



Alpine Shire

**ORDINARY COUNCIL MEETING
AGENDA**

**M3 – 7 April 2015
Council Chambers, Bright
7.00pm**



Notice is hereby given that the next **Ordinary Meeting** of the **Alpine Shire Council** will be held in the **Council Chamber, Great Alpine Road, Bright, on 7 April 2015** commencing at **7.00pm**.

AGENDA

1	ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS, RECOGNITION OF ALL PEOPLE AND OPENING PRAYER	4
2	CONFIRMATION OF MINUTES	4
2.1	ORDINARY COUNCIL MEETING – M2.....	4
3	APOLOGIES.....	4
4	OBITUARIES / CONGRATULATIONS	4
5	DECLARATIONS BY COUNCILLORS OF CONFLICT OF INTEREST	4
6	QUESTION TIME	4
7	PRESENTATION OF REPORTS BY OFFICERS.....	5
7.1	CHIEF EXECUTIVE OFFICER – DAVE BARRY	5
7.1.1	Contracts approved by the CEO	5
7.1.2	Corporate Brand - Cost Reduction Project	7
7.2	DIRECTOR CORPORATE PERFORMANCE – TREVOR BRITTEN.....	11
7.2.1	Alpine Shire Council Health and Safety Policy	11
7.2.2	Audit Committee Meeting – 3 March 2015	14
7.2.3	Appointment of Independent Audit Committee Members.....	18
7.3	DIRECTOR ASSETS – CHARLIE BIRD	20
7.3.1	Rail Trail Widening, Bright	20
7.3.2	Freeburgh Bridge	23
7.4	DIRECTOR SUSTAINABLE DEVELOPMENT – HEATHER GREEN	26
7.4.1	Dinner Plain Advisory Committee Membership – New Member.....	26



7.4.2	Martley Street, Porepukah; Time-based Road Closure.....	29
7.4.3	Alpine Rural Land Strategy	36
7.4.4	Planning Application 5.2015.3.1	41
7.4.5	Geographic Place Naming.....	52
8	ASSEMBLY OF COUNCILLORS	55
9	PRESENTATION OF REPORTS BY DELEGATES.....	56
10	GENERAL BUSINESS	57
11	MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN.....	57
12	RECEPTION AND READING OF PETITIONS	57
13	DOCUMENTS FOR SEALING	58



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

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

2 CONFIRMATION OF MINUTES

2.1 ORDINARY COUNCIL MEETING – M2

RECOMMENDATION

That the minutes of Ordinary Council Meeting No 2 held on 3 March 2015 as circulated be confirmed.

3 APOLOGIES

4 OBITUARIES / CONGRATULATIONS

5 DECLARATIONS BY COUNCILLORS OF CONFLICT OF INTEREST

6 QUESTION TIME



7 PRESENTATION OF REPORTS BY OFFICERS

7.1 CHIEF EXECUTIVE OFFICER – DAVE BARRY

7.1.1 Contracts approved by the CEO

RECOMMENDATION

That the Contracts approved by the CEO be noted.

Contract No:	1500401	Process:	Request for Quotation
Title:	The construction of a new netball court at Lakeside Precinct, Reserve Drive, Mount Beauty		
Tenderer	North East Civil Construction		
\$ (excl. GST)	\$97,314.83		
Funding:	Sport and Recreation Victoria		

Contract No:	15002	Process:	Request for Quotation
Title:	Construction of Lowerson Memorial, Myrtleford and Memorial Park, Mount Beauty Landscape Works		
Tenderer	Kurt Hoysted		
\$ (excl. GST)	\$46,200		
Funding:	Regional Development Victoria - Myrtleford Memorial - \$30,000 and Progressing Place, (part of \$760,000)		

Contract No.:	14047	Process:	Full Quote
Title:	Victoria Bridge, Myrtleford – Deck Pavement Replacement		
Tenderer	GW & BR Crameri Pty Ltd		
\$ (exc GST)	\$74,722.00		
Funding:	R2R		



Contract No.:	CQ15/013	Process:	Request for Quotation
Title:	Truck and Trailer Hire for Gravel Resheet Program		
Tenderer	McPherson's Earthmoving		
\$ (exc GST)	\$58,500		
Funding:	From Gravel Resheet Capital budget		



7.1.2 Corporate Brand - Cost Reduction Project

File Number:

INTRODUCTION

The purpose of this report is to ensure our cost of communication is reduced and clarity of communication is improved.

RECOMMENDATION

That the modified brand mark be adopted as Council's single brand mark in order to reduce cost and improve the clarity of our communication.

BACKGROUND

Council is seeking to reduce costs and improve communication with our ratepayers, wherever possible.

There have been several examples of cost reduction over the last 12 months, including a HR Review that has reduced employee costs by approximately \$1.5million per annum, and savings as a result of reducing our number of private use vehicles from 22 to 8.

There has also been a strong focus on reducing all smaller recurring costs. This has resulted in a further cost saving of approximately \$100,000 per annum, as detailed below. All figures exclude GST.

• VLGA	\$4,300
• Talent Propeller	\$3,900
• LGPro	\$2,154
• Engineers Australia	\$560
• MAV (ECM Step Program)	\$700
• KABV	\$500
• Waste Management Association of Australia	\$332
• Newspaper subscriptions	\$1,361
• Various Magazines	\$584
• Compelling Economics (REMPPLAN)	\$11,809
• White pages/Yellow pages	\$3,305
• AssetFinda	\$10,000
• Clarizen	\$18,704
• Cambron	\$3,000
• Infocouncil	\$6,123



• Video Conferencing	\$6,818
• Connectivity	\$24,227

The focus on these smaller items has not only resulted in a cost saving but also helps shape a culture where we spend every dollar as if it is our own. A focus on recurring spend is critically important as these are the costs that compound year on year out and while appearing small they have a very significant impact on our bottom line.

It is clear that a further avenue to reduce costs is through our communications spending and having a suitable corporate brand is critical to achieving this.

Council currently has three brand marks in use as shown below:



ALPINE SHIRE



Alpine Shire



Alpine Shire

ISSUES

It is clear that a single brand mark needs to be selected going forward in order to avoid re-work as we improve processes, which will involve the re-design of nearly all our forms and other material.

In addition, we are striving to be a modern, innovative and straightforward organisation; our existing brands are a little complex. This has a subtle impact on how we are perceived as an organisation, which is important in terms of both attracting competitive funding and attracting the right staff. More importantly, the brands are proving difficult to implement in a digital environment, which typically requires them to be used at a smaller scale. This is something these are not suited to.



Due to the complexity described staff are frequently using the brand:

- without colour
- without the correct colour gradients
- with different fonts
- in inconsistent layouts

All of the matters described above add expense to our communication. For example we spend approximately \$910 to advertise a position (2 adverts), whereas Indigo, Wangaratta and Towong councils spend \$348. Similar costs savings are achievable across a large amount of our printed collateral.

For these reasons outlined it is proposed that the modified brand shown below be used going forward:



This brand can also be used horizontally, which is a frequent requirement and something the existing brand does not accommodate.



The proposed brand is essentially a modernisation of our existing brand.

It also more correctly describes our organisation through the addition of the word Council.

POLICY IMPLICATIONS

Nil.

FINANCIAL AND RESOURCE IMPLICATIONS

The primary rationale for refreshing the brandmark is to reduce costs. It is estimated that direct savings in the order of \$20,000 per annum will result. In addition, as we move more into a digital age for Customer Request Management and other



processes the staff saving through a more straightforward brand implementation is likely to be in excess of \$25,000 per annum.

The implementation of the brand will be phased in over at least 18 months to ensure all exiting collateral is used and no additional costs are incurred.

The cost to develop the brand has been \$3,800.

CONSULTATION

As the brand is solely a corporate brand Council needs to ensure it achieves their strategic direction.

Council has been consulted on several occasions during this process to ensure what is being a developed achieves this outcome.

CONCLUSION

For the reasons outlined in this report it is proposed that the modified corporate brand be adopted.

This decision has no impact on Council's tourism brand, which will remain in use.

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

ATTACHMENT(S)

- Nil



7.2 DIRECTOR CORPORATE PERFORMANCE – TREVOR BRITTEN

7.2.1 Alpine Shire Council Health and Safety Policy

File Number: Policy Register: Policy No. 052

INTRODUCTION

A review of Council's health and safety framework has commenced including a review of the structure of policies and procedures and specifically the Occupational Health and Safety Policy. The review of the policy is now complete.

RECOMMENDATION

That Alpine Shire Council Policy No. 052 Occupational Health and Safety Policy, Amended Version 1 April 2008, be revoked and replaced by Operational Policy No.002 Health and Safety Policy.

BACKGROUND

Council adopted the Alpine Shire Council Policy No.052 Occupational Health and Safety Policy, on 26 October 2004 and amended the policy on 1 April 2008. The policy has not been reviewed since that date.

