



ORDINARY COUNCIL MEETING

MINUTES

M12 – 4 December 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 **4 December 2018** and commenced at **7:00pm**.

PRESENT

COUNCILLORS

Cr Ron Janas - Mayor

Cr Sarah Nicholas - Deputy Mayor

Cr John Forsyth - Councillor

Cr Kitty Knappstein - Councillor

Cr Tony Keeble - Councillor

Cr Daryl Pearce - Councillor

Cr Peter Roper - Councillor

OFFICERS

Mr Charlie Bird - Chief Executive Officer

Ms Nathalie Cooke - Director Corporate

Mr William Jeremy - Director Assets



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1 RECORDING AND LIVESTREAMING OF COUNCIL MEETINGS

The CEO read the following statement:

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

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

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

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

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

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

2 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS, AND RECOGNITION OF ALL PEOPLE

The CEO read the following statement:

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

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

3 CONFIRMATION OF MINUTES

3.1 ORDINARY COUNCIL MEETING – M11 – 13 NOVEMBER 2018

Cr Knappstein

Cr Keeble

That the minutes of Ordinary Council Meeting M11 held on 13 November 2018 as circulated be confirmed.

Carried

4 APOLOGIES

Nil

5 OBITUARIES / CONGRATULATIONS

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



6 DECLARATIONS BY COUNCILLORS OF CONFLICT OF INTEREST

Nil

7 PUBLIC QUESTIONS

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

Questions on Notice can be written or from the floor.

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



8 PRESENTATION OF REPORTS BY OFFICERS

8.1 CHIEF EXECUTIVE OFFICER – CHARLIE BIRD

8.1.1 Contracts approved by the CEO

Cr Pearce

Cr Nicholas

That the Contracts approved by the CEO be noted.

<i>Contract No:</i>	<i>CT 1804201</i>	<i>Process: Public Tender</i>
<i>Title:</i>	<i>Mount Beauty Pool - Part A New Splash Pad</i>	
<i>Tenderer:</i>	<i>Water Features By Design Pty Ltd</i>	
<i>\$ (excl. GST):</i>	<i>\$70,290</i>	

<i>Contract No:</i>	<i>CT1802901</i>	<i>Process: Public Tender</i>
<i>Title:</i>	<i>Stony Creek Rail Trail Bridge Repair</i>	
<i>Tenderer:</i>	<i>Waratah Constructions Pty Ltd (VIC)</i>	
<i>\$ (excl. GST):</i>	<i>\$43,500</i>	

<i>Contract No:</i>	<i>CQ1806701</i>	<i>Process: Quotation</i>
<i>Title:</i>	<i>Dinner Plain Village detailed design consultancy</i>	
<i>Tenderer:</i>	<i>Bush Projects</i>	
<i>\$ (excl. GST):</i>	<i>\$45,980</i>	

Carried



8.1.2 Alpine Shire Council 2019 Schedule of Ordinary Council Meetings

File Number: 662.01

INTRODUCTION

This report seeks Council's endorsement of the proposed ordinary meeting schedule of Council for the 2019 calendar year. The time and location of the meetings will remain unchanged.

Cr Forsyth

Cr Nicholas

That:

1. *the ordinary meeting of Council be held in the Council Chambers in Bright (or by request of community groups at an alternative location), on the first Tuesday of each month in 2019 except January, November and December according to the following schedule:*

<i>DATE</i>	<i>TIME</i>	<i>LOCATION</i>
<i>January, NO MEETING</i>	<i>N/A</i>	<i>N/A</i>
<i>5 February 2019</i>	<i>7pm</i>	<i>Bright</i>
<i>5 March 2019</i>	<i>7pm</i>	<i>Mount Beauty</i>
<i>2 April 2019</i>	<i>7pm</i>	<i>Myrtleford</i>
<i>7 May 2019</i>	<i>7pm</i>	<i>Bright</i>
<i>4 June 2019</i>	<i>7pm</i>	<i>Bright</i>
<i>2 July 2019</i>	<i>7pm</i>	<i>Bright</i>
<i>6 August 2019</i>	<i>7pm</i>	<i>Bright</i>
<i>3 September 2019</i>	<i>7pm</i>	<i>Bright</i>
<i>1 October 2019</i>	<i>7pm</i>	<i>Bright</i>
<i>12 November 2019</i>	<i>7pm</i>	<i>Bright</i>
<i>17 December 2019</i>	<i>7pm</i>	<i>Bright</i>

2. *notice of Council's 2019 ordinary meeting schedule; be published on Council's website; and*
3. *notice of any changes required to the 2019 ordinary meeting schedule be given at least two weeks prior to the revised date and published on Council's website and in a locally circulating newspaper.*

Carried



BACKGROUND

Section 83 of the *Local Government Act 1989* (the Act) provides for Council to hold 'ordinary meetings at which general business of the Council may be transacted'.

Council historically holds its ordinary meetings on the first Tuesday of the month (except public holidays) commencing at 7pm. Meetings are held at the Council Chambers, Bright.

