



Alpine Shire

**ORDINARY COUNCIL MEETING
MINUTES**

**M2 – 3 March 2015
Council Chamber, Bright
7.00 pm**



The **Ordinary Meeting** of the **Alpine Shire Council** was held in the Council Chambers, Great Alpine Road, Bright, on **3 March 2015** and commenced at **7.00pm**.

PRESENT

COUNCILLORS

Cr Jan Vonarx – Mayor
Cr Ron Janas – Deputy Mayor
Cr Kate Farrell
Cr John Forsyth
Cr Tony Keeble
Cr Peter Roper
Cr Daryl Pearce

OFFICERS

Mr Dave Barry – Chief Executive Officer
Mr Trevor Britten – Director Corporate Performance
Mr Nick Vlahandreas – Acting Director Sustainable Development
Mr Charlie Bird – Director Assets



AGENDA

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1 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS, RECOGNITION OF ALL PEOPLE AND OPENING PRAYER

The Chief Executive Officer read the acknowledgement of the traditional custodians, recognition of all people and the opening prayer.

2 CONFIRMATION OF MINUTES

2.1 ORDINARY COUNCIL MEETING – M1

Cr Ron Janas

Cr Tony Keeble

That the minutes of Ordinary Council Meeting No 1 held on 3 February 2015 as circulated be confirmed.

Carried

3 APOLOGIES

Nil

4 OBITUARIES / CONGRATULATIONS

Cr Kate Farrell:

Obituary for Mrs Bernece Delany, much loved by the whole community, she will be greatly missed.

Congratulations to the Adventure Film Crew, for a successful event.

Cr Tony Keeble:

Congratulations to the Mount Beauty community for the successful Sweet Valley Sounds event and to team Mount Beauty for a successfully run Mountain bike event.

5 DECLARATIONS BY COUNCILLORS OF CONFLICT OF INTEREST

Nil

6 QUESTION TIME

Questions on notice from the Bright and District Ratepayers Association (submitted by Derek Butler (not present):

Mud at the Porepunkah river pool:

Q. Is the Shire aware of the issue?

Director Corporate Performance advised: Yes, and each year before the weir boards go in, Council clears snags and mud, and places washed river sand to improve underfoot. Particular attention is given around structures (jettys, diving board, slides). This is done on the public side of the river, and in Porepunkah extends from the weir upstream to about the jetty.



But it is a natural environment and Council's ability to put machinery into the river, particularly to access the opposite bank is limited.

Q. Will the Shire check the situation at the pool area when the weir is removed and take action to reduce the mud levels if needed?

Director Corporate Performance advised - As usual, Council will assess the situation before the weir boards are installed next summer; we are hopeful that spring rain and increased river flows will naturally resolve the matter. If there appears to be a significant risk, then Council will discuss the questions of access, responsibility and permission with NECMA.

Note that Council only 'manages' the area between the flags, on the community side of the river, as a swimming area.

Mafeking Square:

Q. Is the Mafeking Square project as already extensively planned (including public and stakeholder consultation) still active and awaiting financing? And, will it be considered in this year's budget.

Chief Executive Officer responded yes to both questions.

Freeburgh Bridge:

Q. Did the Alpine Shire inspect the Bridge prior to NEW works? If not why not?

Director Assets responded - Yes, the bridge is regularly inspected according to an annual inspection program.

Q. Was the load limit for the Bridge brought to the notice of NEW or contractors before works commenced, or during works at all?

Director Assets responded - Yes, the load limit for the bridge was raised with NEW before works commenced. NEW also confirm that they raised the matter with their contractors prior to the works commencing. (And a sign on the bridge displays the load limit).

Q. Has the issue been raised with NEW and will Council seek compensation for any necessary remediation?

Director Assets responded - Yes, the matter has been raised with NEW (19 February 2015), and they advise that they and their contractors complied with the load limits. The Alpine Shire CEO is meeting with the NEW CEO next week and will raise the matter again.

David Pratt:

Rod Run alcohol ban

Q. How will Council manage the alcohol ban that has been introduced with the adoption of the amended Local Law with respect to licenced premises?



Chief Executive Officer responded – A licenced premise can serve alcohol according to their liquor licence; the alcohol consumption restrictions set out in the local law don't apply within licenced areas (within the 'red line').

Pioneer Park Grandstand

Q. I'm concerned with the state of the grandstand, the structural beams are unsound. What is Council planning to do about it?

Chief Executive Officer responded– In the short term, Council will assess and conduct whatever remedial works are required to make the grandstand safe. And in the long term, Council is committed to refurbishing the grandstand as part of the Alpine Events Centre proposal, and is seeking funding to do so.

Kevin Black (representing the Ratepayers Association): Freeburgh Bridge

Q. How did the Freeburgh Bridge come to deteriorate so quickly from its previous inspection in June 2014 to now?

Director Assets responded– The last major condition assessment was conducted in December 2012, the subsequent report provided in January 2013 identified deterioration. A routine annual inspection was conducted in June 2014. The most recent inspection and assessment conducted in February 2015 identified significant damage and recommended closure of the bridge.

Chief Executive Officer advised– Heavy (weight) traffic has contributed to the deterioration of the bridge.

Director Assets – Anecdotally, NEW contractors observed heavy vehicles and plant (not associated with the NEW project), crossing the bridge.

Stuart Hargreaves: Bakers Gully Reservoirs

Q. I don't agree with North East Water's approach to decommissioning the Bakers Gully Reservoirs. They're a fantastic asset; what are the flood implications for Bright if they're removed; why doesn't Council take them over as a Council asset?

Chief Executive Officer – Council agrees with your sentiment (they're a fantastic community asset), but they're not a Council asset. I will again raise the matter with the North East Water General Manager and echo the community's concerns.

Elm Tree at Pioneer Park

Q. I'm concerned that the elm tree near the Pioneer Park grandstand has been ruined by the way it has been pruned; what is Council going to do about it?



Chief Executive Officer – Council is aware that trees are an important community asset. The Director Assets will arrange for the tree to be assessed and a follow-up report provided.

Lyn Dwyer

Martley Street Road Closure

Q. Does Council agree that a temporary road closure improves the safety outcomes of all students?

Cr Roper – This is the subject of a Council report, therefore Council is unable to comment at this time and pre-empt the report. This will be discussed at item 7.4.5 of the agenda.

David Priestly

Top roundabout in Bright

Q. Will Council consider installing a fountain in the ‘top’ roundabout in Ireland Street, Bright?

The proposal will be referred to the capital works ‘wish-list’ for consideration and possible future prioritisation.

Ray Dyer

Opening Prayer

Q. Which aboriginal tribe is referred to in the ‘Acknowledgement of Traditional Custodians’ (according to my research, Gunaikurnai aren’t the traditional custodians)?

Chief Executive Officer – Gunaikurnai; but Council will investigate and respond.



7 PRESENTATION OF REPORTS BY OFFICERS

7.1 CHIEF EXECUTIVE OFFICER – DAVE BARRY

7.1.1 Instruments of Delegation and Authorisation

File Number: Delegations Register

INTRODUCTION

Instruments of delegation and authorisation are an important means of Council delegating its powers duties and functions under the *Local Government Act 1989* and other legislation, to the Chief Executive Officer (CEO), and to members of staff.

The recent change in Council's organisational structure and changes in legislation necessitate an update to all instruments to enable Council staff to undertake their roles. Previous instruments of delegation and instruments of appointment and authorisation were approved by Council in October and December 2013.

Cr John Forsyth

Cr Tony Keeble

That:

1. Council exercise the powers conferred by section 98(1) of the Local Government Act 1989, and all other legislation enabling it, so that:

- a) There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in attachment 7.1.1 (a) "S5 - Instrument of Delegation to the Chief Executive Officer" (the instrument), subject to the conditions and limitations specified in that instrument.***
- b) The instrument comes into force immediately the common seal of Council is affixed to the instrument.***
- c) On the coming into force of the instrument the previous delegation "S5 – Instrument to the Chief Executive Officer" signed on 1 October 2013 be revoked.***
- d) The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.***
- e) It is noted that the instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act.***
- f) The instrument be signed and sealed at the appropriate stage of this meeting.***

2. Council exercise the powers conferred by section 98(1) of the Local Government Act 1989 and the other legislation referred to in the attached instrument of delegation, so that:

- a) There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in attachment 7.1.1 (b) "S6 - Instrument of Delegation to members of Council staff" (the***



- instrument), the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that instrument.*
- b) The instrument comes into force immediately the common seal of Council is affixed to the instrument.*
 - c) On the coming into force of the instrument the previous "S6 - Instrument of Delegation to members of Council staff" signed on 19 December 2013 be revoked.*
 - d) The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*
 - e) The instrument be signed and sealed at the appropriate stage of this meeting.*
- 3. Council exercise the powers conferred by section 224 of the Local Government Act 1989, and by section 188 of the Planning and Environment Act 1987, so that:**
- a) The members of Council staff referred to in attachment 7.1.1 (c) "S11A – Instrument of Appointment and Authorisation – Planning and Environment Act 1987" (the instrument) be appointed and authorised as set out in the instrument.*
 - b) The instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it.*
 - c) On the coming into force of the instrument the previous "S11A – Instrument of Appointment and Authorisation – Planning and Environment Act 1987" signed on 19 December 2013 be revoked.*
 - d) The instrument be signed and sealed at the appropriate stage of this meeting.*

Carried

BACKGROUND

Maddocks Delegation Service

Section 98(1) of the *Local Government Act 1989* (the Act) provides that a Council may, by instrument of delegation, delegate to a member of its staff any power, duty or function of a Council under the Act or any other Act, other than certain specified powers. Legislation other than the *Local Government Act 1989* also empowers a Council to delegate certain powers, duties or functions.

Council utilises the delegations service provided by law firm Maddocks. This is a template system used by many councils and provides a detailed way of ensuring that appropriate delegations and authorisations are given to Council staff. All of the relevant legislation affecting local government, including Acts and Regulations and the sections that relate to the powers, duties and functions of Council are outlined within the template and the relevant officer is allocated accordingly.