ISSUES

Policy Framework

A recent review of Council's policy and procedures framework identified improved efficiency and clarity in distinguishing between Council policies and organisational or operational policies. Council policies are high level, establish the strategic intent of Council and affect parties external to Council, whereas organisational policies provide the parameters for the day to day internal operation of the organisation. The review established that organisational policies would be approved by the Chief Executive Officer and that Council policies will still be approved by Council.

Health and Safety Framework

The key elements of the health and safety legislative framework within Victoria are the:

- *Occupational Health and Safety Act 2004.*
- *Occupational Health and Safety Regulations 2007.*
- Codes of Practice, Compliance Codes, WorkSafe Position Statements and Australian Standards.

Council's health and safety framework must comply with the Act and Regulations and have regard to codes and standards where relevant. Council's health and safety framework will consist of:

- Health and Safety Organisational Policy;



- Procedural guidelines; and
- Operating procedures.

Health and Safety Policy

A health and safety policy clearly states the principles, objectives and obligations that inform Council's health and safety decisions and its commitment to continuous health and safety performance improvement. It also clarifies the roles and responsibilities of Council, the executive and employees.

The health and safety policy establishes the organisations vision and goal for safety:

Vision: Safety for All

Goal: NO Injuries : NO Incidents

The policy commits the organisation to implementation of health and safety systems and processes and a cycle of a continuous improvement.

POLICY IMPLICATIONS

2013-2017 Council Plan	
<i>Theme: Performance Focused Organisation</i>	
<i>A customer focused, equitable and sustainable service to the community</i>	
	<i>Strategic Objectives</i>
5.3	To support people and business practices

FINANCIAL AND RESOURCE IMPLICATIONS

The review of the health and safety policy has been managed through existing human resources, including the Health, Safety and Risk Officer and the Health and Safety Committee.

CONSULTATION

Throughout the development of the new organisational policy, the Health, Safety and Risk Officer has consulted with employee health and safety representatives, the Health and Safety Committee and Council's executive and they have provided critical assessment, feedback and suggestions to the content of the organisational policy.

CONCLUSION

In order to progress the approval of a new health and safety policy and continuing review of the health and safety framework, the current Alpine Shire Council Policy No. 052 Occupational Health and Safety Policy, Amended Version 1 April 2008 needs to be revoked and replaced by Operational Policy No.002 Health and Safety Policy to be approved by the Chief Executive Officer.



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 Performance
- Manager Corporate Services
- Health, Safety and Risk Officer

ATTACHMENT(S)

- 7.2.1 Alpine Shire Council Policy No. 052 Occupational Health and Safety Policy – to be revoked



7.2.2 Audit Committee Meeting – 3 March 2015

File Number:

INTRODUCTION

The purpose of this report is to present the minutes of the Audit Committee (the Committee) meeting which was held on Tuesday 3 March 2015 to Council. Key items presented to the Committee were:

- Project management internal audit report;
- Quarter 2 Risk and OHS Report;
- Review of the Audit Committee Charter; and
- VAGO Audit Strategy.

RECOMMENDATIONS

That the minutes of the 3 March 2015 Audit Committee meeting be received and noted and the following committee recommendations be adopted:

- 1. The Project Management Review audit report be adopted and actions placed on the Audit Committee action register.***
- 2. Council adopt the Quarter 2 Risk and OHS Report.***
- 3. Council adopt the revised Audit Committee Charter with the following changes:***
 - a. Review of the charter is carried out every two years instead of annually.***
 - b. The committee consist of a minimum of five members, the majority of who must be independent.***
 - c. The Committee shall nominate and recommend to Council a Chair each year.***
 - d. Incorporate the necessary skills required of independent members to ensure adequate diversity as:***
 - i. Accounting and Finance;***
 - ii. Audit;***
 - iii. Risk;***
 - iv. Governance; or***
 - v. Compliance; and***
 - vi. One member must be experienced in the finance and accounting area.***
 - e. Independent members will be appointed for a three year term.***
- 4. Council adopt the VAGO Audit Strategy for the year ending 30 June 2015.***
- 5. Council and the Audit Committee thank Steven Taylor and Ian Richardson for their service and contribution to the Audit Committee.***



BACKGROUND

Project Management Review Audit Report

Internal Auditors, Crowe Horwath, carried out a review of Council's project management processes. This review was seen as an opportunity to identify areas of improvement at a time where change was being implemented to the operation of the Asset Development Department. Management accepted the auditors recommendations and implementation of the recommendations will occur over the next 6 months to two years.

Risk and OHS Report

The Health, Safety and Risk Officer position has been filled during the HR Review by Kirsten McDonald. Whilst Kirsten is new to OHS and Risk, she brings a wealth of knowledge around policy and procedure development which is a key focus in the coming 12 months to two years.

Work has commenced on a revised OHS framework that will begin to be rolled out across the organisation. It will consist of a more decentralised approach ensuring responsibility of OHS rests with managers instead of the Health, Safety and Risk Officer. This will increase the level of accountability and ensure strong controls are implemented. This will include incident reporting, risk assessments, workplace inspections and resolution procedures. The reporting process to the Executive will also be strengthened to ensure incidents and hazards are resolved in a timely manner.

Audit Committee Charter

The Audit Committee Charter is required to be reviewed annually according to clause 5.9, however the last review was conducted in February 2011. The Manager Corporate Services has reviewed the Charter against the Local Government Good Practice Guide and the two are consistent. Minor typographical errors were amended in reviewing the Charter as well as the logo. To strengthen the Charter and ensure the Committee has the necessary skills the following proposed changes are recommended:

- Review of the Charter to be carried out every two years instead of annually. This will help ensure the Committee complies with the Charter. Further an annual review is not practical with the other responsibilities required of the Committee each year.
- Amend the number of members on the Committee. The Charter currently says that "a minimum of three members, the majority of whom must be independent". There are currently four independent members and two Councillors. The attached revised charter has been amended to read "a minimum of five members, the majority of whom must be independent".
- The Committee shall nominate and recommend to Council a Chair each year.
- That the financial skills be emphasised.



- Incorporate the necessary skills required of independent members to ensure adequate diversity as:
 - Accounting and Finance;
 - Audit;
 - Risk;
 - Governance; or
 - Compliance; and
 - One member must be experienced in the finance and accounting area.
- Independent members will be appointed for a three year term.

Victorian Auditor General Strategy 30 June 2015

For the 2015 financial year Council has a new audit service provider. RSD Chartered Accountants from Bendigo were appointed by VAGO to act as its service provider to audit Councils financial statements. Johnsons MME have previously been the service provider for many years, RSD were Council's internal auditors prior to Crowe Horwath.

The Audit Partner is Kathy Teasdale and Audit Manager is Cameron Olsen. The Manager Corporate Services has already met with Mr Olsen to plan the audit and gain an understanding of Alpine Shire Councils environment. The interim audit is scheduled for Wednesday 1 April 2015 and the year-end visit is scheduled for mid to late August.

The Audit Strategy sets out the scope of the audit, audit risks, areas of focus, internal controls and the planned audit approach. This is a requirement of the audit each year.

Audit Committee Member Terms

Steven Taylor has been an independent audit committee member for a number of years and has resigned from the committee. Mr Taylor's last meeting was Tuesday, 3 March 2015 and the Committee thanked him for his service. A letter of thanks was sent to Mr Taylor from the Mayor.

Ian Richardson has also been an independent audit committee member for many years and has also resigned from the committee. Mr Richardson's last meeting was also Tuesday, 3 March 2015, however Mr Richardson's resignation came after the last committee meeting. A letter of thanks will be sent shortly to Mr Richardson from the Mayor and the Committee and Council would like to thank him for his service and contribution.



Audit Committee Recruitment

Council is already in the process of appointing new independent members to the Audit Committee. This is outlined in a separate Council report for the April 2015 meeting.

IMPLICATIONS

Legislative Issues

The *Local Government Act 1989* (the Act) requires the following relating to financial management:

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

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 emphasised satisfaction with the detail provided in the agenda and the quality of Officer Reports. The Committee noted its progress made over the last 12 months and also thanked independent members for their contribution to the Committee.

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

ATTACHMENT(S)

- 7.2.2 Audit Committee Minutes – 3 March 2015
- 7.2.2 Audit Committee Charter
- 7.2.2 VAGO Audit Strategy



7.2.3 Appointment of Independent Audit Committee Members

File Number:

INTRODUCTION

A recruitment process has been undertaken over the last two months seeking two independent audit committee members. The Audit Committee (the Committee) has comprised of four independent members and two Councillors. Two independent members have now resigned allowing for the appointment of two new members. The Committee Charter requires a minimum of five members with a majority of these being independent.

RECOMMENDATION

That Mark Anderson and Sue Lebish be appointed to the Audit Committee for a term of three years commencing from 1 May 2015 pending satisfactory completion of pre-appointment paperwork.

BACKGROUND

Council advertised an expression of interest for two independent Audit Committee members in January for a period of two weeks. Advertisements were placed in the local papers, Border Mail and online through the Institute of Company Directors. The response was excellent with 16 applications and many more enquiries.

