



Alpine Shire

ORDINARY COUNCIL MEETING

AGENDA

M3 – 7 April 2020

Bright Council Chambers

7:00pm



Notice is hereby given that the next **Ordinary Meeting** of the **Alpine Shire Council** will be held in the Council Chambers, Great Alpine Road, Bright on **7 April 2020** commencing at **7:00pm**.

AGENDA

1	RECORDING AND LIVESTREAMING OF COUNCIL MEETINGS.....	4
2	ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS, AND RECOGNITION OF ALL PEOPLE.....	4
3	CONFIRMATION OF MINUTES.....	4
3.1	ORDINARY COUNCIL MEETING – M2 – 3 MARCH 2020.....	4
4	APOLOGIES.....	4
5	OBITUARIES / CONGRATULATIONS.....	4
6	DECLARATIONS BY COUNCILLORS OF CONFLICT OF INTEREST.....	4
7	PUBLIC QUESTIONS on notice.....	5
8	PRESENTATION OF REPORTS BY OFFICERS.....	6
8.1	CHIEF EXECUTIVE OFFICER – CHARLIE BIRD.....	6
8.1.1	Contracts approved by the CEO.....	6
8.1.2	Instruments of Delegation.....	7
8.2	DIRECTOR ASSETS – WILLIAM JEREMY.....	12
8.2.1	Centenary Park Toilet Renewal Tender Recommendation.....	12
8.2.2	Gavan Street Pedestrian Crossing Points Tender Recommendation.....	14
8.2.3	Municipal Pandemic Plan.....	16
8.3	DIRECTOR CORPORATE – NATHALIE COOKE.....	18
8.3.1	Alpine Shire Council Plan 2017-2021 (review 2020).....	18
8.3.2	Finance Report - Quarterly Review.....	21
8.3.3	Telstra Telecommunications Contract Award.....	24
8.3.4	Designation of restrictions on the consumption of liquor on Council land during Bright's Iconic Rod Run in 2020.....	27
8.3.5	Draft 2020/21 Budget Report.....	30
8.3.6	Dinner Plain Special Rate (2020/21) Public Notice of Proposed Declaration.....	33
8.3.7	Organics kerbside bin collection service update.....	38
8.3.8	Planning Application 5.2019.154.1.....	42
9	ASSEMBLY OF COUNCILLORS.....	71



10	GENERAL BUSINESS	72
11	MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN.....	72
12	RECEPTION AND READING OF PETITIONS	72
13	DOCUMENTS FOR SEALING.....	73



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 – M2 – 3 MARCH 2020

RECOMMENDATION

That the minutes of Ordinary Council Meeting M2 held on 3 March 2020 as circulated be confirmed

4 APOLOGIES

5 OBITUARIES / CONGRATULATIONS

6 DECLARATIONS BY COUNCILLORS OF CONFLICT OF INTEREST



7 PUBLIC QUESTIONS ON NOTICE

Given the State of Emergency declared to address COVID-19, the meeting will be live streamed. We strongly discourage gallery attendance and request people view the meeting online in the interest of public health and to maintain social distancing measures.

Questions received by midday on the Council Meeting day will be responded to. Questions will be limited to two questions per person.

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:	CQ1808801	Process:	Request for Quotation
Title:	Roberts Creek Road Bridge Renewal (Bridge No.1)		
Tenderer:	SRG Services (Australia) Pty Ltd		
\$ (excl. GST):	\$81,912		



8.1.2 Instruments of Delegation

File Number: Delegations Register

INTRODUCTION

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

Council also needs to ensure that during the current State of Emergency triggered by the coronavirus COVID-19 pandemic, that the organisation is able to operate with a decreased need for Councillors to come together in a formal Council meeting setting.

Previous instruments of delegation were approved by Council in May 2019.

RECOMMENDATION

1. *Council exercise the powers conferred by section 98(1) of the Local Government Act 1989, and the other legislation referred to in the attached instrument of delegation, so that:*
 - a. *There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in attachment 8.1.2(a) "S5 - Instrument of Delegation to the Chief Executive Officer" (instrument S5), subject to the conditions and limitations specified in that instrument;*
 - b. *Instrument S5 be signed and sealed at the appropriate stage of this meeting;*
 - c. *Instrument S5 comes into force immediately the common seal of Council is affixed to the instrument;*
 - d. *On the coming into force of instrument S5 the previous delegation "S5 – Instrument to the Chief Executive Officer" signed on 7 May 2019 be revoked;*
 - e. *It is noted that instrument S5 includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act; and*
 - f. *The duties and functions set out in instrument S5 must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*
2. *Council exercise the powers conferred by section 98(1) of the Local Government Act 1989 and the other legislation referred to in the attached instrument of delegation, so that:*
 - a. *There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in attachment 8.1.2(b) "S6 - Instrument of Delegation to members of*



Council staff” (instrument S6), the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that instrument;

- b. Instrument S6 be signed and sealed at the appropriate stage of this meeting;*
- c. Instrument S6 comes into force immediately the common seal of Council is affixed to the instrument;*
- d. On the coming into force of instrument S6 the previous “S6 - Instrument of Delegation to members of Council staff” signed on 7 May 2019 be revoked; and*
- e. The duties and functions set out in instrument S6 must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*

BACKGROUND

Section 98 of the *Local Government Act 1989* provides for Council to delegate to a member of its staff any power, duty or function of a Council. Council can delegate the majority of its powers to the CEO via the “S5 - Instrument of Delegation to the Chief Executive Officer”. This allows the CEO to further sub-delegate duties and authorise staff for the vast majority of Acts that Council operates under. However, some Acts do not allow for sub-delegation, requiring Council to delegate duties directly to staff via the “S6 – Instrument of Delegation to members of Council staff”.

ISSUES

Council’s CEO and staff require current and accurate delegations to fulfil their duties. This is particularly evident during the current State of Emergency issued due to the coronavirus COVID-19 pandemic.

Decision-making powers

Decisions made by Council (as an entity consisting of seven councillors) can only be made at a formal Council meeting, through a Council resolution. The *Local Government Act 1989* provides for Council meetings to be held 'in person' - and does not allow for attendance via electronic means.

This physical attendance at meetings is likely to become an issue during the current State of Emergency relating to the coronavirus COVID-19, and the measures being introduced by both the Victorian and Australian Governments to limit its spread. This may mean that councillors may not be able to come together to make formal decisions of Council during this period.



Power of delegation

Section 98 of the *Local Government Act 1989* provides the power of delegation, where Council delegates its powers, duties and functions to a member of staff (including the CEO), subject to a number of exclusions including:

- The power to declare a rate or charge;
- The power to borrow money;
- The power to approve expenditure not contained in a budget approved by the Council;
- Any power, duty or function of the Council under s223; and
- Any prescribed power.

Council already provides delegation to the CEO to undertake a delegation of duties 'by exception', which ensures that most decisions that Council can make by resolution, the CEO can make as a delegate. This ensures that the organisation can operate day-to-day without having to refer every decision to the Council for a formal decision. The Instrument of Delegation provides "Conditions and Limitations", which are those instances where Council has imposed some exclusions on the ability of the CEO to make some decisions, requiring them to be presented to Council for resolution.

Where legislation allows it, the CEO can further sub-delegate his powers to staff. Where there are no powers of sub-delegation, Council delegates their powers directly to staff. Delegations made to staff are itemised specifically for each provision of an Act or Regulation.

Council to CEO delegation

The Instrument of Delegation to the Chief Executive Officer has been amended following consultation with the providers of Council's delegations service (Maddocks). The Instrument of Delegation allows the lifting of specific exclusions / "Conditions and Limitations" only in the case of a declared State of Emergency which is likely to cause a Council meeting to lapse due to an inability to achieve a quorum of councillors physically present (a minimum of four councillors). It should be noted that outside of a declared State of Emergency, the CEO is specifically prevented from making these nominated decisions.

These decisions can only be made following consultation with all available Councillors, and decisions made in this manner must be reported to the next available Council meeting. Examples of these decisions include:

- Approving contracts valued at more than \$150,000 including GST;
- Preparation and adoption of a Budget (noting that the Council must still instigate the s223 public submissions process);
- Authorising the use of the Council's common seal (noting that the seal will still require the signature of two Councillors).



Council to Staff Delegation

The “S6 – Instrument of Delegation to members of Council Staff” has been updated to include new legislative provisions. Staff delegations are not impacted by the State of Emergency, but where legislation allows, more than one staff member is delegated each power, duty or function, to ensure that there will always be an officer available to make that decision.

CEO decisions made under State of Emergency delegation

It is proposed that an agenda and reports ordinarily presented to Council for a resolution will still be prepared, providing transparency of those decisions presented to the CEO for determination during the declared State of Emergency. A record of these decisions will be presented to the next available Council meeting, and made publicly available as the minutes of a meeting ordinarily would.

Local Government Act 2020

It is noted that the *Local Government Act 2020* has now received Royal Assent in parliament, with a staged rollout of legislative powers. At the time of writing, it is understood that the power of delegation will come under s11 of the 2020 Act. Section 11(9) of the 2020 Act states that "unless sooner revoked, a delegation made by a Council under the *Local Government Act 1989* continues in force until 1 September 2020". This means that Instruments of Delegation presented with this report, will be operational until such time as Council adopts new instruments on or before 1 September 2020.

POLICY IMPLICATIONS

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

- A high performing organisation.

FINANCIAL AND RESOURCE IMPLICATIONS

Council has an annual subscription for the delegation service that is allowed for in Council’s annual budget. Council has sought additional advice from Maddocks regarding the modification of the Instrument of Delegation to the CEO.

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

CONSULTATION

The relevant directors and managers have been consulted throughout the review of the instruments of delegation, and clarification has been sought from specific staff where required. No additional consultation is required.

There is no requirement to involve the community in the preparation of the instruments of delegation.



CONCLUSION

The instruments of delegation to the CEO and members of Council staff allow staff to fulfil their duties and should therefore be supported. The instruments come into force immediately the common seal of Council is affixed to the instrument and will remain in force until Council determines to vary or revoke them. The ability for the CEO to determine matters that would normally be presented to Council during a declared State of Emergency will ensure that the organisation can continue to operate during a time where it may otherwise be difficult to obtain a quorum of Councillors for a Council meeting.