Local Government Act 1989

Section 98 of the *Local Government Act 1989* provides for Council to delegate to a member of its staff any power, duty or function of a Council. Council can delegate the majority of its powers to the CEO via the "S5 - Instrument of Delegation to the Chief Executive Officer". This allows the CEO to further sub-delegate duties and authorise staff for the vast majority of Acts that Council operates under. However, some Acts do not allow for sub-delegation, requiring Council to delegate duties directly to staff via the "S6 – Instrument of Delegation to members of Council staff".

Planning and Environment Act 1987

Section 188(1)(b) of the *Planning and Environment Act 1987* specifies that "*a planning authority ... may by instrument delegate any of its powers, discretions or functions under this Act to an officer of the authority*". However Section 188(2)(c) specifically prevents an officer from further sub-delegating any duty, function or power. Therefore, as the responsible authority, Council must authorise staff directly using the "S11A – Instrument of Appointment and Authorisation – Planning and Environment Act 1987", rather than via the Chief Executive Officer.

ISSUES

Council's CEO and staff require current and accurate delegations and authorisations to fulfil their duties. The recent organisational restructure has meant that roles, responsibilities and job titles have changed, necessitating an update to the relevant instruments of delegation and authorisation.

While there remains a period of transition in the organisation, moving from the 'old' structure, to the 'new' structure, there still needs to be an appropriate allocation of delegated duties, powers and functions to staff. To allow for this period of change, the "S6 – Instrument of Delegation to members of Council staff" has had an additional column inserted, so that the 'new' roles that are operational are recognised, as well as the 'old' roles that are yet to transition. This will mean that once the restructure has been fully finalised, that the 'old' delegations can be easily reviewed and removed. It also allows for all staff in the organisation to have appropriate delegation, regardless of the status of their departmental transitions.

Along with staffing changes and alterations of roles and responsibilities, there have also been some legislative changes since both the delegations and authorisations to the CEO and staff were made in October and December 2013.

Once the "S5 – Instrument of Delegation to the Chief Executive Officer" is approved by Council, all other delegations and authorisations will be presented to the CEO for approval. Therefore, Council's entire suite of delegations and authorisations will be up to date.

Council to Chief Executive Officer Delegation

There have been no changes to the content of the "S5 – Instrument of Delegation to the Chief Executive Officer" however the re-signing of the instrument is part of best



practice to coincide with updated delegations to staff, as recommended by Maddocks.

Council to Staff delegation

The addition or removal of provisions in the “S6 – Instrument of Delegation to members of Council Staff” has been made in line with advice from Maddocks. It is important to note that some new provisions are not yet in operation and will commence at a later date. These situations have been noted in the instrument of delegation, but have been included so that once the provisions are in place, there are staff delegated to undertake those duties. Staff titles have been updated to reflect the new organisational structure where possible, with old titles remaining in some cases until transition has occurred.

Planning and Environment Act authorisation

There have been no changes to the content of the “S11A – Instrument of Appointment and Authorisation – Planning and Environment Act 1987”, other than the updating of names and titles of the staff being authorised under the Act.

POLICY IMPLICATIONS

The proposed changes are to ensure that Council’s delegations and authorisations remain consistent with legislation. It is also consistent with Council’s Council Plan strategy, to “provide good governance”.

2013-2017 Council Plan	
5.4 To ensure a high standard of governance	5.4.1 Provide good governance

FINANCIAL AND RESOURCE IMPLICATIONS

Council has an annual subscription to the Maddocks delegation service that is allowed for in Council’s annual budget. There are no other financial implications associated with these instruments of delegation.

Appropriate delegations and authorisations allow Council and Council staff to operate effectively and within legislative frameworks.

CONSULTATION

The relevant directors and managers have been consulted throughout the review of the instruments of delegation and clarification sought from specific staff where required. No additional consultation is required.

There is no requirement to involve the community in the preparation of the instruments of delegation.

CONCLUSION

The instruments of delegation to the CEO and members of Council staff, and instrument of appointment and authorisation allow staff to fulfil their duties, and



should therefore be supported. The instruments come into force immediately the common seal of Council is affixed to the instrument, and will remain in force until Council determines to vary or revoke them.

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
- Development Officer (Event Operations)
- Governance Officer

ATTACHMENT(S)

- 7.1.1 (a) Alpine Shire Council "S5 - Instrument of Delegation to Chief Executive Officer"
- 7.1.1 (b) Alpine Shire Council "S6 - Instrument of Delegation to Members of Council" Staff
- 7.1.1 (c) Alpine Shire Council "S11A – Instrument of Appointment and Authorisation – Planning and Environment Act 1987"



7.1.2 Contracts approved by the CEO

Cr Ron Janas

Cr John Forsyth

That the Contracts approved by the CEO be noted.

Contract No:	No: 1404701	Process:	Request for Quotation
Title:	Myrtleford Deck Pavement Replacement		
Tenderer	GW & BR Crameri Pty Ltd		
\$ (excl. GST)	\$74,722		
Funding:	The budget for these works is \$75,000 funded from the Bridge Renewal Budget.		

Carried



7.2 DIRECTOR CORPORATE PERFORMANCE – TREVOR BRITTEN

7.2.1 Finance Committee Minutes

File Number:

INTRODUCTION

The purpose of this report is to present the minutes of the Finance Committee (the Committee) meeting which was held on Tuesday 27 January 2015 to Council. The key item presented to the Committee was the Quarter 2 Finance Report ending 31 December 2014. Review of the action sheet was also undertaken which included a short presentation to the Committee on the year to date (YTD) capital works.

Cr John Forsyth

Cr Daryl Pearce

That the minutes of the 27 January 2015 Finance Committee meeting be received and noted.

Carried

BACKGROUND

Finance Report Quarterly Review

Year to date, Council is tracking favourably to budget, particularly in the areas of:

- Grant income (\$1.3M favourable variance);
- Employee costs (\$0.3 favourable variance); and
- Materials and services (\$1.1 million favourable variance).

The variances against budget are predominately due to the HR Review. This has been conducted over the last 12 months and has seen a reduction in staff costs which are now being realised. The favourable variance is also due to receiving the Victorian Grants Commission grant in July this year instead of June. Finally an emphasis on reducing costs across Council has also seen materials and services decrease, however expenditure in this area also fluctuates during the year and is expected to increase in the remainder of the year.

Action sheet

Review of the Action Sheet included a brief presentation on the progress of the capital works budget. The Quarter 2 Finance Report and graphs show that YTD capital works expenditure is less than the YTD budget. This is consistent with previous years, and trends show that most capital works are delivered in quarters three and four. Management highlighted that improvements would continue to be made in capital works delivery, budgeting and forecasting in the future.



IMPLICATIONS

Legislative Issues

The Local Government Act (the Act) requires the following relating to financial management:

- Section 137 (Budgeting and reporting framework) - "Council must establish and maintain a budgeting and reporting framework that is consistent with the principles of sound financial management.
- Section 138 (Quarterly statements) – "At least every three 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".

Council Plan and key strategic plan links

2013-2017 Council Plan	
Strategic Objective 5.2	To manage resources well to ensure sustainability
2013/14 Budget	
Strategic Objective 2.5	Performance focused organisation

CONCLUSION

The Committee:

- acknowledged that Council is tracking favourably to budget;
- expressed their satisfaction with the Finance Report and the capital works presentation; and
- acknowledged that budgeting and forecasting will continue to be improved over time.

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 Services
- Director Corporate Performance

ATTACHMENTS

- 7.2.1 Finance Committee Minutes 27 January 2015



7.2.2 2016 General Revaluation

File Number: 980.01

INTRODUCTION

The *Valuation of Land Act 1960 (the act)*, requires all Victorian Councils to conduct a general revaluation of rateable and non-rateable properties every two years.

The act states that Council must resolve to “cause” the revaluation.

The purpose of this report is to commence the valuation process for the 2016 revaluation year.

Cr Peter Roper

Cr John Forsyth

That Council take the necessary steps to cause a general valuation of rateable and non-rateable land within the Alpine Shire at a prescribed date of 1 January 2016, to be returned no later than 31 March 2016 and that notice be given.

Carried

BACKGROUND

Section 11 of the *Valuation of Land Act 1960* requires Council to undertake a general valuation of rateable and non-rateable land, every two years. Section 6 of the *Valuation of Land Act 1960*, requires that Council resolve to undertake the valuation. This valuation does not take effect until the financial year commencing 1 July 2016.

Council must also give not less than one months’ notice of the decision to cause a valuation to “every other rating authority interested in the valuation of land in the relevant municipal district”. This means Council notifies the Valuer General Victoria, State Revenue Office and its neighbouring Councils that it has “caused” a general valuation.

LG Valuation Services Pty Ltd were awarded contract number 1204201, to undertake the 2014 and 2016 general revaluation.

Regardless of the contract, to comply with the *Valuation of Land Act 1960*, Council must still resolve to undertake the revaluation.

LEGISLATIVE IMPLICATIONS

- *Valuation of Land Act 1960*
- *Local Government Act 1989*

FINANCIAL IMPLICATIONS

The cost to undertake the revaluation is detailed in contract number 1204201 which was for the 2014 and 2016 valuations. Total cost of the 2016 valuation is expected



to be approximately \$136,402 (GST inclusive), however some costs may be incurred in the 2014/15 financial year or the 2016/17 financial year depending on the timing of invoices and audit by the Valuer General's Office. Council does receive a rebate from the State Revenue Office for 50% of the total fee less GST.

CONCLUSION

That Council resolve to undertake the 2016 general revaluation and give due notice of the decision to the Valuer General Victoria, State Revenue Office and neighbouring Councils.

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 Performance
- Manager Corporate Services
- Rates Coordinator

ATTACHMENT(S)

- Nil



7.3 DIRECTOR ASSETS – CHARLIE BIRD

7.3.1 Contract 15/001 – Detailed Design and Construction for upgraded Skate Park Facilities in Cundy Park, Myrtleford

File Number: 1780.71

INTRODUCTION

This report relates to the award of the Contract for the Myrtleford Skate Park redevelopment.