Applicants were shortlisted and interviews were conducted by the Mayor, Chief Executive Officer and the Director Corporate Performance. Candidates were shortlisted based on the skills required (outlined in the Charter) and the skills of existing members. Skills required are:

- Accounting and Finance;
- Audit;
- Risk;
- Governance; or
- Compliance.

Applicants were also assessed on their industry experience and previous experience on a board or audit committee. Offers were made to all three interviewees; however one applicant was subsequently offered a position on another board and declined the appointment to the Audit Committee.

Both Mr. Anderson and Ms. Lebish are suitably qualified and experienced, and demonstrate a strong desire to contribute professionally to the Alpine Shire community



Pre-appointment paperwork is currently being prepared for the new members including a formal letter of offer, police check, confidentiality agreement and conflict of interest declaration. Appointment by Council would be subject to the satisfactory completion and return of all documents prior to commencement and attendance at the first meeting.

IMPLICATIONS

Financial

Independent audit committee members are paid an attendance allowance of \$200 per meeting. The Chairperson is paid \$400 per meeting.

Legislative Issues

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

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

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

A rigorous recruitment process was undertaken for independent audit committee members and the calibre of all applications received was outstanding. It is recommended that Council appoint the recommended applicants to the audit committee for a three year term.

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
- Chief Executive Officer

ATTACHMENTS

- Nil



7.3 DIRECTOR ASSETS – CHARLIE BIRD

7.3.1 Rail Trail Widening, Bright

File Number: Contract 1500801

INTRODUCTION

This tender report relates to the award of Contract 1500801 to widen the Rail Trail in Bright between Mill Rd and the Great Alpine Road. The work includes pavement reconstruction, widening and resurfacing of 1,600m of trail.

RECOMMENDATION

- 1. That Council award Contract No: 1500801 for Rail Trail Widening, Bright to JA Vanders Pty Ltd for the lump sum price of \$152,180 (excl. GST).***
- 2. That Council approve the use of provisional quantities up to the value of \$2,000 (excl. GST) to repair soft spots in the pavement, if required.***

BACKGROUND

The Alpine Shire Council is undertaking pavement reconstruction, widening and resurfacing along the urban section of the rail trail in Bright, between Mill Rd and the Great Alpine Rd for a distance of 1,600m. The length of trail is the most highly trafficked section of the Rail Trail and services a high density of residential and holiday accommodation adjacent to the trail.

Due to the high traffic along this section, the originally constructed width of 1.8m is proving inadequate. Increased use of the shoulders of the path over time has resulted in a potentially hazardous height differential between the shoulder and path. Current standards would specify a minimum width of 2.5m, which has been adopted for this scope of work.

The Invitation to Tender was advertised in the Herald Sun and Alpine Observer Wednesday 25 February 2015, the Border Mail Saturday 28 February 2015 and on the Tenders.Net and Alpine Shire Council web-sites. The tender documents were downloaded by 18 contractors of whom two submitted offers:

Tenderer	JA Vanders Pty Ltd	Tenderer 2
Submitted Price	\$152,180.00	\$236,565.40
Comparative Value	\$152,180.00	\$240,565.40
Provisional Quantity	\$2,000.00*	
Approved Commitment	\$154,180.00	

* Allowance for replacement of soft spots in the pavement (\$80/m³), the extent of which is unknown until works are undertaken.



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

The tender was evaluated according to the selection criteria listed in the Invitation to Tender, including:

- Price and provisional rates
- Qualifications and Previous Performance
- Delivery
- Construction Methodology
- Social

EVALUATION

Following the assessment of offers by the evaluation panel it was determined that the tender from JA Vanders Pty Ltd best met the selection criteria and provided the best value for Council.

ISSUES

Timing and completion of the works needs to fit in around school holidays and autumn festival activities. The contractor confirmed they would be capable of completing the works around these activities and within the specified contract period.

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 reconstruction of this section of the Rail Trail is funded in Alpine Shire Council's 2014/15 Footpaths, Tracks and Trails budget of \$185,000 (Account 3505-951). With other works estimated at \$15,000 to be funded from this budget as well, the available budget for this project is \$170,000.

CONCLUSION

Acceptance of the tender from JA Vanders Pty Ltd is considered to present the best value option for Council.



DECLARATION OF CONFLICT OF INTEREST

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

- Director Infrastructure Services
- Acting Manager Asset Maintenance
- Senior Project Engineer

ATTACHMENT(S)

- Nil



7.3.2 Freeburgh Bridge

File Number: 1701.06

INTRODUCTION

This report relates to the future of the Freeburgh Bridge, which was recently closed due to public safety concerns.

RECOMMENDATION

That Council commits to reconstructing the Freeburgh Bridge to its original load capacity of 15 tonnes provided the cost does not exceed \$350,000 (excluding GST).

BACKGROUND

The Freeburgh Bridge spans across the Ovens River on the Old Harrietville Road between Great Alpine Road and Snowy Creek Road. The bridge was constructed in 1923 with a load bearing capacity of 15 tonne capacity, to cater for a steam roller.

The Freeburgh Bridge provides vehicular access to the Great Alpine Road for 25 properties (23 property owners) located along the Old Harrietville Road and Snowy Creek Road. These properties are primarily farms and also include farm-gate, engineering and bed and breakfast businesses.

These properties can also gain access to the Great Alpine Road via the Tawonga Gap Road, which is located approximately 2 km north of the Freeburgh Bridge. All-wheel drive vehicles can also access the Great Alpine Road to the south, via a route that follows Snowy Creek Road, a fire access track and Websters Lane. This route is 4.4 km from the Freeburgh Bridge to the Great Alpine Road, with an estimated travel time of 12 minutes.

Recent inspections and condition assessment reports show evidence of cracking in the bridge abutment, beams and deck. According to a Country Roads Corporation report there has been evidence of such cracking in 1966. In response to flood damage to the eastern bridge abutment in December 1998, urgent repair works were conducted and the bridge was re-opened with a reduced load limit of 5 tonnes.

The bridge was inspected by civil engineer Robert Bon on Friday 13 February 2015. Robert has significant experience in bridge construction and accreditation as a Level 2 VicRoads Bridge inspector.

Based on the degradation observed at the inspection on 13 February 2015, the sign-posted load limit of 5t and consideration of the recently inspection reports (level 3 bridge inspection reports (2010, 2013)), public safety concerns were raised for vehicles using the bridge. Council closed the bridge to vehicular access on Monday 16 February 2016 in response to these public safety concerns.



Council officers and Councillors met with the directly affected residents on Tuesday 24 March 2015 to listen and understand their concerns with the bridge closure. The meeting was attended by more than 25 residents who raised the following concerns related to the bridge closure:

- Reduced access during an emergency
- Increased travel time and costs in the Harrietville direction (additional 4 km)
- Cyclist safety
- Financial losses from reduced farm gate sales
- Negative tourism impacts.

Exploratory investigations were conducted by civil engineer and bridge specialist, John Dunn (Rural Works), and civil engineer, Robert Bon, on Thursday 19 February 2015. These investigations confirmed the design limitations of the Freeburgh Bridge and determined that the bridge currently has a 3.5 tonne load capacity, with a low risk of sheer stress failure. This indicates that the Freeburgh Bridge could be re-opened with minor repairs, vehicle access control structures and a reduced load limit.

Council had not received the bridge investigation report from John Dunn at the time of writing this Council report.

ISSUES

Council is faced with the decision to renew or rationalise the Freeburgh Bridge. The bridge is 92 years old and has exceeded its expected useful life of 80 years, albeit with a reduced load limit.

Decommissioning the Freeburgh Bridge would reduce Council's asset management burden, but would directly impact the 23 property owners located nearby.

The Freeburgh Bridge could be re-opened with a reduced load limit by undertaking minor repairs, implementing vehicle access control structures and replacing signage at an estimated cost of \$20,000. However, there is a risk that this approach may not reasonably extend useful life of the asset and the bridge and major works would be needed in the short to medium term.

Renewing the Freeburgh Bridge to achieve its original level of service (15 tonne load capacity) would extend the useful life to 100 years and address community concerns. Whilst there is currently insufficient information to determine a more accurate cost estimate to renew the Freeburgh Bridge to this service level, based on the exploratory analysis and costs of recent bridge works, it is expected that reconstruction costs would not exceed \$350,000 (GST exclusive).



POLICY IMPLICATIONS

The Freeburgh Bridge reconstruction tender would be advertised and evaluated according to the Procurement Policy and the Purchasing and Contract Procedures Manual.

FINANCIAL AND RESOURCE IMPLICATIONS

A budget allocation of \$350,000 (GST exclusive) to reconstruct the Freeburgh Bridge would displace other priority capital works projects in 2015-16.

It is proposed that the Freeburgh bridge reconstruction project be considered in the 2015-16 Council Budget.

