



# Alpine Shire

**ORDINARY COUNCIL MEETING**

**MINUTES**

**M1 – 5 February 2019**

**The Pavilion at Pioneer Park, Bright**

**7:00pm**



The **Ordinary Meeting** of the **Alpine Shire Council** was held in The Pavilion at Pioneer Park, Bright on **5 February 2019** and commenced at **7:00pm**.

**PRESENT**

**COUNCILLORS**

Cr Ron Janas - Mayor

Cr Sarah Nicholas - Deputy Mayor

Cr Kitty Knappstein - Councillor

Cr Daryl Pearce - Councillor

Cr Peter Roper - Councillor

**OFFICERS**

Mr Charlie Bird - Chief Executive Officer

Ms Nathalie Cooke - Director Corporate

Mr William Jeremy - Director Assets

**APOLOGIES**

Cr John Forsyth - Councillor

Cr Tony Keeble - Councillor



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## **1 RECORDING AND LIVESTREAMING OF COUNCIL MEETINGS**

*The CEO read the following statement:*

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

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

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

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

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

The full meeting is being recorded and a copy will be uploaded to Council's YouTube channel which is "Alpine Shire Council" and will also be available on the YouTube channel after this meeting.

## **2 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS, AND RECOGNITION OF ALL PEOPLE**

*The CEO read the following statement:*

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

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

## **3 CONFIRMATION OF MINUTES**

### **3.1 ORDINARY COUNCIL MEETING – M12**

*Cr Nicholas  
Cr Knappstein*

*That the minutes of Ordinary Council Meeting M12 held on 4 December 2018 as circulated be confirmed*

*Carried*

### **3.2 SPECIAL COUNCIL MEETING – SPM13**

*Cr Nicholas  
Cr Knappstein*

*That the minutes of Special Council Meeting SPM13 held on 19 December 2018 as circulated be confirmed.*

*Carried*



#### **4 APOLOGIES**

Cr John Forsyth

Cr Tony Keeble

#### **5 OBITUARIES / CONGRATULATIONS**

Refer to Alpine Shire Council's website [www.alpineshire.vic.gov.au](http://www.alpineshire.vic.gov.au); for its YouTube live-streaming recording for responses to questions.

#### **6 DECLARATIONS BY COUNCILLORS OF CONFLICT OF INTEREST**

Nil

#### **7 PUBLIC QUESTIONS**

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

Questions on Notice can be written or from the floor.

Refer to Alpine Shire Council's website [www.alpineshire.vic.gov.au](http://www.alpineshire.vic.gov.au); for its YouTube live-streaming recording for responses to questions.



## **8 DIRECTOR ASSETS – WILLIAM JEREMY**

### **8.1.1 December 2018 Flood Damage Remediation Works**

File Number: CQ19/002

#### **INTRODUCTION**

This report relates to the award of the December 2018 Flood Damage Remediation Works Tender. The scope includes the rectification of 122 discrete items of flood related damage to Council's road, bridge and drainage infrastructure.

*Cr Nicholas*

*Cr Pearce*

*That Council awards Contract No. 1900201 for December 2018 Flood Damage Remediation Works to Stadelmann Enterprises based on the contracted Schedule of Rates.*

*Carried*

#### **BACKGROUND**

In December 2018 a storm event caused damage to Council assets across the Shire, with the most significant damage concentrated in the localities of Barwidgee, Gapsted, Mudgegonga, Rosewhite and Dederang.

The event has subsequently been declared eligible for funding under the Natural Disaster Financial Assistance scheme funded by the Federal Government and administered by the Victorian State Government.

In January 2019 Council tendered for the engagement of suitable civil contractors to undertake the remediation works. The Invitation to Tender was advertised in the Border Mail on Wednesday 16 January 2019, on tenders.net and the Alpine Shire Council website on Friday 11 January 2019. Tenders closed on Friday 25 January 2019.

The Tender documents were downloaded by 24 prospective tenderers and 6 tender submissions were received.

#### **EVALUATION**

The evaluation panel consisted of the Director Assets and Project Manager.

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

- Price
- Qualification & Previous Performance
- Delivery
- Social

Through this evaluation process it was determined that the tender from Stadelmann Enterprises best met the selection criteria.



### **POLICY IMPLICATIONS**

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

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

- Incredible places for our community and visitors.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

This project is unbudgeted. Based on the estimated contract value, Council is liable for the first \$35,000 of expenditure, and eligible costs incurred in excess of this amount will be claimed under the Natural Disaster Financial Assistance Scheme administered by the Victorian State Government.

### **CONSULTATION**

Council has engaged with an assessor from Victorian Government's Department of Treasury and Finance, and provided details of the scope of the flood damage incurred and the estimated cost to rectify the damage.

### **CONCLUSION**

Following a comprehensive assessment, the tender from Stadelmann Enterprises was deemed to present the best value for Council.

