more as part of the Q2 Report.

Explanations are provided for variances greater than \$100,000.

The report has been prepared as required under section 138 of the *Local Government Act 1989* and has not been audited. Explanations for budgets and variances have been provided by each department and reviewed by the Finance department.

The report is presented to the Finance Committee, and also to the Audit Committee for noting.

### Summary

Council is forecasting a full year surplus of \$4.1m, which is \$0.4m higher than budgeted surplus of \$3.7m.

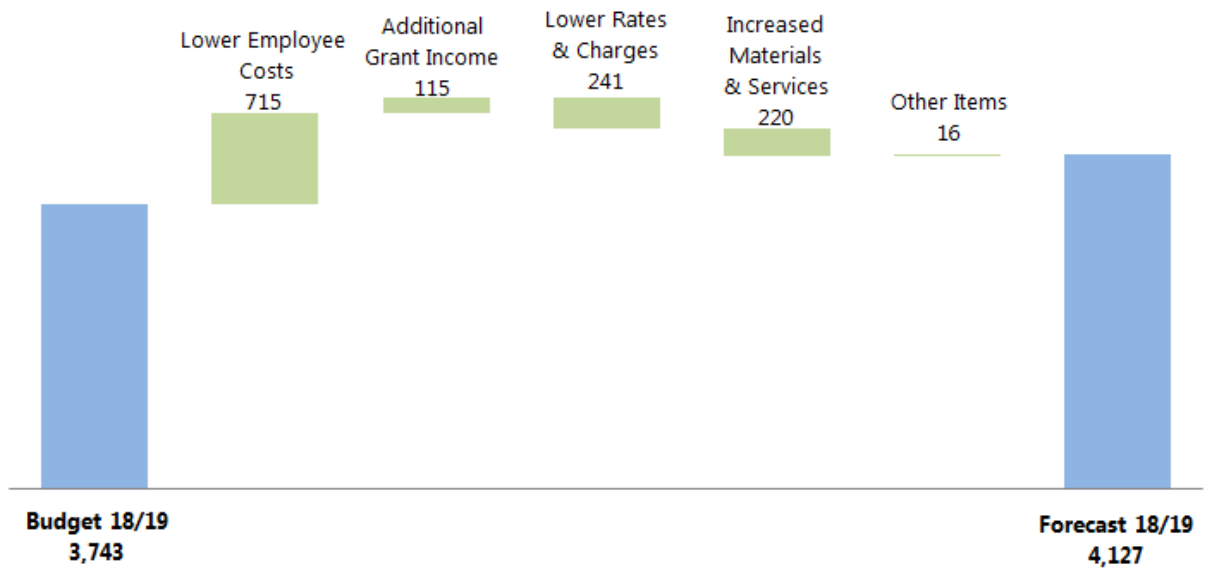
The primary drivers of this increase include:

- Lower than expected employee costs by \$0.7m, largely due to the impact of vacant positions, and
- Higher than expected grant income by \$0.1m, due primarily to higher than expected Victorian Grants Commission funding (\$0.03m) and additional funding obtained for the delivery of an Enhanced Maternal Child Care Service (\$0.06m).

These favourable items were partially offset by other items including:

- Lower than expected rates and charges, due to an unexpected 25% capacity factor discount on the Rates in Lieu budgeted from AGL (\$0.2m);
- Higher than expected materials and services expenses (\$0.2m) due to a number of variances including:
  - a) An omission in budget relating to the cost of library books (\$76k);
  - b) Carry forward of spend on the Mount Buffalo Business Case Assessment and Activation project (\$56k) (which is grant funded);
  - c) Higher than expected usage of the Dinner Plain Bus resulting in extra park entry fees (\$40k);
  - d) Unbudgeted costs of running Myrtleford Holiday Park until September (\$35k);
  - e) Workforce support against vacant positions (\$28k);
  - f) A grant funded unbudgeted project, Maternal Child Health – Hard to Staff Incentive Project (\$25k).

