



Alpine Shire

ORDINARY COUNCIL MEETING

AGENDA

M2 – 5 March 2019

Auditorium@Mount Beauty Visitor Information Centre

7:00pm



Notice is hereby given that the next **Ordinary Meeting** of the **Alpine Shire Council** will be held in the Auditorium@Mount Beauty Visitor Information Centre, Kiewa Valley Highway Mount Beauty on **5 March 2019** commencing at **7:00pm**.

AGENDA

1	RECORDING AND LIVESTREAMING OF COUNCIL MEETINGS.....	3
2	ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS, and RECOGNITION OF ALL PEOPLE.....	3
3	CONFIRMATION OF MINUTES.....	3
3.1	ORDINARY COUNCIL MEETING – M1.....	3
4	APOLOGIES.....	3
5	OBITUARIES / CONGRATULATIONS.....	3
6	DECLARATIONS BY COUNCILLORS OF CONFLICT OF INTEREST.....	3
7	PUBLIC QUESTIONS	4
8	PRESENTATION OF REPORTS BY OFFICERS.....	5
8.1	CHIEF EXECUTIVE OFFICER – CHARLIE BIRD.....	5
8.1.1	Contracts approved by the CEO.....	5
8.2	DIRECTOR ASSETS – WILLIAM JEREMY.....	6
8.2.1	Contract 18077201 - Victoria Bridge Load Limit Upgrade.....	6
8.2.2	Fixing Country Roads – Round 2	9
8.3	DIRECTOR CORPORATE – NATHALIE COOKE.....	12
8.3.1	Planning Application 5.2017.112.1 5 Switchback Road, Mudgegonga... ..	12
8.3.2	Planning Application 5.2018.188.1 - 2 Mathews Street Myrtleford.....	26
8.3.3	Domestic Wastewater Management Plan.....	37
9	ASSEMBLY OF COUNCILLORS.....	42
10	GENERAL BUSINESS	43
11	MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN.....	43
12	RECEPTION AND READING OF PETITIONS	43
13	DOCUMENTS FOR SEALING.....	44



1 RECORDING AND LIVESTREAMING OF COUNCIL MEETINGS

The CEO will 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 streamed live on Council's YouTube channel which is "Alpine Shire Council" and will also be available on the YouTube channel shortly after this meeting.

2 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS, AND RECOGNITION OF ALL PEOPLE

The CEO will 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 – M1

RECOMMENDATION

That the minutes of Ordinary Council Meeting M1 held on 5 February 2019 as circulated be confirmed.

4 APOLOGIES

5 OBITUARIES / CONGRATULATIONS

6 DECLARATIONS BY COUNCILLORS OF CONFLICT OF INTEREST



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; for its YouTube live-streaming recording for responses to questions.



8 PRESENTATION OF REPORTS BY OFFICERS

8.1 CHIEF EXECUTIVE OFFICER – CHARLIE BIRD

8.1.1 Contracts approved by the CEO

RECOMMENDATION

That the Contracts approved by the CEO be noted.

Contract No:	1809601	Process:	Public tender
Title:	Resealing Shared Paths (2018-19)		
Tenderer:	GW & BR Crameri		
\$ (excl. GST):	\$102,455.86		

Contract No:	1809701	Process:	Request for Quotation
Title:	Alpine Events Park Landscape works Part A		
Tenderer:	M & M Landscapes		
\$ (excl. GST):	\$46,543.81		

Contract No:	1809702	Process:	Request for Quotation
Title:	Alpine Events Park Landscape works Part B		
Tenderer:	KR Hoysted		
\$ (excl. GST):	\$121,975.00		



8.2 DIRECTOR ASSETS – WILLIAM JEREMY

8.2.1 Contract 18077201 - Victoria Bridge Load Limit Upgrade

File Number: 180772

INTRODUCTION

This report relates to the award of a contract for the carbon fibre strengthening of the Victoria Bridge on Lewis Avenue in Myrtleford under the Bridges Renewal Program. The scope of works involves the implementation of a Carbon Fibre Reinforced Polymer (CFRP) design to strengthen the bridge, which is aimed at preserving the remaining service life of the structure and increasing the current load limit to allow the safe passage of heavy vehicles.

RECOMMENDATION

That Council awards Contract No. CT18077201 for "Victoria Bridge Load Limit Upgrade" to Pensar Structures for the lump sum price of \$188,379.13 + GST.

BACKGROUND

The Victoria Bridge provides a secondary crossing of Happy Valley Creek in Myrtleford. The primary arterial road is frequently overtopped during flooding. The Victoria Bridge currently has a load limit applied, owing to visible distress in the crossheads which was identified as part of a scheduled inspection in 2015. An engineering analysis of the bridge identified an opportunity to strengthen the crossheads to both increase the load capacity of the structure and to increase the service life.

The tender was advertised in the Alpine Observer, Myrtleford Times and the Border Mail on 16 January and appeared on the Alpine Shire Council website and tenders.net from 2 January through to the closing date of 8 February, 2019.

The tender was downloaded by 27 companies and 11 responses were received by the closing date. All but one response was considered conforming.



EVALUATION

The evaluation panel consisted of the Project Manager and Manager Asset Development.

The tenders were evaluated according to the key selection criteria contained in the Invitation to Tender as follows:

- Price
- Qualifications & Previous Experience
- Delivery
- Social

Shortlisted tenderers were invited to clarify aspects of their tender and provide further detail on their proposed methodology, program and the experience of the nominated personnel proposed to undertake the works. Through this evaluation process it was determined that the tender from Pensar Structures 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

The total budget for the project is \$177,500. The project is partially funded by the Federal Government's Bridges Renewal Program Round 3 (\$88,750) with the remainder of the budget funded by Council.

Previous project costs for design and concrete strength testing have been incurred to the value of \$20,460. Therefore, acceptance of the tender from Pensar Structures will result in a budget overspend of \$31,340.



CONSULTATION

The ability for this bridge to be used in times of flooding of the main arterial route is a critical driver for this project and accordingly, the key stakeholders (HVP and other cartage contractors) were consulted during the design process. It is anticipated that the bridge will remain open for use during construction.

CONCLUSION

Following a comprehensive tender evaluation assessment, the Tender from Pensar Structures is considered to present the best value option for Council.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Asset Development
- Project Manager

ATTACHMENT(S)

- Nil



8.2.2 Fixing Country Roads – Round 2

File Number: 01700.08

INTRODUCTION

An opportunity exists for Council to seek significant funding to deliver a range of road and bridge renewal and upgrade projects. This report outlines the proposed funding applications and seeks Council's financial commitment.

RECOMMENDATION

That Council authorises the submission of grant applications under Round 2 of the State Government's Fixing Country Roads Program for the following projects in the priority order listed below, and with a Council commitment not exceeding the following values:

1. *Buckland Bridge - \$750,000 + GST*
2. *Guardrail Upgrades - \$100,000 + GST*
3. *Gavan Street Pedestrian Crossings - \$85,000 + GST*
4. *Standish Street Renewal - \$120,000 + GST*
5. *Local Road Sealing – \$105,000 + GST*

BACKGROUND

In 2018 the Victorian Government announced a new funding program to be administered by Regional Roads Victoria. The \$100 million Fixing Country Roads Program is intended to assist councils improve the condition of their local roads and support the connectivity, reliability and efficiency of travel for regional communities.