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

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

- Director Assets
- Project Manager

### **ATTACHMENT(S)**

- Nil



## **8.2 DIRECTOR CORPORATE – NATHALIE COOKE**

### **8.2.1 Quarterly Report - Council Plan**

File Number: SU600.03

#### **INTRODUCTION**

This report provides the second quarterly report for 2018/19 against the Alpine Shire Council Plan 2017-2021.

*Cr Nicholas*

*Cr Knappstein*

*That the Alpine Shire Council Plan Quarterly Report ending 31 December 2018 be received and noted.*

*Carried*

#### **BACKGROUND**

The Alpine Shire Council Plan 2017-2021 was developed following the election of the Council in October 2016. The Council Plan outlines the strategic objectives, strategies and indicators determining Council's direction for the four year term of the Plan. The document is reviewed by Council annually to ensure that it continues to provide Council's intended direction for their term and was last reviewed in June 2018.

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

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

Where quarterly or half-yearly reporting of indicators does not generate meaningful results, these are reported at end of financial year as part of the annual report.

#### **HIGHLIGHTS**

##### **A high performing organisation**

- The adoption and public release of the Mount Buffalo Business Case Assessment Report at the November Council Meeting provided an assessment of seven key concepts, identifying a \$2 million café in the front rooms of the Mount Buffalo Chalet as the critical first step to realising the "Vision for Mount Buffalo".





### **A responsible and sustainable organisation**

- Council commenced internal quarterly reporting on Customer Service statistics, showing that in the previous quarter more than 5,800 phone calls were received and more than 2,500 emails were processed by Customer Service staff. Over time this reporting will help Council to better understand trends and reasons for spikes in customer contact and progress initiatives to improve service delivery to our customers.

### **Incredible places for our community and visitors**

- The majority of the Myrtle Street streetscape and Jubilee Park upgrade works in Myrtleford were completed prior to Christmas 2018, providing a revitalised centre of town.
- Council's Project Pipeline was released to the public in December 2018, showing indicative scheduling of capital projects in future years.

### **Infrastructure and open space that our community is proud of**

- Council's annual road stabilisation and patching program commenced in December 2018. Thirteen roads across the Shire were identified for inclusion in the program.

### **Highly utilised and well managed community facilities**

- A successful "Detox Your Home" session was held in Bright during December 2018, allowing the community to dispose of unwanted household chemical products.
- Council's libraries received strong praise through a customer satisfaction survey undertaken in Q2, with 95% of patrons being satisfied with the library service.

### **A well planned and safe community**

- Council's draft Domestic Wastewater Management Plan and draft Community Local Law were released for public submission in November 2018.

### **A thriving and connected community**

- Quarter 2 continues to be the busiest quarter for event delivery across the Shire. It is estimated that the total economic benefits of events delivered through November 2018 alone, was \$13 million.

## **POLICY IMPLICATIONS**

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

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



### **FINANCIAL AND RESOURCE IMPLICATIONS**

The Council Plan is a key document informing the financial and human resources required to achieve Council's objectives.

### **CONSULTATION**

The Council Plan is subject to public exhibition prior to being adopted by Council.

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

### **CONCLUSION**

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

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

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

- Directors
- Managers
- Governance Officer

### **ATTACHMENT(S)**

- 8.2.1 Alpine Shire Council Quarterly Report - ending 31 December 2018.



## 8.2.2 Revenue and Debtor Management Policy

### INTRODUCTION

Council relies on income from rates, grants, leases, fees and charges to fund its operations. Good revenue and debtor management practices are essential in enabling Council's income to be collected effectively.

The Revenue and Debtor Management policy is a key instrument governing Council's revenue and debtor management activities.

The purpose of this report is to propose amendments to the policy, primarily to incorporate several other Council policies including the Sale of Occupied Land for Unpaid Rates and Charges policy, the Application for Financial Hardship Relief policy, and the Debt Write Off policy. All content has been reviewed for compliance to relevant legislation.

*Cr Roper*

*Cr Nicholas*

*That Council:*

- 1. Revoke Alpine Shire Council Debt Write Off Policy No. 01, Version 1.3;*
- 2. Revoke Alpine Shire Council Sale of Occupied Land for Unpaid Rates and Charges Policy No. 27;*
- 3. Revoke Alpine Shire Council Application for Financial Hardship Relief Policy No. 53;*
- 4. Revoke Alpine Shire Council Revenue and Debtor Management Policy No. 102, Version 1.0;*
- 5. Adopt Alpine Shire Council Revenue and Debtor Management Policy No. 102, Version 2.0;*
- 6. Sign and seal Alpine Shire Council Revenue and Debtor Management Policy No. 102, Version 2.0 at the appropriate time of the meeting.*

*Carried*

### BACKGROUND

There are a number of circumstances under which goods, services, permits or works are provided by Council prior to payment being made by the recipient. Examples include grants, leases, license fees and facility hire fees. In addition Council relies upon the collection of rates and charges as a primary source of funding for its activities. Over time the Council has developed a number of policies governing the raising of invoices and collection of debt for these goods, services, permits and works.



