



# Alpine Shire

**ORDINARY COUNCIL MEETING**

**AGENDA**

**M7 - 7 July 2015**

**Bright Council Chambers**

**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 **7 July 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 – M5**

**RECOMMENDATION**

*That the minutes of Ordinary Council Meeting M5 held on 2 June 2015 as circulated be confirmed*

**2.2    SPECIAL COUNCIL MEETING – SPM6**

**RECOMMENDATION**

*That the minutes of Special Council Meeting SPM6 held on 23 June 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:	CQ15/016	Process:	Full Quote Process
Title:	Deck Overlay, Kancoona Road South over Running Creek		
Tenderer:	North East Civil Construction Pty Ltd		
\$ (excl. GST):	\$102,975.25		
Funding:	Alpine Shire Council 2014/15 bridge renewal budget		

Contract No:	CQ15/017	Process:	Tender process
Title:	Supply and delivery of premix Asphalt		
Tenderer:	Fulton Hogan		
\$ (excl. GST):	\$54,285.00 (over three years)		
Funding	Alpine Shire Council 2015/16 local roads budget		



## 7.1.2 Instruments of Delegation and Authorisation

File Number: Delegations Register

### INTRODUCTION

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

The *Planning and Environment Act 1987* requires a specific authorisation from Council to appoint and authorise officers under that Act.

### RECOMMENDATION

*That Council exercise the powers conferred by section 224 of the Local Government Act 1989, and by section 188 of the Planning and Environment Act 1987, so that:*

- a. The members of Council staff referred to in attachment 7.1.1 "S11A – Instrument of Appointment and Authorisation – Planning and Environment Act 1987 – July 2015" (the instrument) be appointed and authorised as set out in the instrument.*
- b. The instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it.*
- c. On the coming into force of the instrument the previous "S11A – Instrument of Appointment and Authorisation – Planning and Environment Act 1987" signed on 3 March 2015 be revoked.*
- d. The instrument be signed and sealed at the appropriate stage of this meeting.*

### BACKGROUND

#### **Maddocks Delegation Service**

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

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



## **Planning and Environment Act 1987**

Section 188(1)(b) of the *Planning and Environment Act 1987* specifies that “a planning authority ... may by instrument delegate any of its powers, discretions or functions under this Act to an officer of the authority”. However Section 188(2)(c) specifically prevents an officer from further sub-delegating any duty, function or power.

Therefore, as the responsible authority, Council must authorise staff directly using the “S11A – Instrument of Appointment and Authorisation – Planning and Environment Act 1987”, rather than via the Chief Executive Officer.

## **ISSUES**

Council’s staff require current and accurate delegations and authorisations to fulfil their duties. A new member of the planning team has recently been appointed, necessitating an update to the relevant instrument of appointment and authorisation.

## **Planning and Environment Act authorisation**

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

## **POLICY IMPLICATIONS**

The proposed changes are to ensure that Council officers have the appropriate authorisations to perform their roles. It is also consistent with Council’s Council Plan strategy 5.4.1 “provide good governance”.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

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

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

## **CONSULTATION**

The relevant director and manager have been consulted throughout the review of the instrument of appointment and authorisation and clarification sought from specific staff where required. No additional consultation is required.

There is no requirement to involve the community in the preparation of the instrument of appointment and authorisation.

## **CONCLUSION**

The instrument of appointment and authorisation for the *Planning and Environment Act 1987* allows staff to fulfil their duties, and should therefore be supported. The instrument comes into force immediately the common seal of Council is affixed to the document, and will remain in force until Council determines to vary or revoke it.



### **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
- Governance Officer

### **ATTACHMENT(S)**

- 7.1.1 Alpine Shire Council "S11A – Instrument of Appointment and Authorisation – *Planning and Environment Act 1987*" – July 2015





## **7.2 DIRECTOR CORPORATE PERFORMANCE – TREVOR BRITTEN**

### **7.2.1 High Country Library Corporation Review of Operations**

File Number: 660.07

#### **INTRODUCTION**

The High Country Library Corporation (HCLC) Board (the Board) recently commissioned a review of its operation. The final Report to the Board was received in June 2015.

The purpose of this report is to endorse the Board's resolution to adopt a collaboration model to deliver library services rather than the current corporation structure (identified as Option 3 in the report).

#### **RECOMMENDATION**

*That the High Country Library Corporation Board resolution to adopt Option 3 (a 'shared service' model to deliver library services) be noted and ratified.*

#### **BACKGROUND**

Library services in the Alpine municipality are currently provided by the HCLC. The HCLC is governed by a Board and a CEO, and comprises Alpine, Mansfield, Benalla and Wangaratta as member Councils. The headquarters is in Wangaratta and the Alpine branch libraries operate in Myrtleford, Mount Beauty and Bright.