Council was successful in securing \$1,104,229 worth of funding to deliver the following projects to the value of \$1,407,251 in 2018/19:

- Station Street Upgrade (\$529,397)
- Churchill Avenue/Morses Creek Road Heavy Vehicle Upgrade (\$333,290)
- Buffalo Creek Road Heavy Vehicle Upgrade (\$299,803)
- Keegans Lane and Gundowring Road Intersection Safety Upgrade (\$244,761)

Applications for Round 2 close on 18 March 2019. The State Government will provide up to \$1.5 million per project, at a funding ratio of 2:1 (State: Local Government Authority). All projects need to be completed by 30 June 2020.



It is proposed that funding is sought for the following projects:

1. Buckland Bridge

The existing Buckland Bridge is at the end of its useful life and currently has a 15 tonne load limit applied. This load limit restricts heavy vehicle movements up the Buckland Valley, including the transport of heavy machinery to enable DELWP to access 320,000 Ha of state forest to undertake fire management activities. Design work is being progressed for a new bridge, proposed to be constructed downstream of the existing bridge. The total cost of a new bridge is estimated at \$2,250,000.

2. Guardrail Upgrades

There are a number of timber post guardrails in poor condition across the Shire which are in need of upgrade to steel posts and, in some locations, an upgrade from timber rails to steel guardrail. Sites include the bridges at Selzers Lane (1 & 2), Buffalo Creek Bridge (Clements Lane) and Mongans Bridge. The estimated total cost of these works is \$300,000.

3. Gavan Street Pedestrian Crossings

The need for safer pedestrian crossing points in Gavan Street (Bright) was identified as a priority by the community through the Alpine Better Places project, as well as during the development of the Bright Car Parking Plan. It is proposed that clearly demarcated crossing points and centre median refuges are provided in five locations between Star Road and Camp Street. The estimated total cost of these works is \$255,000.

4. Standish Street Renewal

The pavement in the Standish Street service and through lanes (Myrtleford), between Rayner and Duke Streets, has deteriorated and is in need of rehabilitation. The estimated total cost of these works is \$360,000.

5. Local Road Sealing

Council has a number of local unsealed roads that experience high vehicle counts or frequent heavy vehicle use. Residents in these locations are subjected to large amounts of dust during the summer months. Sections of Grange Road (Porepunkah), Merriang South Road (Merriang South) and Egglestons Road (Buckland) are proposed to be sealed. The estimated total cost of these works is \$315,000.

POLICY IMPLICATIONS

This report is consistent with the following strategic objective in the Council Plan 2017-2021:

- Incredible places for our community and visitors.

FINANCIAL AND RESOURCE IMPLICATIONS

If all applications are successful in securing funding, Council would deliver \$3,480,000 worth of works with a Council contribution of no more than \$1,160,000. This expenditure can be accommodated within Council's long-term financial plan.



CONSULTATION

Council officers have engaged with members of the community as well as relevant authorities and stakeholders, in relation to the Buckland Bridge, Gavan Street Pedestrian Crossings and Local Road Sealing projects.

Should funding be secured, then a detailed stakeholder engagement plan will be prepared and implemented throughout the delivery of all proposed projects.

CONCLUSION

The proposed projects will improve the condition and safety of our roads for all road users. Round 2 of the Fixing Country Roads Program is an opportunity to seek funding for infrastructure renewal and upgrades that would otherwise be wholly funded by Council and in the event that a grant funding application was to be successful, Council has the financial capacity to commit the balance of funds needed to deliver all projects.

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
- Manager Asset Development

ATTACHMENT(S)

- Nil



8.3 DIRECTOR CORPORATE – NATHALIE COOKE

8.3.1 Planning Application 5.2017.112.1 5 Switchback Road, Mudgegonga

Application number:	5.2017.112.1
Proposal:	Four Lot Subdivision
Applicant's name:	Oxley and Company
Owner's name:	David John Carroll
Address:	5 Switchback Road, Mudgegonga
Land size:	Two parcels of land totalling 188.43ha (140.2ha and 48.43ha)
Current use and development:	Two parcels of land with one containing a dwelling, both area used for cattle grazing
Site features:	Predominantly cleared land back to pasture containing a large eroded gully (Sandy Creek) running south to north through four of the proposed lots.
Why is a permit required?	A planning permit is required to subdivide the land pursuant to the provisions of Farming Zone (35.07-3), Land Subject to Inundation Overlay (44.04-3) and the Bushfire Management Overlay (44.06-2)
Zoning:	Farming Zone (FZ)
Overlays:	Land Subject to Inundation Overlay (LSIO), Bushfire Management Overlay (BMO)
Restrictive covenants on the title?	None
Date received:	30 August 2018
Statutory days:	187
Planner:	Sam Porter

RECOMMENDATIONS

That a Notice of Refusal be issued for the five lot subdivision on the following grounds:

- 1. The proposal is inconsistent with the Planning Policy Framework, the Municipal Strategic Statement and Local Planning Policies.*
- 2. The development is inconsistent with Clause 14.01-1S of the SPPF as:
 - a. The development will detract from the long term productive capacity of the land as the subdivision fails to respond to the existing land use patterns and natural site features.**



- b. The development seeks to create lots that are focused on establishing suitable future dwelling locations and entitlements rather than being agriculturally justified.*
- 3. The development is inconsistent with Clause 22.03-2 of the LPPF as:*
- a. The existing agricultural land will be fragmented into multiple lots and will reduce the long term productivity of this land.*
 - b. The proposed re-subdivision does not result in a clear improvement to farm efficiency and land management.*
 - c. It has not been demonstrated that the proposal will result in productive agricultural units.*
 - d. The proposal will result in the fragmentation of agricultural land.*
- 4. The development is inconsistent with the purpose of the Farming Zone as:*
- a. The proposal seeks to create lots greater than 40 hectares which will have an as-of-right entitlement for a dwelling.*
 - b. The proposal does not seek to retain the productive agricultural land in viable land area units but rather it fragments the area and is focused on achieving minimum lot size areas.*
 - c. There is potential for rural land use conflict between lots used for future as of right residential use and the surrounding existing agricultural land uses.*
 - d. Environmentally the new boundaries will adversely affect both the east and west branch of Sandy Creek and the native vegetation stands located along these proposed lot boundaries.*
 - e. Proposed Lots 1 and 2 are formed directly from the parent parcel Lot 1 PS425784 thus inappropriately relying on small lot creation rules that are applicable to existing dwellings in asking for consideration of the under sized 34ha lot, proposed Lot 1.*

PROPOSAL

The proposal initially was to subdivide the subject property five lots, in August 2018 the application was amended to a four lot proposal (see figure 1 below). Proposed Lot 1 will contain the existing dwelling on a 34ha. Proposed Lots 2, 3 and 4 would all be created with the formation of two new boundaries both running in an east west direction from Switchback Road across Sandy Creek to the existing westerly and southern boundary. Each parcel created will be greater than 40ha in size and therefore in future if approved contain an entitlement for the construction of a dwelling. Figure 1 below shows the proposed subdivision layout and each lot size.

