



# Alpine Shire

**ORDINARY COUNCIL MEETING**

**MINUTES**

**M2 – 3 March 2020**

**Auditorium @ Mount Beauty Visitor Information Centre**

**7:00pm**



The **Ordinary Meeting** of the **Alpine Shire Council** was held in the Auditorium @ Mount Beauty Visitor Information Centre, Kiewa Valley Highway, Mount Beauty on **3 March 2020** and commenced at **7:00pm**.

## **PRESENT**

### **COUNCILLORS**

Cr Peter Roper - Mayor

Cr Sarah Nicholas - Deputy Mayor

Cr John Forsyth – Councillor

Cr Kitty Knappstein - Councillor

Cr Daryl Pearce - Councillor

### **OFFICERS**

Mr Charlie Bird - Chief Executive Officer

Ms Nathalie Cooke - Director Corporate

Mr William Jeremy - Director Assets

### **APOLOGY**

Cr Ron Janas - Councillor



## AGENDA

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## **1 RECORDING OF COUNCIL MEETINGS**

*The CEO read the following statement:*

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

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

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

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

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

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

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

*The CEO read the following statement:*

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

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

## **3 CONFIRMATION OF MINUTES**

### **3.1 ORDINARY COUNCIL MEETING – M1**

*Cr Forsyth*

*Cr Pearce*

*That the minutes of Ordinary Council Meeting M1 held on 4 February 2020 as circulated be confirmed.*

*Carried*

## **4 APOLOGIES**

Cr Janas

## **5 OBITUARIES / CONGRATULATIONS**

Refer to Alpine Shire Council's website [www.alpineshire.vic.gov.au](http://www.alpineshire.vic.gov.au); for its YouTube recording for obituaries and congratulations.



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

Nil

## **7 PUBLIC QUESTIONS**

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

Questions on Notice can be written or from the floor.

Refer to Alpine Shire Council's website [www.alpineshire.vic.gov.au](http://www.alpineshire.vic.gov.au); for its YouTube 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**

*Cr Nicholas*

*Cr Pearce*

*That the Contracts approved by the CEO be noted.*

*Carried*

Contract No:	CQ19047	Process:	Request for Quotation
Title:	Cartage of crushed rock for annual gravel re-sheeting program		
Tenderer:	GW & BR Cramer Pty Ltd		
\$ (excl. GST):	\$32,945.00		
Tenderer:	McPhersons Earthmoving Contractors Pty Ltd		
\$ (excl. GST):	\$15,675.00		
Tenderer:	North East Civil Construction Pty Ltd		
\$ (excl. GST):	\$48,618.00		



## 8.2 DIRECTOR ASSETS – WILLIAM JEREMY

### 8.2.1 Project Management and Design Services for Alpine Better Places Harrietville and Tawonga

File Number: CT19098

#### INTRODUCTION

This report relates to the award of a contract for the project management and preparation of detailed concept designs for the Harrietville and Tawonga townships.

*Cr Keeble*

*Cr Nicholas*

***That Council awards Contract No. 1909801 for "Project Management and Design Services for Alpine Better Places Harrietville and Tawonga" to MDG Landscape Architects Pty Ltd for the lump sum price of \$147,700 + GST.***

*Carried*

#### BACKGROUND

The Harrietville and Tawonga communities are both seeking revitalisation of their townships. Both towns are dominated by major arterial roads which carry travellers through the towns, rather than to the towns. Both towns have evolved over time in an ad-hoc way, with little or no spatial master planning to tie all the key features of the towns together. Public spaces are generally poorly defined and identified, and pedestrian connections between key nodes and facilities are inadequate. Both towns also suffer from a poor sense of town centre and destination.

Both communities seek for their towns:

- Improved streetscapes, including wayfinding signage, paths, tracks or trails to better connect the town's assets and facilities, integrated landscape treatments and improved parking options.
- Improved open space reserves, including upgraded and/or additional facilities and amenities.

Council previously prepared detailed concept designs for Myrtleford, Porepunkah, and Bright under the Alpine Better Places project. These detailed concept designs supported successful funding applications for the implementation of streetscape and open space upgrades in Myrtleford, Porepunkah and Bright.

The Tender was advertised in the Herald Sun on 8 January 2020, on Tenders.net and Alpine Shire Council's website.

The Tender documents were downloaded by 44 prospective tenderers and 11 responses were received by the closing date.



## **EVALUATION**

The evaluation panel consisted of the Manager Asset Development and the Director Assets. The tenders were evaluated according to the key selection criteria listed in the Invitation to Tender:

- Price
- Qualifications and Previous Performance
- Delivery
- Social
- Environmental

Reference checks were undertaken on shortlisted tenderers and these tenderers were also asked to clarify aspects of their tender submission.

Through this evaluation process it was determined that the tender from MDG Landscape Architects best met the selection criteria.

## **ISSUES**

The tender was originally advertised to close on 16 January 2020 to allow time for award at the February Council meeting. As a result of the bushfires in early January, the tender close date was extended, which has pushed out the recommendation to award by one month. The delay in award of the contract will mean that this project will not be able to be completed during the current financial year, and a portion of the project will need to be carried forward for completion early in the 2020/21 financial year.

## **POLICY IMPLICATIONS**

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**

There is enough allocation within the project budget to deliver the Project Management and Design Services for Alpine Better Places Harrietteville and Tawonga through award of this Contract.

## **CONSULTATION**

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

## **CONCLUSION**

Following a comprehensive assessment, the tender from MDG Landscape Architects 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

**ATTACHMENT(S)**

Nil



## 8.2.2 Sealing of Unsealed Roads Policy

File Number: Policy Register

### INTRODUCTION

The purpose of this report is to present to Council the 2020 review of the Alpine Shire Council Sealing of Gravel Roads Policy No.38 and seek Council's adoption of the revised and renamed policy, Alpine Shire Council Sealing of Unsealed Roads Policy No.38, Version 3.0.

***Cr Keeble***

***Cr Nicholas***

***That Council:***

- 1. Revoke Alpine Shire Council Sealing of Gravel Roads Policy No. 38, Version 2.0, 4 April 2006.***
- 2. Revoke Alpine Shire Council Road Dust Suppression Policy No. 81, Version 1.0, 1 June 2010***
- 3. Adopt Alpine Shire Council Sealing of Unsealed Roads Policy No. 38, Version 3.0.***
- 4. Sign and seal Alpine Shire Council Sealing of Unsealed Roads Policy No. 38, Version 3.0.***

***Carried***

### BACKGROUND

The Sealing of Gravel Roads Policy and Road Dust Suppression Policy have been reviewed as part of a holistic policy review.

### ISSUES

Council has limited funds to spend on upgrading its road network, and it relies on external grant funding opportunities to enable planned road upgrade projects to be delivered. It is many years since Council last sealed an unsealed road. In the current financial year, Council has been able to seal several unsealed roads across the Shire following the grant of funding under Round 2 of the Fixing Country Roads program. No further rounds of Fixing Country Roads funding have been announced.

Council regularly receives requests from members of the public to seal unsealed roads, primarily driven by concerns relating to nuisance dust and safety. Council's current Sealing of Gravel Roads Policy is an internal policy which provides guidance to staff when assessing these requests. As there is no public-facing policy in place, the transparency of this assessment process to members of the public is poor. A key change in presenting the Sealing of Unsealed Roads Policy Version 3.0 to Council for adoption is that this policy is now presented as an external policy with the intention that this policy is shared with members of the public who present requests for sealing of unsealed roads.



The Sealing of Unsealed Roads Policy outlines the process to be followed for establishing whether the traffic volumes meet the minimum threshold for a road to be considered for sealing, and where traffic volumes are demonstrated to exceed this minimum threshold, it outlines the process to establish the priority of this sealing project relative to other projects in Council's project pipeline. Irrespective of its place on the project pipeline, delivery of a road sealing project will always be subject to availability of funding and the support of Council through the annual capital works budgeting process.