#### **Board concerns with the current operation**

In 2014, the Board identified numerous concerns regarding the HCLC operation, including:

- Financial sustainability; modelling shows that HCLC becomes financially unsustainable after 2018 without intervention (based on 3% annual funding increases from member Councils);
- Consistency and fairness; member Councils are transforming other areas of their business to operate sustainably with no more than 3% annual increases (the HCLC Strategic Resource Plan requires 6%);
- A lack of connection with Councils (at strategic and program levels), resulting in lost opportunities to coordinate programs and engage with the community;
- Competing priorities between municipalities, and conflict for Board members (HCLC vs. Council); and
- Feedback from HCLC management that staff are over-stretched, and that resources and budget are inadequate to deliver the Library Plan.

#### **Review of the current operation**

In January 2015, the Board engaged Consulting and Implementation Services Pty Ltd (CIS) to conduct a review of the HCLC operation with the purpose of;



- identifying implementable strategies to improve the operational efficiency of the Corporation and its library sites;
- minimising annual financial contributions from member Councils; and
- maintaining or improving library services according to the Library Plan.

### **Consultant's preliminary findings**

The final report found that:

- library services are highly valued in local communities;
- all HCLC staff are working hard to offer high quality library services;
- the HCLC is operating under strain, including financial strain;
- library users expect more services, resources and community connection through their library;
- the differing priorities of member Councils creates conflict for staff;
- there are process inefficiencies within the operation; and
- the HCLC is unsustainable in its current form and change is needed.

### **Final Report**

The final report was adopted by the HCLC Board on 22 June 2015.

The final report responded to all of the review Terms of Reference in order of priority. The highest priority related to organisation structure and governance. The report identified the following three structural options for consideration, but recommended Option 3 for adoption and implementation:

1. retain the current HCLC structure and embark on a reform of processes and delegations;
2. disestablish the Corporation, and Councils run stand-alone libraries; or
3. establish a new shared services or (collaboration) model of library services that gives Councils greater control of operations, but retains the advantages of shared resources and services.

### **Priority recommendation**

The recommended collaboration model involves disestablishing the Corporation and replacing it with a new collaborative service where 'spoke' libraries purchase services from a 'hub'. Branch staff would be employed by, and report to, their respective Councils. Central services such as SWIFT membership, book stock procurement, and collection management, would be purchased from the 'hub' library.

There are benefits and challenges with each of the identified options, but the collaboration model best addresses the Board's original concerns, and has the advantages of:

- strategic clarity;
- greater control over funding and the operation of branches;



- reaps the benefits of economies of scale;
- collaboration would take place without the need for a corporate structure, eliminating a layer of governance (the Board) and reducing complexity; and
- ability to integrate with other Council services.

#### **Department of Environment, Land, Water and Planning (DELWP) view**

The State has an interest in, and contributes significant recurrent funds to library services. DELWP administers the recurrent Public Libraries funding program, the Premiers Reading Challenge, and Local Priorities Funding for libraries. DELWP representatives attended the June Board meeting and provided the following comments regarding the proposed structural change:

- there's a big advantage in reducing the 'Council-like' responsibilities imposed by a Corporation;
- library corporations are declining in number; in favour of simpler, more flexible and targeted library services; and
- each member Council must understand what sort of library service it wants to deliver and develop an appropriate model (best return on investment, a flexible and dynamic environment, close alignment and integration). The option chosen makes no difference to DELWP.

#### **ISSUES**

Ministerial approval is required to dissolve the Corporation.

Section 186 of the *Local Government Act* must be complied with when establishing a shared service provider.

Collaborating Councils and the service hub will be confirmed during the implementation phase of the project.

#### **POLICY IMPLICATIONS**

This recommendation is consistent with the Council Plan (2015 revision) strategies of delivering responsible and prudent financial management, delivering best value programs and services, and providing good governance.

#### **FINANCIAL AND RESOURCE IMPLICATIONS**

The 2015/16 HCLC budget identifies income as follows:

<b>Source</b>	<b>Purpose</b>	<b>Amount</b>
Alpine Shire Council	Branch library staffing, and headquarters contribution (proportional by population)	\$344,000
Alpine Shire Council	Myrtleford and Mt Beauty customer service	\$52,000
State	HCLC operation (total amount for the 4 member Councils)	\$640,000



In a collaboration model, State funding would be split and paid directly to Councils.

Structural modelling done to date indicates:

- potential recurrent 'hub' savings of \$100-200,000 (split between 4 Councils) in 2016/17; and
- further recurrent savings through investment in technology and simplified work flows.