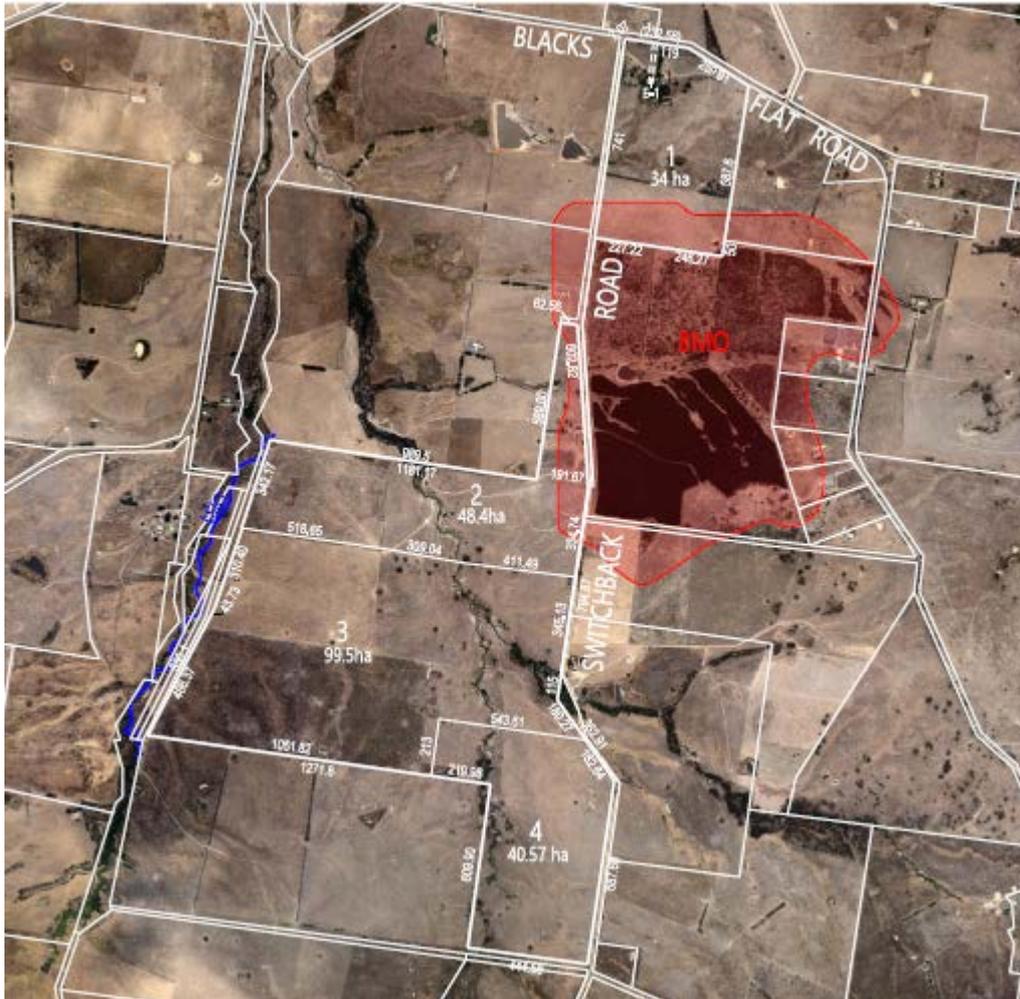


Figure 1: Shows the development layout on site.

SUBJECT LAND AND SURROUNDS

The subject land is known as 5 Switchback Road, Mudgegonga. The land is comprised of two titles in three parts. The first part is located at the corner of Switchback Road and Black Flats Road; on the south east side of these roads. This part is shown in in blue in Figure 2.

The first part contains the dwelling of David and Julie Carroll, located in the North West corner of the site. The existing dwelling is surrounded by well established, manicured gardens. This part also contains a spring fed dam in the southern part of the land and this feeds to the existing dwelling and is approximately 34.12 hectares in area.

Part 2 of Lot 1 on PS425784 is located approximately 336m south of the first part down Switchback Road. It is located on the western side of Switchback Road and comprises 48.43 hectares. It is irregular in shape, with approximately 41 hectares falling within a rectangular section, and the remaining approximately 7 hectares within a narrow branch extending north-east toward Part 1 of the Lot. Part 2 is also shown in blue in Figure 2 below.



Part 2 of Lot 1 on PS425784 is used for grazing in conjunction with the balance of the land and contains stockyards in the north-eastern branch. There are a number of drainage lines which traverse through the land with some scattered trees along the southern boundary.

Lot 9 on PS407081 is located to the south of Lot 1 on PS425784. It comprises of approximately 140.36 hectares and is used for grazing. The land is fenced off in paddocks with numerous dams and drainage lines. There are some scattered native trees around the drainage lines and throughout the paddocks. This part of the land is shown in in red in Figure 2 below.

The surrounding land is all zoned Farming and is currently used for broad acre farming. The surrounding Mudgegonga farming area visually is a lightly treed landscape set on an undulating land forms that create many significant creek and gully lines. Many of the significant creeks in the area have all experienced significant erosion issued due to historic over clearing along with the associated grazing impacts. In many surrounding areas where gullies have been fenced off and replanted they have significantly recovered and stabilised.