The Road Dust Suppression Policy No. 81 was also reviewed and requires revocation. There existed a significant overlap between the Sealing of Gravel Roads Policy and the Road Dust Suppression Policy, given that sealing of an unsealed road is the most effective means of dust suppression. On this basis, the relevant content from the Road Dust Suppression Policy has been incorporated into the Sealing of Unsealed Roads Policy.

### **POLICY IMPLICATIONS**

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

- Infrastructure and open space that our community is proud of

### **FINANCIAL AND RESOURCE IMPLICATIONS**

Council has limited funds to spend on upgrading its road network, and it relies on external grant funding opportunities to enable planned road upgrade projects to be delivered. Road sealing projects will always be subject to availability of funding and the support of Council through the annual capital works budgeting process.

### **CONSULTATION**

The current policy was developed through consultation with adjacent councils and has been reviewed by key members of Council's Asset Development and Asset Maintenance teams who hold responsibility for assessing road sealing requests and delivering road sealing projects.

### **CONCLUSION**

The review of the Sealing of Gravel Roads Policy is now complete. The revised policy outlines the process to be followed when assessing road sealing requests, and for roads where traffic volumes exceed the minimum threshold to be considered for sealing, to establish the relative priority compared to other projects in the project pipeline. The revised policy is an external policy accessible by members of the public and incorporates the relevant content from the Road Dust Suppression Policy No.81, recommended for revocation.



**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 Maintenance

**ATTACHMENT(S)**

8.2.2 Alpine Shire Council Sealing of Unsealed Roads Policy No. 38, Version 3.0



### **8.3 DIRECTOR CORPORATE – NATHALIE COOKE**

#### **8.3.1 Quarterly Report – Council Plan 2017-2021**

File Number: SU600.03

##### **INTRODUCTION**

This report provides the second quarterly report for 2019/20 against the Alpine Shire Council Plan 2017-2021

*Cr Keeble*

*Cr Forsyth*

***That the Alpine Shire Council Plan Quarterly Report ending 31 December 2019 be received and noted.***

***Carried***

##### **BACKGROUND**

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

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

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

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

##### **HIGHLIGHTS**

Highlights are shown for October - December 2019. The bushfires that affected a large part of the Alpine Shire during January 2020 will be reported as part of Q3 reporting, which is due to be presented to Council in May.

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

- Training opportunities occurred across the organisation, including mandatory Bystander training for all staff as part of the Gender Equity program.

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

- The Business Systems Transformation project is a joint project with Indigo Shire Council and Towong Shire Council. The contract for the preferred systems vendor



was awarded by all three Councils in December, allowing implementation to commence.

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

- The Victoria Bridge on Lewis Avenue in Myrtleford has been upgraded to enable a load limit increase from 25 tonnes to 50 tonnes, enabling use by heavy vehicles when the Standish Street crossing is closed by floodwaters.
- Contracts were awarded for the Buckland Bridge and Pebble Beach footpath projects, with implementation due to commence in Q3. Other projects were placed out to tender including: Alpine Better Places - Harrietville; Alpine Better Places - Tawonga; and the Mount Beauty Skate Park upgrade.

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

- Maintenance programs continue across the Shire, and summer fire season preparation and response occurred.

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

- Contracts were awarded for the Libraries RFID project, and the e-waste project. Implementation is due to commence in Q3.

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

- The Better Approvals project has designed an improved process for small business customers to navigate the permit approvals process through Council, shortening the time required to obtain permits through planning, local laws, events and customer service areas.

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

- Successful events including the Dinner Plain Mountain Bike trail launch, Rod Run and Spartan were held during Q2.
- Council provided its emergency response / relief and recovery roles during Q2, responding to Kiewa Valley fires.

## **POLICY IMPLICATIONS**

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

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

- A high performing organisation

## **FINANCIAL AND RESOURCE IMPLICATIONS**

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



### **CONSULTATION**

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

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

### **CONCLUSION**

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

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

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

- Director
- Managers
- Governance Officer

### **ATTACHMENT(S)**

8.3.1 Alpine Shire Council Quarterly Report - ending 31 December 2019



### 8.3.2 Public Memorials Policy

File Number: Policy Register

#### INTRODUCTION

Council is in the process of undertaking a holistic review of its policies. A review of Policy No.57, Place, Road and Memorial Naming has been completed and as a result a new Public Memorials Policy has been developed.

The purpose of this report is to seek Council's revocation of its Place, Road and Memorial Naming Policy No.57, Version 1.0, 13 December 2005 and adoption of a new Public Memorials Policy No.113, version 1.0.

***Cr Nicholas***

***Cr Knapstein***

***That Council:***

- 1. Revoke Alpine Shire Council Place, Road, Memorial Naming Policy No.57, Version 1.0, 13 December 2005.***
- 2. Adopt Alpine Shire Council Public Memorials Policy No.113, Version 1.0.***
- 3. Sign and seal Alpine Shire Council Public Memorials Policy No.113, Version 1.0.***

***Carried***

#### BACKGROUND

Council's Place, Road and Memorial Naming Policy No.57 was adopted in December 2005. Place and Road naming are now comprehensively addressed within legislation and guidelines, being the *Naming rules for places in Victoria. Statutory requirement for naming roads, features and localities 2016* that are established under the *Geographic Place Names Act 1998*. As such, no Council policy is required for these matters. Memorialisation via road or place naming remains an appropriate option in some instances, the process for memorialisation in this way is via a request to Council's Building and Amenity Department, who will refer the request to the Council's Place Naming Committee.

The proposed Public Memorials Policy only addresses requests for memorialisation via memorial plaque.

Council typically receives less than ten of these types of requests each year. Other potential types of Council memorialisation, i.e. through the erection of a statue or other feature, may still be considered should there be significant community support for such, this is outside of the scope of the policy and would be considered on a case by case basis by Council.

The Place, Road and Memorial Naming Policy No.57 was originally reviewed in early 2018, with a revised policy put out for public consultation. The key change for this policy was that memorialisation would only occur through the naming of a place or



road, under the relevant guideline. No submissions were received on this draft revised policy, but it was not progressed for adoption.

A further review of the policy has now been undertaken and a draft of the proposed Public Memorials Policy was exhibited for public comment in late 2019.

## **ISSUES**

The key aspects of the proposed Public memorials Policy are as follows:

- Memorials are to consist of a plaque on existing Council seats.
- Other requests for memorials (e.g. stones, statues) are not considered under this policy.
- Applications must be made by registered associations, not individuals / families. In effect, an individual or family must gain the support of a community organisation who would make the application on their behalf. This ensures that there is a level of accountability and support for the memorial in the wider community.
- Public consultation and ratification by Council on memorial requests is not required.
- Approval of plaques is delegated to the Manager Building and Amenity, in consultation with the Manager Asset Maintenance.
- Plaques are returned to the family or disposed of after ten years, or when the seat is no longer required. This is intended to prevent the cumulative build-up of plaques in public places around the Shire. If a plaque is still deemed to be required after ten years, a registered association (e.g. community group) may apply to retain the plaque for a further ten-year period.
- Maintenance of the plaque is to be the responsibility of the relevant family or registered association, not Council.

Importantly, the proposed policy notes that there are several ways people can be memorialised, which may be more appropriate and may provide a more lasting legacy to a person's life. These include the creation of a scholarship or bursary, donation to a charitable organisation, creation of an online history or app, or planting a tree. Many of these options can be undertaken privately and do not require any consideration by Council.

## **POLICY IMPLICATIONS**

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 proposed Public Memorials Policy is expected to result in a more streamlined and efficient approval process for memorials, with less officer time required and no decision required by Council. An administrative fee will be proposed as part of the 2020-21 Council Budget to account for a portion of officer time taken in assessing and installing plaques.

### **CONSULTATION**

The proposed Public Memorials Policy was exhibited for public comment from 11 December 2019 to 26 January 2020. One submission was received, which has resulted in improvements to the wording of the draft policy, clarification on existing plaques and other minor updates.

### **CONCLUSION**

The proposed Alpine Shire Council Public Memorials Policy No.113 will provide the community with a clear, transparent process to memorialise members of our community.