CONCLUSION

Based on issues outlined above it would appear that renewing the Freeburgh Bridge to its original level of service (15 tonne load capacity) would be the most prudent approach.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets

ATTACHMENT(S)

- Nil



7.4 DIRECTOR SUSTAINABLE DEVELOPMENT – HEATHER GREEN

7.4.1 Dinner Plain Advisory Committee Membership – New Member

File Number: 110.03

INTRODUCTION

Dinner Plain Advisory Committee (“DPAC”) members resolved at the DPAC meeting of November 2014 to seek expressions of interest from a food and beverage operator for DPAC membership so that the food and beverage sector of Dinner Plain was represented on the committee. One Expression of Interest was received.

RECOMMENDATION

That:

Council appoint Gary Battershill as a member of the Dinner Plain Advisory Committee.

BACKGROUND

Current membership to the DPAC is made up of six (6) members Dinner Plain, community members, rate payers and business owners with the most recent member, Belinda Trembath from Mount Hotham Skiing Company joining the committee in December following endorsement by Council at the December 2014 meeting. The Terms of Reference (ToR) provides for a minimum of four (4) skills based positions. Current membership is made up of:

Name	Details	Comment	DPAC Membership
Lee Rourke	Ratepayer, permanent resident (since 1995) and Business Owner.	Lee is a current committee member of the Dinner Plain Chamber of Commerce; Services business owner since 1997; Owns and operates with his partner an accommodation booking service; Lee has also been responsible for the running of the Geebung Polo event.	Current
Shelley Holah	Ratepayer, permanent resident (since 1994) and Business Owner.	Shelley has extensive experience in the management of hospitality venues in Dinner Plain including High Plains Lodge and Crystal Creek (1994-1999); Owns and operates an accommodation booking service 1999; DPRBOS member	Current
David	Ratepayer and permanent	David is a teacher at the Alpine School starting in 2003; Active	Current



Chlebna	resident since 2003.	member of Dinner Plain CFA, Land Care and MTB club.	
Colin McDonald	Ratepayer and permanent resident (since 2009)	Colin is currently President of Dinner Plain Residents and Business Operators Society; he has a wealth of experience in small and medium business management roles.	Current
Leona Turra	Rate payer	Leona has extensive tourism, management and destination marketing experience including 10 years' experience as CEO of Mt Baw Baw Alpine Resort. Leona is the current Chair of the SnowGums Apartments Body Corporate	Current
Belinda Trembath	Stakeholder	General Manager – Mount Hotham Skiing Company ("MHSC"). MHSC are a major stakeholder at Dinner Plain operating the Onsen Spa, Hotham Sports and operating the lifting and the tubing infrastructure at Dinner Plain ski slope.	Current

ISSUES

Membership of Gary Battershill to DPAC is fully supported by current DPAC members.

POLICY IMPLICATIONS

The membership of the DPAC is outlined in the terms of reference for the advisory committee. An additional member is in line with the terms of reference.

FINANCIAL AND RESOURCE IMPLICATIONS

Nil

CONCLUSION

Membership of Gary Battershill will be valuable for the DPAC and the ongoing development of relationships between Council and business operators of Dinner Plain.



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 Economic and Community Development

ATTACHMENT(S)

- Nil



7.4.2 Martley Street, Porepukah; Time-based Road Closure

File Number: 0940.12

INTRODUCTION

Council commenced a trial of a time based road closure of Martley Street Porepukah on 22 April 2014 and determined to extend that trial from 22 October 2014 to 22 April 2015. It's now time to determine whether or not to continue with the closure indefinitely.

RECOMMENDATION

That, having considered the submissions received according to Section 207A and 223 of the Local Government Act 1989, the time-based closure of Martley Street, Porepukah, between the hours of 10am and 2pm on school days, continue for an indefinite period.

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 proceeds 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 Porepukah 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 Porepukah 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.

3 March 2015 (Council meeting)

Council resolved –“That public submissions be invited regarding the proposed time based closure of Martley Street Porepukah between the hours of 10am – 2pm on school days for an indefinite period, in accordance with Sections 207A and 223 of the Local Government Action 1989.”

3 April 2015

Closing date for public submissions.

7 April 2015 (Council meeting)

Consider recommendation to introduce time based closure indefinitely.

22 April 2015

Trial period lapses.

ISSUES

Councillors are now well versed in this subject having conducted site visits, met with key stakeholders, and considered survey results, traffic counts, boom gate operation audit reports, and other information previously provided at four ordinary Council meetings and numerous briefing sessions. Information previously provided has not been repeated in this report, but can be referred to in minutes.

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 administering trials, writing reports and engaging with stakeholders.

CONSULTATION

Consultation has been conducted according to section 223 of the Local Government Act and the Porepukah community has been well engaged throughout. At the time



of writing, 26 submissions had been received in response to the public advertisement inviting comment on this matter. The submissions are summarised below:

Submission	Position	Submission content/description	Brief comment
1&2	For	Trial has been a success. Students can safely access the oval, whilst the road is open for the public at the busiest times of the day.	Two submissions received from the same author.
2	For	Trial has been a success, positive response from the community. Safe access has provided increased physical, social and emotional benefits for junior students especially.	
3	Against	No results of the trial have been made available; how can a decision be made without those? Suspend a decision until the results have been published for Porepunkah residents to decide.	This is a Council decision, based on site visits, traffic counts, opening and closing audits, resident survey, and Vic Roads, Victoria Police, CFA and Principal comments.
4	Against	It's a main thoroughfare; the school is responsible for student safety.	Proforma letter
5	Against	It's a main thoroughfare; Teachers should be responsible. Install flashing 40 or 25kmh zone signage instead.	Proforma letter
6	Against	The road is a Council asset that shouldn't be given to the Education Department, no safety problems recorded in 140 years. The closure compromises student safety (increased traffic in other streets during drop-off and pick-up). Students should be supervised and taught road rules; a road closure provides a false sense of security. More traffic due to Monash Drive development. The issue is dividing the community.	The road will remain a Council asset. The road isn't closed during drop-off or pick-up times.
7	Against	The only safety issue is at drop-off and pick-up times, parents should teach children road rules. Teachers don't supervise kids on the oval. The closure is affecting real estate	



		values. More traffic due to Monash Drive development.	
8	Against	There are no safety issues and Teachers don't provide supervision on the oval, or educate children regarding crossing the road. Restricted access to the Community Hall is causing chaos and distress.	Proforma letter
9	Against	The road belongs to the town, if safety issue, lower the speed limit and install speed bumps. The Education Department should investigate if the school needs more land. Better Places is about connectivity, a road closure defeats that.	
10	Against	There are no safety issues. Closing the road provides a false sense of security, instead teach road rules.	Proforma letter
11	Against	The road is a town asset that shouldn't be given to the Education department or allowed to create community division. Belief that the closure will adversely affect personal health (socially isolating), and financial situation (added fuel costs and property valuation).	The road will remain a Council asset.
12	For	Benefits to safety and wellbeing of local children. Children can access the oval safely; junior students can safely connect and interact with older students in additional play area.	
13	For	Improved safety outcomes for students with car-free access to more play space, plus greater opportunity for social interaction throughout the year levels.	
14	Against	Fear that the road will be gifted to the Education Department and then lost to the Council if the school closes. Changing argument for; first it was safety (but there is no safety issue), then it was land (no comment from the Education Department). Lack of supervision on the oval is negligent, disregard for boom gate opening and closing times.	The road will remain a Council asset that could be reopened by Council resolution without consultation.
15	Against	There are no safety issues. What are the	The letter to



		criteria for decision making? The letter to Porepunkah residents asking what was wanted didn't provide the option of saying 'no' to the closure.	residents of 30/4/2013 provided the option of maintaining vehicle access along Martley Street, and also provided for alternative suggestions.
16	Against	The road is as asset of Council, not the Education Department. Teachers do not appear to be providing supervision during recess hours.	Proforma letter, the road will remain Council asset.
17	Against	The road is a main thoroughfare that should not be closed.	Proforma letter
18	Against	The majority don't want a road closure.	Proforma letter
19	Against	No history of accidents. Teachers should teach road safety instead.	Proforma letter
20	Against	Should remain open 7 days a week.	Proforma letter
21	Against	The closure is inconvenient and has an adverse financial impact (additional fuel costs). The closure restricts access to the Community Hall (example of recent funeral). Closing the road for a 'handful' of children, vs the whole community is irresponsible.	Proforma letter
22	Against	Provides children with a false sense of security.	Proforma letter
23	Against	No accident history in Martley Street, but its closure will concentrate traffic and create an 'accident waiting to happen' situation at the 5-way intersection. The township shouldn't be held to ransom by the school.	Proforma letter
24	Against	The road is a main thoroughfare. Ratepayers maintain the road, why should the school have a greater claim over it? The issue is causing great community division. Safety is not an issue (children safely ride their bikes to school); space is not an issue (when the school is placing rocks where sandpits and play space used to be).	Proforma letter



25	Against	People have been lied to and forced to base their arguments on false or misinformation; originally put forward as an issue of safety, but now an admission that it's about space. The Education Department should be solving issues of supervision and lack of space, not the community. Survey results haven't been made public; remove the item from the agenda until they have been released.	
26	For	Approves the continuation of the school days road closure.	

