



Alpine Shire

ORDINARY COUNCIL MEETING

AGENDA

M7 – 2 July 2019

Bright Council Chambers

7:00pm



Notice is hereby given that the next **Ordinary Meeting** of the **Alpine Shire Council** will be held in the Council Chambers, Great Alpine Road, Bright on **2 July 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 – M5.....	3
3.2	SPECIAL COUNCIL MEETING – SPM6.....	3
4	APOLOGIES.....	3
5	OBITUARIES / CONGRATULATIONS.....	3
6	DECLARATIONS BY COUNCILLORS OF CONFLICT OF INTEREST.....	4
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 CORPORATE – NATHALIE COOKE.....	6
8.2.1	Adoption of the Council Order - Dog Control for Alpine Shire under s.26(2) of the Domestic Animals Act 1994	6
8.2.2	Revocation of Scare Gun and Signage Policies.....	8
8.2.3	Revocation of Policies.....	10
8.2.4	Instruments of Appointment and Authorisation - Planning and Environment Act 1987.....	13
8.2.5	Appointment of Independent Audit Committee Members.....	16
8.2.6	Omnibus Planning Scheme Amendment C60	19
9	ASSEMBLY OF COUNCILLORS.....	21
10	GENERAL BUSINESS.....	22
11	MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN.....	22
12	RECEPTION AND READING OF PETITIONS	22
13	DOCUMENTS FOR SEALING.....	23



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 – M5

RECOMMENDATION

That the minutes of Ordinary Council Meeting M5 held on 4 June 2019 as circulated be confirmed

3.2 SPECIAL COUNCIL MEETING – SPM6

RECOMMENDATION

That the minutes of Special Council Meeting SPM6 held on 18 June 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:	CQ190201	Process:	Request for Quotation
Title:	Replacement of the lint filter, pumps, sand filter and all connecting piping		
Tenderer:	Bendigo Aquatic Services		
\$ (excl. GST):	\$100,573.00		



8.2 DIRECTOR CORPORATE – NATHALIE COOKE

8.2.1 Adoption of the Council Order - Dog Control for Alpine Shire under s.26(2) of the Domestic Animals Act 1994

File Number: 1120.12

INTRODUCTION

The purpose of this report is to recommend that Council adopts the 'Council Order - Dog Control' to enable dog on lead areas in the Alpine Shire to be appropriately designated.

RECOMMENDATION

That Council:

- 1. Adopt the 'Council Order - Dog Control' made under s.26(2) of the Domestic Animals Act 1994; and*
- 2. Publish a copy of the 'Council Order - Dog Control' in the Government Gazette and the Alpine Observer / Myrtleford Times newspapers.*

BACKGROUND

Council has recently completed consultation on the proposed extent of the Dog on Lead areas within the Alpine Shire as part of the process for reviewing the Local Law. Nine submissions were received relating to dog on / off lead areas, including a focus on Dinner Plain, Mount Beauty pondage and Pebble Beach, and the Murray to Mountains Rail Trail.

Following legal advice, the 'dog on lead' areas have not been included in the Community Local Law 2019, but will be made by a separate Order of Council under s.25 of the *Domestic Animals Act 1994* and is being proposed to coincide with the adoption of the Community Local Law 2019.

ISSUES

The Order is generally consistent with the Domestic Animal Management Plan 2017 - 2021 (DAMP), however it supersedes the current Local Law approach to designating on lead areas (DAMP 5.2.1).

The proposed Order under the *Domestic Animals Act 1994* is a more appropriate way to manage this issue, as Local Laws should only be used if another Act or legislation is not sufficient for the purpose.

It is noted that the DAMP will be reviewed and updated in 2019 to reflect this change, among others.



POLICY IMPLICATIONS

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

- A well planned and safe community.

As noted above, the Order will align with Council's DAMP following its regular review and update in 2019.

FINANCIAL AND RESOURCE IMPLICATIONS

Additional signage will be required to ensure that the on lead areas are appropriately communicated. This will be sourced from within the existing Local Laws operational budget.

CONSULTATION

Consultation on the proposed on lead areas was undertaken as part of the Local Laws review process. It is noted that under the *Domestic Animals Act 1994*, no public consultation is required for the declaration of on lead areas.