### Q1 Forecast to FY18/19 Budget Surplus (\$k)



## Finance Report – Quarterly Review

## Income Statement - year end forecast against budget

	Actual YTD Sept \$'000	Budget Full year \$'000	Forecast Full year \$'000	Variance		Ref
				\$'000	%	
<b>Income</b>						
Rates and charges	17,493	18,050	17,809	(241)	-1%	<b>1</b>
Statutory fees and fines	113	571	571	-	0%	
User fees	245	1,043	1,043	-	0%	
Contributions - cash	228	772	775	3	0%	
Contributions - non-monetary assets	-	205	205	-	0%	
Grants - Operating (recurrent)	806	2,229	2,344	115	5%	<b>2</b>
Grants - Operating (non-recurrent)	131	845	850	5	1%	
Grants - Capital (recurrent)	-	450	450	-	0%	
Grants - Capital (non-recurrent)	1,083	3,025	3,025	-	0%	
Other income	295	852	860	8	1%	
<b>Total income</b>	<b>20,394</b>	<b>28,042</b>	<b>27,932</b>	<b>(110)</b>	<b>0%</b>	
<b>Expenses</b>						
Employee costs	1,850	8,151	7,436	(715)	-10%	<b>3</b>
Materials and services	2,651	10,390	10,610	220	2%	<b>4</b>
Depreciation and amortisation	1,180	4,719	4,719	-	0%	
Landfill rehabilitation	6	185	185	-	0%	
Other expenses	129	754	754	-	0%	
Net gain on disposal of property, infrastructure, plant and equipment	-	100	100	-	100%	
<b>Total expenses</b>	<b>5,816</b>	<b>24,299</b>	<b>23,804</b>	<b>(495)</b>	<b>-2%</b>	
<b>Surplus (deficit) for the year</b>	<b>14,578</b>	<b>3,743</b>	<b>4,127</b>	<b>385</b>	<b>9%</b>	

## Income Statement – explanations of variances

Ref	Item	Explanation
<b>1</b>	Rates and charges	Unexpected 25% capacity factor discount on AGL Rates in Lieu 17/18 and 18/19.
<b>2</b>	Grants – Operating (recurrent)	Victorian Grants Commission funding higher than expected (\$34k); additional funding obtained for the Enhanced Maternal Child Health Service (\$60k); higher than expected libraries funding (\$5k) and higher than expected FreeZa funding (\$5k).
<b>3</b>	Employee Costs	Lower than budgeted due to the ongoing impact of vacancies. Will monitor backfill via Workforce Support budget, currently at \$28k.
<b>4</b>	Materials and Services	Error in library books budget (\$76k); carry forward on Mount Buffalo Business Case Assessment and Activation project (\$56k); higher than expected usage of the Dinner Plain Bus leading to extra park entry fees (\$40k); unbudgeted cost of running Myrtleford Holiday Park until September (\$35k); workforce support (\$28k); unbudgeted project, Maternal Child Health – Hard to Staff Incentive Project (\$25k). Somewhat offset Supported Playgroups savings where a 0.5 FTE resource has been appointed instead of a contractor (\$45.5k).



## Finance Report – Quarterly Review

## Cash and Investments

The cash balance was \$17.9 million at the end of Q1, of which \$15m was in term deposits. This was \$3.3m higher than the 2017/18 Q1 cash balance of \$14.6 million, with contributing factors including:

- A lower capital expenditure in 2017/18 than 2016/17 (\$1.5m)
- Lower employee expenses in 2017/18 than 2016/17 (\$1.4m)
- Higher rates and charges in 2017/18 than 2016/17 (\$0.5m)
- Lower materials and services in 2017/18 than 2016/17 (\$0.2m)

This cash balance is expected to reduce by circa \$2m over the course of the year due to Council's large capital works program (\$11.3m).

## Departmental Summary

	Actual YTD September \$'000	Budget Full Year \$'000	Forecast Full Year \$'000	Variance \$'000	Ref
<b>Income</b>					
Asset Development	1,141	3,911	3,968	57	
Asset Maintenance	81	193	194	1	
Corporate Services	15,331	18,315	18,111	(204)	<b>1</b>
Councillors and Executive	3	5	5		
Economic and Community Development	280	736	798	63	
Facilities	3,861	4,384	4,708	324	<b>2</b>
Planning and Amenity	148	806	806		
<b>Grand Total</b>	<b>20,844</b>	<b>28,350</b>	<b>28,590</b>	<b>241</b>	
<b>Expenditure</b>					
Asset Development	494	11,924	12,294	370	<b>3</b>
Asset Maintenance	458	2,699	2,704	5	
Corporate Services	1,084	2,600	2,815	215	<b>4</b>
Councillors and Executive	1,693	8,677	8,705	28	
Economic and Community Development	632	1,594	1,667	73	
Facilities	552	3,625	3,711	86	
Planning and Amenity	13	445	462	17	
<b>Expenditure Total</b>	<b>4,925</b>	<b>31,564</b>	<b>32,358</b>	<b>794</b>	

## Departmental summary – explanations of variances

Ref	Item	Explanation
<b>1</b>	Corporate Services Income	Unexpected 25% discount on AGL Rates in Lieu in 17/18 and 18/19.
<b>2</b>	Facilities	Unbudgeted proceeds from Myrtleford Holiday Park Lease.
<b>3</b>	Asset Development Expenditure	Additional budget required for Alpine Events Park (\$0.3m); unbudgeted works to repair Gapsted Rail Trail Bridge (\$0.06m); unbudgeted projects including Variable Sign Messaging Board (\$0.02m), Cycle Safe Strategy (\$0.02m) and Lock Hardware Renewal (\$0.02m). Partially offset by potential removal of Myrtleford Pool Plant project as repair may have fixed problem (\$0.1m).