ISSUES

January meeting

Council has historically only scheduled and held 11 ordinary meetings throughout any given year with no ordinary meeting scheduled in January. It is proposed that this arrangement be continued in 2019 in order to accommodate councillor and staff leave over the Christmas, New Year and school holiday period.

Timing of November meeting

Council's regular ordinary meeting cycle is the first Tuesday of the month at 7pm.

This schedule clashes with the Melbourne Cup public holiday, which falls on the first Tuesday of November. Since 2014, council has held the November meeting on the second Tuesday of November. It is proposed that the second Tuesday of the month be continued for the 2019 November ordinary meeting of Council.

This arrangement provides consistency for councillors and executive who traditionally meet on a Tuesday and it also provides for the many staff, and councillors, who take the opportunity of the shorter week, due to the Melbourne Cup Day public holiday, to take leave.

Timing of December meeting

Council will hold its ordinary council meeting on the third Tuesday of the month prior to the office closure for 2019. This alleviates the need for a Special Council Meeting to be held in December.

Alternative locations

Council has received a request from the Upper Kiewa Valley Community Association to host its meeting on an annual basis in Kiewa Valley. Council is happy to comply with the request to hold its meetings in alternative locations if this is what the community requires and provided that sufficient notice is given for Council to comply with its statutory requirements.

Special meetings of Council

Section 84 of the *Local Government Act 1989* provides for either:

- the Mayor or at least three councillors by written notice; or
- the Council by resolution to call a special meeting of Council.

When calling for a special meeting of Council, the date and time of the meeting and the business to be transacted at the meeting must be specified. On this basis a schedule for special meetings of Council cannot be prepared.



POLICY IMPLICATION

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2017-2021:

- A high performing organisation.

CONCLUSION

Councillors and the community are familiar with the proposed meeting schedule and its adoption is recommended.

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.

- Executive Assistant to CEO

ATTACHMENT(S)

- Nil



8.2 DIRECTOR ASSETS – WILLIAM JEREMY

8.2.1 Dinner Plain Mountain Bike Trail Construction Stage 2

File Number: 111.14

INTRODUCTION

This report relates to the award of the Dinner Plain Mountain Bike Trail Construction Stage 2 contract. The work includes the construction of 3.8km of new mountain bike trail including two elevated structures, and the rehabilitation of 590m of redundant trail.

Cr Keeble

Cr Roper

That Council awards Contract No. 1807501 for 'Dinner Plain Mountain Bike Trail Construction Stage 2' to Bright Trails for the lump sum price of \$150,765 + GST.

Carried

BACKGROUND

Planning for the development of new mountain bike trails in Dinner Plain commenced in 2015, and the necessary approvals to construct 7.1km of new trail were secured in 2017.

Stage 1, consisting of 3.3km of new trail, was successfully delivered in early 2018. Stage 2 will add a further 3.8km of new trail, providing riders of all abilities with access to over 18km of mountain bike trail at Dinner Plain.

The Invitation to Tender was advertised in the Border Mail on 27 October 2018, the Herald Sun on 31 October 2018, and on tenders.net and the Alpine Shire Council websites. Tenders closed on Monday 12 November 2018.

The Tender documents were downloaded by 20 prospective tenderers with two submissions being received.

EVALUATION

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

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, both tenderers were invited to adjust their price taking into account an adjustment in the length of the elevated structures.



Following assessment of the revised submissions, the Tender from Bright Trails was determined to provide the best value.

POLICY IMPLICATIONS

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

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

- Incredible places for our community and visitors.

FINANCIAL AND RESOURCE IMPLICATIONS

There is sufficient budget to award this contract and complete the project.

The project was not budgeted for delivery in 2018/19, as the outcome of a funding application was awaited at the time of budget adoption. Subsequent to adoption of the 2018/19 budget by Council, grant funding of \$130,000 was announced by Sport and Recreation Victoria.

CONSULTATION

The Dinner Plain community has been engaged throughout the planning of the new mountain bike trails, from the development of a trail masterplan through to implementation. The local mountain bike club, DP Riders, has played an active role throughout the project and continues to support the implementation and maintenance of the trail network.

The Dinner Plain community has been kept informed of the project via regular updates on social media as well as through regular meetings with key Dinner Plain stakeholders.

CONCLUSION

Following a comprehensive assessment, the Tender from Bright Trails for Dinner Plain Mountain Bike Trail Construction Stage 2 was deemed to present the best value for Council.

DECLARATION OF CONFLICT OF INTEREST

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

- Project Officer
- Manager Asset Development
- Director Assets

ATTACHMENT(S)

- Nil



8.3 DIRECTOR CORPORATE – NATHALIE COOKE

8.3.1 Appointment of Councillors to represent Council on Groups and Committees

File Number: 615.00

INTRODUCTION

Council participates in a range of special and advisory groups and committees, including those directly operated by Council and others operated by external parties as relevant. Participation in these groups helps to enable good governance and decision making.