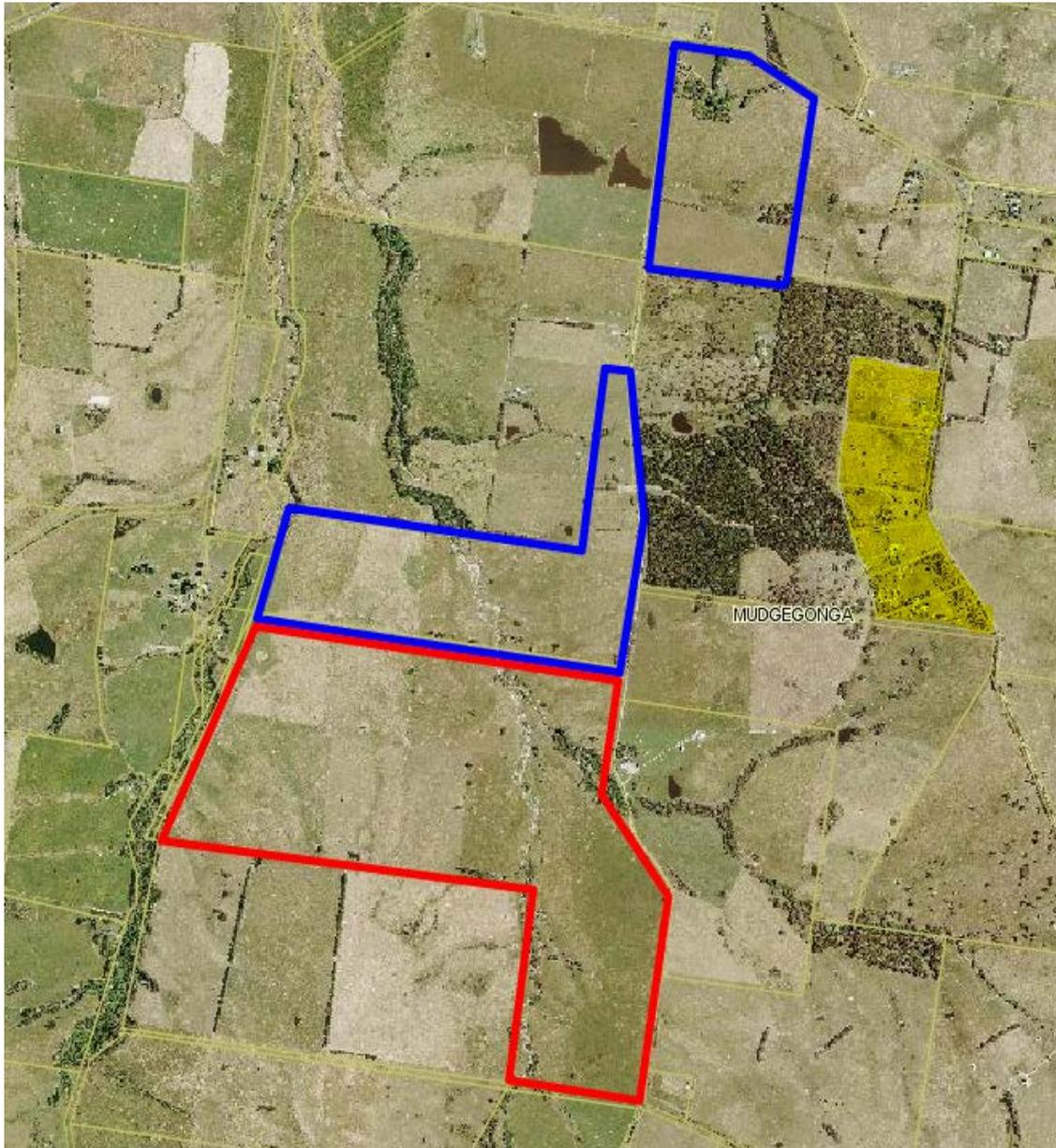


Figure 2: Subject land.

PUBLIC NOTIFICATION

The original application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987*. Notice of the application was sent to 14 surrounding landholders and occupiers. Eight objections were received; the reasons for objecting are as follows:

- Road access, increased traffic and safety concerns
- Inappropriate division of viable farming land and the associated impact on sustainable farming
- Proliferation of dwellings as a result of dwelling entitlement to be created
- Reduction of farm land and non-site responsive subdivision
- Environmental risks and waterways impacts



- Increased water usage
- Following receipt of these objections Council hosted a planning forum that was well attended by the objectors. Council had intended on determining the application following this meeting August 2018, however, the application was subsequently amended to a four lot proposal recommencing much of the process.
- The amended application was re-advertised pursuant to Section 57B of the *Planning and Environment Act 1987* to the same land owners and occupiers including all those previously objecting. Four of the same objectors resubmitted sighting unchanged concerns.
- As per legislation requirements all the initial objections are required to still be considered in relation to the amended application. They remain applicable in any case given the subtle change from original to proposal to the amended proposal.

REFERRALS

Referrals / Notice	Advice / Response / Conditions
Section 57C referrals:	North East Catchment Management Authority (NECMA), Country Fire Authority, Goulburn-Murray Water and AusNet Electricity Services Pty Ltd all have no objection subject to conditions.
Internal / external referrals:	The Department of Environment, Land, Water and Planning have also no objection. The application was referred to the engineering section of Council and no objection has been raised subject to conditions.

PLANNING ASSESSMENT AND RESPONSE TO GROUNDS OF OBJECTION

All applicable policy and decision guidelines can be found in Attachment A.

Planning Policy Framework and Local Planning Policy Framework

Farming Zone and Lot Sizes

The subject land is zoned Farming pursuant to the Alpine Planning Scheme. A planning permit is required to subdivide land. The zone provisions state that the minimum lot size is 40 hectares; however, this mathematical minimum is not the only consideration. Any proposed subdivision must fulfil the purposes of the Farming Zone which include:

- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.



- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

It is submitted that the proposed development does not adequately respond to the purposes of the Farming Zone for the following reasons:

- The primary purpose of the subdivision is not based on the continued agricultural production of the land. Rather, it is intended to create three lots greater than 40 hectares to provide for two additional as-of-right entitlements for a dwelling (one dwelling entitlement currently exists on the vacant southern parcel of the subject land).
- Aside from the gully and watercourse area all the remaining land is productive agricultural land. The application has provided no valid agricultural planning grounds as to how the proposed subdivision will improve the use of this productive agricultural land. Rather the application seeks to divide land in a way that isn't responsive to existing landforms or agricultural land use patterns.
- The proposed subdivision will create two additional entitlements for dwellings and the introduction of residential uses into the area effectively in the form of 40+ha rural living type allotments that will be detrimental to the surrounding agricultural uses.
- The proposed subdivisional layout does not respond to the site and environmental constraints and will not lead to sustainable land management practices. Boundaries between Lots 2, 3 and 4 will all be split across the wide significant gully of Sandy Creek and with the creation of four individual farming operations on this land area would see significantly impact on the health of the watercourse and further impact the current erosion problem along this section of waterway.
- It is acknowledged that the boundary between Lots 2 and 3 currently exists as the property that forms the subject land is currently made up of two parcels. However, as no existing fence was observed to exist along the entirety of these lots common boundaries the opportunity should be taken with any subdivision to improve upon the existing circumstances. It is therefore submitted that as no improvement is proposed with this boundary that currently crosses Sandy Creek it must be viewed in the same context as the new boundary between proposed Lots 3 and 4.

The Farming Zone also sets out a number of decision guidelines which must be considered in the assessment of an application. The relevant decision guidelines are:

- Whether the use or development will support and enhance agricultural production.
- Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.



- The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.
- The capacity of the site to sustain the agricultural use.
- The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.

Having regards to the relevant decision guidelines the following assessment is made:

- The proposal will be detrimental to the agricultural production of the land as it will fragment the quality agricultural land into an additional two allotments.
- The fragmentation of the medium quality agricultural land into two additional lots will lead to the permanent removal of this land from agriculture as it is likely that the proposed lots would be used for lifestyle purposes and not genuine agricultural uses.
- The possible introduction of two additional dwellings on the subject land will likely lead to a conflict between residential uses and surrounding agricultural 'as of right' uses.
- No detail has been provided by the applicant on how each proposed lot could sustain some form of viable agricultural use in its own right. The planning scheme seeks to encourage subdivision that supports sustainable agriculture and improves land management. The proposed development layout hasn't demonstrated any land management improvements.
- The subject land and each of the proposed lots would need accessing via Switchback Road. The increase in land holders running individual agricultural operations as a minimum would increase the traffic and usage of this road. Council's Development Engineer assessed the road and was only agreeable in consenting to the proposal following significant upgrades to the seven blind crests that exist along the relevant section of Switchback Road. Therefore at present the surrounding rural infrastructure must be viewed as inadequate. It must also be noted that should additional 'as of right' dwellings become permitted via a subdivision (no future planning permit required) then the road impacts would be increased and potential upgrades to any roadway conducted at Council's expense in future.

Having considered the relevant matters of the Farming Zone it is concluded that the proposed development does not meet the applicable decision guidelines tests of the zone and further is contrary to the purposes of the zone.

Planning Policy Framework and Local Planning Policy Framework

Both the Planning Policy Framework (formally entitled State Planning Policy Framework) and Local Planning Policy Framework seek to protect agricultural land and support the enhancement of agricultural industries. The relevant Planning Policy and Local planning policies are provided as Attachment A to this report. The following however is an assessment of the proposal against the relevant policies:

- The application fragments mapped medium quality agricultural land.