## Finance Report – Quarterly Review

Ref	Item	Explanation
4	Corporate Services Expenditure	Incorrect allocation of Workcover premium to Corporate, to be journalled to payroll budget (\$0.16m); budget error for library books (\$0.08m); partially offset by potential savings on disaster recovery project due to identification of more cost effective solutions (\$0.03m).

## Capital Works Summary

The following table summarises all capital works projects where the forecast full year income or expenditure varies from the budgeted amount by more than 10%/\$10,000.

	Actual YTD September \$'000	Budget Full Year \$'000	Forecast Full Year \$'000	Variance \$'000	Ref
<b>Income</b>					
Gapsted Rail Trail Bridge Renewal Income	26		26	26	1
Variable Messaging Sign Board Income	16		26	26	2
Cycle Safety Strategy Income	15		25	25	3
<b>Expenditure</b>					
Alpine Events Park	325	350	650	300	4
McNamara Reserve Netball And Tennis Facilities	2	450	650	200	5
Gapsted Rail Trail Bridge Renewal			59	59	6
Variable Messaging Sign Board			26	26	7
Lock Hardware Renewal Stage 1			25	25	8
Cycle Safety Strategy			25	25	9
Myrtleford Pool Plant		110		(110)	10

## Capital works summary – explanation of variances

Ref	Item	Explanation
1	Gapsted Rail Trail Bridge Renewal Income	Claim against the Contractor's bank guarantee resulting from damage to the Gapsted Rail Trail Bridge during execution of the resealing works in March 2016.
2	Variable Messaging Sign Board Income	New unbudgeted grant from the Transport Accident Commission (TAC).
3	Cycle Safety Strategy Income	New unbudgeted grant from the Transport Accident Commission (TAC)
4	Alpine Events Park	Forecast expenditure exceeds budget due to additional costs incurred in addressing rebuild of the lower level change rooms and omissions from the architect's plans for the upper level pavilion.
5	McNamara Reserve Netball And Tennis Facilities	Tendered price for the construction works exceeded budget due to scope omissions during concept design and due to market rates exceeding forecast. Contract award recommendation was adopted at the September 2018 Council Meeting.
6	Gapsted Rail Trail Bridge Renewal	Repair to Gapsted Rail Trail Bridge following damage incurred by the Contractor during resealing works in March 2016 (part funded as per item 1).

## Finance Report – Quarterly Review

Ref	Item	Explanation
7	Variable Messaging Sign Board	New unbudgeted project (100% grant funded as per item 2).
8	Lock Hardware Renewal Stage 1	Unbudgeted project to address critical areas of obsolescence in Council's lock hardware. Contract award recommendation was adopted at the October 2018 Council Meeting.
9	Cycle Safety Strategy	New unbudgeted project (100% grant funded as per item 3).
10	Myrtleford Pool Plant	Repair of the existing pool plant has been possible, making full replacement unnecessary.



## MINUTES

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**MEETING:** Audit Committee Meeting No: 2018/19-3  
**HELD:** Friday 26 October 2018 at 9.15am  
**LOCATION:** Committee Room, Bright Office

**IN ATTENDANCE:**

**Members:**

Sue Lebish, Chair  
Mark Anderson  
Gerard Moore  
Sinead Ryan  
Cr Kitty Knappstein  
Cr Sarah Nicholas

**Officers:**

Charlie Bird, Chief Executive Officer  
Nathalie Cooke, Director Corporate  
Will Jeremy, Director Assets  
Kirsten McDonald, Health, Safety and Risk Officer

***Vision Statement:***

*The Alpine Shire provides outstanding opportunities  
for its residents and visitors through sustainable growth  
in balance with the natural environment.*

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## 1. ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS AND RECOGNITION OF ALL PEOPLE

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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.

## 2. APOLOGIES

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Emma Woolaston, Manager Corporate

## 3. DECLARATION OF CONFLICT OF INTEREST

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Nil

## 4. MINUTES FROM PREVIOUS MEETING

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### 4.1 Confirmation of previous Minutes

*M Anderson requested grammatical changes to item 5 and minor changes for clarification to items 7.1 and 7.2.*

*RECOMMENDATION*

*That the Minutes of Audit Committee Meeting No: 2018/19-2 held on 12 September 2018 be confirmed.*

*Moved: M Anderson*

*Second: Sarah Nicholas*

*That the Minutes of Audit Committee Meeting No: 2018/19-2 held on 12 September 2018 be confirmed subject to grammatical changes to item 5 and minor changes for clarification to items 7.1 and 7.2.*

*Carried*

*ACTION:*

*Update minutes of Meeting No: 2018/19-2 held on 12 September 2018.*

### Attachments

4.1 Minutes of Audit Committee Meeting No: 2018/19-2, 12 September 2018

### 4.2 Business arising from previous Minutes

*The Committee discussed the VAGO outstanding actions, the need for clear work plans for each action, a process for ensuring systems are in place to deliver and resourcing requirements and options to complete the actions.*

## 5. STANDING ITEMS

---

### 5.1 Progress of Action Sheet

#### INTRODUCTION

The Audit Committee action sheet is a register of all Audit Committee resolutions and requests that require a subsequent action to be implemented. This report provides an update on the progress and status of the actions.