### **CONSULTATION**

The Consultant engaged with a range of stakeholders, including community, staff, volunteers, member Councils, and the Board in conducting the review. Press releases have been issued, a survey posted on the internet, and 161 submissions have been received.

'All-staff' meetings have been (and continue to be) conducted, and Council has been briefed on the proposal.

### **CONCLUSION**

All four HCLC member Councils are adopting the same recommendation at their July Council meetings. This resolution will allow the transition to a shared service model for libraries to commence.

The implementation of a shared service model is the first of several business improvement recommendations identified, and will have the biggest impact in addressing the Board's (and Council's) concerns regarding the current operation.

The attached draft implementation plan identifies transition to the new structure by 1 July 2016.

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

Under Section 80C of the *Local Government Act 1989*, the Director Corporate Performance declares that he has no interests to disclose in providing this report.

### **ATTACHMENT**

- 7.2.1 'Final report to the Board of the High Country Library Corporation on a service review of library services' (June 2015).
- 7.2.2 Indicative Shared service model' implementation plan.



## **7.2.2 Debt Write Off**

File Number: 901.05

### **INTRODUCTION**

Council's debt write off policy, requires that write offs greater than \$2,000 must be reported to Council, where Council is unable to collect the debt. Writing off of debt is considered a last resort, and the decision to do so is not taken lightly. All possible avenues for collection must be exhausted before considering write off of any debt.

### **RECOMMENDATION**

*That the following debt write offs be noted (according to Policy No 01):*

- 1. Alpine Hotel of \$2,200.00; and*
- 2. Acacia Motor Lodge of \$2,632.40.*

### **BACKGROUND**

The Alpine Hotel debt was incurred on 24 July 2012 for Bright 150th celebrations sponsorship. The company that owned the Alpine Hotel at the time has since been liquidated and the business has been sold. The debt was for sponsorship and was not property related, thus Council was an unsecured creditor. As a result no payment from sale of the business was received. Monthly statements were sent, numerous phone requests were made for payment, but no further credit was allowed. On this basis the debt is now considered uncollectable.

The Acacia Motor Lodge debt was incurred on 1 August 2013 for non-compulsory waste and recycling collection services for the 2012/13 financial year. The company that owned this property at the time has since been liquidated and the property has been sold. The Acacia Motor Lodge debt was not linked to the rates property debt and was therefore not deducted from the sale proceeds. On this basis the debt is now considered uncollectable. It's worth noting however, that a \$15,666 debt for enforcement works which wasn't expected to be collected was deducted and received from the sale proceeds.

### **POLICY IMPLICATIONS**

This report is consistent with Policy No 01; Debt Write Off Policy - requiring uncollectable debt write offs greater than \$2,000 to be reported to Council.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

The uncollectable debts have been allowed for as doubtful debts in previous financial years. This means there is no additional cost to Council to be incurred in the 2014/15 financial year as a result of the write off of these debts.



### **CONCLUSION**

All possible attempts have been made to collect the debts (unsuccessfully). Both businesses have now been liquidated and a doubtful debt provision made in previous financial years. Both debts have now been written off and are being reported according to Policy No 01.

### **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
- Accountant

### **ATTACHMENT(S)**

- Nil



### **7.3 DIRECTOR ASSETS – CHARLIE BIRD**

#### **7.3.1 National Stronger Regions Fund – Implementation of Alpine Better Places priority projects in Myrtleford and Porepunkah**

File Number: 1780.78

##### **INTRODUCTION**

An opportunity exists for Council to seek significant funding for the implementation of Alpine Better Places priority projects in Myrtleford and Porepunkah. This report outlines the project and details on funding the project.

##### **RECOMMENDATION**

*That:*

- 1. A review of the Long Term Financial Plan be undertaken to determine the ability to finance the implementation of the Alpine Better Places design in Myrtleford and Porepunkah and impact on delivering other strategic projects.*
- 2. The completed review of the Long Term Financial Plan, be reviewed by the Finance Committee Councillors and the Mayor.*
- 3. The Mayor be authorised to approve the submission of a grant application with a Council commitment of up to \$4,000,000.*

##### **BACKGROUND**

The Australian Government has recently announced the commencement of round two of the National Stronger Regions Fund (NSRF). Council was successful in securing \$1.87 million for the Alpine Events Centre in round one of the NSRF.

The NSRF is an initiative to boost social and economic development in Australia's regions by funding priority infrastructure projects in local communities. The Australian Government has committed \$1 billion to the fund over five years commencing from 2015–16 and has quarantined \$25 million for projects assessed as value and seeking funding of \$1 million or less.

Funding will be provided for capital projects which involve construction of new infrastructure, or the upgrade, extension or enhancement of existing infrastructure. Projects selected for funding should deliver an economic benefit to the region beyond the period of construction, and should support disadvantaged regions or areas of disadvantage within a region.