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)

8.1.2(a) "S5 - Instrument of Delegation to the Chief Executive Officer"

8.1.2(b) "S6 - Instrument of Delegation to members of Council staff"



8.2 DIRECTOR ASSETS – WILLIAM JEREMY

8.2.1 Centenary Park Toilet Renewal Tender Recommendation

File Number: CT20005

INTRODUCTION

This report relates to the award of a contract for the renewal of the Centenary Park toilet block in Bright.

RECOMMENDATION

That Council awards Contract No. 2000501 'Centenary Park Toilet Renewal' to KD Homes and Constructions for the lump sum price of \$188,850.61+GST.

BACKGROUND

The Centenary Park Toilet Renewal project involves the renovation of the toilet block at Bright's Centenary Park to remove redundant infrastructure and maximise use of the existing building for all users.

Works include modifications to the roof to increase the level of natural light inside the amenities and a remodelling of the internal layout to provide three additional toilets in the women's facility and two additional pans and an additional urinal in the men's facility. Both male and female disabled and ambulant toilets will be provided, as well as change benches and an anti-slip epoxy floor coating. All internal fittings and fixtures will be upgraded, and interior and exterior painting will enhance the appearance of the facility.

The Invitation to Tender was advertised on Tenders.net and the Alpine Shire Council website from 4 February until 25 February 2020 and was also advertised in the Border Mail on 19 February 2020. The tender documents were downloaded 11 times and six tender submissions were received.

EVALUATION

The key selection criteria listed in the Invitation to Tender are:

- Price
- Qualifications and previous performance
- Delivery
- Social
- Environmental Sustainability

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

Clarifications were sought from all tenderers and reference checks were undertaken. Through the evaluation process it was determined that the tender from KD Homes and Constructions best met the selection criteria.



ISSUES

Prior to tendering these works, the option was investigated to demolish the existing amenities block and replace it with a prefabricated modular toilet facility. However, the option to renew the existing facility was determined to provide better value for money, as well as a more environmentally sustainable outcome due to the reduction in new materials required and reduced builders waste going to landfill.

Based on the scope of work, Council's Municipal Building Surveyor has determined that either a licensed commercial or domestic builder is permitted to carry out the planned works on the Centenary Park toilet block. KD Homes and Constructions is a licensed domestic builder.

POLICY IMPLICATIONS

The tender was advertised and evaluated according to Council's Procurement Policy.

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

- Incredible places for our community and visitors.

FINANCIAL AND RESOURCE IMPLICATIONS

There is sufficient allocation in the 2019/20 capital works budget to deliver this project.

CONSULTATION

The layout and building materials were selected in consultation with internal stakeholders, to ensure that the amenities were easy to use, maintain and operate. The fittings and fixtures are based on those used in the recent Myrtleford Jubilee Park and Porepunkah Riverside Park toilet renewal works.

CONCLUSION

Following a comprehensive tender evaluation, the tender received from KD Homes and Construction was considered to present the best value option for Council.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Asset Development
- Project Officer

ATTACHMENT(S)

- Nil



8.2.2 Gavan Street Pedestrian Crossing Points Tender Recommendation

File Number: CT20007

INTRODUCTION

This report relates to the award of a contract for the construction of kerb outstands, median island refuges, footpath works and landscaping in Gavan Street, Bright.

RECOMMENDATION

That Council awards Contract No. 2000701 'Gavan Street - Pedestrian Crossing Points' to M&M Excavation and Structural Landscaping for the lump sum price of \$181,526+GST.

BACKGROUND

The need for safer pedestrian crossing points in Gavan Street was identified as a priority by the community through the Alpine Better Places project, as well as during the development of the Bright Car Parking Plan. It is proposed to clearly identify crossing points by constructing kerb outstands and a better-defined centre median, with several median refuges along Gavan Street between Star Road and Camp Street.

The Tender was advertised in the Herald Sun on 26 February 2020, as well as on Tenders.net and the Alpine Shire Council website.

The Tender documents were downloaded by 15 prospective tenderers and three responses were received by the closing date.

EVALUATION

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

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

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

Two tenderers were invited to clarify aspects of their tender and provide further detail on the proposed methodology, subcontractors and program. Through this evaluation process it was determined that the tender from M&M Excavation and Structural Landscaping best met the selection criteria.



ISSUES

On completion of the Gavan Street Pedestrian Crossing Points project, Council will proceed with the agreed plan to implement a reduction in the speed limit in the Bright Central Business District to 40km/hr.

POLICY IMPLICATIONS

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

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

- Incredible places for our community and visitors.

FINANCIAL AND RESOURCE IMPLICATIONS

The project was budgeted at \$255,000, with Regional Roads Victoria contributing \$170,000 through the Fixing Country Roads program. There is sufficient allocation within the project budget to deliver the construction works through award of this Contract.

CONSULTATION

The plans are based on the concept design that was endorsed during the Alpine Better Places project. In finalising the plans to be delivered, Council has consulted with key internal and external stakeholders, including VicRoads and businesses located along Gavan Street.

Directly affected businesses will be contacted before construction commences to discuss measures which can be taken to minimise disruption.

Project updates will be distributed via media release and on Council's website and Facebook page.

CONCLUSION

Following a comprehensive assessment, the Tender from M&M Excavation and Structural Landscaping is considered to present the best value option for Council.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Asset Development
- Project Officer

ATTACHMENT(S)

- Nil



8.2.3 Municipal Pandemic Plan

INTRODUCTION

Council's updated Municipal Pandemic Plan has been prepared in consultation with the Municipal Emergency Management Planning Committee and is presented to Council for endorsement.

RECOMMENDATION

That Council endorse the 'Municipal Pandemic Plan' Version 2.0 2020.

BACKGROUND

The key changes in this revision of the Municipal Pandemic Plan are:

- Re-write of the document to reflect the requirements outlined in the State Health Management Plan for Influenza Pandemic with references to other pandemics that may arise.
- Updating details for a range of stakeholders including storage, funeral and burial.
- Explanation of control strategies.
- Clear communication strategy with an awareness and education component.
- Rewrite of the Pandemic Action Plan.

ISSUES

Council has been directed by the Department of Health and Human Services (DHHS) that the updated Municipal Pandemic Plan shall remain aligned with the Victorian Health Management Plan for Pandemic Influenza (VHMPPi), October 2014. The DHHS is working on an update of the VHMPPi, and when this update is issued there will be a need for Council to update the Municipal Pandemic Plan.

POLICY IMPLICATIONS

Council is required to prepare and maintain a Municipal Pandemic Plan as a sub-plan to the Municipal Emergency Management Plan (MEMP) to comply with the *Victorian Emergency Management Act 1986 and 2013*.

The recommendation in this report 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

There are no additional financial or resource implications for Council as a result of this revision to the Municipal Pandemic Plan.



CONSULTATION

The draft Municipal Pandemic Plan has been reviewed by Alpine Shire Council staff with identified Emergency Management roles, by Alpine Health and the Department of Health and Human Services (DHHS). It has been prepared in consultation with members of the Alpine Shire Municipal Emergency Management Planning Committee and was adopted by the Committee in March 2020.

CONCLUSION

The revised Municipal Pandemic Plan has been adopted by the Municipal Emergency Management Planning Committee and is now ready for endorsement by 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
- Emergency Management Coordinator

ATTACHMENT(S)

8.2.3. Municipal Pandemic Plan



8.3 DIRECTOR CORPORATE – NATHALIE COOKE

8.3.1 Alpine Shire Council Plan 2017-2021 (review 2020)

File Number: 600.03

INTRODUCTION

An annual review of the Council Plan is a requirement of the *Local Government Act 1989*. This report provides an outline of the 2020 review process and recommendations for changes to this document.

RECOMMENDATION

That Council note:

- 1. A review of the Alpine Shire Council Plan 2017-2021 (incorporating the Municipal Public Health and Wellbeing Plan) has been undertaken in accordance with s125(7) of the Local Government Act 1989 and s26(4) and s27(2)(b) of the Municipal Public Health and Wellbeing Act 2008.*
- 2. The review proposes the following changes to the Alpine Shire Council Plan 2017-2021:*
 - a. Update the Strategic Resource Plan to be consistent with the Long Term Financial Plan identified in the 2020/21 Budget (as adopted in June 2020);*
 - b. Minor administrative update to include current Mayor (photograph and introductory message), and a new front page for the current year; and*
 - c. No other changes are currently proposed to the document.*
- 3. Section 125(9) of the Local Government Act 1989 requires a section 223 public submission process only where there are proposed adjustments in the Council Plan to the:*
 - a. Strategic objectives of the Council;*
 - b. Strategies for achieving the objectives; or*
 - c. Strategic indicators for monitoring the achievement of the objectives.*
- 4. No formal public submission process is required under section 125(9) of the Local Government Act 1989 as there are no proposed adjustments to the strategic objectives, strategies or strategic indicators.*
- 5. The Alpine Shire Council Plan 2017-2021 (review 2020) will be presented for adoption in June 2020.*

BACKGROUND

The Council Plan is a key document required under Local Government legislation and includes the strategic objectives of the Council; strategies for achieving the objectives; strategic indicators for monitoring achievement; a Strategic Resource Plan; and projects / services intended to span the lifetime of the Plan.



The 2017-2021 Alpine Shire Council Plan was developed following the 2016 Elections and was adopted in June 2017. This was the first time that Council elected to incorporate the Municipal Public Health and Wellbeing Plan (MPHWP) as part of the Council Plan. This change means that Council must be mindful of both s125(7) of the *Local Government Act 1989* (LG Act) and s26(4) and s27(2)(b) of the *Public Health and Wellbeing Act 2008* (PHW Act) when undertaking any reviews of the Council Plan.

Conducting an annual review of these plans is a requirement of each Act. Council traditionally undertakes a review in the early part of the calendar year, and when required releases proposed adjustments for public comment, and adopts the final plan in June each year.

This review will be the final version of the current Council Plan. Given that Council elections are due to be held in October 2020, it is prudent to continue with the current direction of the Council Plan, and not make any changes to strategic direction or content at this time. The newly elected Council will be required to develop an entirely new Council Plan for the following four year term, which will be adopted in June 2021. This new Council Plan developed will be under the guidance of the *Local Government Act 2020* rather than the current *Local Government Act 1989*.