### **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)**

8.3.2 Alpine Shire Council Public Memorials Policy No.113, Version 1.0



### 8.3.3 Permit and registration fee relief for Alpine Shire residents and businesses

File Number: SU535.35

#### **INTRODUCTION**

The purpose of this report is to recommend that Council approves fee relief for residents and businesses in the Shire during the current 2019/20 financial year as a result of receiving funding for this purpose from the Victorian Government.

Alpine Shire Council has received funding from the Victorian Government's Council Assistance Fund. These funds have been made available to the six local government areas in the declared State of Disaster area, and the intention of the funding is to assist people who have damaged or destroyed property as well as businesses that have been indirectly affected by the recent fires.

***Cr Forsyth***  
***Cr Nicholas***

***That Council:***

- 1. Adopt a fee of zero dollars (\$0.00) for registrations and permit applications under the Food Act 1984, Public Health and Wellbeing Act 2008, Residential Tenancies Act 1997 and Community Local Law 2019, in the 2019/20 financial year;***
- 2. Approve a refund of any fees already paid under the Food Act 1984, Public Health and Wellbeing Act 2008, Residential Tenancies Act 1997 and Community Local Law 2019, in the 2019/20 financial year;***
- 3. Approve the payment of building and planning fees by Council on behalf of the applicants, under the Building Act 1993 and Planning and Environment Act 1989 for rebuilding only those assets directly impacted by the January 2020 bushfires, for applications made prior to 30 June 2021; and***
- 4. Note the fee relief will be funded from the Victorian Government's Council Assistance Fund.***

***Carried***

#### **BACKGROUND**

Council adopts fees for a range of regulatory functions each year as part of the annual budget process. This includes registration fees for food premises, caravan parks, health and beauty businesses as well as footpath advertising, trading and dining permits. In addition, Council charges fees for planning and building permit applications.

These fees are generally either set by legislation or are benchmarked against other councils. Fees levied for registrations / permits under the *Food Act 1984, Public Health and Wellbeing Act 2008, Residential Tenancies Act 1997* and *Community Local Law 2019* for the 2019/20 financial year fees are detailed in Attachment 8.3.3. All these categories of fees are exempt from GST.



The impacts of the recent fires have been widespread in the Alpine Shire. One quarter of the Shire has been burnt and much of fire-affected, including 1,500 ha of softwood plantations directly impacted and the 2020 wine vintage has been lost due to smoke damage. The loss of tourism income for businesses and families for the January is estimated to be \$90m, which has had a significant flow on effect for non-tourism related business in the Shire.

Alpine Shire Council has received funding from the Victorian Government's Council Assistance Fund to allow Council to waive or refund fees paid by businesses under the *Food Act 1984*, *Public Health and Wellbeing Act 2008*, *Residential Tenancies Act 1997* and the *Community Local Law 2019*, as well as building and planning permit fees for any assets directly impacted by the bushfires.

## ISSUES

### Estimated value of fee relief

The proposed fee relief includes the following components, based on the current number of registered premises, permits issued and the actual and estimated fees levied:

<i>Food Act 1984</i> registrations	\$91,090
<i>Public Health and Wellbeing Act 2008</i> registrations	\$12,452
<i>Residential Tenancies Act 1997</i> registrations	\$23,118
<i>Community Local Law 2019</i> business permits (including those due in January 2020 but yet to be paid, estimated at \$5,000)	\$12,985
<i>Planning and Environment Act 1987</i> fees for directly impacted assets: up to	\$20,000
<i>Building Act 1993</i> fees for directly impacted assets: up to	\$20,000
<b>Total:</b>	<b>\$179,645</b>

It is noted that there may be additional premises that will register over the course of the year. As such, the total amount of fees for the current financial year is likely to be higher than the amounts listed above.

### New applications

Businesses would still be required to obtain permits / registration as per the normal requirements; however, no fees would be payable under the *Food Act 1984*, *Public Health and Wellbeing Act 2008*, *Residential Tenancies Act 1997* and the *Community Local Law 2019*.

Planning and building permit fees are payable upon application under the *Planning and Environment Act 1987* and the *Building Act 1993* respectively.

The *Planning and Environment (Fees) Regulations 2016* at section 20 gives Council as the responsible Authority under the *Planning and Environment Act 1987* the power to waive fees. In waiving a fee under the regulations Council must document in writing the basis for its decision to waive the fee.



Schedule 2 of the *Building Act 1993* requires an application to be accompanied by the appropriate fees and there is no provision to waive prescribed fees. The Act also requires the applicant to pay a building permit levy which Council collects on behalf of the Victorian Building Authority. It is proposed that the required building permit application fee and building permit levy for applications for directly impacted assets be paid by Council from the Victorian Government's Council Assistance Fund.

It is proposed that the waiving and subsidy of fees under the *Planning and Environment Act 1987* and the *Building Act 1993* sunset on 30 June 2021.

### **Refund of fees already paid**

Permits and registration fees already paid under the *Food Act 1984*, *Public Health and Wellbeing Act 2008*, *Residential Tenancies Act 1997* and the *Community Local Law 2019* would be refunded.

Fees for registration under the *Food Act 1984*, *Residential Tenancies Act 1997* and *Public Health and Wellbeing Act 2008* are levied by calendar year, so the refunded registration fees would be for the 2020 calendar year.

Local laws permits are renewed every financial year, so the refunded permit fees would apply to the 2019/20 financial year.

It is recommended that refunds are issued by cheque. Council has records of all businesses that have paid fees, and cheques could be raised and sent to the businesses. This would be a relatively straight forward process, as Council has all the information required to undertake this task, and this would not require any additional action on the part of businesses. It is anticipated that fees could be refunded within approximately one month following approval by Council.

### **POLICY IMPLICATIONS**

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

- A well planned and safe community
- A thriving and connected community

### **FINANCIAL AND RESOURCE IMPLICATIONS**

The costs of the proposed fee relief will be completely offset by funding from the Victorian Government's Council Assistance Fund.

The proposed fee relief will require an administrative staff member approximately one week, with input from Accounts and Environmental Health. The key tasks will be identifying businesses that have paid, raising cheques and mailing them to the registered business addresses.

### **CONSULTATION**

The following Council officers have been consulted in the preparation of this report:

- Manager Building and Amenity
- Accountant



## **CONCLUSION**

Alpine Shire Council has received funding from the Victorian Government's Council Assistance Fund through Bushfire Recovery Victoria. This includes funding to allow Council to waive fees to assist people who have damaged or destroyed property as well as businesses that have been indirectly affected by the recent fires.

## **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 Summary of registration and permit costs for 2019/20



### 8.3.4 Rate relief – January 2020 Bushfires

File Number: SU535.35 and SU950

#### **INTRODUCTION**

The purpose of this report is to recommend that Council approves rate relief for properties burnt and businesses affected by bushfires in the Shire during the current 2019/20 financial year.

Alpine Shire Council has received funding from the Victorian Government's Council Assistance Fund. These funds have been made available to the six local government areas in the declared State of Disaster area, and the intention of the funding is to assist people who have damaged or destroyed property as well as businesses that have been indirectly affected by the recent fires. This includes funding to allow Council to waive part of the 2019/20 rates raised in accordance with the *Local Government Act 1989*.

***Cr Nicholas***

***Cr Keeble***

***That Council:***

- 1. Note the objective of providing rate relief in the 2019/20 financial year is to reduce financial hardship caused by loss of property or of business income due to the January 2020 bushfires.***
- 2. In accordance with s171(1)(b) of the Local Government Act 1989 provide the following rate relief:***
  - a. One quarter of the rates as levied for the 2019/20 financial year be waived without application in the 2019/20 financial year for properties covered by the following:***
    - i. Commercial / Industrial Differential Rate policy – non-vacant;***
    - ii. Dinner Plain Special Rate;***
    - iii. Farming Differential Rate policy - non-vacant (only for commercial wineries / vineyards).***
  - b. The rates as levied for the 2019/20 financial year be waived without application in the 2019/20 financial year for other properties not defined in (2)(a) above that have been directly impacted (burnt); and***
- 3. In accordance with s171A(1) of the Local Government Act 1989, acknowledge that other businesses impacted by the January 2020 bushfire not defined in (2)(a) above may be eligible to apply for a waiver of one quarter of the rates as levied for the 2019/20 financial year. Council may require applicants to provide or verify further particulars.***

***Carried***



## **BACKGROUND**

The impacts of the recent fires have been widespread in the Alpine Shire:

- Many people were evacuated from their homes – many people more than once
- Approximately a quarter of the Shire has been burnt
- Loss of tourism income for businesses and families is estimated to be \$90m
- Approximately 1,500 ha of softwood plantations have been burnt
- The 2020 wine vintage has been written off by smoke damage
- One home and many farm assets have been destroyed.