Cr Ron Janas

Cr Daryl Pearce

That Precision Skate Parks Pty Ltd is awarded Contract No: 15/001 for Detailed Design and Construction for upgraded Skate Park Facilities in Cundy Park, Myrtleford for the lump sum price of \$150,000.00 (excl. GST).

Carried

BACKGROUND

This project will redevelop the skate facilities at Cundy Park Myrtleford as a safe, vibrant and attractive skate park. The project will engage with the community through the detailed design process to ensure that the built outcome reflects the desires of the park users. Although a previous concept has been prepared, further design resolution is required to enable the upgrade works to fit the allocated budget.

The Invitation to Tender was advertised in the Herald Sun Wednesday 7 January 2015, Border Mail on Saturday 10 January 2015, and on the Alpine Shire Council web-site.

The tender documents were issued to 14 Tenderers, 3 returned offers.

The evaluation panel consisted of the Acting Manager Project Delivery and Project Officer Consultant, Francine Stacey.

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

- Price
- Demonstrated experience of the company and nominated staff in design and construction
- Capacity to complete the work within the required timeframe and quality
- Professional, technical and equipment resources to carry out the work
- Social



ISSUES

It is possible that the existing metal ramps and concrete area are in acceptable condition and can be retained with minor repairs, so the majority of the construction funds can contribute to new and additional ramps and runs. However, this will need to be reviewed with the users and the extent of new versus upgraded facilities can be managed through the design and stakeholder engagement process.

POLICY IMPLICATIONS

The tender was advertised and evaluated according to the Procurement Policy and the Purchasing and Contract Procedures Manual.

FINANCIAL AND RESOURCE IMPLICATIONS

The total project budget of \$160,000 is jointly funded through the State Government's 2014/15 Community Facility Funding Program (\$100,000), Council (\$55,000) and public contributions (\$5,000).

The contract is anticipated to commence early March 2015 and must be completed by 31st December 2015.

Other costs associated with the project include detailed site survey and geotechnical investigation.

CONCLUSION

Acceptance of the tender from Precision Skate Parks Pty Ltd is considered to be 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 Sustainable Development
- Acting Manager Project Delivery
- Consultant Project Manager

ATTACHMENT(S)

- Nil



7.4 ACTING DIRECTOR SUSTAINABLE DEVELOPMENT – NICK VLAHANDREAS

7.4.1 Road Naming Proposal

File Number: 1763.12

INTRODUCTION

An application to formally name a road in Smoko was received by Council in early October 2014.

The proposal submitted by Mr Michael Fletcher was to name a road leading to his property in Smoko "Fletcher Lane" in memory of his late father Mr Carl Fletcher.

Cr Ron Janas

Cr Tony Keeble

That:

- 1. The application to name the unnamed road that provides access to the Ovens River from the Great Alpine Road and Smoko "Fletcher Lane", be refused as it does not meet the Guidelines for Geographic Naming, Council's Policy and community objection to the proposal.*
- 2. The name "Gallaghers Lane" be advertised in accordance with Council Policy No: 57 – Place, Road, Memorial Naming Policy – Commemorative Naming.*
- 3. The applicant be advised of Council's decision.*

Motion Lost

Cr Peter Roper proposed an alternative motion:

Cr Peter Roper

Cr John Forsyth

That:

A. Council not pursue the naming of the lane in question and that the status quo remain.

B. The applicant be advised of Council's decision.

Carried

BACKGROUND

The currently unnamed road provides access to the Ovens River from the Great Alpine Road and to property owned by Fletchers Pastoral Group. The private property at the end of the road is used for cattle grazing and there are no dwellings within this holding. The location of the road is shown in Figure 1 below.

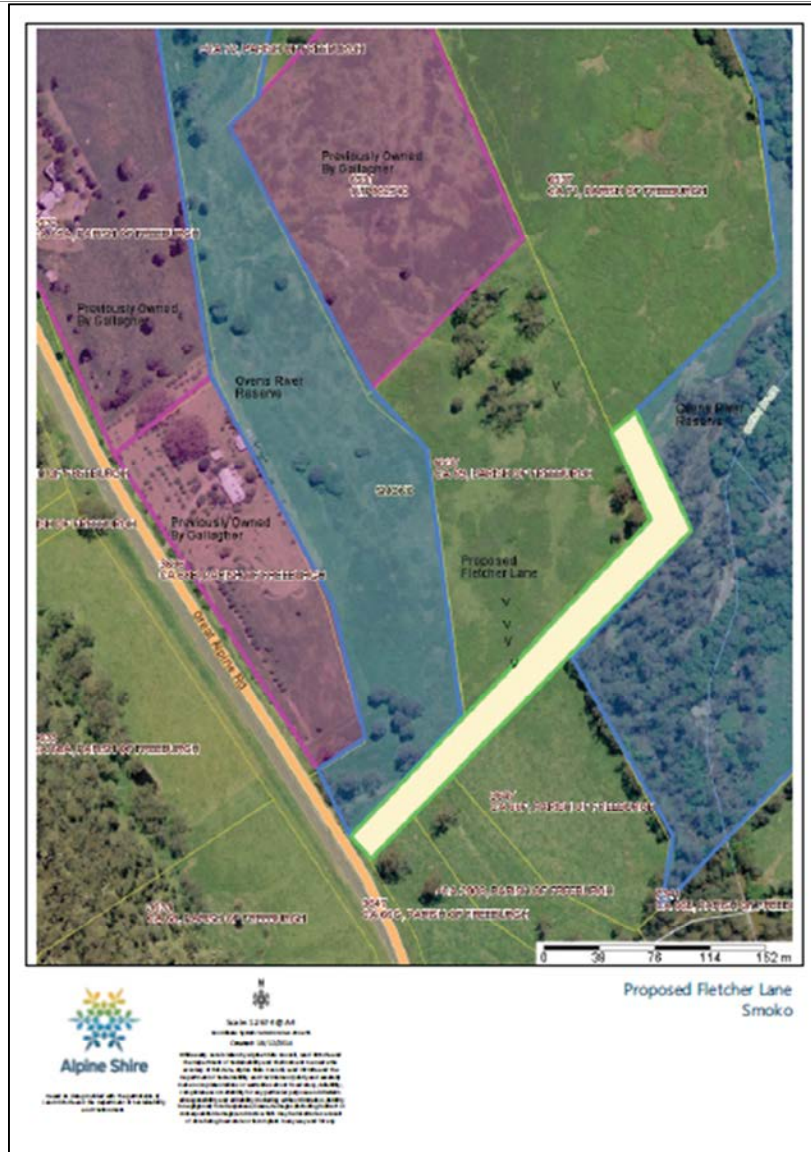


Figure 1: Proposed Road Name Location

The subject road has never been formally named however local residents refer to the road as “Gallaghers Lane”. Is it not necessary for every road within the municipality to have a name, however, it is always useful to provide easy identification should the attendance of emergency services be required at any time.

The application is from Mr Michael Fletcher in memory of his late father Mr Carl Fletcher.

The applicant has provided the following information:

Mr Fletcher Senior has been a landholder within the Alpine Shire for many years. He was born in Wandiligong in 1925 and attended the Wandiligong Primary School. At the young age of 14 he rode his first cattle muster on the Bogong High Plains with the late Ben Cooper of Tawonga and realised that was what he wanted to do with



his life, be a cattleman and landholder. Family legend suggests that he purchased Wandi Station from the Gow family in 1962 and Horsehair Plain, along with various other parcels of land in the Ovens Valley. He also held high country leases, where he placed his cattle over the summer months. In the 1970's he also ran a horse riding school.

During the public advertising of the proposal five submissions were received. These submissions provided the following information:

- The lane in question, rather than being 'un-named', has been known to locals in Harrierville and Smoko as "Gallaghers Lane" for many years. Tom Gallagher was in receipt of the original Crown Grant of Allotments 65A; 68B and 70. Historic title searches have confirmed this to be the case.
- Exactly how long the Gallaghers lived on the property is not known precisely, but according to the records at least one of these lots remained in Thomas's ownership for almost 80 years.
- The book "Gold at Harrierville" (Brian Lloyd, 1982) mentions that Thomas Gallagher as one of the first selectors around 1870. It also mentions that he made a submission against the dredging of his farm at Smoko to a Dredge Enquiry Board in Bright in 1913.
- Thomas Gallagher is also mentioned in the Diary of Henry Morgan (builder of the Mount Hotham Road) in 1882 and again in 1887. Thomas was one of the mailmen who carried the mail on horseback and on foot through the winter snows and summer heat to Mount St. Bernard, the Dargo High Plains and Grant as did one of his nephews.
- Joseph Gallagher (a nephew) won a Distinguished Conduct Medal for gallantry in France in 1918 during World War 1.
- Descendants of Tom Gallagher were still living on the property into the 1950s.
- All of the submissions mentioned that the lane has always been referred to by the 'locals' as Gallaghers Lane.

ISSUES

Five submissions were received by Council in relation to the proposed naming. All of these submissions were opposed to the name "Fletcher Lane" being used to identify the location in question.

The key facts appear to be that the name "Fletcher Lane" would not be acceptable to the community as the local name for the road "Gallaghers Lane". "Gallaghers Lane" has stronger ties to the local community and would appear to be preferred.

"Gallaghers Lane" would tick all the boxes to satisfy both the Guidelines for Geographic Names and Council's Policy.



“Gallaghers Lane” would also recognise the long term community service of the Gallagher family in providing a reliable mail service to small communities located in Victoria’s high country under extremely trying conditions.

“Gallaghers Lane” would also respect the Victorian Government’s Centenary of ANZAC program of recognising the men and women who served Australia with service during World War 1.