A total of nine submissions were received, as noted above. Three submissions referenced the lack of contained off lead areas in various locations, and two submissions supported the ability for owners to walk their dogs off lead if they were kept under effective control.

It is evident from the submissions received that there are a range of views relating to dog on / off lead areas in the Alpine Shire. However, it is recommended to maintain on lead areas within the various town centres and Council parks and reserves.

In addition, dog owners are reminded of the requirement to keep dogs under effective control at all times. The need for additional signage and enforcement will be monitored and adjusted if needed in areas with identified issues relating to control of dogs.

CONCLUSION

The proposed 'Council Order - Dog Control' will implement the on lead areas within Alpine Shire. The extent of on lead areas has been informed by the consultation undertaken for the Local Laws review, and is an appropriate response given the nature of dog related issues within the Alpine Shire.

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)

8.3.1 Council Order - Dog Control



8.2.2 Revocation of Scare Gun and Signage Policies

File Number: Policy Register

INTRODUCTION

Council is in the process of undertaking a holistic review of its policies.

As part of the making of the Community Local Law 2019, a review of policies addressing community amenity and activities related to Council assets has been undertaken.

The Community Local Law 2019 addresses matters controlled by Council policies that now need to be revoked due to the operation of the Local Law.

RECOMMENDATION

That Council:

- 1. Revoke Alpine Shire Council Control of Noise from Scare Guns Policy No. 13, adopted 4 February 1997 and amended 15 March 2005; and*
- 2. Revoke Alpine Shire Council Signage Policy No. 20, Part 1 adopted 1 September 1998 and amended 5 July 2005, and Part 2 adopted 5 July 2005 and amended 1 August 2006.*

BACKGROUND

Council resolved, at its ordinary council meeting on 2 April 2019, to make the Community Local Law 2019.

The purpose of the local law is to:

- provide for the peace, order and good government of the municipal district;
- regulate activities related to, and ensure the protection of, Council assets;
- protect the health and safety of persons who reside or work in, or visit, the municipal district;
- regulate the management of animals on land and in municipal places;
- protect, maintain and enhance the natural environment of municipal district;
- provide uniform and fair administration of the Local Law.

The Community Local Law 2019 came into operation on 1 July 2019.

ISSUES

The Community Local Law 2019 addresses matters controlled by the following Council policies:

- Control of Noise from Scare Guns Policy No. 13; and
- Signage Policy No. 20 Parts 1 and 2



A review of these policies, taking into account the new Community Local Law 2019, has determined that they need to be revoked due to the content and operation of the Local Law. In particular:

- A new Scaregun policy has been introduced as an Incorporated Document to the Community Local Law 2019; and
- Elements of the Signage Policy have been incorporated into a new Portable Advertising, Footpath Trading and Footpath Dining Policy, which was approved as part of the making of the Community Local Law. Other elements of the Signage Policy are not needed as they duplicate existing VicRoads policy (for directional signage) or are dealt with via the Planning Scheme (signs on private property).

POLICY IMPLICATIONS

The policies have been reviewed in accordance with the *Local Government Act 1989*.

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

- A responsible and sustainable organisation.

CONSULTATION

Council undertook a two stage process of public consultation prior to the making of the new Community Local Law 2019. The revocation of existing policies has been consulted with the relevant Council officers.

CONCLUSION

The review of the Control of Noise from Scare Guns and Signage policies and the making of the Community Local Law 2019 are complete and the superseded policies must now be revoked.

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
- Health, Safety and Risk Officer

ATTACHMENT(S)

- Nil



8.2.3 Revocation of Policies

File Number: Policy Register

INTRODUCTION

Council is in the process of undertaking a holistic review of its policies. A review of the following policies has been completed:

- Charity Fundraising in the Alpine Shire Policy No. 3.
- Walking Tracks on Crown Land Policy No. 7.
- Funding Requests to Alpine Youth Council Policy No. 32.
- Funding Leisure Facilities, Services and Programs Policy No. 39.
- Funding Arts and Culture Policy No. 40.
- Disability Access and Inclusion Policy No. 51.
- Food Sampling Non-Compliance Policy No. 70.

The review of these seven policies has determined that the matters addressed by the policies are managed through alternate and current documents and/or systems.