The Victorian Government has made funds available for the Alpine Shire and Council needs to determine how they can be allocated. The intention is to assist people who have damaged or destroyed property as well as businesses that have been indirectly affect by the recent fires. This includes funding to allow Council to waive part of the 2019/20 rates raised in accordance with the *Local Government Act 1989*.

## **ISSUES**

The *Local Government Act 1989* allows Council to provide rate relief through the following sections:

### **Section 171 Waiver**

- (1) *The Council may waive the whole or part of any rate or charge or interest in relation to —*
  - (a) *an eligible recipient under subsection (4); or*
  - (b) *any other class of persons determined by the Council for the purpose of waiving rates or charges on the grounds of financial hardship.*
- (2) *A resolution of the Council for the purposes of subsection (1)(b) must include the objectives to be achieved by the waiver.*

### **Section 171A Waiver by application—financial hardship**

- (1) *A person who —*
  - (a) *is suffering financial hardship; or*
  - (b) *would suffer financial hardship if that person paid the full amount of a rate or charge for which he or she is liable —*

*may apply to a Council for the waiver of the whole or part of any rate or charge or of any interest imposed for late payment.*
- (2) *The Council may require the applicant —*
  - (a) *to give further particulars; or*
  - (b) *to verify particulars —*

*in relation to the application.*



Under sections 171(A)1, 171(A)2, and 171(A)3 of the *Local Government Act 1989*, and Council's instrument of delegation the Director Corporate and Manager Corporate are delegated the authority to receive an application for waiver, the power to require verification or information and the power to waive the rate as long as this is in accordance with a resolution of Council.

### **POLICY IMPLICATIONS**

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

- A responsible and sustainable organisation

### **FINANCIAL AND RESOURCE IMPLICATIONS**

The cost of the proposed rate relief is estimated to be \$1,020,000 and will be offset by funding from the Victorian Government's Council Assistance Fund. The amount to be waived is an estimate, Council may seek further funding if discrepancy to actual is material.

The table below details the category of property eligible for rate waiver, or eligible to apply for a rate waiver.

<b>Category</b>	<b>Details</b>	<b>Application Required Yes / No</b>
Properties directly impacted by bushfire.	<ul style="list-style-type: none"><li>• Waive 2019/20 rates.</li></ul>	No
Businesses indirectly impacted by bushfire.	<ul style="list-style-type: none"><li>• Waive a quarter of the 2019/20 rates for all commercial and industrial rated properties, properties covered by the Dinner Plain special rate, commercial vineyards/wineries, as struck at the beginning of the rateable year.</li><li>• Eligible businesses have been identified in Councils rating system.</li></ul>	No
Other indirectly impacted businesses.	<ul style="list-style-type: none"><li>• Waive a quarter of the 2019/20 rates for other impacted businesses that may not been identified in Council's rating system.</li><li>• These businesses will be required to apply and demonstrate eligibility. Final day for submission of applications will be 30 April 2020, with no extensions to be applied.</li></ul>	Yes

Administration of the waivers in Council's systems will be time consuming and Council will allocate internal resourcing to manage this process.



### **CONSULTATION**

It is proposed to write to those ratepayers deemed eligible to advise them what their credit (waiver) amount will be. Refund cheques can be issued upon request if the account has already been paid in full.

For those businesses who believe they may be eligible to apply for consideration, applications will be processed on their merit via an application form and supporting documentation and if approved a credit or refund (again if requested) will be issued.

### **CONCLUSION**

Alpine Shire Council has received funding from the Victorian Government's Council Assistance Fund through Bushfire Recovery Victoria. This includes funding to allow Council to waive part of the 2019/20 rates raised in accordance with the *Local Government Act 1989*. Waiving rates or part thereof will assist people who have damaged or destroyed property as well as businesses that have been indirectly affected by the recent fires.

### **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
- Rates Officer
- Governance Officer

### **ATTACHMENT(S)**

Nil



### 8.3.5 Planning Application 5.2019.152.1 Buildings and Works associated with Aquaculture

<b>Application number:</b>	5.2019.152.1
<b>Proposal:</b>	Buildings and Works (Development of Agricultural Sea Containers and Greenhouse) associated with an Aquaculture (Aquaponics) Use
<b>Applicant's name:</b>	Mrs Yvonne Kennewell
<b>Owner's name:</b>	Mrs Yvonne Kennewell
<b>Address:</b>	Lot 1 on PS 316685C – Buffalo River Road, Buffalo River
<b>Land size:</b>	3,732m <sup>2</sup>
<b>Current use and development:</b>	Vacant site with concrete slabs
<b>Site features:</b>	The site is an irregular shape, with direct road frontage to Buffalo River Road. There is vegetation on the site visible from Buffalo River Road. The site is predominantly vacant with a concrete pad sited in the western area of the site.
<b>Why is a permit required?</b>	Pursuant to clauses 35.07-4 (Buildings and Works within the Farming Zone); and 44.04-2 (Buildings and Works within the Land Subject to Inundation Overlay) under the Alpine Shire Planning Scheme
<b>Zoning:</b>	Farming Zone (FZ)
<b>Overlays:</b>	Land Subject to Inundation Overlay (LSIO)
<b>Restrictive covenants on the title?</b>	Nil
<b>Date received:</b>	16 December 2019 (amended plans)
<b>Statutory days:</b>	65 days @ 19 February 2020
<b>Planner:</b>	James Trimble

***Cr Forsyth  
Cr Nicholas***

***That Council issue a Notice of Decision to grant a planning permit for buildings and works to construct two agricultural sea containers and a greenhouse at Lot 1 on PS 316685C, Buffalo River Road, Buffalo River in accordance with the conditions outlined in Attachment 8.3.6 and for the following reasons:***

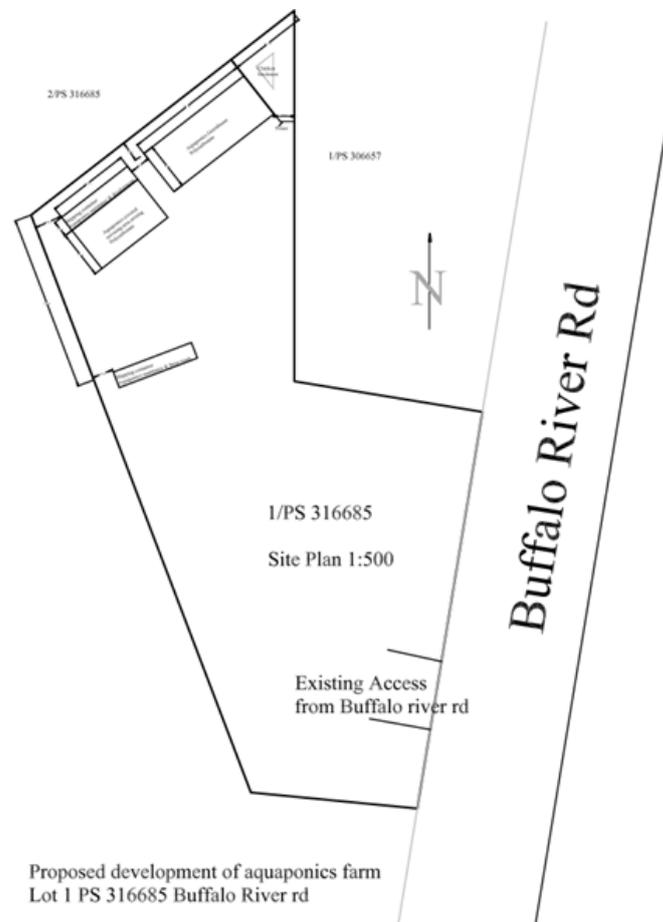


- 1. It is considered that the amenity impacts created by the proposed buildings and works subject to the inclusion of conditions, are acceptable;**
- 2. The proposal generally complies with the provisions of the Farming Zone, Land Subject to Inundation Overlay, and Clause 65.01 – Approval of an application or plan decision guidelines within the Alpine Shire Planning Scheme; and**
- 3. On balance it is considered that the proposal responds reasonably to State and Local Planning Policies.**

**Carried**

## **PROPOSAL**

The proposed development incorporates the construction of two sea containers with an awning attached to northern sea container and one greenhouse to allow for the storage of aquaponics and associated equipment, testing and evaluating aquaponic systems, and to provide infrastructure to allow for expansion once the next stage of the development is ready to be submitted for planning approval once systems are established. The proposed use of land for aquaponics is exempt from requiring planning permit approval on the site in accordance with the provisions of the Farming Zone. The proposal also includes a chicken enclosure and fence, and vehicle access from Buffalo River Road.