Submissions 'For' represent the Porepukah Primary School community, the School Council, the Parents and Friends group, Punca United Neighbourhood Community Association and the Alpine Valley Playgroup.

Copies of the original submissions have been provided to Councillors under separate cover.

None of the persons that made a submission, requested to be heard by Council in support of their submission.

As advised at the March Council meeting, a report from Vic Roads received last year is still current and states that Vic Roads:

- 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."

CONCLUSION

The time based road closure of Martley Street Porepukah has now been trialled for about 11 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. The numerous submissions received add to the knowledge already accumulated, facilitating a 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



7.4.3 Alpine Rural Land Strategy

File Number: 1472.00

INTRODUCTION

The purpose of this report is to inform Council of submissions to the exhibited Alpine Rural Land Strategy (ARLS), recommending that Council adopt the strategy, subject to changes, and support in principle the preparation of an amendment to the Alpine Planning Scheme to implement the adopted strategy.

RECOMMENDATIONS

That:

- 1. Adopt the Alpine Rural Land Strategy, subject to changes; and***
- 2. Support in principle the preparation of an amendment to the Alpine Planning Scheme to implement the adopted strategy.***

BACKGROUND

The proposed ARLS was prepared in the period 2012-14 and was exhibited in October – November 2014 for a period of four weeks. Key new initiatives included in the exhibited ARLS were:

- Recognition of the strategic and economic significance of agriculture in the municipality, with a need to protect this asset (including the limitation of new housing in rural areas) and provide for industry expansion.
- Recognition of the importance and role of rural-based tourism in all rural precincts, primarily agri-tourism, with a capacity to value-add to this industry on the basis of compatibility with other rural land use, environmental values and landscape.
- Recognition of the importance of environmental and landscape values in the rural areas of the municipality and the need for land use and development to consider both these values and environmental risks.
- Pressures for rural subdivision, dwellings and lifestyle living that require careful management. While the strategy recommends that a specific 'rural-residential' study be undertaken to separately investigate rural living opportunities, it does recognise an ability to apply for 'residential' lifestyle living options in limited low agricultural value areas with smaller lots.
- Identification of seven specific rural precincts, each with specific discussion and recommendations to guide agricultural and rural land use.



ISSUES

The *Hume Region Growth Plan* (2014, now implemented into the State Planning Policy Framework of all planning schemes) provides the regional context for rural land use in Alpine Shire. The plan outlines the importance of agricultural land use and production in the region, identifying 'strategically significant' agricultural land at national, regional or local levels. The plan identified the wider Ovens and Kiewa valleys as being of 'strategic agricultural land of national / state / regional significance', including strategic directions for the protection and management of these areas and the minimisation of fragmentation and amenity conflicts within them.

The draft strategy was publicly exhibited with 22 submissions being received, 2 from authorities and 20 from individual landowners or managers. 3 of these individual submissions were general submissions, with 17 relating to specific land or areas within precincts. A summary of submissions, with recommendations, is enclosed as Attachment 1.

Many submissions to the exhibited ARLS supported rural lifestyle and development in rural areas, seeking a versatile approach in rural areas to allow dwellings and development, creating options and flexibility for landowners. This general development approach in rural areas is not supported in the state and local planning frameworks (SPPF and LPPF) of the Alpine Planning Scheme or through the existing Farming Zone. No further rezoning of land or any change to the existing minimum subdivision size of 40 hectares for the Farming Zone is recommended. Any future proposal for subdivision, dwelling or other land use and development however may be considered on its merits through an application for planning permit made under the existing Alpine Planning Scheme, including applicable strategies, zone and overlays and use of the adopted ARLS as a reference document to guide proposals. The ARLUS recognises a specific ability to apply for dwellings on smaller lots in areas of low agricultural value and versatility.

A number of submissions suggested the rezoning of various areas of rural land from Farming to Rural Living (RLZ) to formally recognise the land for rural living. Rural land requires protection from potentially inappropriate development that may compromise its rural and agricultural value until full technical and strategic assessment takes place. The ARLS has only considered rural land and has not undertaken any assessment, demand or justification for rezoning to RLZ or Low Density Residential (LDRZ), other than specific isolated cases. A separate rural residential type study would be required to provide this assessment and justification. The role and need for this study has been recognised and recommended in the exhibited ARLS.

A number of submissions also raised the importance and role of rural-based tourism. The exhibited ARLS, Alpine Planning Scheme, Council's Economic Development Strategy and the Alpine Shire Council Plan all recognise the importance and further opportunities for rural-based tourism in Alpine Shire. All



identified rural precincts in the ARLS note the presence and importance of rural-based tourism and the opportunity for the expansion of this activity. In addition to consideration of strategies, the zoning and the ARLS, proposals for rural-based tourism uses and developments will be assessed in accordance with their appropriateness for the land and area, considering a range of issues such as servicing, access, environmental and landscape impacts, retention of productive rural land (in the Farming Zone) and compatibility with adjoining and nearby rural land uses.

The draft strategy is now recommended for adoption, with changes that are discussed in the summary of submissions (Attachment 1). When maps or text changes have been recommended to the exhibited strategy, they have been marked in a draft strategy now recommended for adoption (Attachment 2).

Once adopted, the strategy will be implemented through an amendment to the Alpine Planning Scheme. Following adoption, a draft amendment will be separately prepared and reported to Council, with recommendations to seek authorisation from the Minister for Planning and when authorised, exhibit the amendment.

POLICY IMPLICATIONS

The ARLS meets the following corporate documents, in particular:

Alpine Shire Council Plan 2013-2017:

Prosperous economy, employment and investment:

A dynamic local economy that is sustainable and supported to respond to opportunities and attract appropriate new investment:

Strategy 4.2.2: Support a diverse and sustainable economy.

Alpine Shire 2030 Community Vision:

Vision:

- Rural producers operate under protective planning controls ensuring that this vital element of the economy is not jeopardised by intrusive contrary development.
- Intensive horticulture is now a dominant rural industry aided by water policies that encourage water use closer to its source.

Key direction No 2: Sympathetic and balanced development:

- Rural landscapes, including intensive horticulture will be preserved and valued as both open space and productive land, contributing to the Shire's economy.
- High value agricultural land will be retained.



Key direction No 3: Economic prosperity:

- Employment is diverse and reflecting the region's economy, with strengths in niche market primary production, value-adding, forestry, tourism, retail, business and community services.
- Niche agricultural and horticultural products, including organic production have evolved to make better use of the Shire's water and high quality agricultural land.
- The timber industry continues to be a major employer in value adding, forestry services, harvesting and transport.

The proposed strategy will amend policy directions for rural land in the municipality. Existing policy directions for rural land in the Alpine Planning Scheme will change when the adopted strategy is implemented through an amendment to the planning scheme. This process will be separately reported to Council in the future.

FINANCIAL AND RESOURCE IMPLICATIONS

Annual financial allocations have been made in the 2014/15 budget to complete the ARLS. The adopted ARLS will promote economic activity in the agricultural, tourism and servicing sectors of the rural economy.

CONSULTATION

The draft strategy was completed in 2014, following a process that was supported by extensive formal and informal community consultation. The draft strategy was publicly exhibited with 22 submissions being received.

Further public consultation will take place through the future exhibition of an amendment to the Alpine Planning Scheme to implement the adopted strategy into the planning scheme. This future process will provide landowners, general public and relevant agencies an opportunity to make a formal submission to the amendment and, in the event of unresolved submissions being received, have their submission heard before an independent panel.

CONCLUSION

The ARLS will provide a long term strategic framework for the future land use and development in rural areas of the municipality for the next 15-20 years. The proposed strategy assesses and makes recommendations for seven district rural precincts, generally providing for the protection and growth of agriculture, the development of higher value intensive and niche agriculture, further development of rural tourism and identification of some areas appropriate for rural housing.

Submissions have been received to the exhibition of the draft strategy, which are summarised, with recommendations made for each, in Attachment 1. The final draft strategy now recommended to Council for adoption, with changes, is attached as



Attachment 2. Once adopted, the strategy will be implemented through an amendment to the Alpine Planning Scheme.

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 Development Services and Amenity
- Grant Scales - Consultant

ATTACHMENT(S)

- 7.4.3 Summary of submissions to the ARLS (attachment 1).
- 7.4.3 Alpine Rural Land Strategy recommended for adoption (attachment 2).