The purpose of this report is to recommend councillor representation on key groups and committees for the year ahead.

Cr Nicholas

Cr Pearce

That:

1. *Councillors be appointed as Council's delegate on the following groups and committees (non-executive):*

<i>Committee</i>	<i>2017/18 representative</i>	<i>2018/19 representative</i>
<i>Municipal Association of Victoria</i>	<i>Mayor (Deputy Mayor as substitute)</i>	<i>Cr Janas</i>
<i>Hume Region Local Government Network</i>	<i>Mayor (Deputy Mayor as substitute)</i>	<i>Cr Janas</i>
<i>Alpine Shire Council – Audit Committee</i>	<i>Cr Nicholas and Cr Knappstein</i>	<i>Cr Forsyth Cr Knappstein</i>
<i>Alpine Shire Council – Finance Committee</i>	<i>Cr Nicholas and Cr Knappstein</i>	<i>Cr Forsyth Cr Knappstein</i>
<i>Alpine Shire Council – Municipal Emergency Management Planning Committee</i>	<i>Cr Knappstein</i>	<i>Cr Knappstein Cr Janas</i>
<i>Alpine Shire Council – Community Resilience Committee</i>	<i>Cr Knappstein</i>	<i>Cr Knappstein</i>
<i>Alpine Children's Services Inc.</i>	<i>Cr Keeble</i>	<i>Cr Keeble</i>
<i>Alpine Alliance (between Council and Alpine Health)</i>	<i>Cr Knappstein</i>	<i>Cr Knappstein</i>



2. Council consider whether to appoint a Council delegate to the following groups (non-executive):

<i>Committee</i>	<i>2017/18 representative</i>	<i>2018/19 representative</i>
<i>North East Waste and Resource Recovery Group (Forum)</i>	<i>Cr Nicholas</i>	<i>Cr Nicholas Cr Pearce to be nominated as Cr Nicholas' proxy</i>
<i>Lake Buffalo Land and On Water Management Plan Implementation Group</i>	<i>Cr Nicholas</i>	<i>Nil</i>
<i>National Timber Councils Association</i>	<i>Cr Pearce</i>	<i>Cr Pearce</i>

3. Council note the following Councillor appointments made by external organisations

<i>Committee</i>	<i>Appointee</i>
<i>Municipal Association of Victoria – Board</i>	<i>Cr Janas (term expires March 2019) – elected by NE Victorian Councils</i>
<i>Mount Buffalo Destination Advisory Group</i>	<i>Cr Janas</i>
<i>Mount Buffalo Business Case Assessment and Activation Taskforce</i>	<i>Cr Janas</i>
<i>MAV Emergency Management Reference Group</i>	<i>Cr Janas, Cr Knappstein</i>
<i>MAV Environment Committee</i>	<i>Cr Nicholas</i>

Carried

BACKGROUND

Appointments

Appointments to groups and committees are typically based on councillors' experience and areas of interest and in some cases appointments may be made on the basis of maintaining consistency.

The Mayor is the Council's representative on the Municipal Association of Victoria (MAV) and the Hume Region Local Government Network. These appointments are not discretionary and the tenure is dependent on the length of term of Mayor.



ISSUES

Roles and Responsibilities

The roles and responsibilities of councillors will vary depending on the position they are appointed to and it is important that they are understood.

External Legal Entities

Where a councillor or an officer is nominated to the board or executive of a separate legal entity, the nominee may take on fiduciary responsibilities in accordance with the *Corporations (Victoria) Act 1990*, and they are required to act in the best interests of that company or entity.

Council Advisory Committees

There is no formal decision making that can be made in an advisory capacity on behalf of Council, but rather, recommendations arising from the deliberations of the committee may be presented to Council for consideration, deliberation and final adoption.

General Responsibilities

Regardless of the type of appointment, councillors are bound by their Code of Conduct and must comply with requirements relating to:

- Declaring conflicts of interest;
- Maintaining confidentiality of information; and
- Recognising and abiding by their extent of authority i.e. not making decisions on behalf of Council.

POLICY IMPLICATIONS

The proposed councillor committee representation is consistent with the following Strategic Objective in the Council Plan 2017-2021:

- A high performing organisation.

FINANCIAL AND RESOURCE IMPLICATIONS

Councillors are paid an annual allowance, as supported by Council's annual budget, and do not receive additional payments for their involvement on council-appointed committees, with the exception of the MAV Board.

CONSULTATION

Once Council has appointed its representatives, the outcomes will be communicated with the relevant groups as appropriate.

CONCLUSION

Council confirms appointment of councillors as Council's representative on its own relevant groups and committees as well as those operated by external parties on an annual basis.



DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate
- Manager Corporate
- Governance Officer

ATTACHMENT(S)

- Nil



8.3.2 Quarterly Report - Council Plan

File Number: SU600.03

INTRODUCTION

This report provides the first quarterly report for 2018 against the Alpine Shire Council Plan 2017-2021 (review 2018).