RECOMMENDATION

That Council:

- 1. Revoke Alpine Shire Council Charity Fundraising in the Alpine Shire Policy No. 3, adopted 26 September 1995;*
- 2. Revoke Alpine Shire Council Walking Tracks on Crown Land Policy No. 7, adopted 1 April 1997;*
- 3. Revoke Alpine Shire Council Funding Requests to Alpine Youth Council Policy No. 32, adopted 31 May 2001;*
- 4. Revoke all versions of Alpine Shire Council Funding Leisure Facilities, Services and Programs Policy No. 39, adopted 3 March 1998 and amended 4 April 2006;*
- 5. Revoke Alpine Shire Council Funding Arts and Culture Policy No. 40, adopted 4 August 1998;*
- 6. Revoke Alpine Shire Council Disability Access and Inclusion Policy No. 51, adopted 7 October 2003; and*
- 7. Revoke Alpine Shire Council Food Sampling Non-Compliance Policy No. 70, 19 December 2007.*

BACKGROUND

Over time Council has developed a number of policies outlining its position in relation to a number of matters. A review of seven policies has now been completed as part of Council's holistic policy review program.



ISSUES

Charity Fundraising in the Alpine Shire

The Charity Fundraising Policy is outdated and does not reflect current practice. Further the provisions of the policy relating to the issue of a permit to undertake fundraising activities on Council land is now addressed by Community Local Law 2019.

Walking Tracks on Crown Land

The Walking Tracks on Crown Land Policy defines Council's responsibilities for various walking tracks in the Shire, particularly those on Crown land. The content of this policy is superseded by various formal management agreements with the Department of Environment, Land, Water and Planning and the development and maintenance of a GIS dataset and IntraMaps interface.

Funding Requests to Alpine Youth Council

The Alpine Youth Council no longer functions and while there is still active youth representation in Council programs the Funding Requests to Alpine Youth Council Policy is no longer relevant.

Funding Leisure Facilities, Services and Programs

The Funding Leisure Facilities, Services and Programs Policy outlines Council's approach to supporting sporting and recreation facilities within the Shire. The content of this policy is superseded by various agreements with committees of management and Council's project pipeline and community grants programs.

Funding Arts and Culture

The Funding Arts and Culture Policy established criteria for financial assistance for art and cultural projects. The content of this policy is superseded by Council's Community Grant Funding Program.

Disability Access and Inclusion

The content of the Disability Access and Inclusion Policy is captured in the Disability Action Plan 2011 which is a legislated requirement under the *Disability Act 2006*. The Disability Action Plan is programmed to be updated in 2019/20. As the matters addressed in this policy are governed by the *Disability Act 2006*, the policy is not necessary and has the potential to be inconsistent with the legislation and the action plan required by the Act.

Food Sampling Non-Compliance

The Food Sampling Non-Compliance Policy establishes a response action for the varying food sample non-compliance offences. As food sampling is governed by the *Food Act 1984* and regulations the content of this policy is not necessary and has the potential to be inconsistent with the legislation.



POLICY IMPLICATIONS

The policies have been reviewed in accordance with the *Local Government Act 1989*.

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

- A responsible and sustainable organisation.

CONSULTATION

The review and revocation of existing policies has been consulted with the relevant Council officer.

CONCLUSION

The review of these seven policies is complete and it is recommended that these policies now be revoked.

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
- Director Corporate
- Manager Asset Maintenance
- Manager Building and Amenity
- Manager Economic and Community Development
- Health, Safety and Risk Officer

ATTACHMENT(S)

- Nil



8.2.4 Instruments of Appointment and Authorisation - Planning and Environment Act 1987

File Number: Delegations register

INTRODUCTION

Instruments of appointment and authorisation are an important means of Council ensuring that its officers are appropriately authorised under the relevant Acts that Council administers. This report provides for a change in staffing for staff with planning responsibilities.