## **ISSUES**

It is proposed that the various policies governing the raising of invoices and collection of debt are combined into the Revenue and Debtor Management policy. The content has been reviewed for compliance to relevant legislation, and for alignment to the objectives of ensuring that debt collection is undertaken equitably, consistently, efficiently, effectively and in accordance with good governance.

## **POLICY IMPLICATIONS**

The policy has been reviewed in accordance with the Local Government Act 1989.

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

- A responsible and sustainable organisation.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

The Revenue and Debtor Management policy is a key instrument in enabling Council to effectively collect revenue to support its ongoing functioning.

## **CONSULTATION**

The proposed Policy amendments have been consulted with the relevant Council officers.

## **CONCLUSION**

Changes are proposed to the Revenue and Debtor Management policy to incorporate several other relevant policies, to ensure that it remains compliant to legislation, and to ensure that it is meeting its objectives.

## **DECLARATION OF CONFLICT OF INTEREST**

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

- Director Corporate
- Manager Corporate

## **ATTACHMENT(S)**

- 8.2.2 Alpine Shire Council Revenue and Debtor Management Policy No. 102, Version 2.0



### **8.2.3 Provision of Banking and Bill Payment Services**

File Number: CQ18082

#### **INTRODUCTION**

This report relates to the recent tender for the Provision of Banking and Bill Payment Services. Council requires various such services to facilitate the receipt of income, the payment of suppliers, and the tracking, management and investment of cash balances.

*Cr Pearce*

*Cr Nicholas*

*That Council award Contract No. 18082 for the "Provision of Banking and Bill Payment Services" to the Commonwealth Bank of Australia for a term of three years (plus two twelve month extension options) for an estimated five year contract cost of \$290,054 + GST.*

*Carried*

#### **BACKGROUND**

Council requires various banking and bill payment services to facilitate and manage the flow of funds, including accounts, statements, electronic banking, cheques, direct debit, merchant facilities, corporate cards and BPAY.

Given the complexity inherent in managing a large volume of transactions arising from a variety of channels, Council requires a strong working relationship with its banking service provider that includes prompt and effective helpdesks, and a team of specialists able to help Council to identify ongoing efficiencies in the way that it manages its finances.

A Tender for the Provision of Banking and Bill Payment Services was advertised in the Alpine Observer and the Myrtleford Times on the 7 November 2018, as well as on tenders.net and the Alpine Shire Council website.

The Tender documents were downloaded by seven organisations and three responses were received by the closing date.

#### **EVALUATION**

Key elements of the proposed contract include a term of three years with two options to extend for twelve months. Tenderers were invited to provide pricing for each required service and estimated Council volumes were provided to assist. The Tender was prepared with the assistance of an experienced and independent banking tender consultant, who also provided comprehensive analysis of the Tender responses.



The evaluation panel consisted of the Manager Corporate and the Accountant who evaluated responses according to the key selection criteria listed in the Tender Invitation:

- Price
- Product Sophistication
- Relationship Management Support
- Ability to Implement
- Commitment to the Community
- Degree of Innovation.

The evaluation panel assessed that the responses from two suppliers ranked equally according to the selection criteria and associated assessment scores. Amongst these top two suppliers was Council's incumbent provider, the Commonwealth Bank of Australia (CBA). Given that Council has found CBA to provide quality financial services with good relationship management support to date, the panel deems it prudent to retain the relationship with the incumbent.

Notable features of CBA's response included:

- An easy-to-use online platform with superior functionality reducing manual administration requirements
- Extensive relationship management support
- Innovations such as a Local Economic Impact tool enabling analysis of consumer spending during local events
- A list of suggested initiatives to reduce cost and improve efficiency of Council's banking services
- A strong community commitment including over \$50,000 in community grants across the Alpine Shire since 2012.

### **POLICY IMPLICATIONS**

The Tender was advertised and evaluated in accordance with Council's Procurement Policy and is in accordance with obligations under the *Local Government Act 1989*.

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

- A responsible and sustainable organisation.



### **FINANCIAL AND RESOURCE IMPLICATIONS**

The recommended contract with CBA is estimated to cost \$290,054 over five years based on estimated Council volumes and supplier quoted pricing, which represents an estimated saving of \$15,000 per annum compared to the current arrangement with Council.

The recommendation to retain the incumbent provider minimises disruption and avoids the requirement for Council resources to assist with transitioning services to an alternative.

### **CONCLUSION**

Following a comprehensive assessment, the Tender from Commonwealth Bank of Australia is considered to present the best value option to 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.