Cr Nicholas

Cr Keeble

That the Alpine Shire Council Plan Quarterly Report ending 30 September 2018 be received and noted.

Carried

BACKGROUND

Council Plan development

The Council Plan outlines the strategic objectives, strategies and indicators that will be used to achieve Council's direction for the four year term of the plan. The document is reviewed by Council annually to ensure that it continues to provide Council's intended direction for their term.

Quarterly reporting

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

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

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

ISSUES

Council's 2018/19 Budget outlines the annual Major Initiatives to be delivered, as well as other key activities in line with the Alpine Shire Council Plan 2017-2021 (review 2018). This quarterly report provides a progress report against those initiatives and activities, and also on the indicators that show progress against the strategic objectives in the Council Plan.



HIGHLIGHTS

A high performing organisation

- Council continued its commitment to building a skilled organisation, by providing training opportunities to 81 staff during Q1.
- Balanced scorecard measures will commence in Q2 to track organisational and departmental KPIs.

A responsible and sustainable organisation

- A new telephony system has been rolled out across the Bright Council office, VICs and depots, and a trial of functionality of an improved customer request system is underway. Both aim to improve the customer experience when contacting Council.

Incredible places for our community and visitors

- The Alpine Events Park Multipurpose Facility was completed in September 2018. The first event was held in the facility in late September, with bookings already scheduled in coming months.

Infrastructure and open space that our community is proud of

- Council's Municipal Emergency Management Plan was adopted in August 2018, and was audited in September 2018. Council received positive feedback from the audit, with a certificate of compliance received.

Highly utilised and well managed community facilities

- After an extensive process, Council has entered into a long term lease for the operation and management of the Myrtleford Holiday Park.

A well planned and safe community

- Council has reviewed Local Laws and prepared the Domestic Wastewater Management Plan, ahead of release of the draft local laws for public submissions during Q2.

A thriving and connected community

- Festival and event funding was awarded in Q1 ahead of the busy event season.
- The annual youth awards were also held, recognising the achievements from youth across the Shire.

POLICY IMPLICATIONS

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

Quarterly reporting aligns with the Alpine Shire Council Plan 2017-2021 (review 2018) Strategic Objective 1: A high performing organisation.



FINANCIAL AND RESOURCE IMPLICATIONS

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

CONSULTATION

The Council Plan is subject to public exhibition prior to being adopted by Council. As part of an annual review of the Council Plan, any proposed changes to the strategic objectives, strategies or initiatives would also be subject to public exhibition.

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

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

CONCLUSION

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

DECLARATION OF CONFLICT OF INTEREST

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

- Directors
- Managers
- Governance Officer

ATTACHMENT(S)

- 8.3.2 Alpine Shire Council Quarterly Report - ending 30 September 2018.



8.3.3 Finance Committee Charter

File Number: 615.00

INTRODUCTION

Council holds a quarterly Finance Committee to advise on good financial governance. The Finance Committee Charter was adopted by Council in July 2016 and is now due for review.

Cr Nicholas

Cr Keeble

That Council:

- 1. Adopt the revised Finance Committee Charter; and*
- 2. Sign and seal the charter at the appropriate stage of the Council meeting.*

Carried

BACKGROUND

Council has two Committees, namely the Finance Committee and the Audit Committee, which jointly help to ensure that Council adheres to the principles of sound financial management as outlined in the *Local Government Act 1989*. These principles require councils to:

- Manage financial risks prudently, having regard to economic circumstances
- Pursue spending and rating policies that are consistent with a reasonable degree of stability in the level of the rate burden
- Ensure that decisions and actions have regard to the financial effects on future generations
- Ensure full, accurate and timely disclosure of financial information relating to the council.

The Finance Committee Charter is an essential document that outlines the purpose and responsibilities of the Finance Committee.

ISSUES

The current Finance Committee Charter is somewhat task-based and a review has been undertaken to shift to an outcomes-based approach. This provides greater clarity over objectives, and greater flexibility to vary the activities of the Committee to meet desired objectives.

The Charter has also been reviewed to ensure that the objectives of the Finance Committee are complementary to those of the Audit Committee.

Finally the roles in attendance at the Audit Committee have been revised to include the Council's Accountant.



POLICY IMPLICATIONS

The Finance Committee aids Council in complying with Section 136 of the *Local Government Act 1989*, requiring Council to implement the principles of sound financial management.

The proposed Finance Committee Charter is consistent with the following Strategic Objective in the Council Plan 2017-2021:

- A high performing organisation.

CONSULTATION

The reviewed Finance Committee Charter has been endorsed by the Finance Committee and noted by the Audit Committee.

CONCLUSION

The reviewed Finance Committee Charter proposes a move from a task-based to an outcomes-based approach to provide greater clarity over objectives and greater flexibility to vary Committee activities to meet desired objectives.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate
- Manager Corporate

ATTACHMENT(S)

- 8.3.3 Finance Committee Charter



8.3.4 Finance Report - Quarterly Review

INTRODUCTION

The purpose of this report is to note the Finance Report - Quarterly Review for the period ending 30 September 2018.