POLICY IMPLICATIONS

- Principal 1 (H) of the Guidelines for Geographic Names - Using commemorative names; states that “names of people who are still alive should be avoided as community attitudes and opinions can change over time.” It may be construed by some individuals that Mr Fletcher is naming the lane in favour of himself.
- Principal 3.1.2 of Council Policy No: 57 – Place, Road, Memorial Naming Policy – Commemorative Naming – Personal Names states; “Where the names of deceased persons are being considered for place or feature naming, the person being commemorated should have had a direct and long-term association with the feature or have made a significant contribution to the areas or region. Examples include: a) Early or long time settler (20+ years); b) Developer or restorer of the feature or place; c) Donor of the land to the community; d) Advocate and active protector of the land or feature for public benefit.

Whilst the proposed name meets many of these principals, it is clear from the submissions and telephone calls received that community supports the alternative name of Gallaghers Lane.

FINANCIAL AND RESOURCE IMPLICATIONS

Minimal impost will be placed on Council for the naming of this lane.

Advertising of the new proposal is required; this will entail further newspaper advertisements, and letters to surrounding landowners.

Further research may also be required in the form of title searching and officer resources to carry out the research.

Once a name for the lane is established, registration of the name with the registrar is required and signage will also need to be installed.

CONSULTATION

Newspaper advertisements were placed in all local papers for a period of two weeks and the community was given 30 days to make a submission regarding the application.

Both names were checked against the VicNames register and neither name appears anywhere within the Alpine Shire.



CONCLUSION

It is considered that given the history of the land and the feelings expressed in the submissions received by Council that the name "Fletcher" be rejected in favour of the commonly recognised name of "Gallagher" and a further advertising period occur in accordance with the Guidelines for Geographic naming.

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 Sustainable Development
- Manager Planning and Amenity

ATTACHMENT(S)

- Nil.



7.4.2 Amendment C34 to the Alpine Planning Scheme

File Number: 1468.34

INTRODUCTION

In accordance with Section 25 of the *Planning and Environment Act 1987*, the Panel appointed to consider Amendment C15 has reported its findings to Council. Council must now consider the Panel's report under Section 27 of the Act and decide whether to adopt Amendment C34, or any part of it, with or without changes under Section 29 of the Act.

Cr Peter Roper

Cr Tony Keeble

That:

- 1. Alpine Planning Scheme Amendment C34 Panel Report, January 2015 be accepted under Section 27(1) of the Planning and Environment Act 1987.***
- 2. All the Panel Recommendations be accepted in full.***
- 3. Amendment C34 to the Alpine Planning Scheme be adopted under Section 29(1) of the Planning and Environment Act 1987 with changes in response to the Panel's recommendations.***
- 4. Amendment C34 to the Alpine Planning Scheme be submitted to the Minister for Planning for approval under Section 31(1) of the Planning and Environment Act 1987.***

Carried

BACKGROUND

The residential land supply of the Bright township is at a critical level with less than two years supply remaining. The Residential Land Review (Alpine Shire Council, 2005) identified in 2005 that Bright only had nine years of residential land supply available. During this period no amendments have taken place within Bright to increase the residential supply, therefore, levels are critical and this is pushing development into rural areas.

The Residential Land Review identified the land which is the subject of this amendment as the preferred area for urban growth for Bright. Three other areas were identified, however, these three areas have a higher bushfire risk and the CFA has expressed concerns with the rezoning of these properties. Therefore, the only land within Bright suitable for residential development is the subject land.

The Residential Land Review was adopted by Council on 7 June 2005 and the Alpine Planning Scheme was amended in 2011 to include the recommendations of the Residential Land Review into the Alpine Planning Scheme. The changes made to the Alpine Planning Scheme in 2011 included amendments to the Municipal Strategic



Statement (MSS) to allow the subject land to be rezoned for residential purposes. The MSS states, in relation to this land, the following:

“Urban Growth Area 1 – Great Alpine Road and Stackey Gully Road, Bright

Subject to the necessary site investigations and consultation with relevant authorities:

potential rezoning of the land to the south of the Great Alpine Road from Rural to Residential 1 and Low Density Residential and applying appropriate development overlays to ensure: a 50m wide buffer from the Great Alpine Road; building envelopes on land included in the Low Density Residential Zone; and no development occurs on land with a slope greater than 20%.”

The proposed amendment seeks to rezone approximately 40 hectares of Farming Zoned land on the north western edge of the Bright township to General Residential Zone. The amendment also seeks to include a Development Plan Overlay (DPO) on the land to control the overall development of the land.

As part of the amendment the applicant has submitted an Outline Development Plan (ODP) for the land to suggest how the land could be developed; this plan was amended prior to the Panel hearing and the current version is shown in Figure 1 below and provided as 7.4.2 (a) to this report.



Figure 2: Outline Development Plan



The ODP includes several key requirements that were recommended in the Residential Land Review and included in the Alpine Planning Scheme at Clause 21.03, these include:

- A 50m buffer from the Great Alpine Road to minimise the effects on the landscape and entry into town;
- A perimeter road along the south western boundary at the request of the CFA;
- Low density residential lots along the south western boundary to prevent building on steeper slopes;
- A diverse array of lot sizes and density; and, A central open space corridor.

The amendment was exhibited for six weeks between 7 August 2014 and 18 September 2014. Notification of the amendment appeared in the Alpine Observer and letters were sent to surrounding landowners and occupiers.

In total eight submissions were received, of which one objected to the amendment; a copy of the submissions is provided as 7.4.2 (b) to this report. These submissions are summarised and addressed in 7.4.2 (c) to this report. The objection was received from HVP who own and manage the south west adjoining pine plantation. The objection raised concerns with the encroachment of residential development to the pine plantation. HVP requested that a buffer of 150m be provided on the freehold land to provide greater separation between future residential use and the plantation.

At its meeting on 7 October 2014 Council resolved to refer the amendment to a Panel for consideration. The Panel hearing was conducted on 12 December 2014 at the offices of Planning Panels Victoria (PPV). Council has now received the Panel's report. The Panel recommended as follows:

Adopt Amendment C34 to the Alpine Planning Scheme generally as exhibited but subject to:

- a) Adoption of the Land Subject to Inundation Overlay as shown in Figure 6 of this report;*
- b) Adoption of the Development Plan Overlay schedule as shown in Appendix E of this report, including the Bushfire Response – ODP shown in Figure 8.*

The Panel report is provided as 7.4.2 (d) to this report.

Figure 6 referred to in the recommendation is shown in Figure 2 below. The ODP referenced in the recommendation is shown in Figure 1 of this report. The Development Plan Overlay schedule is provided at 7.4.2 (e) to this report.

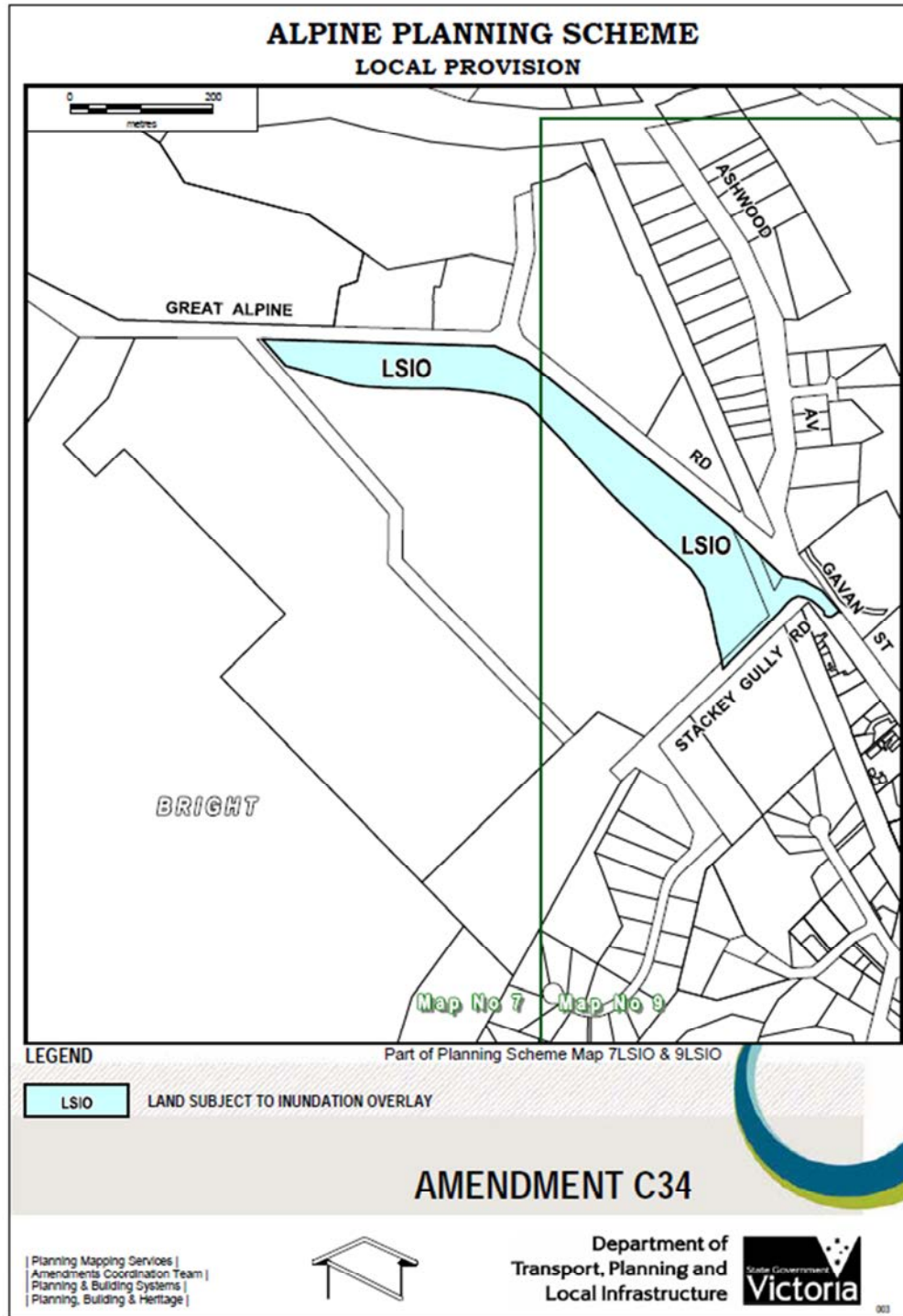


Figure 3: Proposed Land Subject to Inundation Overlay



ISSUES

The main issues addressed during the Panel hearing where the bushfire hazard and land use conflict between residential use and the adjoining pine plantation.