#### ***IT General Controls***

*S Lebish noted that in relation to IT general controls (items 18/09-11, 18/09-12 and 18/06-03) the Auditor had moved the rating from low to medium requiring a detailed action plan implemented within 3 to 6 months. The Director Corporate advised the Committee that significant work was occurring in this space to develop a road map by February 2019 and this would need to be reviewed to determine whether it meets the Auditors 3-6 month timeframe. The CEO advised the Committee that Council was exploring additional resources including trainees and an agreement with the Rural City of Wangaratta to provide support. In addition an independent assessment of the IT disaster recovery plan and scenario recovery options was being undertaken.*

#### ***Post Project Completion Stakeholder Survey***

*The Direct Assets gave the committee an overview of the results of the post project completion stakeholder engagement survey. The CEO indicated that Councils project engagement is improving each year.*

#### **RECOMMENDATION**

***That progress of the Action Sheet be noted.***

**NOTED**

#### **Attachments**

5.1 Audit Committee Action Sheet

## 6. OFFICER REPORTS

### 6.1 VAGO Final Management Letter, Year Ending 30 June 2018

**Directorate:** Corporate

**Department:** Corporate

**Manager:** Director Corporate

**Author:** Health, Safety and Risk Officer

#### INTRODUCTION

The purpose of this report is to present the Victorian Auditor General's Final Management Letter for the year ending 30 June 2018 for review and endorsement.

*The Committee discussed the VAGO findings and recommendations and management provided the following specific feedback:*

*Kerbside collection data – workings were not originally supplied to the Auditors but this was resolved through the audit process by providing workings and benchmarking however there is still a need to obtain better data from contractor.*

*IT general controls - S Lebish noted again the increased rating from low to medium requiring a detailed action plan implemented within 3 to 6 months.*

*Long service leave model – there was a calculation error in the data provided to the Auditors therefore the item remains and will be checked again at the 2018/19 interim audit.*

*Supplier audit trail reports – Council's finance system cannot generate these reports however they are being generated manually and will continue to be. The item remains and the Auditor will check again at the 2018/19 interim audit to ensure this process is business as usual.*

*The Director Corporate noted that for Council there is no technical solution to a number of the VAGO findings and therefore manual processes are required that rely on singular subject matter experts and this can be a risk for Council.*

#### **RECOMMENDATION**

*That*

- 1. The VAGO Final Management Letter, Year Ending 30 June 2018, be endorsed for Council adoption.*
- 2. The Management Action Plan for addressing the final audit findings be monitored through the Audit Committee's action sheet.*

*Moved: S Nicholas*

*Second: K Knappstein*

#### BACKGROUND

The Committee considered the VAGO Interim Management Letter for the year ending 30 June 2018 findings at its meeting in June 2018. The findings at that stage related to:

- IT general controls;
- Returns and credits review; and
- Payroll audit trail.



Council has since received the VAGO Final Management Letter for the year ending 30 June 2018 which identified one further issue:

- WC5 Kerbside Collection Waste Diverted from Landfill.

ISSUES

**Final Management Letter Findings**

Ref.	Finding	Risk	Recommendation and Response
18.4	WC5 Kerbside Collection Waste Diverted from Landfill	Low	Put procedures in place to ensure the data being captured for this metric is accurate and reviewed on a monthly basis by appropriate persons.  <i>Council has used an estimated weight-per-bin ratio as input to this calculation in lieu of being able to source accurate data on the actual weight of waste collected. This ratio has been employed for the last several years and is close in magnitude to the weight-per-bin ratio which can be estimated using Sustainability Victoria state-wide waste collection averages. The approach may be reviewed next year to revert to the Sustainability Victoria based ratio, which is recommended by Local Government Victoria as best practise where a weighbridge is not used to collect waste collection weight data.</i>

In addition to the new finding the final management letter also reviewed the status of the open current year interim findings and prior year findings. One of the prior year findings was resolved.

Ref	Finding	Risk	Interim Status	Final Status
<b>Current year interim findings</b>				
18.1	IT general controls	Medium	New	Unresolved
18.2	Returns and credits review	Low	New	Progressing
18.3	Payroll audit trail reports	Low	New	Progressing
<b>Prior year findings</b>				
17.1	Long service leave model	Low	Progressing	Unresolved
17.3	Investment properties	Low	Progressing	Resolved
17.4	Other Infrastructure valuation	Low	Progressing	Progressing
17.7	Supplier audit trail reports	Low	Not started	Progressing
16.1	Asset register review	Low	Progressing	Progressing
15.2	Policies and procedures review	Low	Progressing	Progressing

**Management Action Plan**

Council management has provided a response to and outlined an action plan to address each of the VAGO findings.

The progress towards addressing each finding is currently monitored through the Committee's action sheet.