RECOMMENDATION

That Council exercise the powers conferred by section 224 of the Local Government Act 1989, and by section 147 of the Planning and Environment Act 1987, so that:

- 1. The following members of Council staff referred to in attachments 8.2.4 a)-(b) "S11A – Instruments of Appointment and Authorisation – Planning & Environment Act 1987" (the instruments) be appointed and authorised as set out in the instruments;
 - a. Planning Officer*
 - b. Planning Coordinator**
- 2. The instruments come into force immediately the common seal of Council is affixed to the instruments, and remain in force until Council determines to vary or revoke them;*
- 3. On the coming into force of the instruments the previous "S11A – Instrument of Appointment and Authorisation – Planning and Environment Act 1987" for the Senior Planning Officer signed on 1 May 2018 be revoked; and*
- 4. The instruments be signed and sealed at the appropriate stage of this meeting.*

BACKGROUND

Authorised Officers

Section 224(1) of the *Local Government Act 1989* (the Act) provides that "a Council may, appoint any person other than a Councillor to be an authorised officer for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of Council". Legislation other than the *Local Government Act 1989* also empowers a Council to delegate certain powers, duties or functions, and appoint authorised officers.

Authorised officers have statutory powers under relevant legislation. In the case of Council's staff in the Planning department, the attached Instruments of Appointment and Authorisation under the *Planning and Environment Act 1987* mean that they are authorised officers for the purposes of that Act.



While Council may delegate its powers, duties or functions to staff, so that a delegate acts on behalf of the Council, staff appointed as authorised officers have their own statutory powers under the relevant Act.

Planning and Environment Act 1987

Section 188(1)(b) of the *Planning and Environment Act 1987* specifies that “a planning authority ... may by instrument delegate any of its powers, discretions or functions under this Act to an officer of the authority”. However Section 188(2)(c) specifically prevents an officer from further sub-delegating any duty, function or power. Therefore, as the responsible authority, Council must authorise staff directly using the “S11A – Instrument of Appointment and Authorisation – *Planning and Environment Act 1987*”, rather than via the Chief Executive Officer.

Maddocks Delegations and Authorisations Service

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

ISSUES

Council staff involved in planning roles require current and accurate authorisations to fulfil their duties. A change in staffing means that the Instruments of Appointment and Authorisation (IoAA) must be updated, with new staff added, and staff no longer needing authorisation being revoked.

POLICY IMPLICATIONS

Ensuring authorisations are kept up to date ensures that Council's planning staff can undertake their statutory roles.

The report is consistent with the following Strategic Objective in the Council Plan 2017-2021:

- A well planned and safe community.

FINANCIAL AND RESOURCE IMPLICATIONS

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

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



CONSULTATION

The relevant staff and director have been consulted during the preparation of the IoAAs. There is no requirement to consult the community in the preparation of these instruments.

CONCLUSION

The appropriate appointment of authorised officers to enforce the *Planning and Environment Act 1987* is required to ensure that Council officers can undertake their statutory roles.

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
- Governance Officer

ATTACHMENT(S)

- 8.2.4 (a) S11A - Instrument of Appointment and Authorisation (*Planning & Environment Act 1987*) - Planning Officer
- 8.2.4 (b) S11A - Instrument of Appointment and Authorisation (*Planning & Environment Act 1987*) - Planning Coordinator



8.2.5 Appointment of Independent Audit Committee Members

File Number: 0900.06

INTRODUCTION

The Alpine Shire Council Audit Committee comprises councillor and independent members and 30 April 2019 saw the expiry of one independent member's three year term. Council has sought expressions of interest for membership to the Committee and this process is now complete. This report recommends the appointment of two independent members to Council's Audit Committee for a three year term.

RECOMMENDATION

That Council appoint Sinead Ryan and Craig Covich to the Audit Committee for a term of three years commencing from 2 July 2019 pending satisfactory completion of pre-appointment paperwork.

BACKGROUND

The Audit Committee Charter requires a minimum of five members:

- Two councillors nominated by Council; and
- Three or more independent persons appointed by Council.

The Audit Committee currently consists of six members: two councillors and four independent members. The independent members are appointed for a three year term with the term expiry preferably being staggered to provide a level of continuity and stability.

The three year term of independent member Sinead Ryan, expired 30 April 2019. This does not technically result in an independent member vacancy as Council appointed three independent members in April 2018 which meets the minimum requirement for independent members as specified in the Charter. However in the interests of achieving a staggered membership expiry and to assist in achieving each a quorum at each meeting it is preferable to have more than the minimum three independent members.

The recruitment process for additional independent members has now been completed.