Bushfire Hazard

The Panel heard submissions from the CFA, HVP, the proponent and Council in relation to the bushfire risk of the site and surrounds. The proponent also relied on expert evidence on this matter. All parties agreed that some form of residential development on the site was acceptable. However, what was questioned was the planning framework to minimise the risk from bushfire on development of the site.

The CFA had been consulted throughout the Residential Land Review undertaken in 2005 and throughout the amendment phase. The CFA did not object to the amendment, however, they did require some changes to the proposed schedule to the Development Plan Overlay (DPO); these changes were deemed reasonable and Council supported the amendments sought by the CFA.

On the day before the Panel hearing the CFA sought additional changes including:

- Gradation of increasing lot sizes to the south;
- Two points of external access and the need for a perimeter road, particularly to the south;
- The need for a bushfire assessment report which should consider bushfire hazard and recommend mitigation measures such as construction standards, static water supply and access; and,
- The need for bushfire mitigation measures to be included in the Development Plan and the schedule to the BMO.

These changes were relatively innocuous and were not contended by any party during the hearing.

The CFA also sought the inclusion of a 100m buffer between the north western and south western boundaries of the site and any lot to reduce the risk from radiant heat exposure.

There was much discussion between all parties on the extent of defendable space (buffer) required between the pine plantation (Crown Land under lease to HVP) and future residential development.

The Panel was satisfied with the bushfire expert evidence that recommended a 53m buffer in conjunction with a requirement for any new dwelling constructed within 150m of the southern boundary be required to meet BAL-29 standards.

Land Use Conflict

It was the submission by HVP that the encroachment of residential development close to the pine plantation would be detrimental to its business and may create



amenity impacts upon future residents. Therefore, HVP sought the inclusion of a 150m buffer from the southern boundary to any new dwellings.

The Panel did not support the 150m buffer for the following reasons:

1. There was no evidence provided that a buffer of 150m would reduce amenity impacts;
2. There is no statutory requirement for a 150m buffer within the Alpine Planning Scheme;
3. HVP must operate under the requirements of the Code of Practice for Timber Protection (2014) and this provides measures to minimise amenity impacts;
4. There was no evidence of complaints from other plantation areas abutting residential development within the Shire or elsewhere; and,
5. No evidence was submitted by HVP on the extent of impacts the residential use would cause on their management and operation regimes.

In summarising this issue the Panel concluded that there is *"a clear need for additional urban development in a township with significant constraints; and in the Panel's view (there will be) a very small impact on HVP and the plantation industry."*

POLICY IMPLICATIONS

Council's previous decisions in 2005, 2011 and 2014, the Residential Land Review and amendments to the Alpine Planning Scheme have resolved to provide support for proposed Amendment C34.

The Council Plan provides the following relevant Strategic Objective:

"To improve the quality of the built environment and amenity."

The relevant strategy to achieve the objective is:

"Control development to protect the environment."

The Alpine Planning Scheme at Clause 21.03-2-1 supports Amendment C34 to the Alpine Planning Scheme.

FINANCIAL AND RESOURCE IMPLICATIONS

The Panel costs for Amendment C34 were \$10,875.18. The cost of the Council officer's time in preparing for this panel has not been included in this amount. Had an expert been engaged it would have added approximately \$15,000 to the costs. Council budgeted \$70,000 for planning scheme amendments for 2014/15. The upcoming Panel hearing for amendment C38, Mount Beauty Aerodrome, is likely to cost \$25,000 plus \$15,000 for expert evidence. Therefore, it is anticipated that expenditure will be under budget this financial year.



CONCLUSION

The rezoning of the subject land is deemed critically important for the Bright township with limited existing residential land supply. The rezoning of this land has been earmarked since the 2005 Residential Land Review and extensive consultation has occurred with stakeholders over the past four years on the development of this land.

The rezoning from Farming Zone to General Residential Zone will provide the Bright township with approximately eight-10 years of residential land supply.

The bushfire and land use conflict issues can be adequately addressed through the changes recommended by the Panel to the proposed schedule to the DPO and at the planning permit stage.

The Panel has recommended minor changes to the wording of the schedule to the DPO and the inclusion of a LSIO across the frontage of the land to the Great Alpine Road.

Subject to the changes identified by the Panel it is recommended that Amendment C34 by adopted by Council and be forwarded to the Minister for Planning for approval.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Sustainable Development
- Manager Planning and Amenity

ATTACHMENT(S)

- 7.4.2 (a) – Overall Development Plan
- 7.4.2 (b) – Copy of submissions
- 7.4.2 (c) – Summary and response to submissions
- 7.4.2 (d) – Panel Report
- 7.4.2 (e) – Schedule to the DPO to be adopted



7.4.3 Planning Application 5.2014.143.1

Application Number:	5.2014.143.1
Proposal:	Sale and consumption of liquor on the premises and adjacent footpath by way of a café and restaurant liquor licence
Applicant's Name:	Tim Walton
Owner's Name:	Bright (Supermarket) Commercial Pty Ltd
Address:	87-89 Gavan Street, Bright
Land size:	7,099sqm
Current use and development:	Woolworths supermarket and carpark with four vacant retail premises
Site features:	Flat, irregular shaped parcel fully developed for commercial purposes.
Why is a permit required?	To use land to sell or consume liquor under Clause 52.27 of the Alpine Planning Scheme
Zoning:	Commercial 1
Overlays:	Bushfire Management Overlay
Restrictive covenants on the title?	None
Date Received:	9 December 2014
Planner:	Simon Maughan

Cr John Forsyth

Cr Ron Janas

That Council issue a Notice of Decision to Grant a Planning Permit for the use of the land and adjacent footpath to sell or consume liquor by way of a café and restaurant liquor licence at 87-89 Gavan Street, Bright in accordance with the conditions outlined in Attachment A.

Carried



REASON FOR THE RECOMMENDATION

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

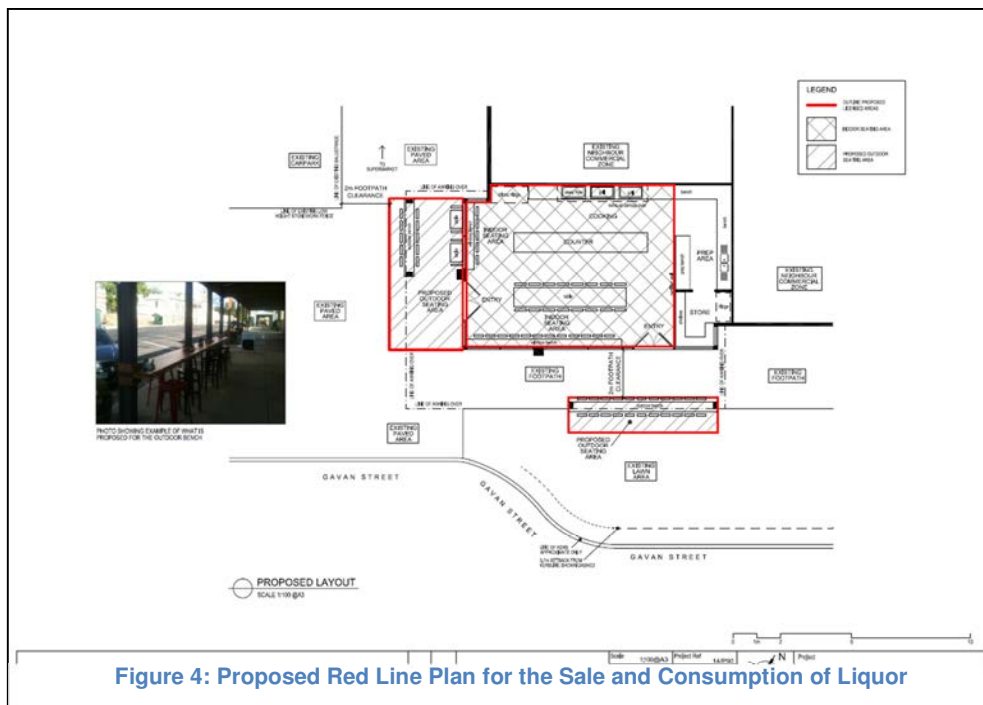
The proposal complies with the provisions of the Commercial 1 zone and Clause 52.27 – Licensed Premises of the Alpine Planning Scheme.

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

PROPOSAL AND BACKGROUND

Planning permission is sought for the sale and consumption of liquor in association with a gourmet burger café. It is emphasised that a planning permit is not required for the use of the premise as a café, as it is an 'as of right' use in the Commercial 1 zone.

The planning scheme requires the applicant submit a 'red line' plan which shows the extent of the area where alcohol can be sold and consumed. The café and 'red line' area are shown in the amended site and floor plan prepared by 'Design Bright' submitted on 11 February 2015; this plan is shown in Figure 1 and at **Attachment B**.



The proposed hours of operation for the business are 10.30am to 10.30pm, with the liquor licence being sought for those same hours. The maximum number of patrons is proposed to be 40.



The applicant has proposed to install two benches on the edge of the covered footpaths outside the café for outdoor diners, which are depicted in the submitted plan. While this aspect of the proposal is dealt with under Council's Local Laws, the applicant has given consideration to the requirements for outdoor dining and specifically the need to retain a two-metre clearance for pedestrians using the footpath.

Amended Plans

The applicant has amended the original plans submitted to Council on 9 December 2014 and notified to the public on 15 December 2015. The amended plan submitted on 11 February 2015 reduces the extent of the 'red line' area and did not warrant readvertising.