Local Government and incorporated not-for-profit organisations are eligible to apply for grants of between \$20,000 and \$10 million. Grant funding must be matched in cash on at least a dollar for dollar basis, and the funded part of the project must be completed on or before 31 December 2019.

The desired outcomes of the program are:

- improved level of economic activity in regions



- increased productivity in the regions
- increased employment and a more skilled workforce in regions
- increased capacity and improved capability of regions to deliver major projects, and to secure and manage investment funding
- improved partnerships between local, state and territory governments, the private sector and community groups
- more stable and viable communities, where people choose to live.

Council commenced its Alpine Better Places project in early 2015, which will deliver detailed concept designs for two to three priority projects in each of the town centres of Porepunkah, Bright and Myrtleford. The project is progressing well with two rounds of community consultation complete:

- Community input was sought in March to prioritise projects in each of the townships
- Community feedback on the preliminary concept designs was sought in June.

The final stage of the project is to complete the detailed concept designs that are well costed, which are expected to be endorsed by Council in November. The capital cost of priority projects in Myrtleford and Porepunkah are:

- Myrtle Street, Myrtleford - Streetscape improvements, conversion to single lane in each direction, improving pedestrian crossing points and presentation.
- Happy Valley Creek, Myrtleford - Improved interface and environmental value of the waterway and connection with the retail precinct, creating an attractive asset.
- Nicholson Street, Porepunkah - Reduced area of road pavement, better definition of pedestrian crossings and vehicular areas. Create a clear visual and physical connections from the town centre to the riverside.
- Gateway, Porepunkah - Improved entrance and signage at Great Alpine Road to create a greater sense of arrival.

## **ISSUES**

Council was successful in securing \$1.87 million for the Alpine Events Centre in round one of the NSRF, this will not affect Council's ability to secure funding in round two.

Implementation of the Alpine Better Places priority projects in Myrtleford and Porepunkah is the most appropriate project to apply for support through the NSRF. The project satisfies all of the programs criteria including increased economic activity.

Whilst this project would involve asset renewal, discretionary capital expenditure would be required to deliver this project and a review of the Long Term Financial Plan would be required to understand the implications.

## **POLICY IMPLICATIONS**

This project supports Council's intention to improve economic activity. It also improves the streetscape and park facilities for the use of the community and visitors.





## **FINANCIAL AND RESOURCE IMPLICATIONS**

The Long Term Financial Plan indicates a discretionary spend of approximately \$1,500,000 per year. This project requires a large commitment by Council - \$4,000,000 over three years and it is proposed that \$1,000,000 in funding is sought from the NSRF to supplement Council's commitment. In addition, Council also intends to seek funding from State Government from the further round of Regional Development Victoria funding, which is expected to begin in July.

It is proposed that Council commit to funding this project over three years at varying amounts per year \$1,333,000 (on average), per year. If Council is successful in gaining the funding, it will need to adjust the implementation of the Strategic Projects Pipeline (SPP) to reflect the commitment.

## **CONSULTATION**

Council and the communities of Bright, Myrtleford and Porepunkah have been involved through the development of the Alpine Better Places design project:

- Council and Community input was sought in March to prioritise projects in each of the townships
- Council and Community feedback on the preliminary concept designs was sought in June.

There will also be an opportunity to provide feedback on the draft detailed concept designs in a couple of months.

The regional office of RDV is very encouraging of this proposal. Assistance has already been provided with the preparation of the application.

## **CONCLUSION**

Implementation of the Alpine Better Places priority projects in Myrtleford and Porepunkah will be significant and has the potential for high benefits for these townships. Council has the ability to fund this project over a number of years and should seize this opportunity to secure significant funding from the federal Government.

## **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



### **7.3.2 Contract 1501701 – Supply and delivery of Bitumen Emulsion**

#### **INTRODUCTION**

This tender report relates to the award of the supply and delivery of bitumen emulsion to the Alpine Shire Council.

#### **RECOMMENDATION**

*That Downer Group is awarded Contract No: 1501701 for the supply and delivery of bitumen emulsion to Council up to the value of \$300,000 (excl. GST) for a three year contract.*

#### **BACKGROUND**

Alpine Shire Council (Council) uses cationic rapid setting bitumen emulsion (bitumen emulsion) to maintain its sealed road and path network. Council recently sought tenders for the supply and delivery of approximately 100 kL of bitumen emulsion per annum to its Bright depot for a three year period.

The Invitation to Tender was advertised in the Herald Sun 13 May 2015, Border Mail 11 and 18 May 2015, and on the Tenders.Net and Alpine Shire Council web-sites. The tender documents were downloaded by five contractors of whom two submitted offers.