ISSUES

Expression of Interest

Council issued an expression of interest in May 2019 seeking respondents that could demonstrate:

1. Experience in any number of industry sectors, including Local Government, State Government or the Not for Profit Sector.
2. Tertiary qualification/s from a finance, business, or related field.
3. Through experience, their capacity to provide specialist knowledge in one or more of the following areas:
 - Accounting and Finance;
 - Audit;
 - Risk;
 - Governance;
 - Compliance.
4. Previous experience on a committee or board.

The expression of interest was advertised in the local paper, on Council's website and sent to FinPro and LGPro for circulation amongst their networks. There were several enquiries, and nine applications.

Selection Process

The applications were reviewed by the Director Corporate and Manager Corporate who then undertook preliminary interviews with four applicants before three applicants were shortlisted and interviewed by the Mayor, Chief Executive Officer and Director Corporate.

The applicants were assessed against the listed selection criteria and consideration was also given to their industry experience and previous experience on a board or audit committee.

Selected candidates

The selection panel agreed to the appointment of two members, one returning member and one new member:

Sinead Ryan: originally appointed to the Audit Committee in April 2016, Sinead holds a qualification in Management Science and Industrial System Studies and has over 20 years' experience in both consulting and senior general management roles leading businesses through challenging and transformational periods. Sinead is currently CEO of Junior Adventures Group.

Craig Covich: has qualifications in Law, Engineering, Science and Management and has over 15 years' experience in Local Government as well as private consultancy experience. Craig has a proven track record in corporate risk management and probity particularly in the areas of Asset Management and Procurement. Craig is currently the Director Environment and Planning at Mosman Municipal Council.



Pre-appointment Documentation

Pre-appointment documentation is currently being prepared for the new members including a formal letter of offer, police check, confidentiality agreement and conflict of interest declaration. Appointment by Council would be subject to the satisfactory completion and return of all documents prior to commencement and attendance at the next meeting of the Audit Committee scheduled for 26 July 2019.

Term of Appointment

The Audit Committee Charter provides for the appointment of independent members for a three year term. It is proposed to appoint the recommended applicants for the three year period commencing 2 July 2019 and expiring 30 June 2022.

POLICY IMPLICATIONS

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

Independent Audit Committee members receive a set fee for each meeting attended in accordance with the Audit Committee Charter. This fee is currently \$200 per meeting for independent members and \$400 per meeting for the Chair.

CONCLUSION

A rigorous recruitment process was undertaken for independent Audit Committee members and the calibre of the two applicants selected is outstanding. It is recommended that Council appoint Sinead Ryan and Craig Covich to the Audit Committee for a three year term.

DECLARATION OF CONFLICT OF INTEREST

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

- Chief Executive Officer
- Director Corporate
- Manager Corporate
- Health, Safety and Risk Officer

ATTACHMENT(S)

- Nil



8.2.6 Omnibus Planning Scheme Amendment C60

File Number: 1468.60

INTRODUCTION

The purpose of this report is to:

1. Propose that Council prepare an amendment to the Alpine Planning Scheme to correct various errors, omissions and anomalies.
2. Recommend that Council seek formal authorisation from the Minister for Planning to prepare an Amendment C60, and when authorised, exhibit the amendment.

RECOMMENDATION

That Council:

1. *Request under Section 8A (2) and (3) of the Planning and Environment Act 1987 that the Minister for Planning authorise Alpine Shire Council to prepare Amendment C60 to the Alpine Planning Scheme;*
2. *Notify the Minister for Planning that when it exhibits Amendment C60, Alpine Shire Council intends to give full notification of the amendment under Section 19 of the Planning and Environment Act 1987 for the minimum statutory exhibition period of one month; and*
3. *When authorised by the Minister for Planning exhibit Amendment C60 to the Alpine Planning Scheme under Section 19 of the Planning and Environment Act 1987.*

BACKGROUND

It has come to the attention of Council officers that there a number of errors in the planning scheme that warrant correction because of the negative impact that they are having, or could have, on development and land use.