SUBJECT LAND AND SURROUNDS

In broad terms, the subject land:

- Is an irregular shaped allotment with an area of 7,099sqm.
- Is fully developed for commercial purposes and contains the Woolworths supermarket, four vacant retail premises, car parking and customer toilet facilities.
- Sits within an established commercial area of Bright with a mix of commercial uses including two service stations, a hotel, shops and cafes.
- The café premises has an internal floor area of 70sqm; 56sqm of which are included within the 'red line' area. There are two areas proposed for outdoor dining comprising of:
 - A 6.2m x 3m area within the property boundary adjacent the supermarket carpark.
 - A 6.1m x 1.4m area partly over the Gavan Street footpath.



Figure 1: Subject Land

The café is the corner premise within the subject land and has dual frontage to Gavan Street and the Woolworths car park. For the purposes of this report, the café and adjoining footpaths will be referred to as 'the subject site' (see Figure 2). Photos of the subject site are provided at **Attachment C**.

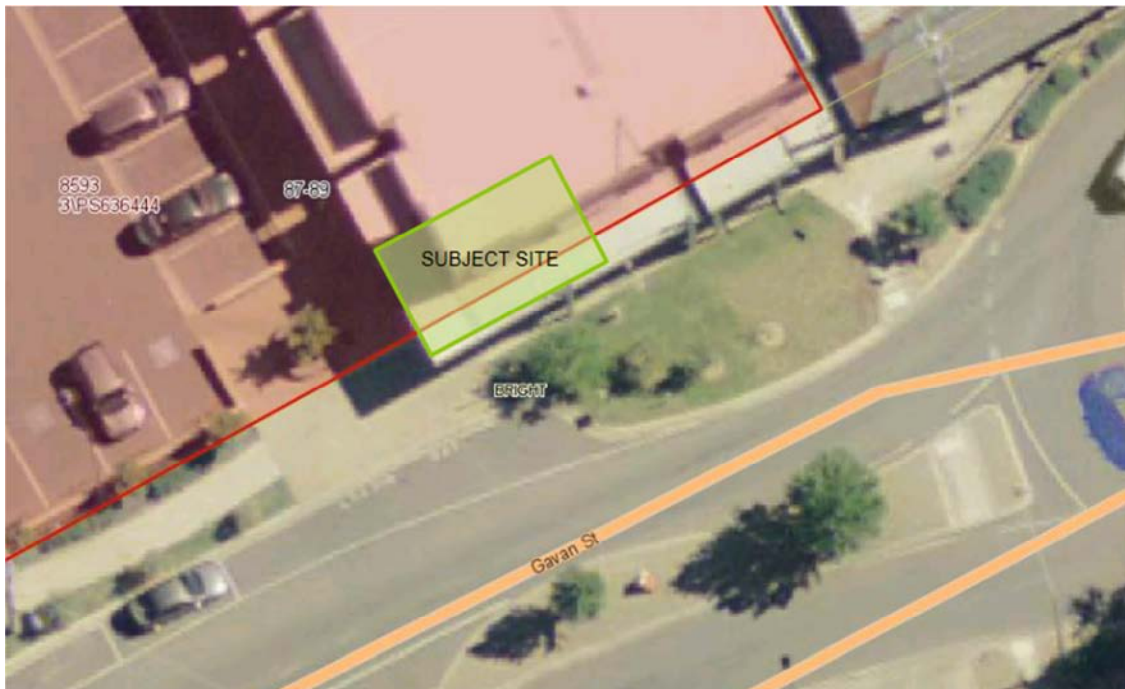


Figure 2: Subject Site



PLANNING CONTROLS

The subject site is zoned Commercial 1 (C1Z). The proposed use falls within the land use definition of *Food and Drink Premises* pursuant to Clause 74 of the Alpine Planning Scheme. A *Food and Drink Premises* is a Section 1 use that does not require a planning permit under the C1Z.

A planning permit is triggered pursuant to Clause 52.27 'Licensed Premises' to use the land to sell and consume liquor.

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 16 surrounding landowners and occupiers and a sign was displayed on the subject land.

One objection to the proposal was received by Council.

REFERRALS

Referrals / Notice	Advice / Response / Conditions
Section 55 Referrals	None required.
Internal / external referrals	None required.

PLANNING ASSESSMENT

State Planning Policy Framework

The following State Planning Policy Framework (SPPF) policies are considered relevant.

Clause 8.15-1 Access

Objective – *'To encourage the consideration of the needs of people with limited mobility in the design of developments.'*

The submitted 'red line' plan provides for free passage of pedestrians using the footpaths through the subject site. Australian Standard 1428.2-1992 'Design for access and mobility – Enhanced and additional requirements – Buildings and facilities' requires 1.8m horizontal clearance along footpaths with the submitted plans showing 2m clearance for pedestrians.

Clause 17.01-1 Business



Objective - *'To encourage development which meets the communities' needs for retail, entertainment, office and other commercial services.'*

It is considered that the option to consume alcohol while having a meal at a café is in line with community expectations and consistent with most other cafes in Bright.

Local Planning Policy Framework

Relevant local policy for commercial development in Bright is contained within the Key Planning Strategies section of the planning scheme's Municipal Strategic Statement at Clause 21.03-2-1 Bright.

This clause provides strategies for development within Bright's town centre. The one strategy relevant to the proposal is to:

'Ensure all new development provides an active street frontage.'

The most effective way to provide for an active street frontage for a café is to provide outdoor dining for patrons. Currently, the subject site presents a somewhat blank façade to the street. Allowing patrons dining outside to enjoy a drink with their meal will help facilitate an active street frontage.

Zone

The subject land is zoned Commercial 1 pursuant to the Alpine Planning Scheme. The purpose of the zone is:

'To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.'

To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses.

'To provide for residential uses at densities complementary to the role and scale of the commercial centre.'

The purpose highlighted in bold is considered relevant to the proposal. The ability for patrons dining outdoors to enjoy an alcoholic drink with their meal is accepted practice throughout the country, including Bright. One of the reasons for it being so accepted is that it increases the vibrancy of retail and entertainment areas making them more attractive to visitors.

Overlays

The subject land is within the Bushfire Management Overlay. The overlay is not relevant to the proposal.

Particular Provision – Clause 52.27 'Licensed Premises'

The purpose of this clause is:

'To ensure that licensed premises are situated in appropriate locations.'



To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.'

Clause 52.27 sets out decision guidelines for the assessment of licensed premises as follows:

'The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.'

Discussed earlier in report.

'The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.'

The proposed licensed premise is in association with a café in an established commercial area. Any liquor licence issued will require that the "predominant activity carried out on the premises must at all times be the preparation and serving of meals for consumption on the licensed premises". It is stressed that the application is not for a bar or tavern.

There are twelve premises in Bright that have café and restaurant liquor licences; six of which permit the consumption of alcohol on the adjacent footpath. There is no evidence that the consumption of alcohol in association with these cafés and restaurants has any adverse amenity impact on the surrounding area.

'The impact of the hours of operation on the amenity of the surrounding area.'

It is proposed the café will operate between the hours of 10.30am and 10.30pm, with a liquor licence sought for those same hours. It is considered that these are relatively standard operating hours for a café and nothing about the hours of operation that would necessarily impact on the amenity of the surrounding commercial area.

'The impact of the number of patrons on the amenity of the surrounding area.'

The proposed maximum number of patrons for the café is 40. It is considered that there is nothing about the number of patrons that would impact on the amenity of the surrounding area.

'The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.'

As a tourist town Bright contains more licensed premises than an average town of the same size. However, there is nothing to suggest in terms of antisocial behaviour that an additional licensed cafe will have an adverse impact on the amenity of the surrounding area.



General Provisions

Clause 65 of the Alpine Planning Scheme provides the decision guidelines that must be considered before deciding on an application. The decision guidelines that are appropriate to consider in this instance include:

'The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

The purpose of the zone, overlay or other provision.

Any matter required to be considered in the zone, overlay or other provision.

The orderly planning of the area.

The effect on the amenity of the area.'

All of the above matters have been taken into consideration in the assessment of the proposed development.

RESPONSE TO GROUNDS OF OBJECTION

Grounds of Objection

There was one objection submitted to the proposed application. The objection raised concern with the seating on the footpath and the consumption of liquor and further that it would not be safe for pedestrians to walk through "diners and drinkers" to reach the supermarket. In subsequent emails Ms Manuel raises concern with the café being used as a bar or tavern.

Response

As stated previously in the report, the application is for the sale and consumption of liquor in association with a café. A condition of the planning permit and any subsequent liquor licence will be that the predominant activity carried out on the premises must at all times be the preparation and serving of meals for consumption on the licensed premises. Further, there is no evidence of there being any issues with similar liquor licences with cafés and restaurants in Bright.

The primary concern would appear to be the interaction of pedestrians and café patrons on the footpath outside the property. It is emphasised that this aspect of the proposal is controlled under Council's Local Laws via a permit for an 'Outdoor Eating Facility on Footpaths or Roads'. Such a permit requires that there be a minimum a minimum two metres clearance between diners and the building to allow pedestrians free passage along the footpath. This has been considered with the submitted plans showing the required two metres clearance.

Councillors should note that any outdoor dining permit issued under Council's local laws has to be renewed annually and expires every year on June 30. Should there be verified issues with pedestrians being hindered by a lack of clearance or



inappropriate behaviour, Council can decide not to renew the outdoor eating permit.

No guarantee can be given that any licensed premise will not cause an adverse impact. However, it is considered that a licensed premise in association with a café represents a very low risk. Further, there is sufficient scope within the recommended conditions of the planning permit, and the standard conditions of any subsequent liquor licence and outdoor eating permit to enforce any adverse amenity impacts that may arise from the proposed use of the land.

Planning Forum

A planning forum was held at Council's offices in Bright on 9 February 2015. In attendance were Councillors Janas and Farrell, the applicant's representative Ms Sonia Nannipierri, Ms Manuel and Council planning staff. A negotiated outcome agreeable to both parties could not be reached at the forum.