**Figure 1: Proposed development site plan**

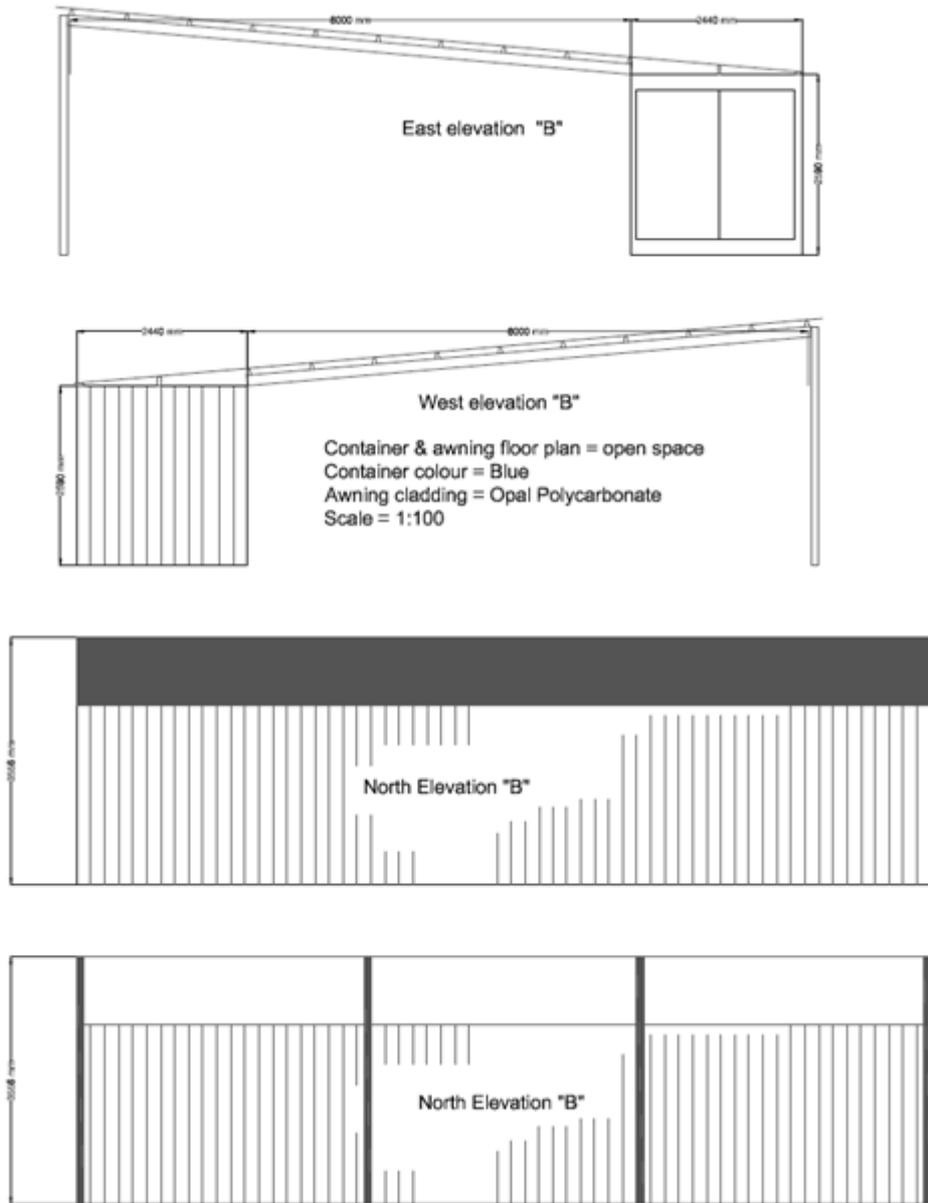
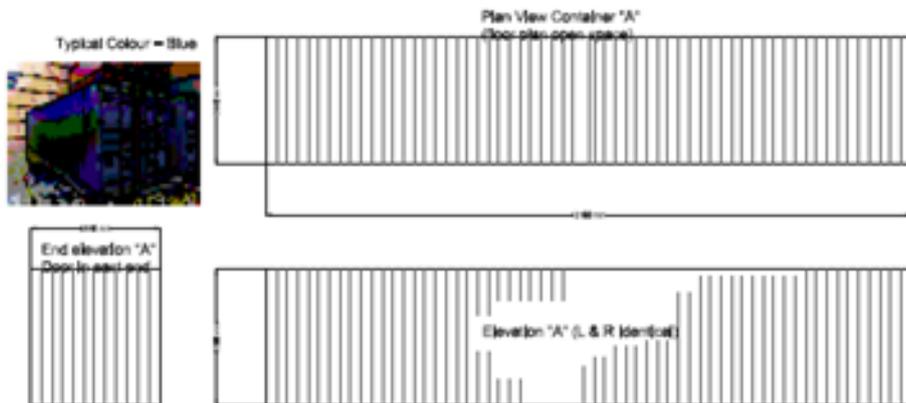
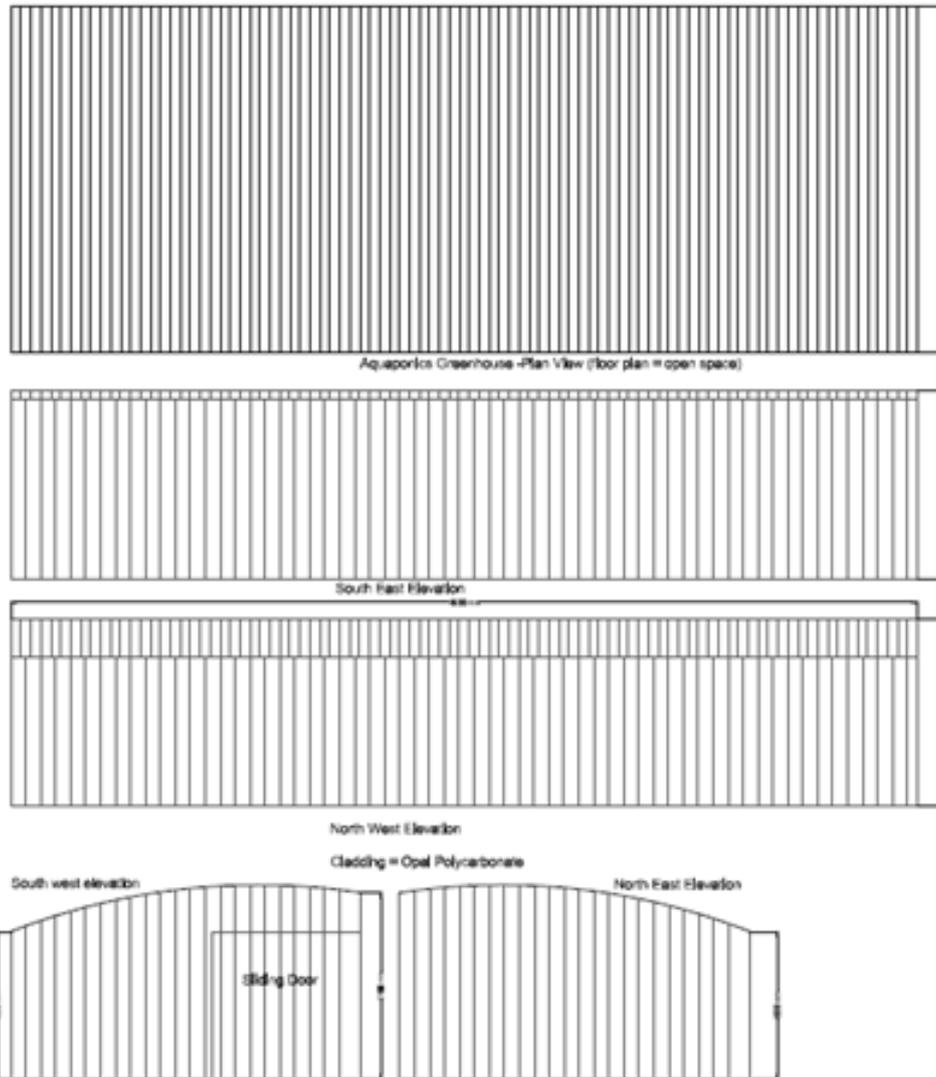