The evaluation panel consisted of the Director Assets and the Acting Manager Asset Maintenance.

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

- Price
- Previous Performance
- Capacity to deliver
- Suitability
- Social

#### **EVALUATION**

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

#### **ISSUES**

The cost of bitumen emulsion required for periodic maintenance works on sealed roads and paths is estimated at \$100,000 per annum depending on weather conditions.



### **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 supply and delivery of bitumen emulsion forms part of the works funded from the Local Roads, Sealed Road Maintenance budget as well as various Capital works programs. The available budget for the supply and delivery of bitumen emulsion over the next three years is estimated to be \$300,000 (excluding GST). The contract is subject to CPI increases.

### **CONCLUSION**

Acceptance of the tender from Downer Group is considered to be the best value option for Council.

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

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

- Director Assets
- Acting Manager Asset Maintenance

### **ATTACHMENT(S)**

- 7.3.2 Confidential Evaluation Report



### 7.3.3 Petition - Proposed off leash dog park in Myrtleford

File Number: 1120.02

#### **INTRODUCTION**

The purpose of this report is to inform Council and provide response to a proposed off leash dog park in Myrtleford received via email dated 16 February 2015.

#### **RECOMMENDATION**

*That:*

- 1. Note the petition for a proposed off leash dog park in the vicinity of the bowls club, Myrtleford.*
- 2. Note that a proposed off leash dog park in Myrtleford project be added to Council's Strategic Project Pipeline for future consideration by Council.*
- 3. Advise the main proponent of the petition of Council's decision.*

#### **BACKGROUND**

A petition for a proposed off leash dog park in Myrtleford was tabled at the June Council meeting. This petition with 208 signatures was received 16 February 2015 with the wording:

*Petition for signatures for proposed off leash dog park in Myrtleford.*

The proponent, is the owner of Under 1 Woof at 111 Myrtle Street Myrtleford, began seeking expressions of interest from her customers and via Facebook for an off leash dog park in Myrtleford. In response to positive feedback, The Myrtleford Times published an article, titled *Unleashing ideas* on 26 November 2014 and the proponent ran a petition for the proposal.

The proposal includes an enclosed off leash dog park, with dog play structures, located along southern bank of Happy Valley Creek and between the tennis courts and bowling green, as represented by the red triangular shaped area in the figure below.



**Figure 1: Location of proposed off-leash dog park**



The proponent has presented two options to establish and maintain the proposed off leash dog park. Both of these options would require a financial contribution from Council for the establishment and ongoing maintenance of the facility.

### **ISSUES**

The following points should be considered in relation to the proposed off leash dog park in Myrtleford:

- There is an existing designated off-leash dog area in McNamara Reserve. This is used by the Ovens Valley Canine Club on Sunday morning, which run dog training and play activities, including the use of dog play structures. In a verbal conversation, the club confirmed that it is available for use by others at other times.
- It is the proponent's view that the off leash dog park would be an attraction and increase economic activity in the township. The proponent's business Under 1 Woof is located directly across Happy Valley Creek from the proposed facility.
- The proposed area is currently an open area and does not have a dedicated land use. However, there is a plan to run a shared pedestrian/cycle trail along the southern side of the creek in this area and connect to Jubilee Park via the footbridge. Any future development in this area would need to accommodate the planned trail and it is expected that the area of the proposed area would need to be reduced.
- It is acceptable and in accordance with Council's Local Law to have dogs off leash in the proposed area providing dogs are under proper control.
- Consideration should be given to the compatibility of the proposed facility with adjacent land uses.
- The facility would need to be designed and constructed to a standard that is compatible with streetscape and landscape improvements that are proposed in Myrtle Street and Jubilee Park, as part of the *Alpine Better Places* project.
- Council would be required to contribute to the cost of installing and maintaining the facility. However, it should be noted that it is proposed that the community would contribute some materials in-kind and some ongoing maintenance.
- There is a risk that community interest in maintaining the facility may decline over time.

### **POLICY IMPLICATIONS**

Nil.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

There is currently no allocation in the 2015-16 capital works budget. This project would need to be adequately scoped and costed for consideration in subsequent years.



## **CONSULTATION**

In addition to discussions with relevant officers, Council has sought verbal comment from:

- The proponent in relation to the proposal.
- The McNamara Reserve Committee of Management, in relation to the designated dog play area on McNamara Reserve, Myrtleford.
- The Ovens Valley Canine Club in relation to their use of McNamara Reserve for dog training and play.

## **CONCLUSION**

A petition with 208 signatures has been received for a proposed off leash dog park in central Myrtleford. There is no budget to deliver this project in 2015-16 and this project should be added to Council's Strategic Project Pipeline for future consideration. Before Council commits to this project consideration should be given to existing off leash dog areas in Myrtleford, capital and ongoing costs and its compatibility with adjacent land use and future development and planned trails.