- The application is likely to lead to a proliferation of dwellings as two additional dwelling entitlements would be created as result of the proposed layout.
- Additional dwelling proliferation in the Farming Zone creates future land use conflicts and issues over 'right to farm'.
- The development has the ability to negatively impact the continuation of the neighbouring land holdings ability to farm should each proposed lot have dwelling developed on them raising the farmland price beyond what it worth on its agricultural merits.
- The application is not site responsive to the existing land forms and land usage such as fences, vegetation and waterway gully avoidance.
- The proposed new boundaries do not avoid an area of vegetation or make any attempt to work around waterways. As the existing land use is beef cattle grazing and no other use is proposed a scenario that creates small lots isn't able to be justified on agricultural grounds and consequently the development is unable to be supported.

Council's local policy highlights that agriculture is a key industry within the Shire and as such it should be protected and enhanced to ensure the economic well-being of the Shire.

The policy at Clause 22.03-2 states a number of objectives and policies of relevance in consideration of this application. The following is a response to the relevant provisions:

- The creation of two additional dwelling entitlements has the potential to create land use conflict between residential and agricultural land uses.
- The agricultural capability of the land will be impacted by the fragmentation of the medium quality agricultural land. The proposal hasn't demonstrated how the current or proposed land use will acceptably benefit from the proposal. Council is unable to accept the arguments of the lots if created won't be sold but will rather be borrowed against and facilitate multiple siblings of the owner's to have an ability to farm the land collectively. Justification must be land used based and not person or family specific as it is the land, never the person issued with a planning permit to develop.
- The proposed subdivision will not result in "clear improvement to farm efficiency and land management". Rather, it will fragment the land holding resulting in the potential for four different land management regimes. Policy heavily encourages and promotes the reduction in land fragmentation and therefore in the absence of acceptable justification for the proposed division it is Council's view that the land should either continue to be farmed as a whole or remain as a possible land holding addition to a surrounding agricultural property.



- The proposed subdivision will not result in more efficient land management practices as it will be managed by up to four individual entities as opposed to one or two as per the current lot layout. The greater the number of owners and land managers each working a land area split by Sandy Creek isn't considered an efficient land management outcome for the property.

Planning Permit History

In 1994 the former Shire of Myrtleford approved Planning Permit 1006MR94. This permit approved the re-subdivision of eight existing Crown Allotment parcels of land. The re-subdivision transferred the dwelling entitlements of these existing parcels onto six new lots located along Blackflats Road, with all the remaining land area left in two residual lots now forming the subject land for this application. Highlighted yellow within Figure 2 shows the location of the six lots created that are sized between 6ha and 3ha.

CONCLUSION

It is proposed to subdivide the subject land, which currently comprises of two existing lots, into four new lots:

- Lot 1 will 34 hectares in area and contain the existing dwelling;
- Lot 2 will be 48.4 hectares in area;
- Lot 3 will be 99.5 hectares in area;
- Lot 4 will be 40.57 hectares in area.
- The proposal is not supported by the relevant planning policy within the Alpine Planning Scheme for the following reasons:
- The proposal inappropriately seeks to fragments medium quality agricultural land.
- The proposal will create an additional two dwelling entitlements and this may create a conflict with surrounding agricultural land uses.
- The proposed subdivisional layout is not site responsive. It will require the creation of new boundary fences across fragile and substantial waterway gullies including vehicle crossings along with some impact on native vegetation.
- Reasoning given for the proposal are not applicable planning grounds as they centred around family succession planning being the reasons for further dividing the property and to also creation additional holding for bank lending solution in order to reinvest into agriculture. The planning system is not the appropriate mechanism to be used for the either succussion planning or improved lending capacity.
- No information has been provided on how each proposed lot will improve the agriculture land use and capability as required by planning policy.

Having considered the relevant provisions of the Alpine Planning Scheme it is recommend that a Notice of Refusal be issued for the proposed five lot subdivision.



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
- Senior Planning Officer

APPENDIX

- Appendix A – Planning Policy Framework and Local Planning Policy Provisions



APPENDIX A

Planning Policy Framework

The Planning Policy Framework (PPF) provides relevant direction to the proposal at Clause 14.01-1 Protection of agricultural land (See following link for full download: [Clause 14.01 Agriculture](#)), or applicable exerts are shown below.

Objective

To protect productive farmland which is of strategic significance in the local or regional context.

Strategies

Ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use.

Consult with the Department of Economic Development, Jobs, Transport and Resources and utilise available information to identify areas of productive agricultural land.

Take into consideration regional, state and local, issues and characteristics in the assessment of agricultural quality and productivity.

Permanent removal of productive agricultural land from the State's agricultural base must not be undertaken without consideration of its economic importance for the agricultural production and processing sectors.

In considering a proposal to subdivide or develop agricultural land, the following factors must be considered:

- The desirability and impacts of removing the land from primary production, given its agricultural productivity.
- The impacts of the proposed subdivision or development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production.
- The compatibility between the proposed or likely development and the existing uses of the surrounding land.
- Assessment of the land capability.

Subdivision of productive agricultural land should not detract from the long-term productive capacity of the land.

Where inappropriate subdivisions exist on productive agricultural land, priority should be given by planning authorities to their re-structure.



Local Planning Policy Framework

Applicable local planning policy can be found in the Local Planning Policy Framework (LPPF) section. Clause 22.03-2 Agriculture (See following Link for full download: [Clause 22.03-2 Agriculture](#)) or applicable exerts 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.



8.3.2 Planning Application 5.2018.188.1 - 2 Mathews Street Myrtleford

Application number:	5.2018.188.1
Proposal:	Use and development of the land as a restricted recreation facility (Gym)
Applicant's name:	Mountain Planning
Owner's name:	Jim Broz
Address:	2 Mathews Street Myrtleford
Land size:	2157 square meters approximately
Current use and development:	Industrial warehouse
Site features:	The site is currently occupied by an existing industrial use that is to continue in conjunction with the proposed Gym. The site has two crossovers, which access the site from Jubilee Street and Mathews Street.
Why is a permit required?	Pursuant to Clause 33.01 of the Alpine Shire Planning Scheme a planning permit is required to Use and develop land in the Industrial 1 Zone for the purpose of a Restricted Recreation Facility (Gym)
Zoning:	Industrial 1 Zone (IN1Z)
Overlays:	N/A
Restrictive covenants on the title?	N/A
Date received:	9 November 2018
Statutory days:	90
Planner:	Robert Wallis

RECOMMENDATIONS

That a Notice of Decision to grant a planning permit be issued for the Use and Development of the land for the purpose of a Restricted Recreation Facility (Gym) in accordance with the conditions outlined in Appendix 1a) and for the following reasons:

- 1. The proposal is consistent with the applicable Planning Policy Frameworks at both a state and local level.*
- 2. The proposal meets the purpose and intent of the Industrial 1 Zone (IN1Z).*
- 3. The proposal has been appropriately advertised to adjoining land owners and occupiers who have not objected to the proposal subject to conditions.*



4. *The proposal can be suitably and adequately conditioned to prevent detriment to surrounding owners which also addresses the concerns of the objector.*

PROPOSAL

The proposal relates to the development of land within the Myrtleford Industrial Estate for the purpose of a Gym. The gym is proposed to be staffed between 6am to 9pm Monday to Saturday, as well as having member access to the facility outside these hours.