Figure 2: Container awning



Proposed Stage 1 development of aquaponics farm Lot 1 PS 316685 Buffalo River rd

Figure 3: Container



**Figure 4: Aquaponics greenhouse**

### **SUBJECT LAND AND SURROUNDS**

The site is an irregular shape with the side boundaries measuring 77.65 metres (abutting adjoining 648 Buffalo Rover Road, Buffalo River) and 178.65 metres (abutting adjoining 642 Buffalo River Road, Buffalo River), with the front lot boundary measuring 58.13 metres. The site has an area of 3,733sqm, contains a concrete pad, a driveway and landscaping, and is relatively flat.

The site is surrounded by land of varied lot sizes within the Farming Zone (3,217sqm to 116,267sqm), and to the east of the site on the eastern side of Buffalo River Road the land is zoned Rural Living Zone. Most of the surrounding smaller sites are developed for the purpose of a single dwelling, and larger lots being used for agricultural purposes. The site abuts Buffalo River Road which is zoned Road Zone – Category 1, and is sited approximately 240 metres to the south, and 285 metres to the east of Buffalo River.



**Figure 5: 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 the immediately surrounding landholders and occupiers. A sign was displayed on the site. One combined objection signed by two parties was received. The objection was signed by the owners of directly adjoining properties. Several matters were raised in the objection which are further discussed in the following sections of this report.

### **REFERRALS**

<b>Referrals / Notice</b>	<b>Advice / Response / Conditions</b>
Section 55 referrals:	<ul style="list-style-type: none"><li>• North East Catchment Management Authority – Conditional consent</li><li>• Goulburn Murray Water – Conditional consent</li><li>• VicRoads – No objection</li></ul>
Internal / external referrals:	<ul style="list-style-type: none"><li>• Council Environmental Health – Conditional consent</li><li>• Agriculture Victoria – No response provided within the timeframe provided.</li><li>• Environmental Protection Authority – No objection</li><li>• North East Water – No objection</li><li>• Victorian Fishers Authority – No objection</li></ul>



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

### **State Planning Policy Framework (SPPF)**

The following State Planning Policy Framework policies are considered relevant:

#### Clause 14.01-1S - Protection of agricultural land

Objective - *"To protect the state's agricultural base by preserving productive farmland."*

The proposal is considered to meet the objective of clause 14.01-1S.

#### Clause 14.01-2S - Sustainable agricultural land use

Objective – *"To encourage sustainable agricultural land use."*

The proposal is considered to meet the objective of clause 14.01-2S.

#### Clause 15.01-6S - Design for rural areas

Objective – *"To ensure development respects valued areas of rural character."*

The proposal is considered to respect the rural character of the area and meet the objective of clause 15.01-6S, as the proposed buildings and works are considered to have an appropriate height, site coverage, setbacks, and built form. There are other existing buildings in the area which have been built up to the lot boundary. The buildings are sited to the rear of the lot predominantly behind the existing dwelling on adjoining 648 Buffalo River Road, Buffalo River.

The proposed external sea container colour of blue, is not considered to respect the rural character of the area. It is proposed that a condition be included, should the application be supported, requiring that the external colour of the sea containers be dark green.

The surrounding area includes landscaping around buildings, therefore it is proposed that a condition be included, should the application be supported, to require landscape screening around the proposed building and works.

### **Local Planning Policy Framework (LPPF)**

The following Local Planning Policy Framework provisions are considered relevant:

#### Clause 21.04-4 – Environmental Risk

This clause provides general strategies for development within Alpine Shire that are subject to environmental risk. Those relevant to the proposed development are:

- *"Discourage buildings, works, land use and subdivision that would be detrimental to the maintenance of the natural systems of land affected by flooding and inundation."*
- *"Ensure that environmental risks, constraints and hazards are fully considered in proposals for the use and development of land."*
- *"Prevent inappropriate development in areas subject to flooding."*

The application was referred to the North East Catchment Management Authority (NECMA) as the relevant floodplain management authority, and in accordance with



the provisions of the Alpine Shire Planning Scheme. Conditional consent was provided by NECMA. The proposal is considered to meet the relevant strategies of clause 21.04-4. The Land Subject to Inundation Overlay is further discussed below.

#### Clause 22.03-2 – Agriculture

This policy applies to all land in the rural zones.

The relevant objectives of the clause include:

- *“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.”*
- *“Support the diversification of agriculture, the development of rural dependent enterprises in appropriate locations and value adding through the processing of agricultural products grown within the municipality.”*

The proposal is considered to meet the above objectives of clause 22.03-2.

#### **Zone**

##### Purpose

The purposes of the Farming zone are to:

- *“Implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies”.*
- *“Provide for the use of land for agriculture”.*
- *“Encourage the retention of productive agricultural land”.*
- *“Ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.”*
- *“Encourage the retention of employment and population to support rural communities”.*
- *“Encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision”.*
- *“Provide for the use and development of land for the specific purposes identified in a schedule to this zone”.*

##### Decision Guidelines

The decision guidelines of the Farming Zone relevant to the proposed development are:

- *“Any Regional Catchment Strategy and associated plan applying to the land”*

The proposal is within a designated drinking water catchment area however does not include any wet areas requiring immediate wastewater disposal, habitable rooms, and is not within proximity (100 metres) of any mapped waterway. The



application was referred to Goulburn Murray Water for comment who provided conditional support for the proposal.

- *“The capability of the land to accommodate the proposed use or development, including the disposal of effluent”*

The proposal does not include any details in relation to the disposal of effluent, it does not include any wet areas requiring immediate wastewater disposal, or any habitable rooms. The proposed use relates to a closed or recirculating aquaculture system. The site has no availability at this time for connection to reticulated sewerage. The application was referred to Goulburn Murray Water and Council’s Environmental Health Department for comment. Conditional consent was provided from both referrals. These conditions have been included should the application be supported.

- *“Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.”*

The proposed use of the land being aquaponics is most appropriately classified as an Aquaculture use, nested within Agriculture within the Alpine Shire Planning Scheme. Aquaculture is defined in the Scheme as “Land used to keep or breed aquatic Agriculture animals or cultivate or propagate aquatic plants.” An agriculture use is a section 1 – permit not required use within the Farming Zone. The proposed use of the site is exempt from requiring planning permit approval. The buildings and works proposed are considered to be compatible with adjoining and nearby land uses which includes residential and agricultural uses as the proposed buildings are considered to have an appropriate height, site coverage, setbacks, and built form subject to the inclusion of conditions to manage amenity impacts.

- *“Whether the use or development will support and enhance agricultural production.”*

The proposed agricultural use of the land is considered to support and enhance agricultural production.

- *“Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.”*

The site contains an existing concrete pad. The proposal is unlikely to adversely affect soil quality or permanently remove land from agricultural production as it proposes an agricultural use on a currently vacant site.