KEY IMPLICATIONS

**Legislative Compliance**

- Compliance with Section 132 of the *Local Government Act 1989* which requires Council to submit an annual financial report which is audited as part of its Annual Report.
- Compliance with Part 3 of the *Audit Act 1994* which requires Council’s auditors to prepare a report on the financial statements.

**Risk Management**

Identified Risk	Risk Likelihood (H,M,L)	Impact of Risk (H,M,L)	Strategy to Manage Risk
Failure to report audit findings to the Audit committee	L	L	<ul style="list-style-type: none"> <li>• Management letters are issued by VAGO direct to the Chief Executive Officer</li> <li>• Reporting on audit findings is identified in annual schedule</li> </ul>
Failure to implement actions to address audit findings	L	L	<ul style="list-style-type: none"> <li>• Actions recorded on and monitored through Audit Committees action sheet and reported to each committee meeting.</li> </ul>

COUNCIL PLAN AND KEY STRATEGIC PLAN LINKS

Council Plan 2017-2021	
<i>Strategic Objective 2. A responsible and sustainable organisation</i>	
Strategies	Manage our financial resources sustainably Identify and manage Council’s risks
Audit Committee Charter	
Clause 5.1	Financial Report
Clause 5.2	Internal Control
Clause 5.6	External Audit
Clause 5.7	Compliance

CONCLUSION

The VAGO Final Management Letter Year Ending 30 June 2018 has been reviewed by the executive and the findings accepted. The actions will be monitored through the Committee’s action sheet.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate
- Manager Corporate
- Health, Safety and Risk Officer

**Attachments**

6.1 VAGO Final Management Letter, Year Ending 30 June 2018

## 6.2 Critical Functions Review

**Directorate:** Corporate

**Department:** Corporate

**Manager:** Manager Corporate

**Author:** Health Safety Risk Officer

### INTRODUCTION

The purpose of this report is to provide the Audit Committee with an update on Council's review of its critical functions post the report to the Audit Committee in June 2018.

*The Committee discussed the need for Council, in preparing continuity strategies, to consider the impact of two or more of the critical functions occurring at the same time, ranking functions with highest impact and the timelines associated with recovery.*

### **RECOMMENDATION**

*That this report be noted.*

**NOTED**

### REPORT

Council reported to the Committee at its meeting in June 2018 that an impact assessment of its services/activities identified 33 of 176 services that had a maximum tolerable period of disruption (MTPD) of 1 week or less. At its meeting the Committee noted this was a significant number of services to be deemed critical.

The Director Corporate, Manager Corporate and Health, Safety and Risk Officer have reviewed the potential business impact of a disruption to these 33 services/activities with the outcome being that the number of services assessed as having a MTPD of 1 week or less has been reduced to 20.

The current phase of this work has moved to the identification of continuity strategies for the critical functions which will be prioritised based on an MTPD of 3 days or less. The Committee at its last meeting requested an update on progress of this phase at its February 2019 meeting.

### KEY IMPLICATIONS

#### **Legislative Compliance**

Compliance with *Local Government (Planning and Reporting) Regulations 2014*.

### COUNCIL PLAN AND KEY STRATEGIC PLAN LINKS

Council Plan 2017-2021	
<i>Strategic Objective 2. A responsible and sustainable organisation</i>	
Strategies	Identify and manage Council's risk
Audit Committee Charter	
Clause 5.4	Business Continuity

### CONCLUSION

That the review of identified critical functions be noted.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate
- Manager Corporate
- Health, Safety Risk Officer

**Attachments**

6.2 Critical Functions, Reviewed October 2018

### 6.3 Health and Safety Report

**Directorate:** Corporate

**Department:** Corporate

**Manager:** Manager Corporate

**Author:** Health Safety Risk Officer

#### INTRODUCTION

The purpose of this report is to provide the Audit Committee with an overview of Council's performance in regards to health and safety matters. This report provides an update for Quarter 1 2018/19 being the period of 1 July to 30 September 2018. A detailed confidential report has been prepared and circulated separately to the agenda.

*The Committee noted that the management team and all supervisors had undertaken health and safety training.*

#### **RECOMMENDATION**

*That the Confidential 2018/19 Quarter 1 Health and Safety Report be endorsed for Council adoption.*

*Moved: G Moore*

*Second: K Knapstein*

#### BACKGROUND

Alpine Shire Council is committed, so far as is reasonably practical, to ensuring the health, safety and wellbeing of all employees, contractors, volunteers and community members while participating in business or undertakings on its behalf.

#### REPORT

##### **Employee Health and Safety - Register of Events**

A total of 14 employee health and safety events were reported during Quarter 1 2018/19 as follows:

Hazards	=	7
Incident	=	2
Injuries	=	3
Near miss	=	2

Reporting for the quarter was consistent with all previous 2017/18 quarter event reporting: Q1 = 15; Q2 = 12; Q3 = 17 and Q4 = 15.

##### **Health and Safety Representation**

Nomination and election of new HSRs was held during quarter 1 2018/19 with four new HSRs elected. The Health and Safety Committee reconvened and met once during quarter 1 2018/19.