## **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)**

7.3.2 Proposal for off leash dog area in Myrtleford and petition



### 7.3.4 Police Lane Dederang

File Number: 36600.00

#### **INTRODUCTION**

The purpose of the report is to provide an overview of the current status of Police Lane, Dederang for Council's information and consideration due to requests for maintenance to an additional section of Police Lane.

#### **RECOMMENDATION**

*That Council:*

- 1. Approve the declaration that the section of Police Lane Dederang between chainages 164 m and 707 m from Kiewa Valley Highway is required for public traffic, and upon subsequent cancellation of the grazing licence, this section of road be added to Council's Register of Public Roads and maintained as an Access Road.*

#### **BACKGROUND**

Police Lane runs to the west off the Kiewa Valley Highway in Dederang and can be described in sections.

- The first section (chainage 0 m - 164 m) is sealed and is included on Council's Register of Public Roads.
- The second section (chainage 164 m - 360 m) is unsealed and is maintained by Council as Limited Access road, although it is yet to be added to the road register. It has not been added to Council's Register of Public Roads as it is under a grazing licence issued by the Department of Environment, Land, Water and Planning (DELWP). This grazing licence is held by Ross Briggs and needs to be cancelled.
- The third section (chainage 360 m - 707 m) is unsealed and is not maintained by Council. Ross Briggs also holds a grazing licence (through DELWP) over this section of the road and has installed a fence and gate at chainage 360 m. This road section is the subject of a request from a landowner, the owner who resides at 89 Police Lane Dederang, for the road to be maintained by Council.
- The fourth section (approximate chainage 707 m - 880 m) provides access to 89 Police Lane and two other properties. The road was constructed by the owner, it is unsealed, not maintained by Council and is under a grazing licence through DELWP.
- The fifth and final section (approximate chainage 880 m - 1350 m) provides access to two other properties and continues to the forest. This section of the road reserve comprises an unformed road that is not maintained by Council and is under a grazing licence through DELWP.

The second section (i.e. up to approx. chainage 364m from the Kiewa Valley Highway) serves a number of houses and was upgraded a few years ago and has been





maintained by Council since. Subject to the cancellation of the grazing licence, this section should be included on Council's Register of Public Roads.

Requests have been made by the landowner of 89 Police Lane Dederang, for Council to maintain the third section of Police Lane, as described above (chainage 360 m - 707 m). This section of the road is under a grazing licence and serves three properties, two of which have residents on them. The landowner who has made the request is a Justice of the Peace and has a number of visitors relative to this role.

Both of the properties with residents that are serviced by this road have planning permits, and each permit has a condition requiring the road to be upgraded to a specified minimum standard before Council would accept maintenance responsibility.

## ISSUES

There has been contention between Council and the applicant, on whether the planning permit conditions for the third section of Police Lane (chainage 360 m - 707 m) have been met. The applicant has a grazing licence over this section of the road and has installed a fence and gate at chainage 360 m and 707 m to manage stock in the road reserve, as a result Council has not maintained this section of the road.

It is the applicant's view that prior to his planning permit application in early 1996:

- Police Lane road was already constructed from chainage 0 m - 707 m.
- Council's Manager Technical Services met him onsite and advised that planning permit conditions relating to the road upgrade only applied to the road beyond chainage 707 m.

Whilst there is no documentation to support this, the applicant's claim is reasonable given that the third section of the road is generally well formed and appears to have been constructed to a reasonable standard. However, there are some upgrade works required, such as culvert replacement and installation which would cost approximately \$4,000.

In addition to road upgrade costs, if the third section of Police Lane (chainage 360 m - 707 m) was added to Council's Register of Public Roads as an Access Road it would add \$500 - \$600 p.a. to Council's road maintenance and renewal budget.

The grazing licence can be cancelled by DELWP, usually requiring 90 days' notice. This would be initiated by Council, advising DELWP that the road is required for public traffic (under the *Land Act 1958*).

Upon advising DELWP that a road is required for public traffic, the road assumes a "Used" status and Council becomes the Responsible Road Authority under the *Road Management Act 2004*.

There is also a gate on the road, which is a standard condition associated with a grazing licence. It would need to be removed if the road were taken on by the Alpine Shire Council. The applicant has agreed to this condition.





## **POLICY IMPLICATIONS**

Council manages municipal roads in accordance with this Road Management Plan. Council's Register of Public Roads provides details of each of the roads that the Shire is responsible for, the maintenance classification, the date any road or section of road is included in, or removed from the Register, and any other matters required to be included by the *Road Management Act 2004*.