There are three main areas are impacted on by the proposal:

- Instances of freehold land being included in Public Land Zones, in particular the Bright Golf Course is within a Public Park and Recreation Zone (PPRZ) and it is only by virtue of its long term use as a golf course that it can be granted planning permission under existing use rights.
- An instance of a National Trust listed tree (a Himalayan Oak in the Bright Cemetery) being unintentionally omitted from protection under the Heritage Overlay.
- Errors in the ordinance provisions in the Mount Beauty aerodrome Special Use Zone (SUZ5), which:
 - unintentionally imposes a blanket building height limit of 6m to all buildings;
 - imposes requirements that are unnecessary on applicants;



- introduces requirements that are unclear as to intent; and
- omits important information regarding the *Aircraft Obstacle Limitation Surface Layer* that governs the safe limit to which structures and other obstacles can be safely established.

ISSUES

The errors that have been identified are having an unnecessary and unforeseen impact on land use and development potential and add an unnecessary risk to a heritage asset.

POLICY IMPLICATIONS

The proposal improves the delivery of planning policy through the planning scheme.

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

- A well planned and safe community.

FINANCIAL AND RESOURCE IMPLICATIONS

Administration of these changes will be undertaken in house with associated costs contained within the Strategic Planning operational budget.

CONSULTATION

Informal consultation has taken place with officers of Department of Environment, Land, Water and Planning and stakeholders.

CONCLUSION

It is considered appropriate that Council prepare an amendment to correct various errors, omissions and anomalies in the planning scheme as detailed in attachments.

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
- Strategic Planner

ATTACHMENT(S)

- 8.2.6(a) Evaluation of identified errors for the Mount Beauty Aerodrome SUZ5
- 8.2.6(b) Aerial photograph identifying Himalayan Oak in Bright Cemetery
- 8.2.6(c) Current zoning plan of the Bright Golf Course



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 May / June 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
28 May	Briefing Session
4 June	Briefing Session
18 June	Briefing Session

ATTACHMENT(S)

- 9.0 Assemblies of Councillors – May / June 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. *Section 173 Agreement – Heavener Investments Pty Ltd Lot 13 on Plan of Subdivision 79690, Volume 8742 Folio 392. Condition 14 of Planning Permit 2018.98.1 for Construction of Four Dwellings at 4 Butler Court, Bright. The Agreement ensures that no development or use is permitted above garage roof area of approved unit 4.*
2. *Section 173 Agreement – Darryl Keith Farmer and Nicole Farmer, 62 Dunstan Track, Bright
Crown Allotment 9A Section Q, Parish of Bright, Volume 6382 Folio 364
Crown Allotment 8 Section Q, Parish of Bright, Volume 6504 Folio 647
Crown Allotment 8B Section Q, Parish of Bright, Volume 8504 Folio 203
Crown Allotment 9B and 9C Section Q, Parish of Bright, Volume 9481 Folio 492
Condition 7 of planning permit 2017.151 for a re-subdivision of five lots in accordance with the endorsed plans. The Agreement ensures the land will not be further subdivided to increase the number of lots.*
3. *Section 173 Agreement – Goulburn Murray Rural Water Corporation and Christopher Leigh Winfield and Sylvia Cerven
Lot 7 on Plan of Subdivision 534237. Volume 11466 Folio 472
Condition 17 of Planning Permit 2018.124.1 for the Construction of One New Dwelling at 12 Camping Park Road, Harrietville. The Agreement states that the dwelling must contain a maximum of three (3) bedrooms and if a community effluent disposal system or reticulated sewerage system becomes available, all wastewater from the dwelling must be disposed of via this system.*
4. *Contract CQ18078 in favour of Hutchinson Civil Pty Ltd for Ranch Road Drainage Upgrade, in Tawonga.*
5. *S11A - Instrument of Appointment and Authorisation (Planning & Environment Act 1987) - Planning Officer.*
6. *S11A - Instrument of Appointment and Authorisation (Planning & Environment Act 1987) - Planning Coordinator.*



7. Section 173 Agreement – Kevin Alan Hancock and Tatjana Filicin

Lot 5 on Lodged Plan 205621Q. Volume 9752 Folio 845.

Condition 19 of Planning Permit 2018.193.1 for Realignment of a Boundary at 6 James Close, Bright. The Agreement is prepared to the purpose of exemption from a planning permit; and bushfire protection measures must be implemented if a dwelling is constructed on the land without a planning permit.

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

.....

Chairperson