ISSUES

Council Plan

Proposed Changes

The Council Plan has been reviewed and there are no changes proposed to the strategic content of the document. Administrative updates will include a new front cover to signify the current year, and a brief update to reflect the current Mayor. The Strategic Resource Plan (SRP) 2020-2023 will be updated to reflect the Long Term Financial Plan in the Budget, due to be adopted in June 2020. This ensures that the SRP is adopted annually, in line with legislative requirements.

Requirement for Public Submissions

Section 125(9) of the Act only requires a public submission process to occur where there are proposed changes to the strategic objectives, strategies or strategic indicators within the Council Plan.

As there are no proposed changes to these items, the Council Plan will not need to be re-released for public submissions this year.

Although the SRP will be updated, its content is open to submissions as part of the Budget process and does not need to be additionally open to public submissions as part of the Council Plan review process. The resolution to adopt the Council Plan in June will contain a resolution to insert the SRP as adopted with the Budget.



Municipal Public Health and Wellbeing Plan

The MPHWP has been reviewed and there have not been any significant changes to the 'health' measures of the community which would require Council to change the strategic direction of the plan.

POLICY IMPLICATIONS

The Council Plan is a key strategic document, required under section 125 of the *Local Government Act 1989*.

The MPHWP (as part of the Council Plan) is required under sections 26 and 27 of the *Public Health and Wellbeing Act 2008*.

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

- A high performing organisation.

FINANCIAL AND RESOURCE IMPLICATIONS

A small cost will be required to update the Strategic Resource Plan and the front page of the designed Council Plan document.

CONSULTATION

Consultation has occurred with Council officers and councillors. No consultation with the community is required, as there are no intended modifications to the strategic objectives, strategies or strategic indicators within the Council Plan.

CONCLUSION

Council should note that public exhibition is not required for the proposed updates to the Council Plan. A report will be presented in June to adopt the 2020 review of the Council Plan and incorporate the updated Strategic Resource Plan in line with the adopted Budget.

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)

- Nil



8.3.2 Finance Report - Quarterly Review

INTRODUCTION

The purpose of this report is to note the Finance Report - Quarterly Review for the period ending 31 December 2019.

RECOMMENDATION

That Council receives and notes the Finance Report - Quarterly Review for the period ending 31 December 2019.

BACKGROUND

The purpose of the Finance Report - Quarterly Review (the "Report") is to provide Council with an overview of the quarter two results and an update on the forecast financial position against the full year budget. Explanations are provided for variances to budget greater than \$100,000.

ISSUES

Quarter Two Report Highlights

Council is forecasting a full year surplus of \$7.1m, which is \$1.3m higher than the budgeted surplus of \$5.8m. The primary drivers of this increase include:

- Lower than budgeted employee costs by \$0.7m, due to the impact of vacant positions;
- Lower than budgeted materials and services expenses (\$0.1m) due to a calculation error in the budget (\$0.3m); and
- Higher than expected grant income including, a) additional income received for flood damage remediation (\$0.2m); and b) higher income from the Victorian Grants Commission funding (\$0.2m).

These favourable items are partially offset by higher forecasted expenditure including:

- Higher costs to deliver the Business Systems Transformation program (\$90k); and b) higher insurance costs (\$71k); and c) higher workforce support costs (\$135k).

Major forecast variances to capital works incomes and expenditures are as follows:

- Alpine Better Places Myrtle Street income - final unbudgeted income payment of \$245k was received due to the finalisation of the project completion report in October 2019.
- Buckland Bridge expenditure – expected to be delivered at \$750k under budget due to competitive tender pricing;
- Porepunkah Landfill Rehabilitation - \$445k reduction in expected expenditure due to change of scope for the project;
- Mount Beauty Skate Park Upgrade Income – \$135k lower than budgeted income due to an early receipt of this grant in 2018/19;



- Myrtleford Indoor Sports Stadium Expansion – lower than budgeted expenditure will be incurred in 2019/20 due to this expenditure being spent in the 2018/19 budget year;
- Myrtleford Showgrounds Water Supply Upgrade - expenditure of \$224k was not included in the budget;
- Victoria Bridge - \$227k of unbudgeted expenditure due to the project being carried forward from 2018/19 to 2019/20;
- Ranch Road Drainage Upgrade - \$171k of unbudgeted expenditure due to the project being carried forward from 2018/19 to 2019/20.

POLICY IMPLICATIONS

The Report has been prepared in line with the requirements of *the Local Government Act 1989*,

- Section 137 (Budgeting and reporting framework) - Council must establish and maintain a budgeting and reporting framework that is consistent with the principles of sound financial management.
- Section 138 (Quarterly statements) – At least every 3 months, the Chief Executive Officer must ensure that a statement comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date is presented to the Council at a Council meeting which is open to the public.

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

- A responsible and sustainable organisation.

FINANCIAL AND RESOURCE IMPLICATIONS

Financial performance to date indicates a full year surplus of \$7.1m, which is \$1.3m higher than the budgeted surplus of \$5.8m.

CONSULTATION

The Report has been prepared through a rigorous process which includes each department reviewing their budget and providing explanations for variances at the master account level.

The Report has been presented to the Finance Committee and the Audit Committee and is now presented to Council for noting.

CONCLUSION

The Finance Report - Quarterly Review for the period ending 31 December 2019 is presented to Council for noting.



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
- Accountant

ATTACHMENT(S)

8.3.2 The Finance Report - Quarterly Review for the period ending 31 December 2019.



8.3.3 Telstra Telecommunications Contract Award

INTRODUCTION

The purpose of this report is to award selected ongoing telecommunications services to Telstra for the period up to 31 March 2021. Council's approval is required due to the Chief Executive Officer's procurement threshold of \$150,000 (inclusive GST) being exceeded for the services provided by Telstra across the life of the agreement.

RECOMMENDATION

That Council approve the increase in spending of \$110,000 (+ GST) with Telstra Corporation Limited up to 31 March 2021 under existing State Government contract arrangements, the total contract spend with this supplier is \$413,505 (+GST).

BACKGROUND

Council uses multiple types of telecommunications systems for fixed phone line calls (voice), data (internet) services and mobile phone (mobile) services.

The services can be delivered by different vendors however significant discounts are typically available when purchasing multiple services from the same vendor.

A high-level pricing agreement with several vendors was tendered and negotiated by the Department of Premier and Cabinet (DPC) in 2017. This agreement is called Telecommunications Purchasing and Management Strategy 2025 (TPAMS2025). This agreement offered government agencies, including Local Government, access to competitive pricing structures from vendors based on agreements that the client would use a minimum of 80% of their services with that vendor, for each type of service. In order to access the pricing, clients were required to sign agreements that lasted two years.

Alpine Shire Council conducted vendor evaluations in 2017 and recommended that voice, data and mobile services be purchased from Telstra through the TPAMS2025 agreement. These agreements were implemented in July 2017 for internet services and January 2018 for voice and mobile services. The estimated spend for services under the agreement for two years at the time was \$65,000 for voice, \$80,000 for mobile and \$40,000 for internet, exclusive of GST.

DPC is now in the process of renegotiating the TPAMS vendor panel and pricing with a scheduled release date of 1 February 2021. Telstra has offered to honour the existing pricing whilst the new TPAMS agreements are negotiated up to the 31 March 2021.

The procurement put in place to purchase services from Telstra was intended to last until the end of the agreements, the last of which expired on the 31 January 2020. Council approval is now required to extend the procurement of telecommunications services from Telstra until 31 March 2021, after which time a further recommendation will be made on the best value contract arrangements.



EVALUATION

Voice

Voice services at the Bright Office and some other branch sites have been migrated to an alternate Voice over Internet Protocols (VOIP) provider during the life of the previous agreement. Existing Public Switched Telephone Network (PSTN) based services to are to be migrated to VOIP services as the National Broadband Network (NBN) is deployed into our branch sites. The reduction of the traditional voice services towards zero means that entering into new contracts with alternate providers would prevent us from executing the strategy.

Data/Internet

Our internet services are migrating to NBN based services for all sites except the Bright office. Our strategy is to upgrade the equipment at our branch sites in FY20/21 so that we can make use of all vendors that can deliver internet over NBN. The new evaluation will consider the revised TPAMS agreements that becomes available in Q3 FY20/21. It is recommended that Council continue using our existing Telstra services during this period.

Mobile

Mobile services in rural areas are currently best served by the Telstra network. Other vendors have significantly less coverage within the boundary of the shire.

POLICY IMPLICATIONS

This recommendation adheres to Council's Procurement Policy.

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

- A responsible and sustainable organisation.

FINANCIAL AND RESOURCE IMPLICATIONS

Total cumulative spend with Telstra during the life of the current agreement period (commencing July 2017 has been \$303,505 (plus GST)). Council requires a further \$110,000 (+ GST) to continue our services with Telstra until a new collective agreement is negotiated by 31 March 2021. This takes the total contract value to \$413,505 (+ GST).



CONCLUSION

It is recommended that Council approve continuing spend arrangements with Telstra to the 31 March 2021 to maintain a continuity of service until new market contracts are tendered and assessed. Further contract provisions will be recommended to Council at this time.

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
- ICT Coordinator

ATTACHMENT(S)

- Nil



8.3.4 Designation of restrictions on the consumption of liquor on Council land during Bright's Iconic Rod Run in 2020

INTRODUCTION

The purpose of this report is to recommend that Council approves restrictions on the consumption of liquor on Council land under Clause 2.2.1 of the Community Local Law 2019, during Bright's Iconic Rod Run from Thursday 5 November to Monday 9 November 2020.

RECOMMENDATION

That Council:

- a. Approves the designation of an area (as shown on the attached map) to be an area designated by Council for the purposes of Clause 2.2.1 of the Community Local Law 2019, to be an alcohol restricted area during the period from 10pm, Thursday 5 November 2020 to 7am, Monday 9 November 2020.*
- b. Notes that the Bright Rod and Kustom Club Inc. will continue to plan the event in further detail, including activities to be held at Pioneer Park and in the Bright Central Business District during the event.*

BACKGROUND

During the 2019 Rod Run event, Council introduced additional restrictions on the consumption of liquor on Council land for the duration of the event (6 November 2019 to 10 November 2019) under Clause 2.2.1 of the Community Local Law 2019. These restrictions were based on the recommendation of the Risk Assessment Panel consisting of Council officers, Victoria Police, Ambulance Victoria, Alpine Health, CFA and SES.