- *“The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.”*

Adjoining sites to the north and east are used for residential (non-agricultural purposes). Adjoining sites the south and west may be used for agricultural purposes. The proposed Agricultural use is permitted on the site in accordance with the provisions of the Farming Zone. The proposed buildings and works are considered to have minimal impact on the operation and expansion of adjoining and nearby agricultural uses.



- *“The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.”*

*“The capacity of the site to sustain the agricultural use.”*

The site has an existing concrete pad and an area of 3,733sqm. The proposed aquaponics use is a closed loop system requiring minimal space. The site is considered to have capacity to sustain the proposed use.

- *“The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.”*

*“The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.”*

*“The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.”*

There are a cluster of buildings to the north of the site. The site is considered to have minimal agricultural value, based on the size and site features. The proposed buildings are considered to have an appropriate height, site coverage, setbacks, and built from. Appropriate conditions have been included to minimise the visual impact on existing adjoining dwellings within proximity of the site, should the application be supported. These conditions relate to reflectivity, external colour and landscaping.

The proposed buildings and works are considered to have a rural character. The surrounding area consists of dwellings and sheds.

- *“The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.”*

There is no known mapped underground infrastructure within the site. There is a driveway which runs centrally through the site, which connects with Buffalo River Road. The application was referred to VicRoads for comment. A letter advising of no objection was provided. The applicant has not provided details of water, drainage and sewerage facilities. The application was referred to North East Water. A letter advising of no objection was provided.

- *“Whether the use and development will require traffic management measures.”*

The application was referred to VicRoads for comment. A letter advising of no objection was provided. Should the application be supported as condition has been included requiring the loading/unloading of all goods to occur within the site.



### **Land Subject to Inundation Overlay**

Within the Land Subject to Inundation Overlay, a permit is required for the buildings and works. Pursuant to clause 44.04-7 an application under the overlay must be referred to the relevant floodplain manager under Section 55 of the Planning and Environment Act 1987. The application was referred to the North East Catchment Management Authority (NECMA) being the relevant floodplain management authority. Conditional consent was provided. These conditions have been included should the application be supported.

The proposed development complies with the general requirements relating to flooding in the SPPF and LPPF and the decision guidelines contained in Clause 44.04-8.

### **General Provisions**

Clause 65 of the Alpine Planning Scheme provides the decision guidelines that must be considered before deciding on an application. The decision guidelines relevant to the proposed development are:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the amenity of the area.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land to minimise any such hazard.

All the above matters have been taken into consideration in the assessment of the proposed development.

### **Matters of Contention**

#### Chicken coop

*Is the chicken coop part of the application?*

The amended site plans submitted by the applicant identifies a proposed chicken enclosure in the northern portion of the lot. No elevations or further details of the chicken enclosure have been provided. Should the proposed chicken enclosure involve more than post and wire and post and rail fencing there is a planning permit trigger within the Farming Zone and Land Subject to Inundation Overlay. Should the application be supported it is proposed that a condition requiring the removal of the chicken enclosure and fence be included, due to the lack of detail provided by the applicant in relation to the chicken enclosure.



#### Works currently being carried out on the site

There is no current planning permit in existence for any works on the site. Should this application be refused the site may need to be remediated.

#### Removal of trees from the property

There is an exemption for the removal of native vegetation from the site in accordance with the provisions of clause 52.17 Native Vegetation within the Alpine Shire Planning Scheme, as the site has an area of less than 0.4. There is no other planning overlay on the site which requires planning permit approval for the removal of trees from the property.

#### Flooding impacts

The amended application was referred to the North East Catchment Management Authority (NECMA) for comment, as the relevant floodplain manager and in accordance with the Alpine Shire Planning Scheme. Conditional consent was provided. These conditions have been included, should the application be supported. There is no planning permit trigger within the Land Subject to Inundation Overlay for post and wire and post and rail fencing. There is a further exemption at clause 62.02-2 buildings and works not requiring a permit unless specifically required by the planning scheme for a fence.

#### Storm water pipes

*Storm water pipes run across the subject property. Access will be required for repairs.*

The applicant submitted a recent copy of title for the land, including the relevant plan of subdivision. The relevant plan of subdivision being PS316685C does not identify any easements on the subject site.

#### Water pipes

*Water Trust Pipes for domestic use water run through the subject property to supply eight residences. Will there be building over these pipes? Will there be access to the subject property for pipe maintenance ie. breakages/leaks etc? What safeguards are in place to ensure continued uninterrupted supply?*

The applicant submitted a recent copy of title for the land, including the relevant plan of subdivision. The relevant plan of subdivision being PS316685C does not identify any easements on the site. The application including the amended plans were referred to North East Water for comment. A letter of no objection was received.

#### Wastewater

*Where will waste water be dispersed?*

The application was referred to Council Environmental Health department and Goulburn Murray Water for comment. Conditional approval was provided. Should the application be supported the requested conditions have been included, and appropriate conditions have been included in relation to wastewater. Should the application be supported an additional note has been included advising that the placement of an additional permanent holding tank not sited within the greenhouse or sea containers on the site requires additional planning permit approval.



### Water supply

*Where is the water coming from for this project and how does it reach the subject property? There is only a domestic water allocation for the subject property.*

Should the application be supported an additional note has been including advising that the placement of an additional permanent rainwater tanks not sited within the greenhouse or sea containers on the site requires additional planning permit approval.

### Noise

*Aquaculture requires water/pumps, would these run 24hours per day? Are there noise restrictions?*

The proposed buildings and works are not considered to result in noise impacts. The proposed use of the land is exempt from requiring planning permit approval in accordance with the provisions of the Farming Zone, therefore some loss of amenity from time to time is not considered unreasonable. Separate legislation exists which controls noise. Should the application be supported an additional condition has been included in relation to the siting of air conditioners and water pumps.

### Smell

The proposed buildings and works are not considered to result in smell impacts. Separate legislation exists which controls odour. Should the application be supported a condition has been included requiring the submission of a waste management plan. This waste management plan must cover matters including the collection and disposal of dead stock, and contingency plans for the storage and disposal of stock in the event of mass mortalities.

### Future residence

*Are there any plans to erect a residence on the subject property in the future?*

The application submitted with Council for consideration does not include any dwelling component.

### Insufficient "use" details

*No explanation for the ultimate end use of the stored equipment is given and therefore the application lacks sufficient detail.*

The applicant has submitted information with the application indicating the use associated with the proposed buildings and works will be aquaponic, which fits within the definition of aquaculture, nested within Agriculture. The proposed use of the site is exempt from requiring planning permit approval in accordance with the provisions of the Farming Zone within the Alpine Shire Planning Scheme. The application has been assessed using the information submitted with the application. Should the application be supported a condition has been included to ensure no goods are stored or left exposed outside the buildings so as to be visible from any public road or thoroughfare.



## **CONCLUSION**

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

- The proposed development of two sea containers and one greenhouse generally complies with the requirements of the Farming Zone, Land Subject to Inundation Overlay and Clause 65.
- The proposal is consistent with the relevant State and local planning policies.
- Subject to conditions, the proposed development will facilitate an appropriate 'as of right' agricultural land use within the Farming Zone of the Alpine Shire whilst still ensuring the amenity of the surrounding landowners and occupants is not compromised.

## **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
- Statutory Planning Coordinator
- Statutory Planning Officer

## **ATTACHMENT(S)**

8.3.6 5.2019.152.1 Conditions

### DEVELOPMENT CONDITIONS

#### Amended Plans

1. Before the development starts, amended plans 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 and three copies must be provided. The plans must show:
  - a) The accurate dimensions of the width and length of the awning attached to the sea container.
  - b) The removal of the fence surrounding the chicken enclosure.
  - c) The removal of the chicken enclosure.
  - d) The external colour of all sea containers being dark green.
  - e) The provision of screen landscaping around buildings and works, which provides effective screening from existing adjoining dwellings to the north and east of the site to the satisfaction of the responsible authority.



### Endorsed Plans

2. The layout of the site and the size of the proposed buildings and works must be generally in accordance with the endorsed plan/s which form part of this permit. The endorsed plan/s 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.