7.4.4 Planning Application 5.2015.3.1

Application Number:	5.2015.3.1
Proposal:	Two lot resubdivision of existing lots to create a 4,998m ² lot (Lot 5) and 7.83 hectare lot (Lot 6) and buildings and works for the use and development of a dwelling on proposed Lot 5.
Applicant's Name:	Graham Cocks, Chipperfield Cocks & Associates Pty Ltd
Owner's Name:	Giuseppina Sgambelloni
Address:	753 Morses Creek Road, Wandiligong, Lots 3 & 4 PS408656
Land size:	Lot 3 – 4,000m ² Lot 4 – 7.938ha
Current use and development:	Lot 3 is vacant whilst Lot 4 contains an existing dwelling and associated outbuildings with the residual cleared and cultivated for a nut grove.
Site features:	The subject land is entirely cleared of remnant native vegetation and planted out to chestnut trees, largely flat with a rising westerly aspect, contains a dwelling and associated shedding along the Morses Creek Road frontage and a dam along the northern boundary.
Why is a permit required?	<p>The Farming Zone and Bushfire Management Overlay require planning permission to both subdivide the land and build a dwelling on a lot less than 40ha in size. See clauses 35.07-1 Section 2, 35.07-3, 35.07-4 and 44.06.</p> <p>The Significant Landscape Overlay also requires planning permission to construct the dwelling. See Clause 44.03-2.</p>
Zoning:	Farming Zone
Overlays:	Bushfire Management Overlay (BMO), Significant Landscape Overlay Schedule 3 (SLO3).



Restrictive covenants on the title?	None
Date Received:	12 January 2015
Statutory Days:	83
Planner:	Sam Porter

RECOMMENDATION

That Council refuse the application for a planning permit for a two lot resubdivision of existing lots and buildings and works for the use and development of a dwelling on the proposed Lot 5 at 753 Morses Creek Road, Wandiligong (Lots 3 & 4 PS408656) on the following grounds:

- 1. The proposal is inconsistent with the objectives of planning in Victoria;***
- 2. The proposal is inconsistent with Council's local planning policies on Dwellings in Rural Areas (Clause 22.02-1) and Subdivision in Rural Areas (22.02-2);***
- 3. The proposal is inconsistent with the State Planning Policy Framework and Local Planning Policy Framework as they apply to the protection of productive agricultural land; and,***
- 4. The proposal is inconsistent with the purposes of the Farming Zone.***

REASONS FOR THE RECOMMENDATION

- The resubdivision of rural land to support residential development is not supported by the Alpine Planning Scheme which clearly directs and encourages residential growth to occur on existing residentially zoned land.
- The resubdivision is proposed to facilitate a residential development on a small lot in the Farming zone, this is not supported by the zoning provisions or Council's local planning policy framework. A resubdivision in the Farming zone can be considered where it is necessary for ongoing agricultural production of the land or sustainable land management practices.
- The development of a dwelling on the proposed small lot to be created will introduce another lifestyle use into the upper part of the Morses Creek Valley which will further undermine the agricultural uses that occur in this part of the shire.



PROPOSAL AND BACKGROUND

The proposal is in two parts:

Part 1 seeks to re-subdivide two existing lots. The subject site consists of two parcels comprising a small 4,000m² lot in the north western corner with the larger parcel having an area of 7.938 hectares. The re-subdivision proposes the reconfiguration of the property boundaries to effectively relocate the existing small lot to the south western corner of the subject site. Proposed Lots 5 and 6 will be 4,998m² and 7.83 hectares respectively. The re-subdivision is illustrated in Figure 1 below.

Part 2 seeks permission for the construction of a dwelling on proposed Lot 5 in the south western corner of the subject site.

In 1996, under the former Bright Planning Scheme the Alpine Shire Council permitted a boundary realignment of two original parcels on the land and approved a dwelling on the smaller lot (existing Lot 3) as part of the approval. The subdivision was completed, however, the development of the dwelling never commenced. The permit was extended for ten years and during this time no attempt was made to commence construction of the dwelling. Following changes to planning policy since the grant of the original planning permit it was deemed in 2006 that no further extensions could be granted.

In July 2014 application was made for a re-subdivision of the subject site similar to the one currently proposed. This application was refused at the June 2014 meeting of Council. The differences between the current application and the application refused in 2014 are very minor. Specifically, proposed Lot 5 is now 860m² larger to better accommodate on-site wastewater disposal and has been turned to have a north-south axis.

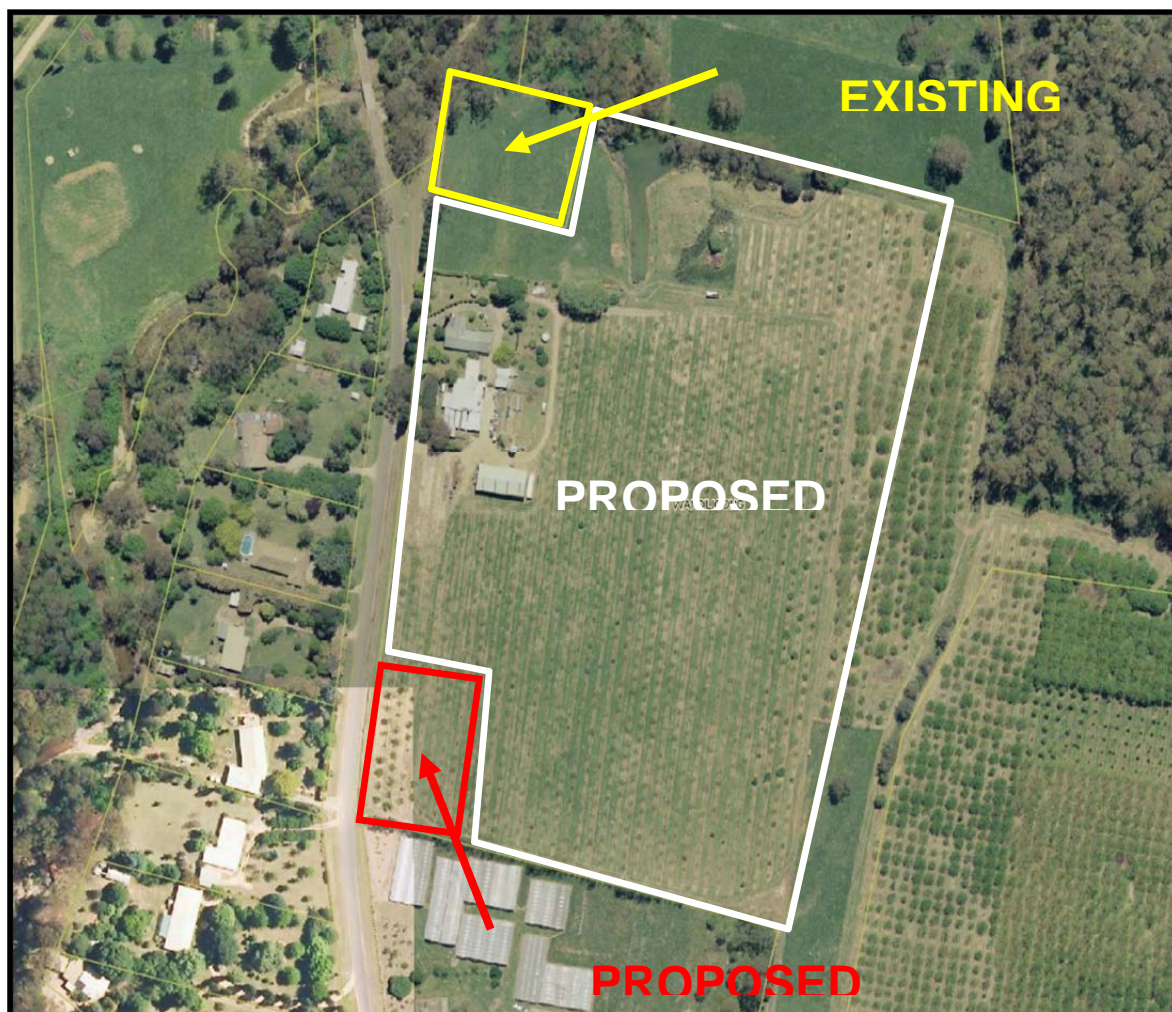


Figure 1: Subject Land, its surrounds, existing and proposed lot layout.

SUBJECT LAND AND SURROUNDS

The subject land comprises two lots. The larger of the two is Lot 4, which is 7.938ha in area. Lot 4 contains an existing dwelling with the balance being used for a chestnut production; it was previously used for growing tobacco.

Lot 3 is located in the north western corner and comprises 4,000m² of cleared pasture with no buildings. The small parcel is situated between a farm dam and Morses Creek. Such constraints have meant wastewater disposal for any dwelling proposal on this lot is not feasible; this would appear to be the main reason for the proposed resubdivision and creation of a small lot in the south west corner of the land. The subject land and surrounding area are shown in Figure 1 above.

The subject land is located in a diverse rural area. The following describes the surrounding land uses:

- North of the site is a small rural holding accessed by a bridge off Morses Creek Road over Morses Creek. This land is currently used for grazing



purposes. Further to the north and north west is the surrounding forested Crown land which is zoned Public Conservation and Resource.

- East and south east are small rural holdings predominantly used for nut orchards. The property immediately east currently does not contain a dwelling on it.
- South of the property are multiple small properties currently under nut and horticultural production. Other small allotments in this area appear to hold some grazing value and the majority contain one existing dwelling.
- West of the subject land is a ribbon of nine small defacto rural living allotments all contained within the Farming Zone. These lots range from 2,600m² to 6,500m² in size and are located tightly between Morses Creek Road and Morses Creek. Further to the west and north west is a large property used mainly for apple production.