On 3 December 2019 a meeting was held at Pioneer Park Pavilion in Bright with a group including Alpine Shire Councillors, Council officers, community and business representatives, as well as representatives of the Bright Rod and Kustom Club Inc. The purpose of the meeting was to debrief the 2019 Rod Run and to identify issues and solutions to improve the event in subsequent years.

ISSUES

At the meeting held on 3 December 2019, it was discussed that the restrictions on the consumption of alcohol during the 2019 event were considered likely to continue in some format in future events. It was agreed that a 'late' decision to impose restrictions would not be received favourably and may impact on the overall perception of the event.

In this regard, it is considered appropriate that Council considers restrictions on the consumption of liquor for the 2020 event in a timely manner, prior to detailed planning for the event taking place.



It is noted that Council will continue to work with the Bright Rod and Kustom Club Inc. as well as Victoria Police and other members of the Risk Assessment Panel to plan the event in detail.

If Council approves the recommendation in this report, the Chief Executive Officer will make a Designation to bring these additional restrictions into force.

POLICY IMPLICATIONS

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

- A well planned and safe community.

FINANCIAL AND RESOURCE IMPLICATIONS

Additional signage and advertising will be required to ensure that the designation is well communicated to event attendees. Costs are expected to be minimal, given that internal staff resources will be predominantly used.

CONSULTATION

Initial consultation was undertaken with the Bright Rod and Kustom Club Inc. on 3 December 2019 and again at a meeting at Council offices on 14 January 2020. The Club has also been consulted in the preparation of this Council Report and media release.

The Risk Assessment Panel consisting of Council officers, Victoria Police, Ambulance Victoria, CFA, SES and Alpine Health have been consulted on the proposed designation and are supportive.

CONCLUSION

The proposed designation of restrictions as part of Bright's Iconic Rod Run in 2020 will ensure that the event is managed in a safe way to minimise risks to event patrons, the public and emergency services.

The Bright Rod and Kustom Club Inc. will continue to plan the event in detail, including activities to be held in the Bright CBD as well as at Pioneer Park.



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
- Manager Economic and Community Development

ATTACHMENT(S)

8.3.4.1 Proposed restrictions on the consumption of liquor on Council land for the 2020 Rod Run (map)

8.3.4.2 Standard restrictions on the consumption of liquor on Council land in Bright (map)



8.3.5 Draft 2020/21 Budget Report

INTRODUCTION

The purpose of this report is to receive the draft 2020/21 Budget Report for the Alpine Shire Council.

RECOMMENDATION

That:

1. *The proposed Alpine Shire Council 2020/21 Budget Report annexed to this resolution and featuring a 2% rate increase, be the draft budget prepared by the Alpine Shire Council for the purposes of section 127(1) of the local Government Act 1989.*
2. *The Chief Executive Officer be authorised to:*
 - a. *Give public notice of the preparation of the Alpine Shire Council 2020/21 Budget Report in accordance with section 129(1) of the Local Government Act 1989; and*
 - b. *Make available for public inspection the information required to be made available in accordance with the Local Government (Planning and Reporting) Regulations 2014.*
3. *Consideration be given to any submission on any proposal contained in the budget made under sections 129 and 223 of the Act, with submissions closing 3pm, 13th May 2020.*
4. *A committee is formed according to Section 223 (1)(b) of the Local Government Act 1989, if required, consisting of Councillors for the purpose of hearing submissions in relation to the Alpine Shire Council 2020/21 Budget Report.*
5. *A recommendation to adopt the 2020/21 Budget Report be presented to a Special Meeting of Council on 16 June 2020.*

ISSUES

Based on ongoing community consultation, Council has prepared a draft Annual Budget for 2020/21 which is aligned to the vision in the Council Plan 2017-21. Through continued strong cost management, the Budget provides a prudent financial position which enables Council to continue to deliver critical services and support our community's resilience as conditions evolve.

This Budget projects a surplus of \$1.2m which is influenced by:

- a) A Rate increase of 2%, in line with the Fair Go Rates System which caps Victorian Council rate increases in line with inflation;
- b) A capital works program totalling \$6.5m in FY20/21, reflecting a steady pipeline of asset renewal and development activity;



- c) A flat underlying materials and services budget, due to continued diligent cost management and strong procurement practises which obtain the best supplier deals for our ratepayers;
- d) Over \$1m in Bushfire Recovery spending to underpin the ongoing resilience of our community, residents and businesses;
- e) An increase in staffing levels in response to changing service requirements, including support for Bushfire Recovery initiatives, as well as circular economy and climate action projects.

Council has also updated its pipeline of initiatives to align budgeted activities to the strategic objectives outlined in the Council Plan 2017-21.

In addition, a full review of Council fees and charges has been conducted. The general waste charge is proposed to reduce from \$89.20 to \$80 per premise. A number of other fees have been increased or decreased in line with movements in the actual costs to provide various services.

Further detail on the operating result, strategic objectives, initiatives, services, cash and investments, capital works, financial sustainability, and rates, charges and fees can be found within the annexed report.

The attached report represents the 'proposed' Budget as prepared in accordance with the *Local Government Act 1989* and it is submitted to Council for approval 'in principle'. Following this, Council seeks feedback from the community through the formal submission process.

POLICY IMPLICATIONS

The draft Annual Budget is prepared in accordance with the *Local Government Act 1989* and the *Local Government (Planning and Reporting) Regulations 2014*.

FINANCIAL AND RESOURCE IMPLICATIONS

Council prepares its draft Budget with the objective of balancing long term financial sustainability and prioritised delivery against community needs. The 2020/21 draft Annual Budget forecasts an operating surplus of \$1.2 million dollars and a working capital ratio of 4.3.

Materials and services expenditure has remained flat. Departmental budgets have largely been managed to remain flat or reduced, offsetting increases in electricity, insurance and technology licensing costs.

CONSULTATION

Council is required to give public notice that it intends to adopt the Budget Report. It must give 28 days' notice of its intention to adopt the proposed Budget Report and make the Budget Report available for inspection at its offices and on its web site.

Under Section 223 of the *Local Government Act 1989* a person has a right to make a submission on any proposal contained in the budget and any submission must be considered before adoption of the budget by Council. Council must allow a



minimum 28 days after the public notice to receive submissions. A person has the right to have their submission heard at a committee formed for the purpose of hearing submissions according to Section 223 (1)(b) of the *Local Government Act 1989*.

Council officers undertake community engagement processes throughout the year to assist with the development of the budget. The final step is for Council to adopt the budget after receiving and considering all submissions from interested parties. The budget is required to be adopted by 30 June and a copy submitted to the Minister for Local Government within 28 days of adoption.

CONCLUSION

The draft Annual Budget has been prepared in accordance with Alpine Shire Council's Council Plan 2017-21 strategic objectives and the *Local Government Act 1989*. The draft Budget Report is presented for Council's consideration and public exhibition.

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
- Director Assets
- Manager Corporate
- Accountant

ATTACHMENT(S)

8.3.5 Alpine Shire Council draft Budget Report 2020/21



8.3.6 Dinner Plain Special Rate (2020/21) Public Notice of Proposed Declaration

INTRODUCTION

A Council may declare a special rate for the purpose of defraying the expenses of performing a function that is of special benefit to the persons required to pay the special rate. The declaration of a special rate is a requirement of the *Local Government Act 1989*, Section 163.

The purpose of this report is to recommend that public notice is given of a proposed declaration of a Special Rate for the Dinner Plain village applicable to Commercial / Industrial land only in 2020/21.

RECOMMENDATION

That Council:

1. *Give public notice in accordance with s163 of the Local Government Act 1989 of the intention to declare a special rate for the period 1 July 2020 to 30 June 2021 as follows:*
 - a. *A special rate (the Dinner Plain Special Rate) be declared for the purpose of defraying any expenses in relation to the provision of services of special benefit to the owners of Commercial / Industrial land within the Dinner Plain village;*
 - b. *The total cost of the performance of this function is estimated to be \$607,000 over one year, based on inclusion of the following services:*
 - i. *The Dinner Plain to Hotham winter bus service*
 - ii. *Roadways snow clearing*
 - iii. *Cross country snow grooming*
 - iv. *Marketing and events support specific to Dinner Plain*
 - v. *Cable Television Maintenance;*
 - c. *The Dinner Plain Special Rate will apply to Commercial / Industrial land within the Dinner Plain village as defined in the attached map;*
 - d. *The definition of Commercial / Industrial land is the definition provided in the Alpine Shire Council draft Budget Report 2019/20;*
 - e. *The amount of the Dinner Plain Special Rate to be levied is determined as 43% of the general rate as provided in the Alpine Shire Council draft Budget Report 2019/20;*
 - f. *The amount of the Dinner Plain Special Rate to be levied is estimated to be \$182,580 over one year, or such other amount as is lawfully raised as a consequence of this Resolution;*
 - g. *The amount of the Special Rate will be the amount shown as due and payable in any notice sent to a person required to pay the Dinner Plain Special Rate; and*



- h. Each person liable to pay the Dinner Plain Special Rate is to pay by instalments in line with Council's general rate payment requirements each year.*
- 2. Invite public submissions in relation to the proposed declaration of the Dinner Plain Special Rate in accordance with s163A and s223 of the Local Government Act 1989.*
- 3. Form a committee according to Section 223 (1)(b) of the Local Government Act 1989, if required, consisting of Councillors for the purpose of hearing submissions in relation to the proposed declaration of the Dinner Plain Special Rate.*
- 4. Consider the Dinner Plain Special Rate for 2020/21 declaration at a Special Council Meeting on 16 June 2020.*

BACKGROUND

The Dinner Plain village has for some time been subject to a Special Rate to defray the expenses associated with services of special benefit to Dinner Plain ratepayers. Within the Alpine Shire Council's draft Council Budget Report 2020/21, this includes the Dinner Plain to Hotham winter bus service (\$175,000, an increase of \$13,000 due to anticipated CPI increase in the service contract and a moderation of income from ticket sales); roadways snow clearing (\$160,000); cross country snow grooming (\$66,000); marketing and events support specific to Dinner Plain (\$191,000); and Cable Television Maintenance (\$15,000, an increase of \$13,000 to enable extensive component replacement).

ISSUES

A declared Special Rate for Dinner Plain reduced from 80.7% in 2015/16, to 65% in 2016/17, to 43% in 2017/18. In 2018/19, the Special Rate was aligned to the differential rate for Commercial / Industrial Land in the rest of the shire and was only paid by ratepayers who own Commercial / Industrial land in the Dinner Plain village (including holiday lets).