- Manager Corporate
- Accountant

### **ATTACHMENT(S)**

- Nil



#### 8.2.4 Planning Application 5.2017.151.1 - Two Lot Re-Subdivision

Application number:	5.2017.151.1
Proposal:	Two lot re-subdivision
Applicant's name:	Oxley & Co
Owner's name:	D K & N Farmer
Address:	62 Dunstan Track, Bright
Land size:	10.26 hectares
Current use and development:	Land has been developed with a dwelling and shedding. Land used for small scale agricultural use (horses) and cut for hay.
Site features:	Site is partly cleared and planted with pasture grass and partly vegetated. Dwelling is located adjacent to the western boundary in the middle of the site.
Why is a permit required?	A planning permit is required for subdivision pursuant to Clause 35.07-3 Farming Zone and Clause 44.06-2 Bushfire Management Overlay.
Zoning:	Farming Zone (FZ)
Overlays:	Bushfire Management Overlay (BMO)
Restrictive covenants on the title?	Nil
Date received:	6 October 2017
Statutory days:	67
Planner:	Scott Taylor

*Cr Pearce*

*Cr Nicholas*

*That a Notice of Decision to grant a planning permit be issued for a two lot re-subdivision in accordance with the conditions outlined in Attachment (a) for the following reasons:*

- 1. The proposed subdivision is generally consistent with the relevant provisions of the Planning Policy Framework and Local Planning Policy Framework including the Municipal Strategic Statement.*
- 2. The proposed subdivision is consistent with the purpose of Clause 35.07 Farming Zone as it would re-subdivide five lots into two, creating larger consolidated lots for agriculture.*
- 3. The proposal has adequately addressed the purpose and decision guidelines of the Bushfire Management Overlay and Clause 53.02. Bushfire Planning measures.*





**4. The application is generally consistent with the general decision guidelines of Clause 65.**

*Carried*

**PROPOSAL**

It is proposed to re-subdivide five existing lots to create two lots. Proposed Lot 1 would have an area of 4.06 hectares and would be separated into two parcels via an unmade government road. It would contain the existing dwelling. Proposed Lot 2 would be 6.63 hectares and would consolidate the remainder of the site. The proposal is depicted in Figure 1 below.