##### **Training, Education and Awareness**

A broad range of health and safety training was undertaken during Quarter 1 2018/19 with a combination of mandatory and discretionary training offered including a health and safety training for all managers and supervisors.

##### **WorkCover Claims**

There were no new claims lodged during Quarter 1 2018/19.

Of the two ongoing active claims, both employees have capacity for suitable and/or modified duties at full hours.

KEY IMPLICATIONS

**Legislative Issues**

Compliance with:

- *Occupational Health and Safety Act 2004*
- *Occupational Health and Safety Regulations 2017*

**Risk Management**

Identified Risk	Risk	Impact	Strategy to Manage Risk
	Likelihood (H,M,L)	of Risk (H,M,L)	
WorkCover claims management	H	H	<ul style="list-style-type: none"> <li>• Engage external consultant for claims advice, support and management.</li> <li>• Ensure return to work coordinators trained.</li> <li>• Regular reporting to Executive.</li> </ul>
Health and safety management	H	H	<ul style="list-style-type: none"> <li>• Further develop and enhance the safety system framework.</li> <li>• Increase attendance at HS Committee.</li> <li>• Provide health and safety training to staff.</li> </ul>

COUNCIL PLAN AND KEY STRATEGIC PLAN LINKS

Council Plan 2017-2021	
<i>Strategic Objective: A responsible and sustainable organisation</i>	
Strategies	Identify and manage Council's risks
Audit Committee Charter	
Clause 5.3	Risk management
Clause 5.7	Compliance
Clause 5.8	Reporting Responsibilities

CONCLUSION

The 2018/19 Quarter 1 Health and Safety Report highlights that employee hazard, incident, injury and near-miss reporting is relatively consistent with 2017/18 reporting. None of the three injuries during the quarter progressed to a WorkCover claim. A broad range of mandatory and discretionary health and safety training was undertaken during Quarter 1 2018/19.

DECLARATION OF CONFLICT OF INTEREST

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

- Manager Corporate
- Health, Safety and Risk Officer

**Attachments**

6.3 2018/19 Quarter 1 Health and Safety Report – **CONFIDENTIAL**

## 6.4 Risk Register Review

**Directorate:** Corporate

**Department:** Corporate

**Manager:** Manager Corporate

**Author:** Health Safety Risk Officer

### INTRODUCTION

The purpose of this report is to provide the Audit Committee (Committee) with an update on Council's review of its high residual risks in its risk register.

*The Committee discussed the risk management process and the progress of embedding it throughout the organisation including regular (quarterly) review of risk register to address existing and emerging risks and risk training for staff. The Committee also questioned Council's readiness for the introduction of the third phase of the Victorian Reportable Conduct Scheme.*

### **RECOMMENDATION**

*That this report be noted.*

### **NOTED**

### **ACTIONS:**

- *Circulate top 20 risks to Committee*
- *Include comments in register when changes are made*

### BACKGROUND

Council's risk register identifies, assesses and evaluates strategic, operational and compliance risks in alignment with the Council Plan strategic objectives and strategies. Each department within Council is aligned with one of the strategic objectives in the Council Plan.

The risk register was developed through an escalating process whereby managers reviewed the risks identified within their departments with their director and then each director reviewed the risks for each of their departments with the Chief Executive Officer.

Through this process the identified risks are considered in the context of other departments and the organisation as a whole.

The risk register was last reported to the Audit Committee at its meeting in November 2017.

### REPORT

#### **Monitoring**

Council's risk register is a "live" document and subject to continual update as new and changing risks are identified and control measures are implemented. The register has been formally reviewed by the Director Corporate, Manager Corporate and Health, Safety and Risk Officer.

Schedule 1 of the *Local Government (Planning and Reporting) Regulations 2014* requires "six-monthly reports of strategic risks to Council's operations, their likelihood and consequences of occurring and risk minimisation strategies".

### October 2018 Review

As at October 2018 there were nine risks in the risk register that had a high residual risk rating. There were no risks with an extreme residual risk rating.

A review of these nine risks included a reassessment of the:

- risk itself;
- likelihood and impact; and
- current controls.

The impact of two risks was reassessed down, from catastrophic to major and moderate to minor, and the control rating for two risks was reassessed up from fair to good. As a result of the review three risks had a reduced residual risk rating to medium.