This approach was continued in 2019/20, and it is proposed that it be maintained for the declaration of a Special Rate in 2020/21.

It is noted that the Dinner Plain village operates on a total cost recovery basis. If there is a deficit or surplus based on the difference between

- a) all general and Special income attributable to Dinner Plain and
- b) all general and Special costs attributable to Dinner Plain,

this is allocated to a reserve, namely the 'Dinner Plain Reserve'. This is inclusive of all relevant income and costs, including, for example, the general rates paid by Dinner Plain ratepayers; an apportionment of general Council grants; an apportionment of Council services relevant to Dinner Plain; an apportionment of Council overheads; all Special Rate costs; and all capital works expenditure in Dinner Plain. Based on current forecasts, Dinner Plain expenditure will continue to exceed income as it has in 2019/20.



It is noted that in line with the 2019/20 Dinner Plain Special Rate declaration, Council is committed to delivery of a pipeline of \$1.5m new and upgrade capital works within Dinner Plain by 2027. It is anticipated that by the end of 2020/21, \$1,120,000 of this pipeline will have been delivered, including:

2017/18 Works

- Toboggan Run Access Improvements - \$19,000
- Dinner Plain Mountain Bike Trails - \$187,000
- Dinner Plain Village Green - \$32,000

2018/19 Works

- Toboggan and Ski Run Safety Improvements - \$24,000
- Dinner Plain Mountain Bike Trails Stage 2 - \$70,000 (\$187,000 total cost, \$117,000 grant funded)
- Dinner Plain Tracks and Trails Signage - \$43,000
- Dinner Plain Village Detailed Designs - \$48,000
- Dinner Plain Tube Slide - \$4,000

2019/20 Works (Forecast)

- Toboggan and Ski Run Safety Improvements - \$83,000
- Dinner Plain Snowmaking Options Analysis - \$10,000 (\$50,000 total cost, \$40,000 grant funded)
- Dinner Plain Mountain Bike Trails Stage 2 - \$3,000 (\$16,000 total cost, \$13,000 grant funded)
- Dinner Plain Village Detailed Designs - \$12,000
- Dinner Plain Tube Slide - \$1,000

2020/21 Works (Proposed)

- Dinner Plain Activation - \$580,000 (\$900,000 total cost, \$320,000 grant funded)

POLICY IMPLICATIONS

The preparation of the Dinner Plain Village Rate 2019/20 strategy is in accordance with the:

- Special Rates and Charges, Ministerial Guidelines, September 2004
- *Local Government Act 1989*
- Alpine Shire Rating Strategy
- Strategic Resource Plan
- Council Plan 2017-2021 objective to provide a Responsible and Sustainable Organisation.



FINANCIAL AND RESOURCE IMPLICATIONS

Based on current property valuations across the Alpine Shire, the Dinner Plain Special Rate for 2020/21 is proposing to raise an estimated \$182,580 over the 12 month period. This is significantly less revenue than the cost of the Special Rate services which are estimated to cost \$607,000 over the same period.

Analysis indicates that Dinner Plain expenditure will exceed income into the foreseeable future. This deficit will be covered by the Dinner Plain Reserve in as much as it has a positive balance.

The Dinner Plain reserve is forecast to be \$656,000 as at 30 June 2020.

CONSULTATION

Under Section 163 of the *Local Government Act 1989*, a Council must give public notice of its intention to make a special rate declaration at least 28 days before making the declaration. The public notice must contain an outline of the proposed declaration, the date on which it is proposed to be made, and it must advise that copies of the proposed declaration are available for inspection at the Council office for at least 28 days after the publication of the notice.

In addition, the Council must send a copy of the public notice to each person who will be liable to pay the special rate within three (3) working days of the day on which the public notice is published.

Under Section 223 of the *Local Government Act 1989* a person has a right to make a submission on the proposed Dinner Plain Special Rate for 2020/21 and any submission must be considered before adoption of the budget by Council. Council must allow a minimum 28 days after the public notice to receive submissions. A person has the right to have their submission heard at a committee be formed according to Section 223 (1)(b) of the *Local Government Act 1989*, if required, consisting of Councillors for the purpose of hearing submissions.

CONCLUSION

Public notice of the intention to declare a special rate is a requirement of the *Local Government Act 1989*.

Council is giving public notice of the intent to declare a Dinner Plain Special Rate of 43% of the general rate for rateable residential properties for the period 1 July 2020 to 30 June 2021 in accordance with Section 163 of the *Local Government Act 1989*. It is proposed to declare the Dinner Plain Special Rate at a Special Council Meeting on 16 June 2020.



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
- Director Assets
- Manager Corporate
- Rates Coordinator

ATTACHMENT(S)

8.3.6 Dinner Plain Village Rate Map



8.3.7 Organics kerbside bin collection service update

INTRODUCTION

This report presents an overview of the recently announced Victorian State Governments *Recycling Victoria Policy* as relevant to kerbside collection services, and the findings of a community survey exploring the option to upgrade the current kerbside collection service to include an organics bin for garden and food waste.

RECOMMENDATION

That Council:

- 1. Further investigate service models for a FOGO kerbside collection service.*
- 2. Conduct a market test of costs for the kerbside collection, transportation, disposal and processing of FOGO.*
- 3. Conduct market test for supply and roll out of kerbside bins and associated consumables.*
- 4. Investigate funding opportunities to support the introduction of a kerbside FOGO service.*

BACKGROUND

In June/July 2019 Council conducted a community survey to identify community support and issues associated with the introduction of a kerbside food organics garden organics (FOGO) bin collection service.

Subsequent to the completion of the survey, and prior to a full review of the findings, the Victorian State Government announced that it would be developing a *Circular Economy Policy* for release in late 2019. As the policy would have potential implications for forward kerbside and waste separation service models the reporting of findings and recommendations for the service were delayed until the Circular Economy Policy was released and could be considered.

The detail and final announcement of the policy occurred late in February 2020, with release of the newly named *Recycling Victoria Policy (the Policy)*. The Policy includes requirements for Councils to implement systems to enable separation of glass from kerbside comingled bins (yellow lid); and to provide a food and garden organics recycling service.

Therefore, the current model of two streams of separation at kerbside needs to be changed to provide for this four-stream waste diversion system.

The survey findings provide valuable data for informing a service model that would achieve the objection of removing food waste from landfill. This report has been prepared taking into consideration both the findings of the survey, and the Policy requirements.



ISSUES

Recycling Victoria Policy

The Victorian State Government announced the Recycling Victoria Policy late February 2020. Among a suite of waste management reforms, the Policy includes key changes to the household waste and recycling systems.

These include the introduction of a glass recycling service by 2027; and introduction of food and garden recycling services by 2030.

Council does not currently offer services that would meet these requirements and needs time to implement new services with existing contractual arrangements.

It should be noted that Indigo Shire Council, Rural City of Wangaratta and Benalla Rural City have all introduced FOGO kerbside services to their communities.

Council is yet to review options for a glass separation stream.

Community Survey Findings

In June 2019 Council invited residents, businesses and ratepayers of the Shire to complete a short confidential survey. It was important to Council to receive a high response rate from across the community so made the survey available online and in hard copy over a three-week period. Current users of Council's standard kerbside bin collection service were also contacted directly via a mail out that included a hard copy of the survey, reply paid envelope and double-sided information flyer.

Ratepayers and community members were presented with the following scope of a proposed kerbside organics service:

- Weekly collection of green lidded, garden and food organics bin;
- Fortnightly collection of landfill bin (red lid), a switch from the existing weekly collection. The fortnightly recycling service would remain unchanged;
- An additional overall waste charge of between \$1.30 and \$1.75 per user per week for upgrading the service to include a third bin.

In summary the majority of respondents supported the introduction of the FOGO third bin service.

Additional work is required to determine the potential model for introduction and final costs of this service, and to investigate funding opportunities to support any introduction of this service.

Below is detailed key survey findings, with a full copy of the findings attached as an appendix to this report.

- 2,263 surveys were completed by residents, rate payers and businesses, being a response rate of 37%.
- 94.4% (2,137) of responses were from residential properties and 78.6% (1,679) of these were from owners of properties in their permanent residence.



- 54% (1,221) of respondents 'strongly agree' or 'agree' with the introduction of a new organics kerbside bin service (garden and food waste) that would result in an additional cost to each property of between \$1.30 and \$1.75 per week.
- 10.6% (241) 'neither agree nor disagree', and
- 35.4% (801) 'somewhat disagree/disagree' or 'strongly disagree' with the service introduction.
- 62.2% (1,407) of respondents provided comment to support their choice.
- Consistent themes emerged through these comments; from respondents who agreed, remained neutral or disagreed. Comments were grouped according to these themes, in instances where a respondent's comment fit multiple themes, each theme was treated separately, apart from 'benefit, support', which was only grouped when no other theme was mentioned.
- The most common reason given for support of the introduction was environmental benefit, including a reduction in waste to landfill, and to meet individual waste needs.
- The most common reason respondents disagreed with the introduction was concern over additional costs, an increase in rates, or because respondents reported they already had a method for disposing of organic waste.
- The most common ways respondents reported disposing of garden waste was with 'home compost or worm farm', at a 'Council transfer station' and 'burn'.
- The most common reasons respondents remained neutral were an individual's perceived need for use for an organics kerbside service and consciousness of an increase in costs.
- The preferred communication method for future information about a new organics service was direct mail out, email, Council's Facebook page and Council's website.

POLICY IMPLICATIONS

The *Recycling Victoria Policy* requires Council is required to provide a glass recycling service by 2027 and a food and garden recycling service by 2027.

The introduction of these services would improve waste outcomes by diverting less waste to landfill, reduce greenhouse gas emissions and improve recycling outcomes through the separation of glass from other recyclable materials.

FINANCIAL AND RESOURCE IMPLICATIONS

Cost estimates of net costs per household were undertaken in early 2019. These costs need to be reviewed to current market conditions. Separate market tests need to be undertaken to establish current costs of service delivery, processing options and associated transportation costs.

There will also be costs for the introduction and rollout of additional bins and project costs associated with pre and post commencement community engagement and education programs.



Funding opportunities to support the introduction of the service also require further investigation.

CONSULTATION

A significant number of communication tools and messages were utilised during the consultation process. In designing the communication campaign and materials Council was interested in maximising the 'reach' of information to ensure people not engaged with Council through social media or Council's website participated in the process.