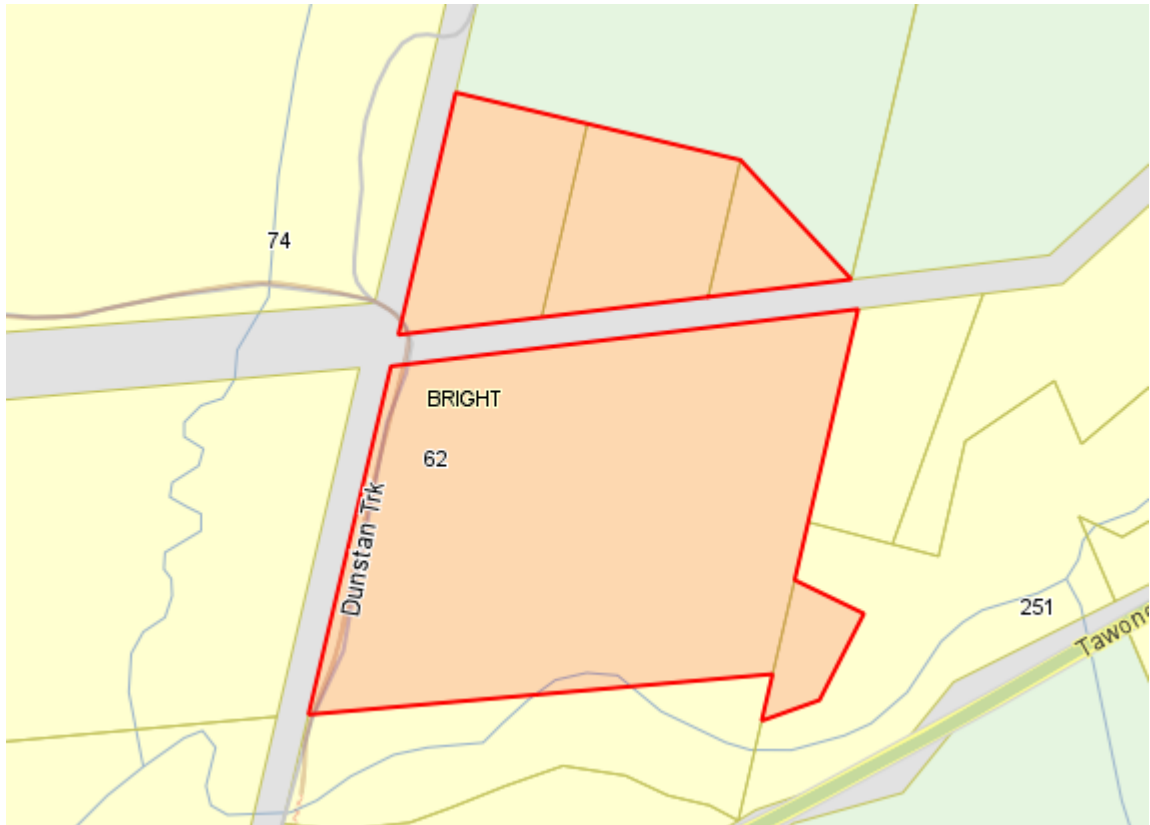
**Figure 1: Proposed re-subdivision**

**SUBJECT LAND AND SURROUNDS**

The subject site comprises five lots - CA 8, CA 8B, 9A, 9B and 9C SEC Q Parish of Bright (see Figure 2 below). The site is located in a rural area located to the east of the Bright township. It has frontage to Dunstan Track and has been developed with a dwelling and shedding located in the west of the site. The remainder of the site is used for a small scale agricultural use (horses) and is cut for hay. The site contains stands of vegetation including a central patch of native vegetation that connects to the riparian area of German Creek in the south of the site. A dam is located near the southern boundary. The north of the site is bisected east-west by an unmade government road which contains high voltage powerlines.



Land surrounding the site to the south, east and west is generally used for rural residential purposes. To the north and further to the south is State Forest while to the north-west is a pine plantation. See Figure 3 below showing the subject site and Figure 4 showing the subject site in the context of its surrounds.



**Figure 2: Subject land showing the five lots**





**Figure 3: Subject land**



**Figure 4: Subject land and surrounding context**



**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 six surrounding landholders and occupiers. One objection was received. The reasons for objecting are as follows:

- What is the purpose of the amalgamation of these blocks?
- Water supply concerns.
- Do not want more built up areas developing around us, which may impede our farming operation.
- Proposal may lead to more subdivision and development, as it will set a precedent for others.

**REFERRALS**

<b>Referrals / Notice</b>	<b>Advice / Response / Conditions</b>
Section 55 referrals:	Country Fire Authority (CFA), AusNet Transmission Services and Goulburn-Murray Water have granted conditional consent.
Internal / external referrals:	Council's Engineering and Health teams have given conditional consent, as has DELWP.

**PLANNING ASSESSMENT AND RESPONSE TO GROUNDS OF OBJECTION**

All applicable policy and decision guidelines can be found in Attachment (b).

**State and Local Planning Policy Framework**

The Planning Policy Framework (PPF) and Local Planning Policy Framework (LPPF) give support to the proposal under the following clauses:

- Clause 13.02 Bushfire
- Clause 14.01 Agriculture
- Clause 21.03-3 Rural lifestyle, subdivision and dwellings
- Clause 21.04-4 Environmental risk
- Clause 21.04-5 Public-Private Land Interface
- Clause 21.05-3 Agriculture
- Clause 21.07-11 Rural precincts
- Clause 22.03-2 Agriculture

The above policy gives clear support to the proposal as follows:

- The proposed re-subdivision is consistent with the PPF as it will allow for the continuation of agriculture on both lots. The environmental risk in the form of bushfire can be managed to an acceptable level.





- The proposal is consistent with the LPPF as the re-subdivision will allow for the consolidation of five small lots of existing agricultural land into two larger parcels for use for agriculture.
- The proposal meets the requirements of the local policy found at Clause 22.03-2 Agriculture as:
  - The proposed re-subdivision will ensure the productive agricultural land on the site will be retained in productive units and will reduce the fragmentation of land.
  - The proposal supports sustainable agriculture and improved land management through the creation of two lots from five lots, with both lots capable of containing a productive agricultural use.
  - The re-subdivision will create two lots less than 40 hectares in the Farming Zone. It is considered that the lot sizes are appropriate as it has been demonstrated that the lot sizes are in association with a legitimate rural based enterprise that has been established on proposed Lot 1. The site currently contains five lots which are all under 40 ha. The re-subdivision will create two larger parcels of land that will be able to be used for sustainable agricultural enterprises. Lot 1 would be used for the existing horse breeding business and Lot 2 would have a 50 megalitre water licence making it suitable for intensive agricultural uses.
  - Appropriate rural infrastructure has been established on the land to support the rural activity conducted on the land.
  - The use of the lots will be compatible with the surrounding activities which comprise rural residential and small scale agricultural uses and will not create a conflict between land uses.
  - A condition of any approval issued will require a Section 173 Agreement to be entered into to ensure that the lot is not further subdivided so as to create additional lots.
  - The lots have been created by a means of restructuring existing lots.
  - The subdivision reduces the fragmentation of an existing land holding.
- The application was referred to CFA who provided conditional consent for the proposal. This demonstrates that the proposal has taken into consideration the site context and natural features of the site and surrounds and is able to minimise the risk to life and property from bushfire through the appropriate location, design and management of the lots.
- The application was referred to Goulburn-Murray Water who provided conditional consent for the proposal. The proposed subdivision therefore should not impact the Ovens River Catchment and will protect the quality of surface water, groundwater, rivers and streams located in the catchment including German Creek which runs through the site.
- The proposal will assist the long term sustainable agricultural use of the land.



### **Zoning and land use**

The subject land is zoned Farming Zone. The development is consistent with Clause 35.07 purpose and decision guidelines for the following reasons:

- The proposal would support and enhance agricultural production through the consolidation of five titles into two titles. As discussed, proposed Lot 2 will not be permitted to be further subdivided. The proposal would not limit the operation and expansion of adjoining and nearby agricultural uses.