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. A sign was also displayed on the subject land. No objections were received in relation to the application.

REFERRALS

Referrals / Notice	Advice / Response / Conditions
Section 55 Referrals	Goulburn-Murray Water (G-MW) and Country Fire Authority (CFA) have granted conditional consent.
Internal / external referrals	Council's Development Engineer and Councils Environmental Health Officer have given conditional consent to issues dealing with waste water, access and drainage.

PLANNING ASSESSMENT

State Planning Policy Framework

The State Planning Policy Framework (SPPF) provides policy on agricultural land with the following areas of the SPPF considered relevant to the application:

Clause 14.01-1 Protection of agricultural land – see the following link:
http://planningschemes.dpcd.vic.gov.au/schemes/vpps/14_SPPF.pdf



This clause seeks to ensure agricultural land is protected and that development (subdivision or development) does not create conflict with surrounding land uses.

Local Planning Policy Framework

The Local Planning Policy Framework (LPPF) provides policy and direction specific to development being considered in the Alpine Shire. The following areas of the LPPF are the most relevant to the application:

Clause 21.03-1 Alpine Shire Land Use Plan identifies the Wandiligong Valley as being located in an intensive rural area.

Clause 21.03-2 Settlement, under the sub heading 'Pressure for rural living and finite supply of agricultural land' contains the following key statement:

'Council does not encourage the development of rural land principally for residential purposes.'

Clause 21.03-6 Rural Land states:

'Reinforce agricultural production as the primary purpose of the Farming Zone.'

'Protect agricultural land from inappropriate development such as isolated non-agricultural uses including residential and tourism uses.'

'Discourage the development of rural dwellings where such development is not ancillary to the rural use of the land, will reduce the area of productive agricultural land or impact on the operation of agricultural practices both on and off site.'

Each of the above three clauses can be viewed in their entirety at the following link:

http://planningschemes.dpcd.vic.gov.au/schemes/alpine/ordinance/21_mss03_alpi.pdf (See pages 1 - 2 & 45 – 47)

Clause 22.02-1 Dwellings in Rural Area –

http://planningschemes.dpcd.vic.gov.au/schemes/alpine/ordinance/22_02_alpi.pdf (Pages 1 - 2)

This clause seeks to ensure that dwellings on lots less than 40ha in size are only approved where it is reasonably required to support the rural use of the land.

Clause 22.02-2 Subdivision in Rural Areas -

http://planningschemes.dpcd.vic.gov.au/schemes/alpine/ordinance/22_02_alpi.pdf (Pages 3 & 4)



This clause directs that subdivision in rural areas should:

- Keep areas capable of sustaining rural activities
- Improve farm management and efficiency
- Not further fragment farms and their holdings

Zone

The subject land is zoned Farming pursuant to the Alpine Planning Scheme. The purposes of the zone relevant to this proposal are:

‘To provide for the use of land for agriculture.’

‘To encourage the retention of productive agricultural land.’

‘To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.’

Clause 35.07-6 of the Farming Zone contains the decision guidelines relevant to this proposal see the following link:

http://planningschemes.dpcd.vic.gov.au/schemes/vpps/35_07.pdf

General Decision Guidelines

Clause 65 contains general decision guidelines relevant to all planning applications; these can be found at the following link:

<http://planningschemes.dpcd.vic.gov.au/schemes/vpps/65.pdf>

Summary of Issues

The proposed resubdivision of rural land creating a small rural allotment on which a dwelling is subsequently proposed raises the following issues:

- The proposed subdivision has no regard for the existing agricultural land use.
- The proposed subdivision will remove agricultural land from production.
- The proposed subdivision fragments the existing rural holding and will permanently remove land currently used for horticulture from primary production.
- The proposed subdivision will compromise the property’s ability to sustain rural activities into the future.
- The proposed subdivision and dwelling have no benefit to the ongoing agricultural production of the land.
- The proposed dwelling is proposed solely for residential purposes. That is, it is not supporting an agricultural use.



- The proposed dwelling will create potential for land use conflict with the surrounding existing and future agricultural uses.

Assessment of Issues

The proposed subdivision has no regard for existing land use

- The proposed Lot 5 has been positioned in an area that clearly forms part of a flat, fertile, cleared and irrigated paddock currently used for chestnut growing. Creating a small lot here for the purposes of residential use would be inappropriate having regard to planning policy which seeks to protect productive agricultural land and to avoid permanently removing land from primary production.

The proposed subdivision will remove quality agricultural land from production

- The entire 4,998m² of proposed Lot 5 is in an area able to be cultivated for agriculture.
- The proposed dwelling on Lot 5 will place an increased burden on the residual Lot 6 with potential land use conflicts (for example noise, smell, spray drift), therefore, effectively removing a greater area of land from production.

The proposed subdivision fragments the existing rural holding and its primary area used for cultivation

- The proposed small lot would be situated across the flat cleared area able to be irrigated and intensively farmed.
- The layout and size of Lot 5 has had no regard to the agricultural potential and use of the land.
- The Alpine Planning Scheme strongly discourages further fragmentation of farmland and supports the consolidation of previous inappropriate subdivision.

The proposed subdivision will compromise the property's ability to sustain rural activities

- The resubdivision will remove a portion of quality arable agricultural land from an already small land holding.
- The removal of the land proposed for Lot 5 has the ability to compromise future viability of agricultural uses conducted onsite.

The proposed dwelling is proposed solely for residential purposes

- In accordance with local policy a dwelling on a Farming Zone lot less than 40ha in size must demonstrate its need on the land in association with an agricultural use. The applicant has not justified, from an agricultural perspective, why a dwelling is necessary on the proposed smaller lot.



- The Alpine Planning Scheme directs that residential growth must be directed to land already zoned for residential development.

The proposed dwelling will create potential for land use conflict with the surrounding existing and future agricultural uses

- Occupants of dwellings in rural areas on small holdings with no agriculture being undertaken develop a perceived expectation of high amenity values. These amenity values are often unrealistic and can create land use conflict between landowners.
- The Alpine Planning Scheme encourages new and diverse agricultural land uses to be undertaken in rural areas, however, many intensive rural practices can be unviable on land when houses are located in close proximity.

Suitability of the land for subdivision

- The property is in two parcels which allows for a common boundary realignment to be considered. However, any movement of the existing Lot 3 will burden the agricultural capacity of the property. The current proposal impacts too greatly on productive agricultural land and therefore this subdivision is not suitable for the land.

Previously Refused Planning Application No.5.2013.145.1

- A key matter in planning application 5.2013.145.1 was the ability of the proposed smaller lot to treat and contain wastewater onsite. The conditional consent provided by G-MW in that application required an increase in the size of the smaller lot to 1 hectare. This would have compounded the primary issues with the proposal being the permanent removal of land from primary production and a dwelling on a small rural lot with no agricultural nexus.

This application has resolved the issues with wastewater treatment and disposal and the conditional consent provided by G-MW does not require an increase in the size of proposed Lot 5

- Despite this application addressing the wastewater issues experienced in the previous application there are still some significant issues with the proposal that make it extremely difficult to support. These issues relate to the permanent removal of agricultural land from primary production and the residential use of the proposed smaller lot; these issues were also the primary concerns relating to the previous planning permit application.



Overlays

The Significant Landscape Overlay and Bushfire Management Overlay apply to the subject land and surrounds. The proposal meets the requirements of both of these overlays.

Alpine Shire Council Rural Land Strategy

The subject land is located within Precinct 3 – Wandiligong Valley, and within sub-precinct 3 of the Rural Land Use Strategy. The strategic direction for this area stated within the Rural Land Use Strategy is:

- Protect land that is used for commercial horticulture; and,
- Encourage horticultural growth and rural-based tourism.

Both the subject and surrounding land has a predominant land use of commercial horticulture with new value adding components being pursued by a number of local farmers (i.e. primary produce sales). The proposal seeks to remove part of the land from primary production and introduce a residential use. It is considered that the proposed development would undermine the future direction sought by Council through the Rural Land Use Strategy which is to protect existing horticulture and encourage tourism related activities. The residential component is most concerning and at odds with the Rural Land Strategy as it has the potential to compromise future development opportunities sought by primary producers due to complaints. It also does not comply with the Policy Guidelines outlined in the Rural Land Strategy for dwellings for rural lifestyle purposes in the farming zone.

Conclusion

This application to resubdivide the land, which currently contains two lots, to create a small lot for the use and development of a dwelling challenges State and local planning policy as they relate to the protection of agricultural land. Whilst there is discretion available within the Alpine Planning Scheme to allow dwellings on small rural lots, that discretion should only be used where land has already been removed from primary production and where there is no ability for the land to be used for primary production in the future. That is not the case here however. The proposal seeks to create a small lot in the south west corner of the subject land which is currently used for chestnut production. The creation of the proposed lot will result in the loss of these trees and the land from primary production. This incremental loss of agricultural land is strongly discouraged throughout the Alpine Planning Scheme in the State and Local planning policy frameworks and the Farming zone.

