



Alpine Shire

**ORDINARY COUNCIL MEETING
AGENDA**

**M5 – 2 June 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 Chambers, Great Alpine Road, Bright, on **2 June 2015** commencing at **7.00pm**.

AGENDA

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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 – M4

RECOMMENDATION

That the minutes of Ordinary Council Meeting No 4 held on 5 May 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

Nil



7.2 DIRECTOR CORPORATE PERFORMANCE – TREVOR BRITTEN

7.2.1 Audit Committee Minutes

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 19 May 2015 to Council. Key items presented to the Committee were:

- Quarter 3 Risk and OHS Report (confidential);
- Purchasing spot checks audit
- VAGO Interim Management Letter; and
- Health, safety management system audit.

RECOMMENDATIONS

That the minutes of the 19 May 2015 Audit Committee meeting be received and noted and the following committee recommendations be adopted:

That:

- 1. John Kantor be appointed as Chair of the Audit Committee for a period of 12 months.*
- 2. the Quarter 3 Risk, Health and Safety Report (confidential) be adopted.*
- 3. the VAGO Interim Management Letter be adopted.*
- 4. the Purchasing Spot Checks Audit Report, be adopted, and purchasing spot checks conducted from 1 July 2015 be conducted internally by the finance department instead of the internal auditor.*
- 5. The terms of reference of the health and safety management system – SafetyMap initial level – be endorsed and a suitably qualified consultant be engaged to undertake the audit in accordance with council's procurement processes.*
- 6. the final one year option for the Internal Audit Service Contract with Crowe Horwath to 30 June 2016, be taken up.*

BACKGROUND

Election of Chair

The May 2015 meeting welcomed two new independent members to the Committee (as appointed by Council in April 2015). The revised Charter adopted by Council at its April meeting, requires the chairperson to be elected on an annual basis. John Kantor was re-elected as the Chair of the Committee.



Risk and OHS Report

Work is ongoing regarding the revised OHS framework that will be rolled out across the organisation. Key achievements in the last quarter have been the adoption of a new OHS Policy which staff will receive training in and the renegotiation of designated workgroups to align with the new structure of Council.

Victorian Auditor General Interim Management Letter

Council's audit service provider, RSD Chartered Accountants from Bendigo, was onsite for the interim audit at the beginning of April 2015. The Interim Management Letter provides a detailed overview of the matters raised by the auditors from that visit. The matters identified were considered low risk and are:

- Preparedness for Local Government Performance Reporting Framework;
- No regular review of non-rateable properties;
- No cancelled receipts report;
- Policies and procedures review;
- No approved supplier listing;
- No credit card policy and cardholder agreements; and
- Six instances in the sample selected where no invoices were provided to substantiate credit card purchases.

These matters have been acknowledged and accepted and will be addressed in line with the timelines detailed in the management letter responses. Progress of these actions will continue to be monitored by the Audit Committee.

Purchasing spot checks

Council's internal auditors undertake purchasing spot checks on a quarterly basis. The first purchasing spot check was carried out in March 2015 and the report is presented for Council's adoption. The Audit Committee was satisfied with the report. The Internal Auditors will carry out their next spot check in June 2015. All spot checks from 1 July 2015 will be undertaken internally by Council's finance team with a report of results being presented to the Committee quarterly. Having the purchasing checks conducted internally by the finance team does not negate the need to conduct purchasing reviews as part of Council's ordinary internal audit program.

SafetyMAP audit

The Committee requested an audit of Council's OHS systems be undertaken as part of its annual audit program in 2015/16. The Committee was presented with a framework for conducting the audit.



The SafetyMAP program consists of two levels: initial and advanced. It is proposed to undertake the initial level audit. This audit has five elements with a total of 82 criteria. The five elements are:

1. Health and safety policy
2. Planning
3. Implementation
4. Measurements and evaluation
5. Management review

The bulk (59) of the 82 criteria being audited, fall within the Implementation element. This covers the areas of structure and responsibility; consultation; documentation; hazard identification and risk assessment and control; and emergency preparedness.

The 82 criteria in the initial level audit are considered the minimum requirements for an effective, integrated health and safety management system that is also capable of meeting legislative requirements.

Internal audit service contract

Council tendered for internal audit services in 2011 and the tender was awarded to Crowe Horwath. The contract was for a three year period with two one year options. Last year Council took up a one year option, and the Audit Committee has recommended the second one year option be granted. It is recommended that tendering for a new audit service contract take place early in the 2016 calendar year in preparation for Council's 2016/17 internal audit program.