An amended red line plan submitted post the planning forum, which reduced the extent of the area where alcohol can be served, was not agreed to by Ms Manuel.

CONCLUSION

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

- The proposed use complies with the purpose of the Commercial 1 Zone and the purpose and decision guidelines of Clause 52.27 – Licensed Premises.
- The proposal is consistent with relevant State and local planning policies.
- Subject to conditions, the use of the land can help achieve the objective of creating vibrant retail uses with active street frontages without impacting upon local amenity, including pedestrian amenity.

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 Sustainable Development
- Manager Planning and Amenity
- Statutory Planner



Attachment A

1. The use as shown on the endorsed plans must not be altered without the written consent of the responsible authority
2. The use must be managed so that the amenity of the area is not detrimentally affected, through the:
 - (a) transport of materials, goods or commodities to or from the land;(b) appearance of any building, works or materials;
 - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - (d) presence of vermin.
3. The liquor licence on the subject site is restricted to the area outlined in red as shown on the endorsed plans.
4. This permit shall be subject to the issue of an appropriate Liquor Licence by the Department of Justice and adherence to any conditions imposed by the Department.
5. Ordinary trading hours for the Café and Restaurant Licence are restricted to within the hours of:
 - 10.30am to 10.30pm, Monday to Sunday (excluding Anzac Day and Good Friday); and,
 - 12 noon to 10.30pm, Anzac Day and Good Friday.
6. The venue operator must at all times maintain safe pedestrian access along the adjoining Gavan Street footpath to the satisfaction of the Responsible Authority.
7. The predominant activity carried out on the premises must at all times be the preparation and serving of meals for consumption on the premise. The consumption of liquor must always be in association with the use of the land as a food and drinks premises to the satisfaction of the responsible authority.
8. Noise levels emanating from the premises must not exceed those required to be met under the State Environmental Protection Policy (Control of Noise from Commerce, Industry and Trade), No. N-2.
9. No more than 40 seats may be made available at any one time to patrons on the premises without the written consent of the responsible authority.
10. This permit will expire if the following circumstances applies:
 - a) The use is not started within two 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.



Attachment

R

Plan

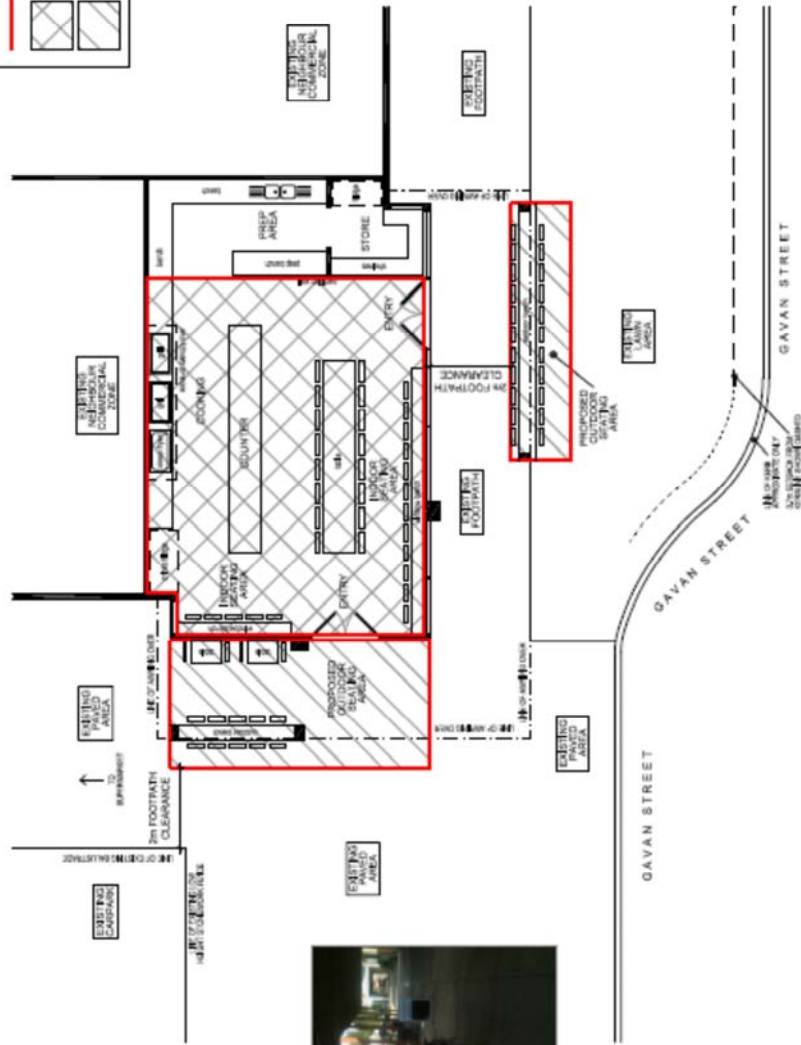


PHOTO SHOWING EXAMPLE OF WHAT IS PROPOSED FOR THE OUTDOOR SEATING

PROPOSED LAYOUT
SCALE 1:100 (BN)

Scale	1:100 (BN)	Project Ref	141890
Date	09/14	Client	PROPOSED LAYOUT
Drawn	BN	Sheet	1 OF 1
Checked	BN	File Code	1150215
Approved	C	Issue	PLANNING BY GAVAN STREET BRIGHT VIC 3241

design bright
BUILDING DESIGN SERVICES



Attachment C – Photos of Subject Site



View of subject site from Gavan Street



View of subject site from Woolworth's car park



7.4.4 Road and Street Naming – Renaming of Freda’s Lane, Tawonga

File Number: 35050

INTRODUCTION

Following a request to change the name of the northern section of Freda’s Lane, Tawonga, the process of consultation with residents and the public has been completed and this report is now presented for Council’s consideration.

Cr Peter Roper

Cr Tony Keeble

That:

- 1. the name of the northern section of Freda’s Lane Tawonga (north of Mountain Creek Road) remain unchanged.***
- 2. new road signage be erected at both ends of the southern section of Fredas Lane Tawonga (south of Mountain Creek Road).***

Carried

BACKGROUND

Relatives of the late Freda Ryder requested that Council consider the renaming of Freda’s Lane (the northern section) in Mount Beauty. They argue that the name Freda’s Lane has never been associated with this area and is historically inaccurate and in no way reflected the previous ownership of the land.

When an application is received it must be assessed against the principals set out in the Guidelines for Geographic Naming and Council’s Policy No: 57 Place, Road, and Memorial Naming Policy.

The name suggested as an alternative by the applicant – Charlie Cotterell’s Lane, did not meet the Guidelines set by the Office of Geographic Names Victoria or Council’s policy as it is too similar to an existing name within a range of thirty kilometres in a rural or remote area. As there were no other names requested, Council staff carried out extensive research into former and original landowners in the vicinity to assist in determining an appropriate road name.

A long-term land holder was Mrs Myrtle Margaret Jessie Piggin, wife of a stock and station agent from Corowa. Other long-term land holders in the area were Stanley Ince and Peter Howman. Both the name Ince and Howman have been utilised to name locations within the Alpine Shire previously and the Guidelines recommend strongly against duplication of names. So Mrs Piggin was perceived as the logical naming source. As the name Myrtle is utilised extensively across the shire and the name Margaret was also in use in the Kiewa Valley, the names Jessie, Piggin and Kenya (the name of Mrs Piggin’s house) were chosen to advertise.



ISSUES

Objections

Objections were raised in five out of the six submissions.

All of these were from residents of Fredas Lane. One submission also contained a petition signed by the residents of the lane.

Support

One letter of support was received.

Figure 1 shows the location of the road the subject of this renaming application and the location of objectors.



Figure 1: Fredas Lane, Tawonga - ★ Denotes location of objectors



Main Issues for Objectors

- Road has been known as Freda's Lane for more than 25 years.
- Potential confusion for emergency services.
- Disruption and confusion caused to residents and visitors, particularly in relation to the need to change guide books, local information brochures and maps.
- Significant cost and disruption to the six property owners / occupiers in Freda's Lane.
- Freda Ryder (nee Treasure) was a notable legend in local history; some would consider it disrespectful of her memory to rename the road.
- Money would be better spent on upgrading / maintaining the road.
- Unnecessary waste of Council resources.

A list of over fifty items that would require changing was also provided by one of the objectors. The list includes licensing, registrations, insurance, brochures, websites, personal documents such as passports, bank accounts, memberships etc.

It is clear that there is not a particularly strong reason to change the name and inconvenience the existing property owners.

One submission from the name change applicant was in support of the application and provided advice on former land owners in the lane.

POLICY IMPLICATIONS

Principle 1(B) Recognising the public interest (Guidelines for Geographic Naming)

Regard needs to be given to the long-term consequences and effects upon the wider community of naming, renaming or adjusting the boundary of a feature, locality or road. Changes to existing names or boundaries will affect not only the current community but also future residents, businesses, property owners and visitors. Changes to existing names and boundaries of localities and roads can affect emergency response zones, land titles and addresses. A proposal will be registered only when the long-term benefits to the community can be shown to outweigh any private or corporate interests, or short-term effects.

Given the submissions, it is clear that the proposed change does create a huge impact on the current and possibly the future residents of the lane.

Principle 1(D) Ensuring names are not duplicated (Guidelines for Geographic Naming)

Place names must not be duplicated. Duplicates are considered to be two (or more) names within close proximity, and those which are identical or have similar spelling



or pronunciation. Examples of names which are similar and considered to be duplicates are White, Whyte, Wite and Wiet.

This principal is why the names Ince, Howman and Charlie Cotterell were not able to be considered.

FINANCIAL AND RESOURCE IMPLICATIONS

This process has used a significant amount of officer resources. Depending on Council's decision additional resources may be required to implement a name change.

CONSULTATION

The proposal was advertised in all local newspapers for a period of two weeks. Letters were sent to all affected landowners and a period of 30 days was allowed for submissions to be received.