Cr Knappstein

Cr Forsyth

That the Finance Report - Quarterly Review for the period ending 30 September 2018 is received and noted.

Carried

ISSUES

Background

The purpose of the Finance Report - Quarterly Review (the Report) is to provide Council with an overview of quarterly results and an update on the forecast financial position against the full year budget. Explanations are provided for variances to budget greater than \$100,000.

Highlights

Council is forecasting a full year surplus of \$4.1m, which is \$0.4m higher than the 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 are partially offset by other items including:

- Lower than expected rates and charges, due to a projected 25% capacity factor discount on the Rates in Lieu budgeted from AGL (\$0.2m);
- An omission in the budget relating to the cost of library books (\$0.08m);
- The carry forward of spend on the Mount Buffalo Business Case Assessment and Activation project (\$0.06m, which is grant funded);
- Higher than expected usage of the Dinner Plain Bus resulting in extra park entry fees (\$0.04m).

Major forecast variances to capital works expenditures are as follows:

- Alpine Events Park – additional \$0.3m spend compared to budget, due to additional costs incurred in addressing rebuild of the lower level change rooms, and other costs;



- McNamara Reserve Netball and Tennis Facilities – additional \$0.2m spend compared to budget, due to scope omissions during concept design, and due to market rates exceeding forecast; and
- Myrtleford Pool Plant – potential \$0.1m saving compared to budget, as repair of the existing pool plant may make full replacement unnecessary.

POLICY IMPLICATIONS

The Report has been prepared in line with the requirements of the *Local Government Act 1989*:

- Section 137 (Budgeting and reporting framework) - Council must establish and maintain a budgeting and reporting framework that is consistent with the principles of sound financial management.
- Section 138 (Quarterly statements) – At least every three (3) months, the Chief Executive Officer must ensure that a statement comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date is presented to the Council at a Council meeting which is open to the public.

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

- A responsible and sustainable organisation.

FINANCIAL AND RESOURCE IMPLICATIONS

Financial performance to date indicates a full year surplus of \$4.1m, which is \$0.4m higher than the budgeted surplus of \$3.7m.

CONSULTATION

The Report has been prepared based on a rigorous process which includes each department reviewing their budget and providing explanations for variances at the master account level.

The Report has been presented to the Finance Committee, and also to the Audit Committee for noting.



CONCLUSION

The Finance Report - Quarterly Review for the period ending 30 September 2018 is presented for noting.

DECLARATION OF CONFLICT OF INTEREST

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

- Chief Executive Officer
- Director Corporate
- Manager Corporate
- Accountant

ATTACHMENT(S)

- 8.3.4 The Finance Report - Quarterly Review for the period ending 30 September 2018.



8.3.5 Audit Committee Meeting No. 2018/19-3, 26 October 2018

File Number: 0900.06

INTRODUCTION

The purpose of this report is to present the minutes and recommendations of the Audit Committee meeting held on 26 October 2018.

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

- Victorian Auditor General's Office (VAGO) Final Management Letter, year ending 30 June 2018;
- Critical functions review;
- Risk register review;
- Balanced scorecard; and
- Health and safety report.

Cr Nicholas

Cr Knappstein

That Council:

- 1. Receive and note the minutes of the 26 October 2018 Audit Committee Meeting No.2018/19-3; and*
- 2. Adopt the confidential 2018/19 Quarter 1 Health and Safety Report.*

Carried

BACKGROUND

Council must establish an Audit Committee under section 139 of the *Local Government Act 1989*. The Committee's charter requires it to report to Council its activities, issues and related recommendations. This report relates to Audit Committee Meeting No. 2018/19-3 held on 26 October 2018.

REPORT

VAGO Final Management Letter

The Committee considered the Victorian Auditor General's Office (VAGO) Final Management Letter for the year ending 30 June 2018.

In addition to reviewing previous years findings the 2018 Final Management Letter identified a further four matters for Council to consider and address including:

1. IT general controls;
2. Returns and credits review;
3. Payroll audit trail; and
4. WC5 Kerbside Collection Waste Diverted from Landfill.



Critical Functions Review

Council has been in the process of identifying and reviewing its critical functions as part of a larger project to review and develop its business continuity plans. An initial list of critical functions was considered by the Audit Committee at its June 2018 meeting and subsequently each function was reviewed for its maximum tolerable period of disruption. The Committee noted the outcomes of that review.

Risk Register Review

Council's risk register is aligned with the Council Plan 2017-2021 and captures key risk events that may impact Council achieving its strategic objectives or delivering its key services. The register also provides for the assessment of those risks and the identification and monitoring of measures to mitigate or reduce the risks.

The Committee considered the October 2018 review of the risk register which included a reassessment of each risk, including the nature of the risk; its likelihood and impact; and current controls.