IMPLICATIONS

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 require 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 welcomed its new members and continuation of John Kantor as Chair. The Committee emphasised satisfaction with the detail provided in the agenda and the quality of Officer Reports. The Audit Committee recommends Council adopt the detailed resolutions.

DECLARATION OF CONFLICT OF INTEREST

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

- Manager Corporate Services
- Director Corporate Performance

ATTACHMENTS

- 7.2.1 (a) Audit Committee Minutes 19 May 2015
- 7.2.1 (b) VAGO Interim Management Letter
- 7.2.1 (c) Internal audit spot checks report
- 7.2.1 (d) SafetyMAP



7.2.2 Alpine Shire Council Procurement Policy

Documents Register: Procurement Policy No. 089

INTRODUCTION

The *Local Government Act 1989* requires councils to annually review their Procurement Policies. Last year Council adopted a revised Procurement Policy, which was harmonised with Towong and Indigo Shire Councils. This year, Council has focussed its review on the development of a supporting procedures manual; and therefore no Procurement Policy amendments are necessary.

RECOMMENDATIONS

It be noted that:

- 1. the 2015/16 review of the Procurement Policy No. 089, version 2, has been completed, and*
- 2. no Policy amendments are required.*

BACKGROUND

Review

Last year, Alpine, Indigo and Towong Shire Councils worked together to develop a harmonised procurement policy, shared across the three councils. This was finalised and adopted by Council in June 2014.

This year the Procurement Policy review focused on the procurement procedures specific to Alpine Shire Council and consisted of the following:

- Working group established to refine procurement procedures;
- Weekly meetings conducted in February, March and April to ensure progress met the requirements of all departments;
- Development of procurement procedures and templates; and
- Three audits have been conducted on purchasing procedures to ensure that the Procurement Policy is being adhered to.

Training on the procurement procedures is still to be completed; however the Procurement Policy adopted by Council last year has been communicated to staff over the last 12 months.

Development of the harmonised policy

The harmonised procurement policy was developed from a review of the three Council's procurement policies at that time and the Victorian Local Government Best Practice Procurement Guidelines 2013.

Principles



The key Procurement Policy principles are:

- Value for money
- Open and fair competition
- Probity and transparency
- Accountability
- Risk Management
- Environmental Sustainability (Sustainable procurement and Source of Manufacture)
- Local sourcing
- Continuous Improvement (Business improvement).
- Reporting
- Collaboration

The outputs of the project were a single harmonised procurement policy that:

- Aligns approval amounts
- Aligns procurement conditions
- Is supported by a single procedure manual and set of templates.

KEY IMPLICATIONS

Legislative Issues

Section 186A of the Local Government Act 1989 (the Act) requires:

(1) A Council must prepare and approve a procurement policy.

and

(7) At least once in each financial year, a Council must review the current procurement policy and may, in accordance with this section, amend the procurement policy.

COUNCIL PLAN AND KEY STRATEGIC PLAN LINKS

2013-2017 Council Plan	
Strategic Objective 5.2	To manage resources well to ensure sustainability
2014/15 Budget	
Strategic Objective 2.5	Performance focused organisation



CONCLUSION

The review of Council's procurement policy and procurement procedures this year meets Council's legislative obligation to review its policy before 30 June 2015. No policy changes are required this year, due to the extensive review and improvements carried out the year before.

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 and
- Manager Corporate Services

ATTACHMENT(S)

- 7.2.2 Procurement Policy 089



7.2.3 Contract No. 1400701 – Kerbside Waste Collection

File Number: CT14/007

INTRODUCTION

The current contract for the provision of kerbside waste collection services expires on 30 June 2015. The purpose of this report is to activate a one-year contract extension, during which time a comprehensive review of waste services will be completed, providing future direction.

RECOMMENDATION

That Contract No. 1400701 with J.J. Richards and Sons Pty Ltd, for the provision of Kerbside Waste Collection Services, be extended by one year to 30 June 2016.

BACKGROUND

The current contract was awarded at the 6 May 2014 Ordinary Council Meeting following a state-wide invitation to tender process.

The contract commenced on 1 July 2014, for a one year period, with 2 one-year extension options.

J.J. Richards is satisfactorily meeting the performance requirements of the current contract; and is willing and able to accept a one-year contract extension.

ISSUES

The term of the contract (one-year with 2 one-year extension options) was designed to allow for the completion of a Municipal Waste Strategy, which will inform future decisions regarding waste.