CONCLUSION

The proposal to change the name of Fredas Lane has been considered under the Guidelines for Geographic Names and the submissions received have also been taken into consideration. On balance it is deemed not appropriate to alter the road name given the length of time the current road name has been in place. Further, due consideration has been given to the burden a renaming of the road would cause existing residents.

It is therefore concluded that Fredas Lane not be renamed and that the status quo remain.

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 Sustainable Development
- Manager Planning and Amenity

ATTACHMENT(S)

- Nil



7.4.5 Review of time-based road closure of Martley Street, Porepunkah

File Number: 940.12

INTRODUCTION

Council commenced a trial of a time based road closure of Martley Street Porepunkah on 22 April 2014 and determined to extend that trial from 22 October 2014 to 22 April 2015. To enable Council to decide at the April Council Meeting whether or not to continue with the closure, an assessment of the trial, and notification in accordance with the *Local Government Act* must occur beforehand.

Cr Peter Roper

Cr Daryl Pearce

That public submissions be invited regarding the proposed time based closure of Martley Street Porepunkah between the hours of 10am – 2pm on school days for an indefinite period, in accordance with Section 223 of the Local Government Action 1989.

Carried

BACKGROUND

The following timeline provides a summary of this matter:

4 March 2014 (Council meeting)

The following motion was carried after an extensive community engagement process:

That having considered the submissions received, Alpine Shire Council proceed with the 6 month trial of the closure of Martley Street between the hours of 10.00am – 2.00pm on school days.

22 April 2014

Boom gates were installed and the time based closure commenced.



5 August 2014 (Council meeting)

Council reviewed the trial and after considering information from a variety of sources (including traffic counts, audit of closing and opening, nearby resident survey and comments from Vic Roads, Victoria Police, CFA and the School Principal) and resolved;

That:

- 1. A continuation of the time-based road closure of Martley Street Porepunkah for a further six month period be pursued,*
- 2. The hours of the time-based closure be 10am to 2pm on school days, and*
- 3. In accordance with Sections 207A and 223 of the Local Government Act 1989, invite public submissions on the proposed time based closure of Martley Street Porepunkah between the hours of 10am – 2pm on school days for a six month period from 23 October 2014 to 22 April 2015.*

7 October 2014 (Council meeting)

After considering submissions, Council resolved to extend the trial until 22 April 2015.

22 April 2015

Trial period lapses.

ISSUES

Process

Council must again seek broad community input (involving advertising the proposal in accordance with Schedule 11 Clause 10(1)(c) and c sections 207A and 223 of the *Local Government Act 1989*), before deciding whether or not to continue the time based closure.

Council is also required to seek a report from Vic Roads. The August 2014 report is still current and Vic Roads advised:

- is happy for the time based road closure to continue as 'the current treatment provides a good balance of addressing the safety risks associated with the school operation and a local road function outside of these times'; and
- "requires at the end of the trial, that Council determine a permanent arrangement for the time based closure of Martley street."

Traffic Counts

As a result of detailed information provided by Council a nearby resident has recently questioned the accuracy of the traffic counts carried out both before the closure in 2012 and during the closure last year. The CEO has investigated the matter and found the resident to be correct. The biggest error identified was that



during the count period from 17 September 2012 to 2 October 2012 on Martley Street the figures from 17 September 2012 to 26 September 2012 were doubled due to incorrect operation of the analysis software. Errors like this are unacceptable, controls have been put in place to ensure they do not happen going forward and we are very grateful to the resident for bringing this to our attention.

This and other errors were reported to both the author of Councils traffic report – Traffic Works Pty Ltd and the responsible officer at Vic Roads. Both parties have advised that the amended counts would not have changed any recommendations or approvals that they made.

Alpine Better Places

This project has commenced and will result in one or more infrastructure projects being designed to a 'shovel ready' level for Porepunkah.

There is a possibility that one or more of the infrastructure projects could impact on the adjoining road network (including Martley Street) and that modifications to the urban network could be required as a result.

The project milestones are as follows:

- Tuesday 24 March (Council Briefing Session) – Prioritising projects to be delivered in Our Town over the next five years
- Tuesday 14 April (Special Council Briefing Session) – Seek preliminary Council endorsement for list of priority projects, ahead of May Council meeting
- Tuesday 5 May (Council Meeting) – Seek formal Council endorsement for list of priority projects
- Tuesday 16 June (Council Briefing Session) – Day of Design – Reviewing preliminary concept designs
- Tuesday 25 August (Council Briefing Session) or Tuesday 15 September (Council Briefing Session) - Presentation of draft Detailed Concept Designs
- Tuesday 3 November (Council Meeting) - Seek formal Council endorsement of final Detailed Concept Designs

The traffic modifications required (if any) on the urban road network (including Martley Street) as a result of Alpine Better Places projects will be known by July.

Summary

Council has given significant consideration to this issue over the last two years. The trial has been operational for approximately 10 months. By seeking broader community input in accordance with the Local Government Act, Council can continue to consult with the community on this matter.

Options

Three options are available for Council to consider – these are:



1. Determine that the time based closure trial has been a success and that it should continue indefinitely. It should be noted that Council can resolve to cease the time based closure at any time with a Council resolution.
2. Consider another temporary closure period until 18 December 2015 (or other period) so that the traffic modifications required (if any) on the urban road network (including Martley Street) as a result of Alpine Better Places projects are known. It should be noted that this would be contrary to the advice of VicRoads.
3. Allow the trial to cease on 22 April 2015.

POLICY IMPLICATIONS

2013-2017: Council Plan		
<i>Theme</i>	<i>Strategic Objective</i>	
Strengthening the community	3.1	To support the health and wellbeing of communities

FINANCIAL AND RESOURCE IMPLICATIONS

Installation of the gates has already occurred and no additional capital costs are anticipated if the closure continues. The main resourcing and cost implications are associated with administrating trials, writing reports and engaging with stakeholders.

CONSULTATION

The process required to be undertaken every time Council sets a short term date for the closure is cumbersome for the community. Should Council resolve to allow the time based closure to continue then the community will be asked for a fourth time to provide submissions. It is anticipated that Council will receive a variety of submissions either supporting or not supporting the ongoing closure. It is unlikely that any new matters will be raised.

CONCLUSION

The time based road closure of Martley Street Porepunkah has now been trialled for about 10 months, spanning school terms, holiday periods and the different seasons. The community has been extensively consulted and provided detailed feedback from both sides of the argument, and Councillors have visited the site. Public submissions received add to the knowledge already accumulated. The Alpine Better Places project could provide further information in relation to traffic flows on the urban road network and it is prudent to wait for this work to be concluded prior to making a permanent decision.



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 Sustainable Development

ATTACHMENT(S)

- Nil



8 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 John Forsyth

Cr Daryl Pearce

That the summary of the Assemblies of Councillors for January 2015 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 8.0 to this report.

Date	Meeting
27 January 2015	Briefing Session

ATTACHMENT(S)

- 8.0 Assemblies of Councillors – January 2015



9 PRESENTATION OF REPORTS BY DELEGATES

INTRODUCTION

Councillor portfolios include representation on various committees where Council has an interest. Delegate reports contain information about meetings attended, and the outcomes from those meetings that affect Council.

Cr John Forsyth

Cr Daryl Pearce

That summary of the presentation of reports by delegates for February 2015 be received.

Carried

BACKGROUND

The written records of the delegates reports held during the previous month are summarised below. Detailed delegates reports can be found in Attachment 9.0 to this report.

Date	Meeting	Councillor
12 February 2015	Rural Councils Victoria	Cr Jan Vonarx

ATTACHMENT(S)

- 9.0 Presentation of Reports by Delegates – February 2015



10 GENERAL BUSINESS

Cr Roper – The invitation to tender for the redevelopment of the Mount Buffalo Chalet states that its rebuilding will be at the behest of the current government. The current government hasn't indicated whether it's committed to the chalet. I request that Council write to the Department of Environment, Land, Water and Planning asking whether or not the current Government is committed to rebuilding the chalet.

Cr Vonarx – The Electoral Commission is currently reviewing the electoral representation of the Alpine Shire Council (should we have wards, remain un-subdivided, and how many Councillors). Submissions close on 25 March 2015 and I encourage people to take an interest and make a submission. More information can be found at the VEC website.

11 MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN

Nil

12 RECEPTION AND READING OF PETITIONS

Nil



13 DOCUMENTS FOR SEALING

Cr Ron Janas

Cr Peter Roper

That the following documents be signed and sealed:

1. Section 173 Agreement – Antonio Michael Iaria and Carmelina Iaria - Lot S3 Plan of Subdivision 341558, Volume 10871 Folio 774

Condition 17 of Planning Permit 2013.134 for a 16 lot subdivision and creation of an access to a Road Zone 1 and removal of easements at Lot S3 Great Alpine Road, Bright.

Section 173 Agreement to be entered into to:-

make future landowners aware of forest activity in surrounding area and associated amenity impacts.

ensure no direct access is taken from lots 1-7 from Great Alpine Road.

control the use of transparent fencing only along the Great Alpine Road frontage of development.

3. Section 173 Agreement – Antonio Michael Iaria and Carmelina Iaria - Lot S3 Plan of Subdivision 341558, Volume 10871 Folio 774

Conditions 48 and 49 of Planning Permit 2013.134 for a 16 lot subdivision and creation of an access to a Road Zone 1 and removal of easements at Lot S3 Great Alpine Road, Bright.

Country Fire Authority and Council requires an Agreement to be entered into to implement appropriate access, water supply and vegetation management arrangements for all future dwellings constructed on the land.

4. Contract No. 1405701 – Churchill Avenue Roadworks, Bright – Stadelmann Enterprises Pty Ltd.

5. Alpine Shire Instrument of Delegation – Chief Executive Officer.

6. Alpine Shire Instrument of Delegation – Members of Council Staff.

7. Alpine Shire Instrument of Delegation – Authorisation Planning and Environment Act.

Carried

There being no further business the Chairperson declared the meeting closed at 8.32pm.

Confirmed,

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Chairperson