### KEY IMPLICATIONS

#### Legislative Issues

Compliance with:

- *Local Government Act 1989*
- *Local Government (Planning and Reporting) Regulations 2014*
- *Occupational Health and Safety Act 2004*

#### Risk Management

Identified Risk	Risk	Impact	Strategy to Manage Risk
	Likelihood (H,M,L)	of Risk (H,M,L)	
Not all strategic risks and key operational and compliance risks are identified in the risk register	M	M	<ul style="list-style-type: none"> <li>• The register will remain 'live' and will be scheduled for quarterly review by AMT ensuring risks are captured as identified</li> </ul>
Control measures for high and extreme risks are not developed and implemented appropriately or in a timely manner	M	H	<ul style="list-style-type: none"> <li>• Control actions are reviewed regularly by AMT.</li> <li>• Resourcing against requirements to complete control measures is monitored.</li> </ul>

### COUNCIL PLAN AND KEY STRATEGIC PLAN LINKS

Council Plan 2017-2021	
<i>Strategic Objective 2. A responsible and sustainable organisation</i>	
Strategies	Identify and manage Council's risk.
Audit Committee Charter	
Clause 5.3	Risk management
Clause 5.7	Compliance



## CONCLUSION

A review of Council's risk register has allowed a reassessment of the likelihood and impact of the risks and in some cases identified improved controls, all of which has resulted in a reduced residual risk rating for three of the nine risks assessed. As the risk register is a "live" document, Council will continue to update it as new and changing risks are identified and control measures are implemented.

## DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate
- Manager Corporate
- Health, Safety and Risk Officer

## **Attachments**

Nil

## 6.5 Balanced Scorecard

**Directorate:** Corporate

**Department:** Corporate

**Manager:** Chief Executive Officer

**Author:** Director Corporate

### INTRODUCTION

The purpose of this report is to provide the Audit Committee with the draft balanced scorecard for 2018/19. This is in response to the action item that *Council develop a high level Performance Scorecard providing a balanced snapshot view of progress against targeted objectives; and introduce a "dashboard" to highlight exceptions and include financial KPI's.*

*The Director Corporate gave an overview of the draft balanced scorecard and the Committee discussed the principles of a "balanced" performance report.*

### **RECOMMENDATION**

*That*

- 1. The draft Balanced Scorecard is noted; and*
- 2. Quarterly balanced scorecard results are added to the Audit Committee standing action items.*

*Moved: M Anderson*

*Second: Sarah Nicholas*

### BACKGROUND

The Balanced Scorecard is a management system to assist in focusing the organisation on its strategic goals. It measures those components considered important throughout that financial year to provide clarity in reaching goals and provide a "balanced" view of overall performance.

It is the focus on both high-level strategy and quantifiable measures that sets the balanced scorecard apart from other performance management methodologies. It takes the strategic vision and breaks it down into specific, actionable targets.

### REPORT/ISSUES

#### **Strategic Objectives**

The following five strategic objectives have been determined for the 2018/19 Balanced Scorecard to help managers focus on key performance outcomes and communicate this strategy with others internally: Safety Outcomes, Customer Outcomes, Financial Outcomes, Business Processes and Business Enablers.

#### **Key Results Areas**

Key results areas have been identified to measure the organisation's performance from differing perspectives, creating a balanced view that is aligned with the strategic indicators contained within the Council Plan 2017-21. This has been designed to provide clear and actionable management information and to assist in monitoring the execution of the overall plan.

Rollout of the balanced scorecard internally and finalisation of tools to assist with measurement reporting will be undertaken this calendar year.

KEY IMPLICATIONS

**Legislative Compliance**

There are no legislative compliance issues.

**Risk Management**

Identified Risk	Risk Likelihood (H,M,L)	Impact of Risk (H,M,L)	Strategy to Manage Risk
Reporting and measurement is onerous	M	L	<ul style="list-style-type: none"> <li>Measures have been determined by assessing accessible data for better utilisation; some measures require reporting to be developed.</li> </ul>
Targets are unattainable in 2018/19	M	L	<ul style="list-style-type: none"> <li>Targets have been developed to reflect improved performance on current status</li> </ul>

COUNCIL PLAN AND KEY STRATEGIC PLAN LINKS

Council Plan 2017-2021	
<i>Strategic Objective 1. A responsible and sustainable organisation</i>	
Strategies	Provide an excellent customer experience
	Manage our financial resources sustainably
	Identify and manage Council's risk
	Balance financial, environmental and community outcomes
Audit Committee Charter	
Clause 5.2	Internal Control

CONCLUSION

Developing performance targets is intended to provide better management information and to assist in monitoring and driving the execution of strategic objectives. It is intended to cascade the plan to departmental management level and use the contents to inform key performance indicator setting within the performance cycle. Reporting against the scorecard will be undertaken quarterly.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate
- Manager Corporate

**Attachments**

6.5 2018/19 Balanced Scorecard, Draft

## **7. FOR INFORMATION ONLY**

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### **7.1 2018/19 Quarter 1 Purchasing Audit**

Refer Attachment 7.1

### **7.2 2018/19 Quarter 1 Finance Report**

Refer Attachments 7.2

### **7.3 Finance Committee Charter Review**

The Finance Committee at its 2017/18 quarter 2 meeting discussed a review of its Charter with the intent to move to an outcomes focus for the Charter rather than a task focus. The existing and proposed Charters are attached (7.3.1 and 7.3.2 respectively) for comparison purposes.