The Municipal Waste Strategy will comprise a comprehensive review of the following waste services, their inter-relationships, and possible delivery models:

- kerbside collection of waste;
- kerbside collection of recyclables;
- introduction of an organics/green waste collection service;
- waste disposal and the future of the Myrtleford landfill; and
- In-house service provision.

The development of the Municipal Waste Strategy is well advanced and it's anticipated that Council will be in a position to begin introducing service changes and improvements by 1 July 2016 (coinciding with the completion of the contract extension).



POLICY IMPLICATIONS

The preparation of the proposed contract extension is consistent with the requirements of the Procurement Policy and the Procurement Process Manual.

FINANCIAL AND RESOURCE IMPLICATIONS

The 2015/16 budget allocation for the kerbside waste collection contract is \$535,000. The contract is based on a schedule of rates that tabulates contracted prices against the variables of bin size, collection frequency, and the number of tenements.

CONSULTATION

A community survey regarding the possible introduction of a green/organics waste service is being designed and will be issued before 30 June 2015.

CONCLUSION

The recommendation to extend the current contract by one-year will:

- allow flexibility and a staged approach to implementing the Municipal Waste Strategy; and
- enable Council to strategically re-design, and provide more efficient and cost effective waste services in the future.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Sustainable Development
- Manager Council Facilities

ATTACHMENT(S)

- Nil



7.3 DIRECTOR ASSETS – CHARLIE BIRD

Nil



7.4 DIRECTOR SUSTAINABLE DEVELOPMENT – HEATHER GREEN

7.4.1 Petition – Use and Development of 795 Morses Creek Road, Wandiligong – Wandiful Produce

File Number: 5.2014.114.1

INTRODUCTION

This report is to inform Council and provide response to the petition tabled at the May 2015 Council meeting relating to the farming enterprise that recently commenced business at 795 Morses Creek Road, Wandiligong.

RECOMMENDATION

That Council

- 1. note the petition from the community regarding the decision to grant planning permit for the use and development of 795 Morses Creek Road, Wandiligong for 'Primary Produce Sales'.*
- 2. take no action in response to the petition titled 'Petition to Preserve Wandiligong from Overdevelopment'.*
- 3. Advise the key petitioner that any application lodged to amend the conditions of operation of the business at 785 Morses Creek Road Wandiligong will be treated on its merits in accordance with the Alpine Planning Scheme and the Planning and Environment Act.*

BACKGROUND

Planning Permit 5.2014.114.1 was issued under delegated authority on 19 December 2014. The planning permit granted approval for the use and development of 795 Morses Creek Road, Wandiligong for 'Primary Produce Sales'. This use has now commenced and is being undertaken from an existing shed on the property. A copy of the planning permit is provided as Attachment A.

Condition 3 of the planning permit provides for the use of a café ancillary to the Primary Produce Sales. As an ancillary use it does not require a planning permit; however the permit includes conditions that controls the extent of the café use to ensure it remains ancillary to the primary produce sales and agricultural use of the land.

A petition with 40 signatures was received on 10 April 2015 raising concerns with the café component of the business. It is noted that the petition was circulated in the community prior to the business commencing operations.

The petition titled '*Petition to Preserve Wandiligong from Overdevelopment*' was tabled at the May 2015 Council meeting. A copy of the petition with signatures removed is provided as Attachment B.



Council has subsequently received 53 emails (as at 26 May 2015) from members of the community voicing support for the business and its owners.

ISSUES

The petition raises the following matters that are summarised and commented on below:

1. *The way by which the planning permit application was publicly notified did not fully disclose the nature of the proposed business. That is, it did not refer to the 'ancillary café' component.*

The application was publicly notified via the sending of letters to the owners and occupiers of five adjoining and nearby properties and the placing of a sign at the front of the subject site. The letters and sign advised of the application for the use of the land for 'Primary Produce Sales' and that the application and supporting documents could be viewed at the Council's Bright office. The letter did not reference the ancillary café component of the development, as an ancillary use does not require a planning permit. However, the supporting documentation to the application detailed the owner's intentions to provide food and beverages to visitors and customers of the farm produce enterprise.

No submissions were received to this public notification which was carried out in accordance with the requirements of Section 52 of the *Planning and Environment Act 1987* which governs public notification.

2. *That the owners may seek to amend the permit and such amendments may have a detrimental effect on Wandiligong's "treasured rural environment".*

The Planning and Environment Act 1987 enables the ability for all planning permits to be amended. This owner has the right to apply for an amendment, however future intentions or applications to amend the permit cannot be considered until and unless they are applied for.