Balanced Scorecard

At a prior meeting the Committee requested that Council develop an internal performance scorecard providing a balanced snapshot view of progress against targeted objectives. The intent of such a scorecard is to improve management information and to assist in monitoring and driving the execution of strategic objectives.

A draft balanced scorecard was presented to the Committee focusing on five key performance outcomes: safety; customer; financial; business processes; and business enablers. The scorecard will be cascaded to departmental management level.

The Committee noted the draft balanced scorecard and requested quarterly scorecard reports to be presented to the Committee.

2018/19 Quarter 1 Health and Safety Report (Confidential)

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

The Committee endorsed the 2018/19 Quarter 1 Health and Safety Report for Council adoption.

POLICY IMPLICATIONS

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

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



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

- A responsible and sustainable organisation.

CONCLUSION

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

DECLARATION OF CONFLICT OF INTEREST

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

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

ATTACHMENT(S)

- 8.3.5(a) Audit Committee Meeting No. 2018/19-3 Minutes, 26 October 2018
- 8.3.5 (b) 2018/2019 Quarter 1 Health and Safety Report (CONFIDENTIAL)



8.3.6 Airport Services Lease for Hangar Mount Beauty Aerodrome

File Number: 1500.02

INTRODUCTION

This report relates to the leasing of land at the Mount Beauty Aerodrome for the purpose of erecting a hangar.

Cr Keeble

Cr Pearce

That Council:

- 1. Approve and execute the a Lease of Real Estate forming part of Lot 2 PS705744, Embankment Drive, Mount Beauty for aircraft hangars; and*
- 2. Sign and seal the lease document at the appropriate stage of the Council meeting.*

Carried

BACKGROUND

At the Ordinary Council Meeting December 2008 Council approved the leasing of hangar sites at the Mount Beauty Aerodrome. The land is contained in Lot 2 Plan of Subdivision PS705744, Embankment Drive, Mount Beauty.

Lease documentation has been developed for the purpose of entering into long term hangar leases on this land. The length of the lease is 10 years, plus a 10 year option, lease charges for the attached lease is approximately \$1,485 (plus GST) per annum calculated based on the square meterage of the site.

ISSUES

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

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

- At least four (4) 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 will be charged at \$6.11/m² (excl. 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 Aerodrome is paid to the Mount Beauty Airport Management Association Inc. to assist it in fulfilling its responsibilities to operations and day to day maintenance of the Aerodrome.

CONSULTATION

Public notice has been given on 2 May, 2018 where interested persons were invited to make submissions under Section 223 of the Act on the proposed lease (Section 190(3b) & (4)). No submissions were received.

CONCLUSION

Having met its obligations under Section 190 and Section 223 of the Act, Council may enter into the lease through executing the lease document at the appropriate stage of the Council Meeting.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate
- Manager Facilities

ATTACHMENT(S)

- Nil



8.3.7 Harrietville Community Green Waste Facility Lease

File Number: 1801.08.00

INTRODUCTION

This report relates to the leasing of land off Newmans Lane in Harrietville for the purpose of the operation of a community green waste facility for land contained in Lot D Plan of Subdivision PS200281Q, off Newmans Lane, Harrietville.

It is proposed to enter into a lease with the Harrietville Community Forum (HCF) for the purposes of the provision of land for a community green waste facility off Newmans Lane, Harrietville.

A lease has been prepared for a period of two (2) years. There are no further terms provided under the lease. The terms under the lease have been agreed by HCF. A review of the operations of the facility under the terms of the lease will be undertaken in February 2019 and February 2020 to determine if a longer term lease will be proposed into the future.

Cr Keeble

Cr Nicholas

That Council:

- 1. Approve and execute the lease of Real Estate forming part of Lot D PS200281Q located off Newmans Lane Harrietville for a community green waste facility; and*
- 2. Sign and seal the lease documents at the appropriate stage of the Council meeting.*

Carried

BACKGROUND

In October 2010 Council entered into a memorandum of understanding (MoU) with the Harrietville Community Building Initiative Committee for the provision of land and mulching support for a community green waste facility off Newmans Lane Harrietville. The objective of the MoU was to provide a secure and environmentally acceptable point for mulching and recycling of hard tree waste composed of garden pruning, tree cuttings, clippings and branches.

The MoU called for a formal review after three (3) years and could be terminated by mutual agreement by one month's written notice by either party. Necessary approval from the Environmental Protection Agency and a Planning Permit was obtained in 2011. The infrastructure was built in 2012 as a community project using funding from the MacPherson Smith Community Alliance Trust obtained by the Harrietville Community Building Initiative.

Council has undertaken an operational review of material management on site. The effective mulching of the green waste being collected at the site has been operationally difficult, with Council's equipment not being suitable for the required



work given the nature of the material on site. Stated key objectives for the facility included a reduction in green waste dumping and a reduction to burning in the local community; however given material processing issues the waste stockpiles have on occasion been burnt.