The building is to be a Colorbond Industrial Shed with dimensions of 24m long by 20m wide. The wall height of the shed is to be 4.8m, with a maximum roof ridgeline of 5.8m. There is to be internal bathrooms and change rooms, with the rest of the space used for gym equipment and classes. Roller doors are proposed on the Southern and Northern sides. The development proposes eight on-site car parking spaces. There is also ample off-site car parking available kerbside throughout the industrial estate, should additional parking be required.

The report does not specify maximum number of patrons to be accommodated; however a condition will be added to the Planning Permit for a maximum of 40 people on-site at any time.

The images below show the proposed site layout of the building:



Figure 1: Shows the development layout on site.



SUBJECT LAND AND SURROUNDS

The subject site is located within the Industrial Estate of Myrtleford. The site is located in the North-Eastern pocket of the estate locating it some 50-60m away from the nearest residential housing to the East and South-East. The site is located on a corner and has dual access from Jubilee Street and Mathews Street. The site is also occupied by an existing Industrial warehouse used for the purpose of bus and vehicle storage. Figure 2 below shows the context of the site, and demonstrates the proximity of the land in relation to the residential areas close by.



Figure 2: Subject land.

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 53 surrounding landholders and occupiers, based on proximity to the site. A sign was displayed on the subject land for a minimum period of two weeks. Two submissions were received; the reasons for objecting are as follows:

- Noise from the Gym will affect the nearby residential dwellings
- Access to the gym outside operating hours will create disturbing noise
- Openable roller doors will filter noise into the residential area
- The industrial shed will not be treated to reduce noise pollution
- In response to the main points raised in the submissions, the following steps have been taken in assessing the Planning Application:
- The applicant will need to prepare an acoustic report that requires treatment of the building in compliance with the requirements of the Environmental Protection Agency document "Noise in Regional Victoria" (EPA NIRV). (Condition 3)



- The roller doors must be moved to the Western side of the building to filter noise out towards the industrial area. (Condition 8)
- Landscaping must be planted along the Northern and Eastern sides of the building to screen some noise. This also will improve the aesthetics of the building from the street. (Condition 10c)
- Openable doors must only be open between 9am to 5pm to reduce noise from the building during non-business hours. (Condition 8)
- Use of the site for all purposes will be restricted between 6am to 9pm; no member access outside of these hours will be permitted. (Condition 7)
- Noise levels during the hours of operation must meet the EPA NIRV guidelines for day/evening/night levels. (Condition 7)
- As a result of communicating these necessary requirements to the two submission maker's in writing one submission was withdrawn.

REFERRALS

Referrals / Notice	Advice / Response / Conditions
Alpine Shire Engineering Comments	No objection subject to planning permit conditions. Conditions relate to Infrastructure detailed design, suitable provision of car parking, landscaping and upgrading of crossovers.

PLANNING POLICY ASSESSMENT

All applicable policy and decision guidelines can be found in Attachment 1(b).

Planning Policy Frameworks:

The Planning Policy Framework (PPF) that are relevant and give support to the proposal are as follows:

- Clause 13.05-1S - Noise Abatement
- Clause 13.07-1S - Land Use Compatibility
- Clause 15.01-2S - Building Design
- Clause 15.01-4S - Healthy neighbourhoods
- Clause 17.01-1S - Diversified economy
- Clause 17.02-1S - Business
- Clause 21.05-2 - Commercial and Industrial Economic Activity
- Clause 21.07-2 - Local Areas: Myrtleford (expanded below)



With regards to the Industrial area of Myrtleford, the Planning Policy's embedded in Clause 21.07 provide some guidance on considering applications in Industrial areas. Specifically, Clause 21.07 advocates to

"encourage light industrial development in McGeehan Crescent industrial estate with application of appropriate buffers to surrounding properties".

By adding conditions to the planning permit to screen the residential areas from noise output, the amenity of the residential properties along this zoning interface will be protected. As a result this important objective for the McGeehan Crescent industrial estate is addressed allowing development to be appropriately facilitated.

Zoning and land use

The subject land is within the Industrial 1 Zone (IN1Z). The development is consistent with the guidelines and intent of the IN1Z (see attachment 1(b)) for the following reasons:

- The use can be appropriately conditioned to manage noise impacts on nearby houses
- The site is appropriately serviced and accessible for the use of the land for recreation
- The use of the land for a gym will not disrupt the surrounding industrial uses
- The development of the land can be managed through landscaping and building conditions to manage the impact of noise on surrounding sensitive land uses.

Decision guidelines of the IN1Z that have been appropriately addressed are as follows:

- The Municipal Planning Strategy and the Planning Policy Framework, see clauses listed above.
- The effect that the use may have on nearby existing or proposed residential areas
- Interface with non-industrial areas.
- Built form.
- Landscape treatment.

Traffic management

Council's Engineering Coordinator reviewed the development and granted consent subject to conditions. Conditions related to the implementation of a satisfactory landscape plan, as well as suitably designed car parking on site. See condition listed attachment 1(a).

Noise pollution

As outlined above, concerns have been raised from surrounding residents about the levels of noise generated from daily use of the land. Conditions have been added to the permit to reduce the amount of noise impact on the nearby residential areas.



Noise in an industrial area like the Myrtleford estate is required to comply with the EPA guidelines for Noise in Industry in Regional Victoria (NIRV). Conditions added to the planning permit referencing the NIRV represent best planning practice in appropriately facilitating this development and land use. The proposed conditions will ensure the building to be constructed undertakes appropriate construction attenuation measures mitigating against future noise issues. The conditions also appropriately give if need be future coverage towards investigation any unlikely noise complaints. In brief these conditions ensure to guarantee that the amount of noise generated is similar to the current day-to-day use of the surrounding industrial land.

As the NIRV guideline requires night and evening noise levels to be significantly lower than during the day, a targeted noise and operation hours condition is proposed at number 7 to ensure the understanding of stronger limitation are applicable outside of daytime operation hours.

CONCLUSION

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

- The development of the land is in keeping with the Planning Policy Framework for economic development and appropriate land use.
- The use of the land is appropriate for an industrial area, and does not contrast with the day-to-day use of the surrounding land.
- Noise impacts from the land can be suitably managed by treating the proposed building, and by relocating doors and windows, as well as requiring additional landscaping.
- The development of the site suitably responds to the requirements of the Industrial 1 Zone (IN1Z).

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
- Senior Planning Officer
- Planning Officer

APPENDIX (S)

- 1(a) – General Conditions
- 1(b) – Policy and decision guidelines



APPENDIX 1(a)

GENERAL CONDITIONS

1. Before the use and/or development start(s), plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must show:
 - a. The location of all doors and windows on the site plan and elevations plan.
 - b. The positioning of roller doors and any semi-open areas to be on the Western side of the building to minimise noise impact upon the residential areas to the North-East and South-East.
 - c. The preparation of an acoustic report that meets the requirement of Condition 3.
 - d. A landscape plan that meets the requirements of Condition 10.
2. The layout of the site and the size of the proposed buildings and works must be generally in accordance with the endorsed plan which forms part of this permit. The endorsed plans must not be altered or modified (whether or not to comply with any statute statutory rule or local law or for any other reason) without the consent of the responsible authority.
3. Amended plans must be submitted to the satisfaction of the responsible authority. The amended plans must be accompanied by a report completed by a suitably qualified acoustic engineer that demonstrates the approved uses within the proposed premise are able to meet the relevant noise controls standards. The prescribed standard for the premise is Noise from Industry in Regional Victoria (NIRV) 2011. The prescribed standard must be met on an ongoing basis.
4. The use and development of the site must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a. Transport of materials, goods or commodities;
 - b. Appearance of any buildings, works or materials,
 - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - d. Presence of vermin.
5. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
6. The number of patrons that can use the premises at any one time is restricted to a maximum of 40 people, unless otherwise approved by the responsible authority.