A further report will be provided to Council with a recommendation on next steps prior to progressing to implementation of any change to kerbside services. Depending on the outcome of investigations, and the approved changes, significant community engagement and education will occur.

CONCLUSION

Since undertaking our Community Survey to gauge community attitudes and support the introduction of kerbside FOGO services, the State Government's *Recycling Victoria Policy* requires the introduction of food and garden waste recycling prior to 2030, however the survey also demonstrated a strong level of community support for the introduction of a kerbside FOGO service.

Significant work is required to be undertaken prior to progressing with this project and a further report will be provided to Council that details the potential service model, market test outcomes for bins and consumables; market test outcomes for the collection, transportation, disposal and processing of FOGO waste, as well as potential external funding options.

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 Facilities

ATTACHMENT(S)

8.3.7 a Survey findings

8.3.7 b Community survey

8.3.7 c Survey information sheet



8.3.8 Planning Application 5.2019.154.1

Application number:	5.2019.154.1
Proposal:	2 lot subdivision, boundary re-alignment and the development of 2 dwellings
Applicant's name:	Mr Domenic Marasea
Owner's name:	Domenic and Ilona Marasea
Address:	1/27 Bakers Gully Road, Bright
Land size:	511sqm
Current use and development:	One single storey weatherboard dwelling with a crossover
Site features:	There is a single storey weatherboard dwelling on 1/27 Bakers Gully Road, Bright. There is an existing crossover serving 1/27 Bakers Gully Road, and a separate crossover servicing the common property. There is a street tree in the verge, and overhead power lines. Slopes up from the front to rear.
Why is a permit required?	32.08-3 Subdivision (GRZ) 32.08-6 Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings (GRZ) 44.06-2 Subdivision and Buildings and Works (BMO)
Zoning:	General Residential Zone (GRZ)
Overlays:	Bushfire Management Overlay - Schedule 1 (BMO)
Restrictive covenants on the title?	None
Date received:	Thursday, 5 March 2020 (amended plans)
Statutory days:	12 days @ 17 March 2020
Planner:	James Trimble

RECOMMENDATIONS

That a Notice of Decision to grant a planning permit be issued for a 2 lot subdivision, boundary realignment and the development of 2 dwellings at 1/27 Bakers Gully Road, Bright in accordance with the conditions outlined in Attachment (a) and for the following reasons:

- 1. The proposal generally meets the relevant provisions of the*
 - a. State and Local Planning Policy Framework;*
 - b. General Residential Zone and Bushfire Management Overlay;*
 - c. Clauses 52.06, 53.02, 55, 56 and 65 provisions.*



2. *The proposal provides for urban infill in a centrally sited location within the township of Bright.*
3. *The proposal is considered to provide an appropriate design, and neighbourhood character.*

PROPOSAL

2 lot subdivision

Proposed Lot 1A has an area of 346.68sqm, 17.30 metres of frontage to Bakers Gully Road, and contains existing easement E-1.

Proposed Lot 1B has an area of 159.2sqm, and 10.65 metre frontage to the common property vehicle accessway.

The construction of 2 dwellings

The existing dwelling is to be demolished. The construction of a new double storey dwelling on both proposed lots. The dwelling on proposed Lot 1A (front lot) has a double garage, open plan living meals kitchen, rumpus room, 6 bedrooms, 6 bathrooms, and a front balcony. This dwelling includes boundary walls to the north and south, and a minimum 4.5 metre setback to the street.

The dwelling on proposed Lot 1B (rear lot) has a partially roofed single car bay, open plan meals living kitchen, 3 bedrooms and 3 bathrooms. This dwelling includes boundary walls to the east, south and west.

Alteration of existing common property

An alteration of the existing common property is proposed with a new 1 metre wide by 11.05 metres long, 11sqm area to west of proposed Lot 1B, and a reduction in the common property area to the south of proposed Lot 1A with an area of 2.35sqm, 0.5 metre width and 4.7 metre length.

The full subdivision and development plans can be viewed at attachment (c) Subdivision and development plans.

SUBJECT LAND AND SURROUNDS

The site is an irregular shape with direct road frontage to Bakers Gully Road. The site has an existing single storey dwelling (setback approximately 6 metres from the front lot boundary) with an associated single garage, driveway and landscaping. There is an existing crossover serving 1/27 Bakers Gully Road, and a separate crossover serving the common property.

The site sits within an established residential area of Bright consisting of mainly single dwellings of diverse architectural design and scale. Lot sizes are mixed, ranging from 135sqm at 2/27 Bakers Gully Road up to 1 hectare at 25 Bakers Gully Road. The prevailing lot size in the area is generally between 500sqm and 1,000sqm. The site is situated within 100 metres of the local P-12 school and 500 metres of Bright's central commercial area.



Directly to the west of the site are small developed lots ranging in size from 135sqm to 200sqm. These dwelling are serviced with vehicular access via a common property accessway from Bakers Gully Road.



Figure 1: 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 directly surrounding landholders and occupiers. A sign was displayed on the subject land. 5 objection(s) were received. The matters raised in the objections have been summarised into the following 20 points.

1. Overdevelopment of the site

This is a subjective matter beyond the scope of the relevant statutory planning considerations.

2. Overlooking

The proposed front balcony at unit 1A will not overlook into windows of any kitchen, lounge room, living room or backyard within the 9 metre cone of vision as stated in the clause 55 (ResCode) provisions within the Alpine Planning Scheme.

The matter of overlooking is considered within the provisions of Clause 55.04-6 within the Alpine Planning Scheme. The application either complies with the standard B22 requirements relating to overlooking, or appropriate conditions have been included to ensure compliance.

4. Stormwater and drainage

Confirmation was provided from Councils Engineering department that underground stormwater is required within the site only, to the existing drainage



discharge point in Bakers Gully Road. Appropriate conditions have been included should the application be supported.

There are specific onsite stormwater management considerations at clause 55.03-4 within the Alpine Planning Scheme. The proposal is considered to comply with standard listed at clause 55.03-4, subject to the inclusion of appropriate conditions.

5. Car parking

On street car parking in the immediate location of the proposed development within Bakers Gully Road is the responsibility of Alpine Shire to manage.

In accordance with the requirements of Table 1 within clause 52.06 within the Alpine Planning Scheme a minimum of 2 car parking spaces must be provided within each proposed lot for each proposed dwelling.

A condition has been included to ensure an adequate car parking area is provided, should the application be supported.

6. Neighbourhood character impact

The existing neighbourhood character is determined by more than the existing dwelling on 1/27 Bakers Gully Road. In accordance with the understanding neighbourhood character DELWP practice note the neighbourhood and site description should extend for about 5 sites or buildings up and down the street, across the street and behind the site, however it could extend further.

The minimum lot size within 5 sites is 135sqm and the largest lot size is 10,665sqm. The site sits within an established residential area of Bright consisting of mainly single dwellings of diverse architectural design and scale. There is no consistent architectural style. The predominant scale of development in the area is larger dwellings on larger lot sizes, with substantial landscaping.

The neighbourhood character standard is not intended to result in the replication of existing building stock or stop change.

Two (2) storey development is an anticipated form of residential development within the General Residential Zone. The General Residential Zone allows for development up to 11 metres in height, and a maximum of 3 storeys.

The street setback, site coverage and boundary wall considerations are further discussed below. These are amenity considerations which should be treated separately to neighbourhood character. Amenity is about the pleasantness and good functioning of an area. Neighbourhood character is about its sense of place and community meaning. Sometimes the amenity standards can have an effect on neighbourhood character, but as a general principle, neighbourhood character and amenity should be treated separately.

7. Site coverage

The proposal complies with the standard at clause 55.03-3 Site coverage within the Alpine Planning Scheme.



8. Height and Street setback impact

Street Setback

The design proposes a variation to the standard at clause 55.03-1 Street Setback within the Alpine Planning Scheme. The reduced street setback has been considered against the decision guidelines and objectives of clause 55.03-1 and determined to be compliant.

There are other existing buildings in Bakers Gully Road that have a setback of less than 4 metres from Bakers Gully Road. The vegetation within the existing street setback area is not considered worthy of retention. The greatest visual impact will be from 29 Bakers Gully Road to the north of the site, from the driveway area on this site.

Height

The General Residential Zone allows for buildings up to 11 metres in height, or 3 stories. The proposal complies with this requirement.

9. The site is not within the medium density development area

The site sits outside the area defined for medium density development within clause 21.07-1 within the Alpine Planning Scheme. The property is well situated in terms of proximity to local commercial and community facilities within Bright. This strategy is not a policy and there is discretion to vary. This strategy is one of many which needs to be balanced in the decision making process.

10. Increased car, bike and pedestrian traffic on already busy road

Neither the applicant nor the objectors have provided any detailed traffic engineering reports. The additional vehicle movements from 1 additional dwelling on the site is considered to be minimal.

11. Pedestrian links

The proposal is considered to comply with the standard at clause 55.02-5 Integration with the street objectives as pedestrian access to the street can be made via the existing crossovers. There is no existing footpath in Bakers Gully Road in the verge in front of the site, for the site to provide a connection to.

The additional pedestrian movements created by another dwelling on the site is not considered adequate justification to require the provision or contribution towards the development of a footpath in Bakers Gully Road.

12. Permeability

The proposal complies with the standard at clause 55.03-4 Permeability within the Alpine Planning Scheme.

13. The proposed development does not adequately address Bakers Gully Road

The pedestrian entrance to proposed Dwelling 1B faces the existing common property accessway and is further defined with a roof cover portico. This entrance is not concealed, or obscured from the common property vehicle accessway.



The proposal complies with standard at clause 55.02-5 Integration with the street within the Alpine Planning Scheme.

14. Landscaping

The applicant has submitted a detailed to scale landscaping plan. This landscaping plan indicates the planting of a number of trees across the site. The landscaping includes grass, ground cover plants and trees.

There are concerns that the landscaping is inconsistent with the landscaping requirements in the Bushfire Management Overlay, therefore a condition to ensure compliance has been included should the application be supported.

15. Vehicle manoeuvring

The applicant has submitted swept path diagrams. The application was referred to Councils engineering department. Comments were provided stating 'need dimensions on carpark turning plans'. A condition has been included requiring the submission of this information should the application be supported.