The road classification provides guidance to maintenance required on each road to ensure that the established tolerable defect levels are addressed in order of importance. Police Lane would be considered an Access Road as it primarily provides direct access for abutting residential and agricultural properties. The road is of gravel surface and usually has low traffic volumes

Limited Access roads typically have not been constructed to a minimum reasonable standard and cannot be effectively maintained or because they are not deemed reasonably required for general public use. These roads usually have a gravel or natural earth surface and provide some access to property; they may be eligible for occasional, minimum maintenance on request

Roads which are subject to a grazing licence are under the management of DELWP and cannot be included on Council's Public Road Register. Council would need to notify DELWP that such a road (or part of a road) is required for public traffic before it could be included on the register.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

The financial implications of adding the third section of Police Lane (chainage 360 m - 707 m) to Council's Register of Public Roads as an Access Road are:

- Initially \$4,000 for upgrade works for culvert replacement and installation.
- Annual cost of approximately \$600 for road maintenance and renewal.

The financial implications of adding the second section of Police Lane (chainage 164 m - 360 m) to Council's Register of Public Roads as an Access Road is:

- Annual cost of approximately \$600 for road maintenance and renewal.

## **CONSULTATION**

Discussions have been held with the applicant and Council officers during the past 15 months. Officers from DELWP have also been consulted regarding the Grazing Licence in the road reserve.

## **CONCLUSION**

The grazing licence for the second section of Police Lane (chainage 164 m - 360 m) should be cancelled and the road section should be added to Council's Register of Public Roads given that Council currently maintain this road.

The grazing licence for the third section of Police Lane (chainage 360 m - 707 m) should be cancelled and added to Council's Register of Public Roads given the:



- Reasonable claim that the road was constructed to an acceptable standard prior to the planning permit application and permit conditions apply to Police Lane beyond 707 m.
- Applicant's willingness to forgo grazing licence and remove gate and fence at chainage 360 m.

It would be appropriate to maintain Police Lane (chainage 164 m - 707 m) as an Access Road given the properties served and the need for the public to use this 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 Assets
- Acting Manager Asset Maintenance
- Engineering Coordinator

#### **ATTACHMENT(S)**

- Nil



### 7.3.5 Subdivision Recreation Reserve

File Number: 900.01

#### **INTRODUCTION**

The purpose of the report is to present Council with the capital projects completed in 2014/15 to which the subdivision recreation reserve can be applied. It is recommended these projects be used to reduce the balance of the subdivision recreation reserve (disclosed in note 26 of Council's 2013/14 annual financial statements) as at 30 June 2015. The maintenance of a low cash balance in these reserves is good business practice.

#### **RECOMMENDATION**

*That Council use the subdivision recreation reserve for its contribution to the following 2014/15 projects:*

- 1. Bright Splash Park \$75,000 from the Bright locality.*
- 2. Playground equipment replacement:*
  - a. \$21,500 Bright locality;*
  - b. \$11,000 Porepunkah locality;*
  - c. \$12,400 Myrtleford locality; and*
- 3. Mount Beauty Netball Court \$40,000 from the Mount Beauty locality.*

#### **BACKGROUND**

Council maintains a subdivision recreation reserve in its general ledger. This is to provide a transparent overview of how contributions received under the *Subdivision Act 1988* (the Act) are allocated to recreational projects. Whilst not evident in the annual financial statements the reserve is further split between localities within the shire. The balance of the reserve at 30 June 2014 was as follows:

<b>Locality</b>	<b>Balance</b>
Bright	\$301,398
Myrtleford	\$27,900
Mount Beauty/Tawonga	\$32,350 + \$8,000 received in 2014/15 = \$40,350
Harrietville	\$16,510
Porepunkah	\$11,000
<b>Total</b>	<b>\$389,158</b>

There has been an additional contribution received in 2014/15 of \$8,000, which accommodates the Mount Beauty netball court contribution. There has also been greater funds spent on playground equipment than is detailed in this report, however the reserve is limited by the balances of each locality. The funding of the additional playground equipment has come from Council's unrestricted cash.



The reserve must only be used for public recreation, public resort, as parklands or for similar purposes as stated in the Act. Review of Council's projects in 2014/15 highlighted that Council's contribution to the recommended projects can be from the subdivision recreation reserve (restricted) rather than from Council's unrestricted cash reserves. These projects meet the criteria/purpose of public recreation.

## **POLICY IMPLICATIONS**

Section 18 (1AA) of the Act applies if a requirement for public open space is not specified in the planning scheme.