### **Overlay**

The site is subject to the Bushfire Management Overlay (BMO). The application has been referred to CFA which has no objection to the proposal and has not requested any planning permit conditions.

The application has been assessed against the requirements of the overlay and Clause 53.02 Bushfire Planning and found that the risk to life and property from fire will be able to be managed to an acceptable level.

### **Objections**

The following points are provided in response to the concerns outlined in the objection received:

- *What is the purpose of the amalgamation of these blocks?*  
The re-subdivision would create two larger lots from five lots which would create more usable lots for agriculture.
- *Water supply concerns.*  
The proposal does not in itself have any direct implications for water supply as no development is proposed. However, the theoretical development potential for the land is reduced from five potential dwellings/farming enterprises to two. So a net improvement on potential water supply impacts is created by the proposal.
- *Do not want more built up areas developing around us, which may impede our farming operation.*  
The proposal reduces theoretical development potential while at the same time not proposing any further development. Any further dwellings would be subject to permit and further notification to adjoining/adjacent owners and occupiers.
- *Proposal may lead to more subdivision and development, as it will set a precedent for others.*  
The proposal would not set a precedent for more subdivision and development. Each planning permit application is assessed on its merits and assessed against the relevant requirements of the Alpine Planning Scheme.



## **CONCLUSION**

The application is considered to be consistent with the Alpine Planning Scheme and should be approved for the following reasons:

- The proposed development is generally consistent with the relevant provisions of the Municipal Planning Strategy and the Planning Policy Framework.
- The proposal is consistent with the purpose and decision guidelines of the Farming Zone and Bushfire Management Overlay.
- The proposal would consolidate five lots to create two lots that would be able to continue to be used for agriculture.

## **DECLARATION OF CONFLICT OF INTEREST**

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

- Director Corporate
- Manager of Planning

## **APPENDICES**

- (a) Subdivision Conditions
- (b) Policy and decision guidelines



## **APPENDIX (A)**

### **SUBDIVISION CONDITIONS**

1. The layout of the subdivision as shown on the endorsed plan must not be altered or modified (whether or not in order to comply with any statute, statutory rule or Local Law or for any other reason) without the prior written consent of the Responsible Authority.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
3. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
4. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.
5. Covenants that relate to the use of the land or development must not be included in any contracts of sale or on titles of any lots without the approval of the responsible authority; and no variation to the standard requirements of the approved covenants shall be agreed to by the transfer or without the prior written consent of the Responsible Authority.
6. No works on site are permitted to commence until the plan of subdivision is certified.

### **SECTION 173 CONDITIONS**

7. Before the plan of subdivision is certified under the Subdivision Act 1988, the owner must enter into an agreement with the responsible authority made pursuant to section 173 of the Planning and Environment Act 1987 which provides that:
  - a. The land must not be subdivided so as to increase the number of lots.  
The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement.





## **TELECOMMUNICATIONS CONDITIONS**

8. The owner of the land must enter into an agreement with:
  - a. a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - b. a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
9. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
  - a. a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - b. a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

## **ENGINEERING CONDITIONS**

### **Drainage**

#### **Rural Drainage Works**

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

### **Vehicle Crossings**

#### **Rural Crossings**

11. Prior to issue of Statement of Compliance, vehicular crossings shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the Alpine Shire Council, and shall comply with the following:
  - a. Standard vehicular crossings shall be constructed at right angles to the road to suit the proposed driveways, and any existing redundant crossing shall be removed.
  - b. Any proposed vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or



street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense;

- c. Crossings are to be concrete or have a bituminous seal applied where they abut a sealed road. If the road is unsealed the crossing may remain an unsealed crushed rock pavement. Dimensions and roadside drainage treatments are to be generally in accordance with IDM drawing SD55.

#### **ENVIRONMENTAL HEALTH CONDITIONS**

12. Prior to Certification of the Plan of Subdivision, a detailed report on the existing onsite wastewater disposal system for Lot 1 needs to be provided to Council to identify that the existing system is capable of managing the existing daily flow rate applicable to the existing dwelling:
  - a. A condition report identifying the system is functioning correctly and is fully located within the parcel.
  - b. A scale plan must be provided showing the location of the existing onsite wastewater disposal system, distribution lines, an equivalent reserve area, driveways, structures and parcel boundaries.
  - c. In the event that the system is identified as not complying, upgrade of the system will be required. Any wastewater permit application to upgrade the system must have a supporting land capability assessment.