7. The use may operate only between the hours of 6am to 9pm, Monday to Saturday, and must integrate the EPA NIRV noise requirements for the following times:
 - a. Night noise levels from 6am -7am.
 - b. Day noise levels from 7am – 6pm.
 - c. Evening noise levels from 6pm - 9pm.
8. Any openable roller doors must only be opened for extended durations between the hours of 9am and 5pm.

ENGINEERING CONDITIONS:

9. Prior to commencement of use, detailed construction plans must be submitted to and approved by the Alpine Shire Council. Construction detail shall be generally in accordance with Council's Infrastructure Design Manual. When approved, the plans will be endorsed and will then form part of the permit.
10. Prior to commencement of use, a landscape plan to the satisfaction of the Alpine Shire Council must be submitted to and approved by the Alpine Shire Council and be in accordance with the requirements of the Infrastructure Design Manual. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a. A planting schedule of all proposed trees, shrubs and ground cover, which will include the location, number and size at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface materials as specified;
 - b. Landscaping and planting within all open areas of the site.
 - c. Additional planting consistent with the trees shown on the submitted site plan to screen the proposed shed along the Eastern and Northern aspects.
 - d. Landscaping to consist of non-deciduous canopy trees with a mature height similar to the height of the proposed shed.
 - e. Canopy trees to be a minimum height of 1800mm at the time of planting.
 - f. Low landscaping should be planted between the canopy trees where possible to maximise landscaping potential of the site.

All species selected must be to the satisfaction of the Alpine Shire Council.
11. Prior to the commencement of the use, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.



12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.
13. Prior to commencement of use, 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 and replaced with concrete kerb and channel to match into the surrounding profile.
 - 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. Dimensions and construction detail are to be generally in accordance with IDM drawing SD250.
14. Prior to commencement of use, no fewer than eight car spaces must be provided on the land for the use and development including one for use by persons with disabilities or as otherwise approved. Disabled spaces are to be constructed in accordance with AS2890.6.
15. Prior to commencement of use, detailed layout plans demonstrating compliance with AustRoads Publication 'Guide to Traffic Engineering Practice: Part 11 Parking' and to the satisfaction of the relevant authority must be submitted to and approved by the Alpine Shire Council. The plans must be drawn to scale with dimensions.

Prior to commencement of use, the area(s) set aside for parking of vehicles and access lanes as shown on the endorsed plans must be:

- a. Surfaced with an appropriate all weather surface applied over an appropriate standard crushed rock pavement.
- b. Drained in accordance with an approved drainage plan;
- c. Line-marked to indicate each car space and all access lanes;
- d. Properly illuminated with lighting designed, baffled and located to the satisfaction of the Alpine Shire Council to prevent any adverse effect on adjoining land;
- e. Measures taken to prevent damage to fences or landscaped areas of adjoining properties and to prevent direct vehicle access to an adjoining road other than by a vehicle crossing;
- f. Provision of traffic control signage and or structures as required;



- g. Provision of signage directing drivers to the area(s) set aside for car parking. Such signs are to be located and maintained to the satisfaction of the Alpine Shire Council. This sign must not exceed 0.3 square metres.
16. Employer and employee vehicles must be parked in the nominated car spaces at all times. Vehicles under the control of the operator or the operator's staff must not be parked on adjoining roads.
17. All car parking spaces must be designed to allow vehicles to drive forwards when entering and leaving the property.
18. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Alpine Shire Council.
19. A road opening/crossing permit must be obtained from the Alpine Shire Council prior to working in or occupying the road reserve with construction equipment or materials.
20. The facilities approved by this permit shall be constructed and maintained to accord with all relevant legislation (Federal or State), Australian Standards, or any other design requirements relating to access or other issues affecting people with disabilities to the satisfaction to the Alpine Shire Council.
21. Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.

EXPIRATION CONDITION:

22. This permit will expire if one of the following circumstances applies:
 - a. The development/use is not commenced within two years of the date of issue of this permit.
 - b. The development/use is not completed within four years of the date of issue of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months of the permits expiry.



APPENDIX 1(b)

Planning Policy Framework

Applicable local planning policy can be found in the Planning Policy Frameworks (PPFs) section. Links to referenced sections of the PPFs can be found below:

Clause 13.05-1S - Noise Abatement:

http://planning-schemes.delwp.vic.gov.au/schemes/vpps/13_05-1S.pdf

Clause 13.07-1S - Land Use Compatibility:

http://planning-schemes.delwp.vic.gov.au/schemes/vpps/13_07-1S.pdf

Clause 15.01-2S - Building Design:

http://planning-schemes.delwp.vic.gov.au/schemes/vpps/15_01-2S.pdf

Clause 15.01-4S - Healthy Neighbourhoods:

http://planning-schemes.delwp.vic.gov.au/schemes/vpps/15_01-04S.pdf

Clause 17.01-1S - Diversified Economy:

http://planning-schemes.delwp.vic.gov.au/schemes/vpps/17_01-01S.pdf

Clause 17.02-1S - Business:

http://planning-schemes.delwp.vic.gov.au/schemes/vpps/17_02-01S.pdf

Clause 21.05 - Economic Activity:

http://planning-schemes.delwp.vic.gov.au/schemes/alpine/ordinance/21_mss05_alpi.pdf

Clause 21.07 - Local Areas: Myrtleford:

http://planning-schemes.delwp.vic.gov.au/schemes/alpine/ordinance/21_mss07_alpi.pdf

Zone

The subject land is zoned Industrial 1 Zone (IN1Z) 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/33_01.pdf

General Provisions

Clause 65.01 of the Alpine Planning Scheme provides the decision guidelines for approving an application or plan. The decision guidelines of Clause 65 can be found via the below link:

http://planning-schemes.delwp.vic.gov.au/schemes/vpps/65_01.pdf



8.3.3 Domestic Wastewater Management Plan

File Number 1022.12.2

INTRODUCTION

This report provides for the adoption of the draft Domestic Wastewater Management Plan (DWMP) by Council.

RECOMMENDATION

That Council adopt the Domestic Wastewater Management Plan.

BACKGROUND

Alpine Shire Council is committed to responsible and sustainable domestic wastewater management practices to protect the health of the community and the surrounding environment. Council is required to prepare a DWMP to fulfil its obligations with respect to Clause 32 of the State Environment Protection Policy (Waters of Victoria) and the *Environment Protection Act 1970*.

The DWMP deals with all domestic wastewater in the Shire, both within reticulated sewerage districts as well as areas that are serviced by onsite systems. Management of domestic wastewater is required to ensure that it does not pose a risk to human health or the environment, and that appropriate planning and design takes place for new systems or alterations to existing systems.

Legislation and Policies used to develop the DWMP were current at the time of the DWMP development. It is acknowledged legislation and State level policies may change during the life of the DWMP. While Council will incorporate changes to legislation and policy as best as reasonably practical when implementing actions within the DWMP, the DWMP will not be updated with such changes until a full review of the Plan is undertaken (currently three yearly).