- 1.** A Council acting as a responsible authority or a referral authority under the Planning and Environment Act 1987 may require the applicant who proposes to create any additional separately disposable parcel of land by a plan of subdivision to—
  - a.** set aside on the plan, for public open space, in a location satisfactory to the Council, a percentage of all of the land in the subdivision intended to be used for residential, industrial or commercial purposes, being a percentage set by the Council not exceeding 5 per cent; or
  - b.** pay or agree to pay to the Council a percentage of the site value of all of the land in the subdivision intended to be used for residential, industrial or commercial purposes, being a percentage set by the Council not exceeding 5 per cent; or
  - c.** do a combination of (a) and (b) so that the total of the percentages required under (a) and (b) does not exceed 5 per cent of the site value of all the land in the subdivision.

Section 18 (1A) of the Act outlines that Council may only make a public open space requirement if it considers that, as a result of the subdivision, there will be a need for more open space, having regard to—

- a.** the existing and proposed use or development of the land;
- b.** any likelihood that existing open space will be more intensively used after than before the subdivision;
- c.** any existing or likely population density in the area of the subdivision and the effect of the subdivision on this;
- d.** whether there are existing places of public resort or recreation in the neighbourhood of the subdivision, and the adequacy of these;
- e.** how much of the land in the subdivision is likely to be used for places of resort and recreation for lot owners;
- f.** any policies of the Council concerning the provision of places of public resort and recreation.

Section 20 of the Act outlines what the Council must do with the public open space:

- 1.** A Council must set aside for public open space any land which is vested in the Council for that purpose.



2. The Council must use any payment towards public open space it receives under this Act or has received under section 569B(8A) of the Local Government Act 1958 but has not applied under subsection (8C) of that section or the proceeds of any sale of public open space to:
  - a. buy land for use for public recreation or public resort, as parklands or for similar purposes; or
  - b. improve land already set aside, zoned or reserved (by the Council, the Crown, a planning scheme or otherwise) for use for public recreation or public resort, as parklands or for similar purposes; or
  - c. with the approval of the Minister administering the Local Government Act 1989 , improve land (whether set aside on a plan or not) used for public recreation or public resort, as parklands or for similar purposes.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

This report has no effect on Council's total cash balance but rather aims to reduce Council's restricted cash (reserves), thus increasing unrestricted cash. Council's reserves need to be monitored on an ongoing basis to ensure that the restricted cash is being used for appropriate projects in a timely manner. Continuing to increase these these reserves would not be best practice.

### **CONCLUSION**

It is recommended that Council allocate its contributions to the Bright Splash Park, playground equipment replacement and the Mount Beauty netball court from the Subdivision Recreation Reserve for the year ended 30 June 2015. These projects meet the criteria of public recreation as stated under the Act and will also assist in avoiding restricted cash building up.

### **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
- Acting Manager Asset Development
- Acting Manager Asset Maintenance
- Manager Corporate Services

### **ATTACHMENT(S)**

- Nil



#### **7.4 DIRECTOR SUSTAINABLE DEVELOPMENT – HEATHER GREEN**

##### **7.4.1 Nil**



## 8 ASSEMBLY OF COUNCILLORS

### INTRODUCTION

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

### RECOMMENDATION

*That the summary of the Assemblies of Councillor for June 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
2 June	Briefing Session
9 June	High Country Library Presentation of Service Review
16 June	Briefing Session
23 June	Briefing Session

### ATTACHMENT(S)

- 8.0 Assemblies of Councillors - June 2015



## **9 PRESENTATION OF REPORTS BY DELEGATES**

### **INTRODUCTION**

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

### **RECOMMENDATION**

*That the summary of the presentation of reports by delegates for June 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.

<b>Date</b>	<b>Meeting</b>	<b>Councillor</b>
12 June	Rural Councils Victoria	Cr Vonarx
12 June	Timber Towns	Cr Vonarx
10 June	Community Resilience Committee	Cr Janas
19 June	MAV Emergency Management Committee	Cr Janas

### **ATTACHMENT(S)**

- 9.0 Presentation of Reports by Delegates - June 2015





**10 GENERAL BUSINESS**

**11 MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN**

**12 RECEPTION AND READING OF PETITIONS**



### **13 DOCUMENTS FOR SEALING**

#### **RECOMMENDATION**

*That the following documents be signed and sealed.*

***1. Section 173 Agreement – GS Matthews Nominees Pty Ltd.***

Lot S6 on Plan of Subdivision 610021, Volume 11274, Folios 013 and 014.

Condition 2 of Planning Permit 2014.134.1 for a two lot subdivision at 6 Reedy Creek Lane, Dinner Plain.

The Agreement provides that proposed Lot 6 may only be used for short term accommodation and that no person shall accommodate the lot for a period of longer than 120 days per calendar year.

The Agreement also provides for Country Fire Authority's Defendable Space Plan.