The introduction of further residential use within this part of the Morses Creek valley will place pressure on existing agricultural operations. Residential living in a rural environment expects an amenity that it is absent of noise, dust, traffic, odours and commercial activity. However, these impacts are quite common in agricultural areas and Council planners regularly receive complaints from residential properties within rural areas about agricultural activities. This area of Morses Creek has attracted



recent complaints from lifestyle residents towards agricultural landowners who are seeking to diversify existing uses to maximise return from the land. The creation of an additional residential lot in this area will compound this issue and will create unnecessary pressure on primary producers in the area.

Having regard to the Alpine Planning Scheme and the issues associated with the proposal it is recommended that the application be refused.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Sustainable Development
- Manager Development Services and Amenity
- Senior Statutory Planner



7.4.5 Geographic Place Naming

File Number: 1763.12

INTRODUCTION

An application to formally name a road in Smoko was received by Council on the 8th December 2014.

A proposal was submitted by a local resident and distant relative of the Miley family, to name an unnamed road leading the Smoko Camping Reserve to Miley Lane.

RECOMMENDATION

That the unnamed road be formally named Miley Lane, and that appropriate signage be installed.

BACKGROUND

The currently unnamed road subject to this request provides access to the Freeburgh Camping Reserve and the Ovens River as shown on the maps below.

As is the normal process the proposed road naming was advertised. In response two submissions were received. One submission states that the lane has historically been referred to as Miley Lane and the other states the lane has been '*unofficially known as Millers Lane by Police, CFA and DEPI.*



Fig: 1 – Location of unnamed road.

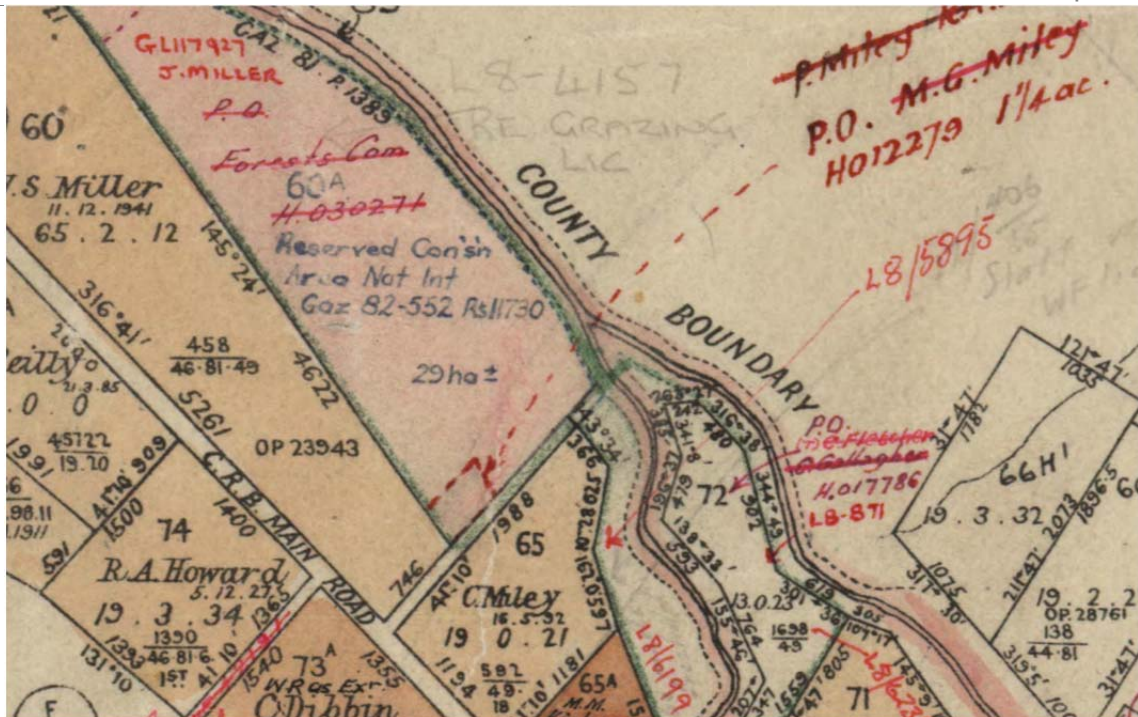


Fig: 2 Freeburgh Parish Map (part) unnamed road in centre of image.

ISSUES

It appears that 'Millers' is a more recent name being used due to the family still living on land adjoining the road.

Further research has also indicated that there is a road named Millers Track which runs north off Stony Creek Road. Principle 1(D) of the Guidelines for Geographic Naming requires that names not be duplicated within 30 kilometres in a rural or remote area. These roads are less than 3 kilometres apart.

The naming of a road is not always as simple as naming it for who has owned the adjoining land; this connects a person to the place but it does not show how they are seen by their community and their achievements within the community.

Christopher Miley (1847-1911) was among the earliest selectors in the Freeburgh, Smoko and Harrietville district.

In support of the Miley name, the area was the location of a hut belonging to World Champion Axeman, Charles "Charlie" Miley. Charlie held a number of world wood-chopping titles in the early 20th Century.

The Miley family farmed a number of blocks on both sides of the then Harrietville Road and on Smoko Creek.

Research shows that the Miller family has also been resident for a significant period of time in the valley. Electoral records show that William Stark Miller was employed as an Engine Driver in 1909 and subsequently as a Winchman in 1914. On the 1931 Electoral Roll he is shown as a farmer at Smoko.



However as there is already a Millers track in the vicinity this name cannot be used again

Both names have merit; however it appears that the name Miley Lane was in use before Millers Lane. The Freeburgh Parish map indicates that Christopher Miley took ownership the land adjoining the lane in 1892, whereas the map indicates that ownership of the Miller Lane was taken up in 1941.

POLICY IMPLICATIONS

The application meets the requirements of Council's Policy on these matters.

As previously mentioned the name Millers Lane does not comply with Principle 1(D) of the Guidelines for Geographic Naming.

FINANCIAL AND RESOURCE IMPLICATIONS

Financial imposts are the provision of signage and Council officer resources.

CONSULTATION

The application was advertised in all local newspapers for the required period of time. One submission was received from the owners of the neighbouring property, requesting that the lane be named for their family who have owned the adjoining land for 100+ years. One submission of support for the 'Miley' was received (late) from the Harrietville Historical Society. Although the submission was late it has been allowed due the society's knowledge and expertise in the local history of the area.

CONCLUSION

Given that the original application for Miley Lane complies with Council Policy and State Guidelines, the existence of Millers Track and the significance of Mr Charlie Miley's sporting career, it is recommended that the name Miley Lane be formally bestowed upon the previously unnamed road.

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 Development Services and Amenity
- Subdivision Local Laws Administration Officer



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.

RECOMMENDATION

That the summary of the Assemblies of Councillors for February / March 2015 be received.

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
3 February 2015	Briefing Session
24 February 2015	Briefing Session
3 March 2015	Briefing Session
24 March 2015	Briefing Session

ATTACHMENT(S)

- 8.0 Assemblies of Councillors – February / March 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.

RECOMMENDATION

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

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
2 March 2015	Alpine Children's Services	Cr Tony Keeble
18 March 2015	NELLEN	Cr Tony Keeble
5 March 2015	Alpine Alliance	Cr Kate Farrell
9 March 2015	NEMA	Cr Kate Farrell
5 March 2015	MAV Strategic Meeting	Cr Jan Vonarx
13 March 2015	Rural Councils Victoria Planning Day	Cr Jan Vonarx
18 March 2015	VicRoads Cluster Meeting	Cr Jan Vonarx
19 March 2015	Timber Towns Victoria	Cr Jan Vonarx

ATTACHMENT(S)

- 9.0 Presentation of Reports by Delegates – March 2015



10 GENERAL BUSINESS

11 MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN

12 RECEPTION AND READING OF PETITIONS

Two separate petitions have been received from residents in Mount Beauty (and surrounds) to save Mop Top Trees in the Mount Beauty Business.

A report will be tabled at the next Ordinary Council meeting in May 2015.



13 DOCUMENTS FOR SEALING

RECOMMENDATION

That the following documents be signed and sealed.

- 1. Section 173 Agreement – Brett Barrett, Lot 1 on Title Plan 212863V, Certificate of Title Volume 7839 Folio 163.***

Condition no. 3 of Planning Permit 2014.081 for use and development of a single dwelling at Jagoes Gully Road, Wandiligong.

The Agreement provides that a Business Plan be prepared for the Lavender farm.

- 2. Contract No. CT15/001 – – Precision Skate Parks - Design and Construction for Upgraded Skate Park Facilities in Cundy Park, Myrtleford.***

There being no further business the Chairperson declared the meeting closed atpm.

Confirmed,

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Chairperson