3. *That no further amendments to the current planning permit should be permitted and that the operation of the business should be limited to the current planning permit.*

Any future application for an amendment to the planning permit would have to be assessed on its merits, without prejudice, following the appropriate process prescribed under Planning and Environment Act 1987. Consequently Council has no ability to provide a commitment that future amendments to the planning permit be refused as called for by the petition.

POLICY IMPLICATIONS

Nil

FINANCIAL AND RESOURCE IMPLICATIONS

Nil



CONSULTATION

Public notice of the planning permit application was undertaken as per the requirements of Section 52 of the *Planning and Environment Act 1987* with no submissions received.

CONCLUSION

The petition raises concerns with the nature of the business being undertaken at 795 Morses Creek Road, Wandiligong. The owners of the property have applied for and been granted a planning permit for the use and development of the land for Primary Produce Sales. There is no evidence that the business is in breach of the conditions of the planning permit.

Any future application to amend the current planning permit would be assessed against the relevant requirements of the Alpine Planning Scheme. However, no such application has been made and as such, no action is required as a result of the petition.

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 & Amenity; and the
- Statutory Planner

ATTACHMENTS

- 7.4.1 (a) Planning Permit 5.2014.114.1
- 7.4.1 (b) Copy of petition titled '*Petition to Preserve Wandiligong from Overdevelopment*'



7.4.2 Alpine Planning Scheme - Proposed Amendment C50 Prescribed Amendment to correct technical anomalies and errors identified in the Alpine Planning Scheme

File Number: 1468.50

INTRODUCTION

This report is presented to Council to enable the preparation of a 'prescribed amendment' which will correct a number of errors and anomalies in the Alpine Planning Scheme.

RECOMMENDATIONS

That:

A request be made to the Minister for Planning to prepare Amendment C50 pursuant to Section 20(A) of the Planning and Environment Act 1987, to undertake a 'prescribed amendment' to correct technical anomalies and errors identified within the Alpine Planning Scheme.

Specifically the amendments will:

- *rezone part of Crown Allotment S23F from Public Conservation and Resource Zone (PCRZ) to Farming Zone (FZ).*
- *rezone part of Lot 204 PS 542124 from Farming Zone (FZ) to General Residential (GRZ1).*
- *rezone part of the access road currently in the General Residential (GRZ1) to Farming Zone (FZ) on part Lot 204 PS 542124.*

BACKGROUND

Council has received two requests to correct technical anomalies and errors identified in the Alpine Planning Scheme. These corrections relate to zoning anomalies.

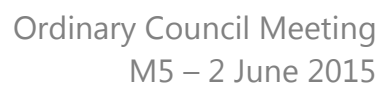
Anomalies and correction amendments are undertaken regularly by all Planning Authorities to maintain the currency of the planning scheme and to assist in ensuring that it is relevant and up to date.

In 2013 the Minister for Planning introduced new provisions for 'Prescribed Amendments'. A Prescribed Amendment is undertaken by the Minister for Planning under Section 20(A) of the *Planning and Environment Act 1987* (the Act). Under this section of the Act, exhibition and notification requirements of sections 17, 18 and 19 of the Act, are waived.



The class or type of corrections and anomalies that can be approved by the Minister must be in accordance with the Planning and Environment Regulations 2005. They must be anomalies that are classed as 'technical' errors that '...correct an obvious error in the Victorian Planning Provisions or a Planning Scheme'. Accordingly, it is deemed that these corrections are considered to satisfy these requirements.

Land Affected by amendment	Proposed change	Reason for technical anomaly or error
Part of Crown Allotment S23F, Parish of Bright	Rezone from Public Conservation and Resource Zone (PRCZ) to Farming Zone (FZ)	Land is owned by the Crown but licenced by HVP. The majority of HVP operations in the same area (CA S23F) are zoned FZ. The subject land appears to have been incorrectly zoned potentially with the introduction of the new format planning schemes applied to the Alpine Planning Scheme in 1999. The current zoning does not permit timber harvesting, however, the FZ does as it considers it to be an agricultural practice.
Part of Lot 204 PS 542124 known as 188 Kiewa Valley Highway, Tawonga South	Rezone from Farming Zone (FZ) to General Residential (GRZ1)	This lot has a split zoning of FZ and GRZ1 with the zone boundary currently bisecting an existing dwelling. This error could have occurred as a result of the introduction of the new format planning schemes applied to the Alpine Planning Scheme in 1999.
Part of Lot 204 PS 542124 known as 188 Kiewa Valley Highway, Tawonga South	Rezone part of the access road currently in the General Residential (GRZ1) zone to Farming Zone (FZ)	Part of the access has been zoned General Residential (GRZ1) and should be zoned Farming Zone (FZ) as is the rest of the access road. This error could have occurred as a result of the introduction of the new format planning schemes applied to the Alpine Planning Scheme in 1999 and was not corrected when the Residential 1 Zoning went to the General Residential Zoning