ISSUES

The DWMP will be implemented through an Action Plan that covers the next three years. After three years, the DWMP will be reviewed. The main aims of the DWMP are to:

- Provide for risk based management of existing and future domestic wastewater systems to address potential health and environmental risks and facilitate appropriate planning outcomes
- Provide for a more informative and consistent approach to onsite wastewater system applications and permits
- Improve our understanding of how current wastewater systems are performing, to enable Council to ensure public health and environmental values are being appropriately managed



- Address gaps in our understanding of older wastewater systems across the Shire
- Validate and refine our understanding of 'high risk' areas across the Shire.

The DWMP deals with the following key action areas:

- Existing onsite systems (identification of issues and education for owners)
- Future onsite systems (planning and design to best practice standards)
- Sewer areas (ensuring connections are made to reticulated sewerage where appropriate, and supporting the establishment of clear sewerage districts).

The key action that will impact on the community is the wastewater system inspections. Council will implement an inspection regime across the Shire to examine existing systems, and gather data on the location, condition and type of systems. The inspections will be targeted to improve our understanding of the 'high risk' areas across the Shire, address gaps in our current information, and provide an opportunity to improve the community's understanding of wastewater system maintenance.

The cost of these inspections will be borne by Council. In the event that an inspection identifies a wastewater system that is failing with a risk to public health or the environment, owners will be required to fix the system at their own cost. This is no different to current requirements.

POLICY IMPLICATIONS

The adoption of the Domestic Wastewater Management Plan is required for Council to fulfil its obligations with respect to Clause 32 of the State Environment Protection Policy (Waters of Victoria) and the *Environment Protection Act 1970*.

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

- A well planned and safe community.

FINANCIAL AND RESOURCE IMPLICATIONS

The major cost of the DWMP will be the onsite wastewater system inspection regime, as well as minor costs associated with data migration and system upgrades. A budget allocation of \$20,000 is proposed for the implementation of the DWMP in 2019-20. It is anticipated that a similar amount will be proposed for each year over the first three years of the Plan to enable the inspections and other actions to be undertaken.

CONSULTATION

Extensive consultation occurred with key stakeholders in the preparation of the DWMP, namely Goulburn Murray Water and North East Water. These agencies will continue to be integral to the successful implementation of the DWMP, and ongoing consultation and liaison will be required.

Environmental Health has also undertaken internal consultation with Council's Planning, Local Laws, Building and Asset Maintenance departments.



The draft Plan was exhibited from 1 November 2018 - 21 December 2018, and included three evening drop-in sessions hosted by Council between 3 - 5 December held in Bright, Myrtleford and Mount Beauty. One submission was received during the exhibition time. In addition, three late submissions were received in January 2019, and a meeting was held with members of the Harrietville Community Forum on 7 February 2019 to discuss the plan.

As a result of this consultation and submissions, the following changes have been made to the draft DWMP:

- Inclusion of text in Section 3.2 to note that the Spatial Risk Assessment (Appendix 5) is largely based on desktop information, and as such it should not be solely relied upon for assessing risk. Rather, the Spatial Risk Assessment presents a starting point for more detailed analysis of risk for a particular site.
- Updates to wording on Harrietville under Sections 4.2 and 4.3, to further clarify that testing has not identified any water quality issues, and that significant data is available on groundwater in the area from various sources.
- Update to Section 4.2 to acknowledge that areas without reticulated sewer have more limited opportunities for future residential growth / business expansion, particularly in small towns such as Harrietville and Wandiligong. This is a result of the inherent environmental characteristics and constraints present in the Alpine Shire.
- Under Section 4.2 additional Action (new action 3, subsequent actions renumbered) included as a result of internal feedback. Action is to engage a consultant to undertake feasibility and design of a cluster waste water management system at the Harrietville Tailings area to facilitate further development of the area.
- Removal of Draft Section 4.6 - Managing High Risk Systems. Feedback indicates that the risk matrix used in this section is unclear. The key risk factors are included in Section 4.5 as existing, allowing the removal of section 4.6 without the need for further changes or replacement of the matrix.
- Update to Section 5.3 to acknowledge existing challenging sites in township zones and provide provision for appropriate development of these sites on a case by case basis ensuring best environmental outcome.
- Update to section 6.2 to better clarify requirement of North East Water liaison for reticulated sewer connections; and, to provide provision for new developments in sewer districts where connection to reticulated sewerage is not feasible.
- Minor grammatical and typographical changes.

CONCLUSION

The DWMP is required for Council to fulfil its statutory and regulatory obligations under Clause 32 of the State Environment Protection Policy (Waters of Victoria) and the *Environment Protection Act 1970*.



Importantly, the DWMP will, over time, provide Council with a clear understanding of the condition of onsite wastewater systems in the Shire, and validate our understanding of any risks posed to the environment or human health as a result of domestic wastewater.



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 Building and Amenity

ATTACHMENT(S)

- 8.3.3 Domestic Wastewater Management Plan



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.

RECOMMENDATION

That the summary of the Assemblies of Councillor for February 2019 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 9.0 to this report.

Date	Meeting
5 February	Briefing Session
19 February	Local Laws submissions hearing

ATTACHMENT(S)

- 9.0 Assemblies of Councillors – February 2019



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. *Contract No. 1900201 in favour of Stadelmann Enterprises for the December 2018 Flood Damage Remediation Works.*
2. *Section 173 Agreement – Timothy Peter Wearne & Mariane Emilie Riffart
Crown Allotment 11 Section 16 Parish of Bright Volume 10618 Folio 043.
Condition 6 of Planning Permit 208.11.1 for use and development of a dwelling in Sidling Track, Wandiligong. The Agreement indicates that a whole farm plan be fully implemented and that the dwelling be decommissioned or demolished at the cessation of the whole farm plan unless an alternative agricultural use is proposed.*
3. *Section 173 Agreement – William and Cheryl Deuchar
Lot 3 on Plan of Subdivision 507343. Volume 10937 Folio 806. Condition 8 of Planning Permit 2018.86.1 for use and development of a second dwelling at 3392 Kiewa Valley Highway, Kergunyah South. The Agreement indicates that a farm plan be fully implemented and that the dwelling be decommissioned or demolished at the cessation of the whole farm plan unless an alternative agricultural use is proposed.*
4. *Section 173 Agreement – Hofbuild Pty Ltd
Crown Allotment 8 and 8A Section D Parish of Bright. Conditions 9 and 13 of Planning Permit 2017.130.2 for Eleven Lot Subdivision and Removal of Native Vegetation. The Agreement provides for ground level requirements, industrial uses and restrictions; conditions to mitigate noise impacts from the adjacent industrial land and future dwellings on corner allotments designed to address both street frontages. The Agreement is for the purpose of an exemption from a planning permit for Bushfire Management Overlay and bushfire protection measures as set out in the Bushfire Management Plan.*
5. *Section 173 Agreement – John Matthew Stone & Leanne Mary Stone;
Frances Mary Lindley Jones & Lindley Rose Jones
Lot 1 on Title Plan 91166 & Lot 7 on Lodged Plan 54254. Condition 20 of Planning Permit 2016.119.1 for Construction of Five Dwellings and Five Lot Subdivision and Variation of an Easement at 12-14 Kiewa Crescent, Mount Beauty. The Agreement states that the development of the subject land will be in accordance with approved plans forming part of this permit or any amendment to the plans approved by the Responsible Authority.*

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

.....
Chairperson