#### **GOULBURN MURRAY WATER CONDITIONS**

13. Any Plan of Subdivision lodged for certification must be referred to Goulburn-Murray Rural Water Corporation pursuant to Section 8(1)(a) of the Subdivision Act.
14. The existing on-site wastewater treatment and disposal systems for proposed new lot 1 must be wholly contained within the boundaries of the new lot created by subdivision. All wastewater must be disposed of via connection to the existing septic tank system. If necessary, the system must be upgraded to the satisfaction of council's Environmental Health Department.
15. Should water supply be required to the new lot(s) created by subdivision, the Plan of Subdivision submitted for Certification must show appropriate water supply easement(s). Unless it can be demonstrated to Goulburn Murray Water's reasonable satisfaction the means by which the new lot(s) have access to water or in which an easement is not required.



**EXPIRY CONDITION**

16. This permit will expire if:

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

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



## **ATTACHMENT (B)**

### **Planning Policy Framework**

The Planning Policy Framework (PPF) provides relevant direction to the proposal at Clause 14.01-1S Protection of agricultural land (See following link for full download: [http://planning-schemes.delwp.vic.gov.au/schemes/vpps/14\\_01G.pdf](http://planning-schemes.delwp.vic.gov.au/schemes/vpps/14_01G.pdf)), or applicable excerpts are shown below.

#### Objective

To protect the state's agricultural base by preserving productive farmland.

#### Strategies

Identify areas of productive agricultural land, including land for primary production and intensive agriculture.

Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.

Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.

Protect productive farmland that is of strategic significance in the local or regional context.

Protect productive agricultural land from unplanned loss due to permanent changes in land use.

Prevent inappropriately dispersed urban activities in rural areas.

Protect strategically important agricultural and primary production land from incompatible uses.

Limit new housing development in rural areas by:

- Directing housing growth into existing settlements.
- Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.
- Encouraging consolidation of existing isolated small lots in rural zones.

Identify areas of productive agricultural land by consulting with the Department of Economic Development, Jobs, Transport and Resources and using available information.

In considering a proposal to use, subdivide or develop agricultural land, consider the:

- Desirability and impacts of removing the land from primary production, given its agricultural productivity.
- Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
- Compatibility between the proposed or likely development and the existing use of the surrounding land.



The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.

Land capability.

Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.

Give priority to the re-structure of inappropriate subdivisions where they exist on productive agricultural land.

Balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinisation) against the benefits of the proposal.

### **Local Planning Policy Framework**

Applicable local planning policy can be found in the Local Planning Policy Framework (LPPF) section.

Clause 21.03-3 Rural lifestyle, subdivision and dwellings

Key issues and influences

Rural lifestyle aspirations have the potential to restrict and conflict with agricultural production and create demand for the dispersed provision of infrastructure to service lifestyle developments.

Subdivision of productive agricultural land and the development of dwellings for rural residential purposes can have a cumulative effect of reducing the amount of land available for commercial farming.

Provision of infrastructure and services.

Objectives

Ensure that rural lifestyle use and development is directed to existing areas zoned for rural lifestyle or areas where it can be demonstrated that the development meets the policy guidelines for rural lifestyle development.

Ensure that rural dwellings are linked to and required for an agricultural, associated rural activity or rural tourism purpose.

Avoid loss of agricultural land which is of strategic significance in the local or regional contexts.

Avoid the loss of productivity to adjoining land owners arising from land use conflict.

Protect rural land from inappropriate development to provide social, economic and environmental benefits for existing and future generations.

Strategies

Limit rural lifestyle development in agricultural areas, particularly on 'high versatility' land.



- Ensure the cost effective servicing of towns and communities across the municipality through avoiding the impacts of a dispersed population base.
- Limit rural lifestyle use and development to defined rural residential settlements or zoned areas in proximity to urban areas where potential adverse impacts on agricultural and other rural based uses are minimised.
- Retain the potential for large scale, broad acre based farming enterprises.
- Limit the cumulative impact of house lot excisions, including serial small lot subdivisions.
- Ensure that dwellings in rural areas maintain agricultural production and do not impact on the right to farm.
- Discourage the proliferation of dwellings not associated with agriculture.
- Require any dwelling proposal to demonstrate that a dwelling is required to support a legitimate, established agricultural or rural activity.
- Discourage the proliferation of dwellings where the agricultural use of the land does not require the presence of a land manager.
- Ensure that dwellings do not result in the further fragmentation of productive agricultural land.
- Ensure that the development of dwellings in rural areas does not prejudice existing agricultural activities on surrounding land.

Clause 22.03-2 Agriculture (See following Link for full download: [Clause 22.03-2 Agriculture](#)) or applicable excerpts are shown below.

#### Policy basis

Agriculture is a key industry in the Shire, its protection and enhancement is linked to the environmental and economic well-being of the Shire.

#### Objectives

- Protect the natural and physical resources upon which agricultural industries rely.
- Promote agricultural industries which are ecologically sustainable and incorporate best management practices.
- Prevent land use conflicts between agricultural uses and sensitive uses and ensure that use and development in the Shire is not prejudicial to agricultural industries or the productive capacity of the land.
- Ensure that the agricultural capability of the land is not threatened or reduced by inappropriate subdivision or fragmentation of landholdings.
- Ensure that the subdivision results in a clear improvement to farm efficiency and land management.