Refer Attachments 7.3.1 and 7.3.2

### **7.4 Policy and Procedure Review**

Council's Policy Review Working Log, October 2018 is attached in response to the action items that Council *circulate a list of current policies and procedures to the Committee and present an updated policy log at the October Committee meeting.*

Refer Attachment 7.4

*The Committee acknowledged that good progress had been made and discussed prioritising policies for review based on a risk approach.*

### **7.5 VAGO Audit Findings Work Plan**

Council's VAGO Audit Findings Work Plan, October 2018 is attached in response to a number of action items including that Council *prepare an in depth work plan for all outstanding audit findings.*

Refer Attachment 7.5

*The Committee discussed the capacity of Council staff to manage and undertake the work required to close out the actions. The Committee also requested that Council track the changes to the work plan and identify completion dates.*

## 8. GENERAL BUSINESS

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### 8.1 Proposed Committee Meeting Dates for 2019

The Committee need to confirm the dates for its 2019 meetings.

On the basis of the 2018 meeting schedule and current member's preference for meetings to be held on a Friday, the following dates are suggested:

- 22 February 2019
- 31 May 2019
- 26 July 2019
- September 2019 – date to be determined to align with audit of financial report
- 29 November 2019

*Dates for 2019 meetings of the Committee were confirmed.*

### 8.2 Internal Audit Program

*M Anderson suggested that Council consider the approach taken by the Victorian Government under its Financial Management Compliance Framework from a best practice perspective to inform Council's internal audit program.*

## 9. NEXT MEETING

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Friday 22 February 2019 at 9.00am

Venue to be advised

## 10. ATTACHMENTS

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- 4.1 Minutes of Audit Committee Meeting No: 2018/19-2, 12 September 2018
- 5.1 Audit Committee Action Sheet
- 6.1 VAGO Final Management Letter 2017/18
- 6.2 Critical Functions, Reviewed October 2018
- 6.3 2018/19 Quarter 1 Health and Safety Report – **CONFIDENTIAL**
- 6.5 2018/19 Balanced Scorecard, Draft
- 7.1 2018/19 Quarter 1 Purchasing Audit
- 7.2 2018/19 Quarter 1 Finance Report
- 7.3.1 Finance Committee Charter, Adopted 2016
- 7.3.2 Finance Committee Charter, Proposed 2018
- 7.4 Policy Review Working Log, October 2018
- 7.5 VAGO Audit Findings Work plan, October 2018

## **11. MEETING CLOSE**

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The meeting closed at 12.02pm

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Sue Lebish, Chair

**RECORD OF ASSEMBLY OF COUNCILORS**

**Meeting Title:** Briefing Session  
**Date:** 30 October 2018  
**Location:** Committee Room, Bright Office  
**Start Time:** 3.00pm  
**Chairperson:** Cr Ron Janas, Mayor

**Councillor and staff attendees:**

<b>Name</b>	<b>Position</b>	<b>Name</b>	<b>Position</b>
Cr Ron Janas	Mayor	Charlie Bird	Chief Executive Officer
Cr Sarah Nicholas	Deputy Mayor	Will Jeremy	Director Assets
Cr Tony Keeble	Councillor	Nathalie Cooke	Director Corporate
Cr Kitty Knappstein	Councillor		

**Councillor and staff apologies:**

<b>Name</b>	<b>Position</b>
Cr John Forsyth	Councillor
Cr Daryl Pearce	Councillor
Cr Peter Roper	Councillor

**1. Conflict of interest disclosures**

Nil

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

Nil

**3. Matters considered**

- Councillor only time
- Domestic Waste Water Management Plan
- Consolidated Draft Local Law
- Mount Beauty Pool season
- Alpine Events Park project update
- Capital Project stakeholder satisfaction survey results
- Tenders: Road Stabilisation and Reseals
- Emergency Management update
- Mount Buffalo update
- Town Entry signs

**RECORD OF ASSEMBLY OF COUNCILORS**

**Meeting Title:** Briefing Session  
**Date:** 13 November 2018  
**Location:** Committee Room, Bright Office  
**Start Time:** 5.00pm  
**Chairperson:** Charlie Bird, Chief Executive Officer

**Councillor and staff attendees:**

<b>Name</b>	<b>Position</b>	<b>Name</b>	<b>Position</b>
Cr Ron Janas	Councillor	Charlie Bird	Chief Executive Officer
Cr Sarah Nicholas	Councillor	Will Jeremy	Director Assets
Cr Tony Keeble	Councillor	Nathalie Cooke	Director Corporate
Cr John Forsyth	Councillor		
Cr Daryl Pearce	Councillor		
Cr Peter Roper	Councillor		
Cr Kitty Knappstein	Councillor		

**Councillor and staff apologies:**

<b>Name</b>	<b>Position</b>

**1. Conflict of interest disclosures**

Nil

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

Nil

**3. Matters considered**

- Councillor only time
- Ordinary Council meeting agenda review
- Geebung Polo Event update
- Activism against Gender-Based Violence Campaign