[illegible]



ISSUES

Part of Crown Allotment S23F, Parish of Bright

A previous report presented to council in September 2013 requested a rezoning from PCRZ to FZ and also requested the application of the Significant Landscape Overlay (SLO) as land abutting the site was subject to the SLO. However this has been reviewed because the majority of HVPs operations in this area are not covered by the SLO (land to the west of the subject site). Therefore the SLO would end up being applied to a comparatively small piece of land in the overall operations of HVP in this area (CA S23F).

Part of Lot 204 PS 542124 known as 188 Kiewa Valley Highway, Tawonga South

No issues have been identified with this parcel of land.

POLICY IMPLICATIONS

Council is obliged to maintain its Planning Scheme for fair and transparent planning within the State of Victoria and is in accordance with the Council Plan.

FINANCIAL AND RESOURCE IMPLICATIONS

This amendment is not expected to place any requirement for additional resources over and above that already budgeted for within Council's operational budget.

CONCLUSION

The current zoning of the subject sites is considered to be a technical error as a result of the introduction of the new format planning schemes.

As a consequence it is considered appropriate that a request to the Minister for Planning to prepare amendment C50 to the Alpine Planning Scheme under Section 20(A) of the *Planning and Environment Act 1987*, to undertake a '*prescribed amendment*' be made.

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 & Amenity; and the
- Strategic Planner

ATTACHMENT(S)

- 7.4.2 (a) Amendment C50 Explanatory Report
- 7.4.2 (b) Amendment C50 Instruction Sheet
- 7.4.2 (c) Prescribed Amendment Application Form



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 April / May 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
28 April	Briefing Session
5 May	Briefing Session
19 May	Briefing Session

ATTACHMENT(S)

- 8.0 Assemblies of Councillors – April / May 2015



9 PRESENTATION OF REPORTS BY DELEGATES

NIL



10 GENERAL BUSINESS

11 MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN

12 RECEPTION AND READING OF PETITIONS

12.1 Petition – proposed off-leash dog park in Myrtleford

A petition has been received for a proposed off-leash dog park in Myrtleford.

A report will be tabled at the next Ordinary Council meeting in July 2015 in accordance with Council's Local Law No 1 – Council Administration.

RECOMMENDATION

That the petition for the proposed off-leash dog park in Myrtleford be received.



13 DOCUMENTS FOR SEALING

RECOMMENDATION

That the following documents be signed and sealed.

1. *Section 173 Agreement – Daniel Renn, Lot 1 on Plan of Subdivision 537979A, Volume 11026 Folio 091.*

Condition 2 of Planning Permit 2014.086 for a two lot subdivision at 75 Station Street, Porepunkah.

The Agreement states that the established minimum finished floor level height for any future dwelling on proposed Lot 1 must be at least 500mm above the natural surface level.

2. *Section 173 Agreement – Scott Gardiner and Sarah Jane Gardiner. Lot 1 on Title Plan 85280A, Volume 10852 Folio 511.*

Condition 3 of Planning Permit 2014.028.1 for the building and works for two shops, two dwellings, a reduction in car parking to the shops and creation of an accessway to a Road Zone, Category 1, at 215 Kiewa Valley Highway, Tawonga South.

The Section 173 Agreement states that as the dwellings are located within a Mixed Use Zone where adjoining businesses operate and from time-to-time there may be noise, odour and light emissions from these businesses.

3. *Section 173 Agreement – Susan Gay Ougham, Patina Jane Flint and Leigh Alexander Flint, Lot 3 on Plan of Subdivision 326660, Certificate of Title Volume 10182 Folio 190.*

Condition 4 of Planning Permit 2014.126 for building and works for the replacement of a second dwelling at 756 Kancoona South Road, Kancoona.

The Agreement provides that the permitted workers accommodation must not be used by a single occupant for any longer than 120 days in a calendar year unless otherwise approved by the responsible authority