16. Overshadowing

The proposal complies with the standard at clause 55.04-5 Overshadowing open space within the Alpine Planning Scheme.

17. Boundary walls

The proposed boundary walls have been assessed against the provisions of clause 55.04-2 Walls on boundaries within the Alpine Planning Scheme.

The proposed northern boundary wall is not considered to comply with the relevant decision guidelines and objectives. A condition has been included to ensure compliance with the standard, should the application be supported.

The boundary walls proposed to the common property lot boundary are considered to comply with the decision guidelines and objectives of clause 55.04-2. These boundary walls abut a common property vehicle accessway which is currently 5 metres wide. The nearest dwelling to south of these boundary walls is approximately 28 metres away.

18. The applicant does not use local trades

This is not a relevant statutory planning consideration for the application.

19. Impact on existing views

This is not a relevant statutory planning consideration for the application.

20. Number of bedrooms proposed

The plans indicate Dwelling 1A having 6 bedrooms inclusive of the attic area, and Dwelling 1B having 3 bedrooms.

21. Loss of existing character house

The existing dwelling is not heritage listed. There are no statutory planning controls to prevent the demolition of the existing dwelling on the site.



REFERRALS

Referrals / Notice	Advice / Response / Conditions
Section 55 referrals:	Goulburn Murray Water - Conditional consent provided Country Fire Association - Conditional consent provided
Internal / external referrals:	Council Engineering - Conditional consent provided

PLANNING ASSESSMENT AND RESPONSE TO GROUNDS OF OBJECTION

State Planning Policy Framework

The following State Planning Policy Framework policies are considered relevant:

Clause 11.02-1S Supply of urban land

It is projected that Bright currently has a limited supply of vacant land available for residential development. The redevelopment of the subject site represents efficient use of available residential land within Bright that is well serviced by infrastructure and in close proximity to commercial, retail, recreational and institutional services.

Clause 13.02-1S Bushfire planning

The proposal complies with the provisions of the Bushfire Management Overlay, which are further discussed below. The application was referred to the Country Fire Association for comment and a letter of conditional consent was provided.

Clause 15.01 Built Environment

The proposal is considered to provide for an appropriate level of design.

Clause 16.01 Residential Development

The proposal provides for infill development reducing pressure for fringe development, making use of existing infrastructure.

Local Planning Policy Framework (LPPF)

The following Local Planning Policy Framework policies are considered relevant

Clause 21.03-1 Townships and Villages

The proposal provides for urban growth within Bright, within close (500 metres) proximity of the retail core of Bright, therefore maintaining green buffers between towns.

Clause 21.07-1 Bright

The proposal is considered to provide for an appropriate level of design. The site sits outside the area defined for medium density development; however the property is well situated in terms of proximity to local commercial and community facilities.

Clause 22.01-1 Battle-axe blocks policy

The proposal includes a reduction in the width of the current access handle less than 5 metres. Considering the existing pattern of subdivision and to ensure safe



and convenient vehicle access a further reduction in the width of the access handle is not supported. Should the application be supported a condition has been included to ensure compliance with this clause.

Clause 22.04-1 Infrastructure

There is considered to be capacity for connection to reticulated services. Pursuant to the provisions of clause 66.01 the proposal is not required to be referred to servicing authorities, subject to the inclusion of conditions. Should the application be supported these conditions have been included.

Clause 22.04-4 Urban stormwater management

Should the application be supported appropriate conditions have been included in relation to stormwater.

Zoning and land use

The site is zoned General Residential Zone. The development is consistent with the purpose and decision guidelines of this zone for the following reasons:

- The proposal is considered to respect the neighbourhood character of the area and encourages diverse housing types in a location offering good access to services.
- The proposed building and works will not overshadow any existing rooftop solar energy facility on adjoining lots in the General Residential Zone.

There is a planning permit trigger for proposal at clauses 32.08-3 and 32.08-6.

The application must meet the requirements of clause 55.



Clause 55 Objectives	
NEIGHBOURHOOD CHARACTER AND INFRASTRUCTURE	
Neighbourhood character and site responsiveness	See separate sections within this report.
SPPF and LPPF housing policy	See separate sections within this report.
Dwelling Diversity	Not applicable, as less than 10 dwellings are proposed.
Infrastructure	Complies, subject to the inclusion of conditions.
Integration with street	Complies, subject to the inclusion of conditions.
SITE LAYOUT AND BUILDING MASSING	
Street setback	* Variation to the standard
Building height	Complies
Site coverage	Complies
Permeability	Complies
Energy efficiency	Complies
Open space	Not applicable, no public or communal open space is proposed.
Safety	Complies, subject to the inclusion of conditions.
Landscaping	Complies, subject to the inclusion of conditions.
Access	Complies
Parking location	Complies, subject to the inclusion of conditions.
AMENITY IMPACTS	
Side and rear setbacks	**Variation to the standard
Walls on boundaries	***Variation to the standard
Daylight to existing windows	Complies
North-facing windows	Complies
Overshadowing open space	Complies
Overlooking	Complies, subject to the inclusion of conditions.
Internal views	Complies
Noise impacts	Complies
ON-SITE AMENITY AND FACILITIES	
Accessibility	Complies
Dwelling entry	Complies
Daylight to new windows	Complies
Private open space	Complies
Solar access to open space	Complies
DETAILED DESIGN	
Storage	Complies
Design detail	Complies
Front fences	Complies, subject to the inclusion of conditions.
Common property	Complies, subject to the inclusion of conditions.
Site services	Complies, subject to the inclusion of conditions.
Car Parking	See separate sections within this report.

Table 1: Clause 55 Assessment



* Street setback – The proposed street setback does not meet the standard, therefore the relevant decision guidelines and objectives must be considered. The proposed street setback is considered to meet the relevant decision guidelines and objectives as it provides an appropriate design response, takes into account the prevailing setbacks of existing buildings on nearby lots which includes setbacks to Bakers Gully Road of less than 4 metres, and there is minimal significant landscaping within the existing street setback area.

** Side and rear setbacks – The proposal includes side and/or rear setback variations to the standard with the following walls:

- Dwelling 1A North – Upper Floor – Conditioned to comply with standard.
- Dwelling 1A South – Upper Floor
- Dwelling 1B West
- Dwelling 1B South – Upper Floor

Therefore the relevant decision guidelines and objectives must be considered. The southern and western setbacks are considered to meet the relevant decision guidelines and objectives, as they provide an appropriate design, do not have an impact on the amenity of existing habitable room windows and secluded private open space, and the southern walls abut a currently 5 metre wide common property vehicle accessway with the nearest dwelling being sited approximately 28 metres away from these proposed walls.

*** Walls on boundaries – The proposal includes a boundary wall variation to the standard with the Dwelling 1A South wall.

Therefore the relevant decision guidelines and objectives must be considered. The Dwelling 1A southern boundary wall is considered to meet the decision guidelines, as it has minimal impact on the amenity of existing dwellings as it is separated to the south by the existing shared vehicle accessway within common property, and the nearest dwelling is sited approximately 28 metres away from this wall.

The application must meet the requirements of clause 56. A detailed assessment of the proposal against the provisions of clause 56 is contained on the planning file – reference no. 5.2019.154.1.

Pursuant to clause 56.04-5 common area the application must be accompanied by a plan and report identifying:

- The common area to be owned by the body corporate, including any streets and open space.
- The reasons why the area should be commonly held.
- Lots participating in the body corporate.
- The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.



The applicant has not submitted this information. Should the application be supported a condition has been included to require the submission of this information to the responsible authority for approval.

Pursuant to clause 32.08-4 a minimum of 30% of the lot area must be provided as garden area, as the site is not within a designated medium density housing area. The application proposes 44.17% as garden area.

Pursuant to clause 32.08-10 a building on the site must not exceed a height of 11 metres, and the building must not contain more than 3 storeys at any point. The proposed development complies with this requirement.

Bushfire Management Overlay - Schedule 1

The site is covered entirely by the Bushfire Management Overlay - Schedule 1. There is a planning permit trigger for the proposal at clause 44.06-2. The application was referred to the Country Fire Association (CFA) for comment. Conditional consent was provided. The application is considered to meet the relevant requirements of the Bushfire Management Overlay, subject to the inclusion of a condition requiring an amended landscaping plan to ensure compliance with the defensible space requirements.

Particular Provisions

Clause 52.06 - Car parking

Pursuant to the requirements of this clause each dwelling must be provided with at least 2 car parking spaces, which meet the minimum dimension requirements of Table 2. Conditions have been included to ensure compliance, should the application be supported.

Clause 53.02 - Bushfire Planning

The application was referred was referred to the Country Fire Association (CFA) for comment. Conditional consent was provided. The application is considered to meet the relevant requirements of this clause.

General Provisions

Clause 65 of the Alpine Planning Scheme provides the decision guidelines that must be considered before deciding on an application. A detailed assessment of the proposal against the provisions of Clause 65 is contained on the planning file – reference no. 5.2019.154.1. The surrounding area is zoned General Residential Zone, with the lot sizes being as small as 135sqm, and developed with a single dwelling. The amenity impacts have been assessed through the clause 55 assessment.

The site is considered to be suitable for subdivision based on the lot sizes proposed and the existing developed context. The lot sizes proposed are 150sqm and 345sqm, which are greater than existing surrounding lots. New boundary walls are proposed. Additional fire rating requirements apply. An appropriate condition has been included should the application be supported.



CONCLUSION

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

- The proposal generally meets the relevant provisions of the
 - State and Local Planning Policy Framework;
 - General Residential Zone and Bushfire Management Overlay;
 - Clause 52.06, 53.02, 55, 56 and 65 provisions.
- The proposal provides for urban infill in centrally sited location within the township of Bright.
- The proposal is considered to provide an appropriate design, and neighbourhood character.

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
- Planning Coordinator
- Planning Officer

APPENDICIES

- (a) – Conditions
- (b) – Policy and decision guidelines
- (c) - Subdivision and development plans



APPENDIX (a)

Effect of Permit

1. This permit does not come into effect unless existing permit 5.2014.101.2 is amended to ensure consistency with this approval.