Alternate methods of processing have been explored, these included sourcing external contractors to undertake the work, extending green waste processing methods from the transfer stations to the site, and transporting the green waste to the transfer stations to include in bulk processing. However, these explored options have proved not practical to manage or cost effective.

Given strong community support for the continuance of the facility an alternate management option has been proposed. HCF has sourced a local contractor who is able to mulch the material that will be received at the site and therefore has provided Council with confidence that the facility will work to achieve its stated objectives. Council is proposing to enter into a lease arrangement to replace the expired MoU.

Key terms under the lease are:

- Term: 2 years
- Rent: \$1 p.a.
- Council contribution: \$3,000 p.a. for the term of the lease (in lieu of undertaking mulching functions)
- Insurance: Lessee to hold Public Liability cover of \$20,000,000.
- The Lessee to establish an effective management group to take responsibility for the operation and administration of the Premises.
- The lessees to develop membership documents including a Members Agreement and User Guide including confirmation of induction for members to the site
- The lessee to provide Safe Working Method documents for the activities being undertaken at the site
- Any mulching on the site to be undertaken by a licensed operator who has provided evidence of current public liability insurance
- Mulching is not to be undertaken while any members of the public are on site
- HCF is responsible for all costs associated with the operations of the facility
- HCF is responsible for successful conduct of the mulching service, including advertising and promotion, membership, security, maintenance, monitoring, disposal of foreign material and beautification

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 purposes of performing its functions and exercising its powers.

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

1. A Council's power to lease any land to any person is limited to leases for a term of 50 years or less.



2. Subject to any other Act, if a Council leases any land to any person subject to any exceptions, reservations, covenants and conditions, it must comply with this section.
3. If the lease is to be –
 - a. for 1 year or more and –
 - i. the rent for any period of the lease is \$50,000 or more a year; or
 - ii. the current market rental value of the land is \$50,000 or more a year; or
 - b. for ten years or more; or
 - c. a building or improving lease –the Council must at least four (4) weeks before the lease is made, publish a public notice of the proposed lease.
4. A person has the right to make a submission under section 223 of the act on the proposed lease.

As this lease is for a period of two (2) years and the rent set at \$1 p.a. there is no requirement to invite submissions under section 223 of the Act.

Lease documentation has been developed for the purpose of entering into a short term lease of this land.

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

ISSUES

Council received legal advice that a MoU was not a suitable instrument for an agreement relating to occupation of land for the purpose of a community green waste facility. Advice received indicates that a lease agreement is the appropriate governance mechanism. The proposed lease will replace the expired MoU.

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

Council has met the requirements under Section 190 of the Act.

POLICY IMPLICATIONS

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

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

- Highly utilised and well managed community facilities.



FINANCIAL AND RESOURCE IMPLICATIONS

Under the lease Council has a commitment to pay \$3000 per annum to the tenant for the purposes of undertaking the operations of the site. There is provision of \$3000 in the 2018/19 budget for this purpose. The annual lease income is \$1.

CONSULTATION

Consultation has been undertaken with the Harrietville Community Forum regarding the operation of the site and the proposed lease of the land. Legal advice has been received by Council regarding lease and insurance considerations.

CONCLUSION

The proposed lease will allow the Harrietville Community Forum to operate a community green waste facility on the site for use by the Harrietville community.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate
- Manager Facilities

ATTACHMENT(S)

- Nil



8.3.8 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 Morses 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 Morses 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:	71
Planner:	Scott Taylor

Cr Pearce moved the following alternative motion:

Cr Pearce

Cr Keeble

That a Notice of Decision to Grant a Permit 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 Avenue, Wandiligong in accordance with the following conditions:



1. *The layout of the subdivision as shown on the endorsed plan must not be altered or modified (whether or not in order to comply with any statute, statutory rule or Local Law or for any other reason) without the prior written consent of the Responsible Authority.*
2. *The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.*
3. *All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.*
4. *The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.*
5. *Prior to issue of Statement of Compliance, 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. *That the subject land not be further subdivided so as to create an additional lot under the current zoning.*

The owner must pay the reasonable costs of the preparation, including execution and registration of the section 173 agreement.

ENGINEERING CONDITIONS

6. *Prior to issue of Statement of Compliance all stormwater and surface water discharging from the site, buildings and works must be retained and treated on site to the satisfaction of the relevant authority. No effluent or polluted water of any type will be allowed to enter the stormwater drainage system.*
7. *Prior to issue of Statement of Compliance, 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*
 - 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;*



crossings are to be concrete (darkened in colour) or have a bituminous seal applied over a suitably constructed base where they abut a sealed road. Dimensions, construction standards and roadside drainage treatments are to be generally in accordance with IDM drawing SD55.