### External Materials

3. The external materials of the shed including the roof must be constructed in materials of muted colours. No materials having a highly reflective surface shall be used. For the purposes of this condition 'highly reflective' surfaces include unpainted aluminium, zinc or similar materials.

### Landscape Plan

4. Before the development starts, a landscape plan must be submitted to and approved by the responsible authority. 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) The area(s) set aside for landscaping;
  - b) Details of surface finishes of pathways and driveways;
  - c) A schedule of all proposed trees, shrubs and ground cover, which will include the location, number, height and spread 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 material as specified;
  - d) Planting required by any other Condition of this permit;
  - e) Canopy trees (minimum two metres tall when planted) in the immediate areas surrounding buildings and works, which provides effective screening of the buildings from existing adjoining dwellings to the north and east of the site;
  - f) The means of watering/irrigation proposed to be used.

### Completion of Landscaping

5. Before the occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.

### Landscaping Maintenance

6. 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.



#### External Lighting

7. Any external lighting shall be installed and maintained so as to avoid distracting passing motorists or causing nuisance to neighbouring properties, to the satisfaction of the responsible authority.

#### Waste Management Plan

8. Prior to the commencement of the use of the buildings hereby permitted a Waste Management Plan shall be submitted for the approval of the Responsible Authority. The Plan shall detail the management of all wastes, including dead stock, generated by the use to the satisfaction of the Responsible Authority. The Plan must include, but not necessarily be limited to:
  - a) The designation of storage areas for all wastes.
  - b) Methods and frequency of collection and transportation of all waste products.
  - c) Methods to prevent vermin and fly infestation.
  - d) Collection and disposal of dead stock.
  - e) Contingency plans for the storage and disposal of stock in the event of mass mortalities.
9. The storage, removal and disposal of garbage, stock and refuse must be undertaken in accordance with the Waste Management Plan referred to in this permit and in such a manner as to avoid any nuisance, pollution or loss of amenity to the surrounding area, to the satisfaction of the Responsible Authority.

#### Waste Storage Area Screening

10. Waste storage area(s) must be graded, drained and screened from public view to the satisfaction of the responsible authority.

#### Wastewater

11. Effluent must not drain directly or indirectly into any adjoining property, street or any watercourse or drain, to the satisfaction of the Responsible Authority.

#### Exposed Storage

12. No goods shall be stored or left exposed outside the buildings so as to be visible from any public road or thoroughfare.

#### Vehicle Access

13. Access to the site must be made to the satisfaction of Vic Roads and the Responsible Authority.

#### Loading and Unloading

14. The loading and unloading of goods must only be carried out on the land.



#### Stormwater

15. All roof water from buildings and surface water from paved areas must be collected and conveyed to a drainage easement or to the legal point of discharge so as not to prevent stormwater nuisance to adjoining properties, to the satisfaction of the responsible authority.

#### Use

16. The buildings and works authorized by the permit must not be used for human habitation and must not contain any wastewater producing fixtures.

#### External Fixtures and Fittings

17. All external fixtures and fittings including but not limited air conditioners and water pumps, which generate noise must be sited as far away from existing surroundings dwellings as reasonably practical, to the satisfaction of the responsible authority, or alternatively external fixtures and fittings must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the responsible authority.

#### Plant/Equipment or Features on Roof

18. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s) without the written consent of the responsible authority.

#### Security Alarms

19. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.

#### ENVIRONMENTAL HEALTH CONDITIONS

20. The development of the site must not compromise the existing septic tank system and disposal area.

#### NORTH EAST CATCHMENT MANAGEMENT AUTHORITY (NECMA) CONDITIONS

21. The shipping containers shall be erected on columns or piers to achieve a minimum finished floor level of RL 215.2 m AHD. For the purposes of these works a finished floor level a minimum 800 mm above the existing surface level will be deemed to comply with this condition.
22. The area beneath the shipping containers shall have the minimum of obstructions to flows, i.e. only bracing, steps and necessary building parts shall be permitted below floor level. The area beneath the structure shall not be subsequently enclosed in any way.
23. The foundations and support system for the shipping containers must be designed to withstand lateral loading from floodwaters, inclusive of potential



hydrostatic, hydrodynamic and debris loads, allowing for design velocity 0.5 m/s and prevent dislodgment by floodwater.

24. No fill shall be placed on or allowed to spill to land with an existing surface level below RL 214.9m AHD.
25. Any chemicals, oil, fuel, grease, waste or other potential pollutants must be stored above RL 215.2 m AHD. Adequate storage areas and shelving must be provided for this purpose.
26. If electrical power is to be provided to the proposed greenhouse and shipping containers, all electrical wiring, power outlets, switches, etc. must, to the maximum extent possible, be located above RL 215.2 AHD. Any electrical below this level must be suitable for continuous submergence in water.

#### GOULBURN MURRAY WATER (GMW) CONDITIONS

27. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
28. No buildings are to be constructed within 30 metres of any waterways or on any drainage lines.

#### EXPIRY CONDITIONS

##### Time for starting and completion

29. This permit will expire if one of the following circumstances applies:
  - a) If the development is not started within two years of the date of this permit.
  - b) If the development is not completed within four years of the date 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 afterwards.

End of Conditions

#### PLANNING NOTES:

1. There is a planning permit trigger for the chicken enclosure and fence if it involves more than post and wire and post and rail fencing.
2. This permit does not authorise approval under the Building Act. It is the responsibility of the applicant to determine if a building permit is required for the proposed buildings and works.
3. The Fisheries Division issues licences that permit the holder to use aquaculture equipment to culture fish as defined in the *Fisheries Act 1995*.



4. All sewage and sullage and polluted drainage must be treated in accordance with the requirements of the *Environment Protection Act 1970* and the *Health Act 1958*.
5. In Victoria any person or company that wishes to conduct aquaculture activity is required to hold an aquaculture licence issued under section 43 of the *Fisheries Act 1995* (the Act). The holder of an aquaculture licence is bound by the conditions prescribed by the Act and the *Fisheries Regulations 1998* and conditions prescribed in the licence. Conditions of an aquaculture licence may vary depending on the type of activity being conducted, the species being farmed or any other reason that the Secretary considers appropriate. For licensing enquiries and application forms contact Commercial Licensing at (03) 8392 6861.
6. The placement of additional fill, permanent rainwater tanks, and/or an additional permanent water holding tank not sited within the greenhouse or sea containers on the site requires additional planning permit approval from the responsible authority.
7. Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.



## 9 ASSEMBLY OF COUNCILLORS

### INTRODUCTION

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

*Cr Keeble*

*Cr Nicholas*

***That the summary of the Assemblies of Councillor for January and February 2020 be received.***

*Carried*

### BACKGROUND

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

<b>Date</b>	<b>Meeting</b>
28 January 2020	Briefing Session
4 February 2020	Briefing Session
18 February 2020	Briefing Session
25 February 2020	Briefing Session

### ATTACHMENT(S)

- 9.0 Assemblies of Councillors – January and February 2020



## **10 GENERAL BUSINESS**

Refer to Alpine Shire Council's website [www.alpineshire.vic.gov.au](http://www.alpineshire.vic.gov.au); for its YouTube recording for items raised in general business.

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

Nil

## **12 RECEPTION AND READING OF PETITIONS**

Nil



### 13 DOCUMENTS FOR SEALING

*Cr Keeble*

*Cr Knappstein*

*That the following documents be signed and sealed.*

- 1. Contract No. CT1907201 in favour of Haley Constructions Pty Ltd for the detailed design and construction of the Mount Beauty Skate Park upgrade.*
- 2. Contract No. CQ19037 in favour of Downer EDI Works for the Resealing (2019-20) Sprayseal.*
- 3. Contract No. CT1909001 in favour of Stadelmann Enterprises Pty Ltd for local road construction and sealing works.*
- 4. Contract No. CT1908201 in favour of NELMAC Pty Ltd for the Buckland Bridge replacement.*
- 5. Alpine Shire Council Sealing of Unsealed Roads Policy No.038, Version 3.0.*
- 6. Alpine Shire Council Public Memorials Policy No113, Version 1.0.*

*Carried*

There being no further business the Chairperson declared the meeting closed at 8.01pm.

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Chairperson