## Policy

It is local policy that:

### Agricultural Resources:

- Land capability and land suitability will be taken into account in the assessment of use and development proposals. Where relevant the findings of the Rural Land Mapping Project for the Shires of Myrtleford and Bright will be relied upon.
- Agricultural land will be protected as an economic and environmentally valuable resource. Conversion of land to non-soil based use and development will be strongly discouraged unless there is clear public benefit associated with the establishment of the proposed use such as a rural dependent enterprise that complements the agricultural production base of the Shire.
- The retention of the resource of agricultural land in productive units will be preferred and further fragmentation of land will be strongly discouraged.
- Use and development which alienates agricultural resources, is sensitive to off-site effects, lessens the capacity of essential infrastructure or in any other way may prejudice agricultural resources and agricultural production will be strongly discouraged.

### Agricultural Practices:

- Sustainable agricultural industries which incorporate best management practice will be strongly supported.
- Intensive agricultural industries will be located and managed having regard to soil and water quality, the adequacy of infrastructure services and the location of sensitive use and development.

### Agricultural Development:

- Use and development of agricultural lands will ensure the long term sustainable management of the natural resources and environment that support the agricultural use of land.
- Use, development and subdivision, which is in support of sustainable agriculture and improved land management will be strongly supported.
- Applications related to alternative and/or intensive agricultural activities will be carefully assessed to ensure that conflict will not be created with traditional forms of agriculture or nearby residential areas.
- A subdivision to create a lot less than 40 hectares in the Farming Zone demonstrate that:
  - The lot size is necessary for genuine agricultural and/or rural production that can be substantiated by a 'whole farm plan' or is associated with a legitimate rural based enterprise;
  - The balance of the land will comply with the minimum lot size specified in the Zone;



- Appropriate rural infrastructure has been established on the land to support the rural activity conducted on the land;
- The use of the lot will be compatible with the surrounding rural activities and will not create a conflict between land uses;
- The lot will not be used solely for the purpose of a dwelling or provision for a future dwelling;
- There is no other available land for the proposed land use and the lot cannot be created by a means of restructuring existing lots;
- The balance of the landholding is consolidated; and
- The subdivision does not fragment or further fragment a farm or land holding.

### **Zone**

The subject land is zoned Farming pursuant to the Alpine Planning Scheme. The purpose of the zone and applicable decision guidelines can be found at the following link: [http://planning-schemes.delwp.vic.gov.au/schemes/vpps/35\\_07-Farming-Zone.pdf](http://planning-schemes.delwp.vic.gov.au/schemes/vpps/35_07-Farming-Zone.pdf)

### **Overlays**

The planning permit application must address the provisions of the Bushfire Management Overlay. These requirements can be found at the following links: [http://planning-schemes.delwp.vic.gov.au/schemes/vpps/44\\_06-Bushfire-Management-Overlay.pdf](http://planning-schemes.delwp.vic.gov.au/schemes/vpps/44_06-Bushfire-Management-Overlay.pdf) and [http://planning-schemes.delwp.vic.gov.au/schemes/vpps/53\\_02-Bushfire-Planning.pdf](http://planning-schemes.delwp.vic.gov.au/schemes/vpps/53_02-Bushfire-Planning.pdf).

### **General Provisions**

Clause 65 of the Alpine Planning Scheme provides general decision at the following link: <http://planning-schemes.delwp.vic.gov.au/schemes/vpps/65.pdf>





## 9 ASSEMBLY OF COUNCILLORS

### INTRODUCTION

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

*Cr Nicholas*

*Cr Knapstein*

*That the summary of the Assemblies of Councillor for November, December 2018 and January 2019 be received.*

*Carried*

### BACKGROUND

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

<b>Date</b>	<b>Meeting</b>
27 November	Briefing Session
4 December	Briefing Session
19 December	Briefing Session
22 January	Briefing Session

### ATTACHMENT(S)

- 9.0 Assemblies of Councillors – November, December 2018 and January 2019



**10 GENERAL BUSINESS**

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

**12 RECEPTION AND READING OF PETITIONS**



**13 DOCUMENTS FOR SEALING**

*Cr Knappstein*

*Cr Nicholas*

*That the following documents be signed and sealed.*

*1. Contract No 1809401 in favour of McPhersons Earth Contractors Pty Ltd for the Porepunkah – Station Street Upgrade.*

*2. Section 173 Agreement – J & B Developments Pty Ltd Lot 1B on Plan of Subdivision 702664 Volume 11521 Folio 697.*

*Condition 5 of Planning Permit 2018.88.1 for a two lot subdivision at 1 Armstrongs Lane, Porepunkah. The Agreement provides for the purpose of an exemption from a Planning Permit for bushfire management requirements.*

*3. Alpine Shire Council Revenue and Debtor Management Policy No: 102*

*Carried*

There being no further business the Chairperson declared the meeting closed at 7.34 p.m

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Chairperson