GOULBURN-MURRAY WATER CONDITIONS

- 8. Any Plan of Subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.*
- 9. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).*
- 10. No buildings are to be constructed within 30 metres of any waterways or on any drainage lines.*
- 11. Prior to the issue of statement of compliance earthworks must be carried out on proposed Lot 2 to ensure that the localised drainage depression formed by mechanical excavation is returned to its natural topography.*
- 12. The existing on-site wastewater treatment and disposal systems for proposed Lot 1 must be wholly contained within the boundaries of the new lot created by subdivision.*
- 13. Prior to Statement of Compliance being issued, the owner shall enter into an Agreement with the Responsible Authority and Goulburn Murray Water under Section 173 of the Planning and Environment Act, on Lots 2 and 3, ensuring that:*
 - a. If a community effluent disposal system or reticulated sewerage system becomes available, all wastewater from the dwelling must be disposed of via this system and the on-site wastewater treatment and disposal system must be decommissioned.*
 - b. Any future dwelling on Lot 2 must not contain any greater than 2 bedrooms; including rooms that could be closed off and used as bedrooms, e.g. study, sunroom, etc, without further approval from GMW and the Responsible Authority.*
 - c. Any future dwelling on Lot 3 must not contain any greater than 4 bedrooms; including rooms that could be closed off and used as bedrooms, e.g. study, sunroom, etc, without further approval from GMW and the Responsible Authority.*
 - d. Any future dwelling on lot 2 adheres to the wastewater management requirements outlined within the Land Capability Assessment LCA-ROSS-03 prepared by Nick Malkin – Foresight Engineering Services dated 2 August 2018 unless further approval is obtained from GMW and the Responsible Authority. This includes the design, installation and maintenance of the wastewater management system, and the size and location of the wastewater disposal field.*



- e. Any future dwelling on lot 3 adheres to the wastewater management requirements outlined within the Land Capability Assessment LCA-ROSS-02 prepared by Nick Malkin – Foresight Engineering Services dated 21 September 2018 unless further approval is obtained from GMW and the Responsible Authority. This includes the design, installation and maintenance of the wastewater management system, and the size and location of the wastewater disposal field.*
- f. All upslope runoff must be diverted away from the wastewater disposal areas. Stormwater must be diverted away through the installation of a shallow cut off drain, which is to be placed upslope of the disposal areas.*
- g. No buildings are to be constructed within 30 metres of any waterways or on any drainage lines.*
- h. The owner shall meet the cost of the registration of the agreement on the title*
- i. This agreement is cancelled if (a) above is satisfied.*

EXPIRY CONDITION

14. This permit will expire if:

- a. the plan of subdivision is not certified within two years of the date of this permit; or*
- b. the registration of the subdivision is not completed within five years of the certification of the plan of subdivision.*

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

Carried



BACKGROUND

This report was considered by Council at its November Meeting. At that meeting, Council made a decision to not refuse the application, however Council did not make a decision grant the permit and therefore the application is being presented to Council again.

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

Referrals / Notice	Advice / Response / Conditions
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 2300m² to 5271m², 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 (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

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 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 Knappstein

Cr Nicholas

That the summary of the Assemblies of Councillors for October / November 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 9.0 to this report.

Date	Meeting
30 October	Briefing Session
13 November	Briefing Session

ATTACHMENT(S)

- 9.0 Assemblies of Councillors – October / November 2018



10 GENERAL BUSINESS

11 MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN

12 RECEPTION AND READING OF PETITIONS



13 DOCUMENTS FOR SEALING

Cr Knappstein

Cr Keeble

That the following documents be signed and sealed.

- 1. Alpine Shire Council lease of Lot 2 PS705744 being the land contained in Certificate of Title Volume 11402 Folio 500 for the private aircraft hangar located at Mount Beauty Airfield in favour of David Gemmell.*
- 2. CT1804101 in favour of Barton Street Developments Pty Ltd for the McNamara Reserve Netball and Tennis Facilities.*
- 3. CT1804801 in favour of Stadelmann Enterprises Pty Ltd for the Construction of Eurobin Flood Bypass Road.*
- 4. CT1804701 in favour of Joss Construction for the Myrtleford Indoor Sports Stadium Expansion.*
- 5. Section 173 Agreement – Gregory Philip Hertz and Christel Francisca Hertz. Lot 1 on Plan of Subdivision 713449. Condition 20(d) of the Planning Permit 2018.1.1 for the Construction of two dwellings, two lot subdivision and Boundary Realignment at 1/14 Gavan Street, Bright. The Agreement explicitly excludes Lots 1 to 5 inclusive from the exemption under Clause 44.06-1 of the Alpine Planning Scheme.*
- 6. Lease of real estate forming part of Lot D on PS200281Q located off Newmans Lane Harrietville for the Harrietville Community Green Waste Facility.*
- 7. CT1802401 in favour of Cr8tve Waste Management Pty Ltd for the Operation and Management of Myrtleford, Porepunkah and Mount Beauty Transfer Stations.*
- 8. Finance Committee Charter.*

Carried

There being no further business the Chairperson declared the meeting closed at 7.48p.m

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Chairperson