Amended Plans

2. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. The dwelling (Unit) 1A northern upper floor lot boundary setback to the attic being a minimum of 1.6 metres.
 - b. In relation to dwelling (Unit) 1B:
 - i. The width of the combined car parking spaces being a minimum of 5.6 metres;
 - ii. The north facing upper floor bedroom 3 and rumpus room windows having:
 - a) A sill height of at least 1.7 metres above the upper floor level;or
 - b) Fixed, obscure glazing in any part of the window below 1.7 metre above the upper floor level; or
 - c) Permanently fixed external screens to at least 1.7 metres above the upper floor level and be no more than 25 per cent transparent; or
 - d) Other alternative screening measures to prevent overlooking to the satisfaction of the responsible authority.
 - c. No encroachment into the existing common property;
 - d. Dimensions on the Vehicle Swept Paths plan DWG No TP 11/ Date 12/12/19, and the vehicle movements being in accordance with AS2890;
 - e. Deletion of proposed easement E-2;
 - f. No fencing higher than 1.5 metres within 3 metres of the Bakers Gully Road lot boundary.
 - g. In relation to landscaping:
 - i. Landscaping being consistent with the vegetation management requirements identified within Table 6 in clause 53.02 within the Alpine Planning Scheme;



- ii. No landscaping higher than 900mm above natural ground level within any truncation areas abutting the vehicular accessway and driveway and in accordance with the other conditions within this permit.

Endorsed Plans

3. The layout of the site and the size of the proposed buildings and works must be generally in accordance with the endorsed plans which form part of this permit. The endorsed plans must not be altered or modified (whether or not to comply with any statute statutory rule or local law or for any other reason) without the consent of the responsible authority.
4. The layout of the subdivision as shown on the endorsed plan must not be altered or modified (whether or not in order to comply with any statute, statutory rule or Local Law, or for any other reason) without the prior written consent of the Responsible Authority.

Schedule of materials and colours required

5. Before the development starts, a schedule of construction materials, external finishes and colours must be submitted to and approved by the responsible authority. When approved, the schedule will be endorsed and will then form part of the permit.

Landscaping Works

6. Before the occupation of the dwellings commence 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.
7. 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.

Tree Protection During Construction

8. Before the development (including demolition) starts, a tree protection zone fence must be erected around the existing street tree from the base of the trunk to define a 'Tree Protection Zone'. The fence must be constructed of (star pickets and chain mesh or similar) to the satisfaction of the responsible authority. The tree protection fence must remain in place until construction is completed. The tree protection zone fencing is to be installed in accordance with Australian Standard AS 4970.

Regulation of Activities in Tree Protection Zone

9. No vehicular or pedestrian access, trenching or soil excavation is to occur within the Tree Protection Zone without the written consent of the responsible authority. No storage or dumping of tools, equipment or waste is to occur within the Tree Protection Zone.



Street Tree

10. No excavation is allowed within the drip line of any existing street tree unless otherwise approved by the responsible authority. This permit does not authorise the applicant to remove, trim or otherwise damage street trees within the vicinity of works. Should a tree be damaged, all replacement or arborist's costs shall be borne by the applicant.

Construction Site Storage Area

11. An area for the storage of construction materials must be designated prior to the arrival of equipment and materials onsite. Wherever possible, disturbed areas should be used rather than areas of good quality indigenous vegetation and significant stands of trees. At the completion of construction all excess materials must be removed and the site should be regenerated to the satisfaction of the responsible authority.

Mandatory Bushfire Condition

12. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

Mailboxes

13. Mailboxes must be provided and located for convenient access as required by Australia Post.

Screening requirement

14. Before the building(s) are occupied, a free-standing trellis (maximum 25 per cent openings) must be erected to a height above the existing fence on the northern boundary of the site in accordance with the endorsed plans, to restrict overlooking into the interior of the dwelling on the adjoining residential property to the satisfaction of the responsible authority.

Fencing

15. No fencing is permitted within the common property area to west of Dwelling (Unit) 1B.

Trellis Construction

16. The trellis required by condition 14. must be framed (and formed) and maintained to the satisfaction of the responsible authority.

Boundary Walls

17. Any walls on the boundary of an adjoining property shall be cleaned and finished to the satisfaction of the responsible authority.



Garbage Storage

17. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be screened from public view to the satisfaction of the responsible authority.

Garbage Collection

18. The Body Corporate must provide a regular private waste collection including a regular collection of recyclable materials for the land to the satisfaction of the Responsible Authority. Council's waste collection contractor will not service the dwellings. This condition must be brought to the attention of all prospective purchasers of buildings to be constructed on the land by inclusion of a copy of the planning permit in the Vendors Statement affecting the land.

Waste Management Plan

19. Prior to the occupation of any of the buildings hereby approved, a waste management plan must be submitted to the Responsible Authority for approval. Such plan must provide details of regular garbage collection service to each of the dwellings on the subject land, including information regarding the type of refuse bins, type and size of trucks, means of accessing bins and frequency of refuse collection, to the satisfaction of the Responsible Authority. The collection of waste must only occur between 8:30am and 5pm.

Boundary fencing

20. Prior to the occupation of the buildings hereby approved boundary fences along the northern lot boundary behind the garage of the dwelling (unit) 1A must be a minimum of 1.8 metres high above the finished ground level(s) within the site within the 9 metre cone of vision of any approved ground floor north facing habitable room window which overlooks any existing habitable room window or secluded private open space.

Vehicle Manoeuvring

21. All car parking spaces and driveways must be designed to allow all vehicles to drive forwards both when entering and leaving the property.

Subdivision Conditions

Existing Structures

22. Prior to issue of a statement of compliance, existing buildings and works on all proposed lots must be demolished and removed from site to the satisfaction of the Responsible Authority.

Common Property

23. Prior to the issue of a statement of compliance, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and



will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- a. No encroachment into the existing common property.
24. Prior to the issue of a statement of compliance, the submission and approval of a to scale and dimensioned plan and report identifying:
- a. The common area to be owned by the body corporate, including any streets and open space;
 - b. The reasons why the area should be commonly held;
 - c. Lots participating in the body corporate;
 - d. The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.

Fire Rated Walls

25. Prior to the issue of a statement of compliance, the integrity of the walls between all lots (fire rating and sealing of penetrations) and general compliance with the Building Regulations Code of Australia must be validated and certified by a Registered Building Surveyor. A written statement must be provided detailing such compliance.

Telecommunications

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



and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

General

28. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunications services to each lot shown on the endorsed plan in accordance with that authority's requirements and relevant legislation at the time.
29. All existing and proposed easements and sites for existing or required utility services and road on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
30. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of the Act.

Country Fire Association Conditions

Bushfire Management Plan to be Endorsed

31. The Bushfire Management Plan (Attachment 3 included with the application) must be endorsed to form part of the permit, be included as an annexure to the section 173 agreement and must not be altered unless agreed in writing by the CFA and the Responsible Authority.

Goulburn Murray Water Conditions

32. Each lot must be provided with connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.
33. All works within the subdivision must be done in accordance with EPA Publication 960 "Doing It Right on Subdivisions, Temporary Environmental Protection Measures for Subdivision Construction Sites", September 2004.
34. All stormwater discharged from the site must meet best management practice urban run-off objectives. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.

Engineering Conditions

General Drainage

35. Any paved courtyards/paths must be graded/drained to prevent stormwater discharge into adjacent properties.
36. 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.

37. Silt fencing material or straw hay bales (staked and keyed into the ground surface) must be placed at the bottom of the construction area prior to the commencement of construction to prevent storm water runoff entering a drainage line. Batters steeper than 2:1 (horizontal: vertical) must have a layer of straw over the entire batter to retain the topsoil.

Urban Drainage Works

38. Prior to issue of the Statement of Compliance or occupancy of buildings (whichever occurs first), all stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge by underground pipe to the satisfaction of the responsible authority. No effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system.

Drainage Discharge Plan

39. Prior to certification of the Plan of Subdivision or the commencement of buildings and works (whichever occurs first), a properly prepared drainage discharge plan with computations must be submitted to, and approved by, responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The information submitted must show the details listed in Council's Infrastructure Design Manual and be designed in accordance with the requirements of that manual.

The information and plan must include:

- a. details of how the works on the land are to be drained and retarded;
- b. maximum discharge rate from the site to pre-development flow is to be determined by computation to the satisfaction of the responsible authority;
- c. independent connection points for drainage for each lot, including easements as required;
- d. underground pipe drains conveying stormwater to the legal point of discharge, the junction pit in Bakers Gully Rd south of Lewis Close;
- e. measures to enhance stormwater discharge quality from the site and protect downstream waterways, including the expected discharge quality emanating from the development.

Prior to issue of the Statement of Compliance or occupation of the buildings (whichever occurs first), all works constructed or carried out must be in accordance with the endorsed plans to the satisfaction of the responsible authority.



Urban Vehicle Crossing Requirements

40. Prior to issue of the Statement of Compliance or occupancy of the buildings (whichever occurs first), vehicular crossings shall be upgraded to provide an unbroken seal and be clear of loose stones to the satisfaction of the responsible authority.

Signs

41. Prior to the occupation of the dwelling on Lot 1B signs must be placed at the beginning of the driveway within the common property stating "All vehicles must enter and exit in forward direction.", to the satisfaction of the responsible authority.

Sight Lines

42. The sight line requirements of AS 2890.1:2004 Off Street Car Parking must be met by any landscaping, fencing or other construction at the front lot boundary of the site, to the satisfaction of the responsible authority.
43. The common property vehicular accessway and driveway to Lot 1A must have a corner splay or area at least 50 per cent clear of visual obstructions extending at least 2 metres along the frontage road from the edge of an exit lane and 2.5 metres along the exit lane from the frontage, to provide a clear view of pedestrians. The area clear of visual obstructions may include landscaping less than 900mm in height.

Street Trees

44. The existing street trees must not be removed or damaged.

Prior to Commencement of Construction

45. Before any road/drainage works associated with the subdivision start, the following items must be satisfied:
 - a) Issue of the certified Plan of Subdivision
 - b) Approval of the construction plan
 - c) A road opening/crossing permit must be obtained from the Alpine Shire Council prior to working in or occupying the road reserve with construction equipment or materials.



Defect identification - Council's Assets Condition Report

46. Prior to commencement of construction, the owner or developer must submit to the responsible authority a written report and photographs of any prior damage to public infrastructure. Listed in the report must be the condition of any kerb and channel, footpath, seal, streetlights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to the responsible authorities assets/public infrastructure caused as a result of the development permitted by this permit.

Construction Management

47. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the responsible authority.
48. Appropriate measures must be implemented throughout the construction stage of the development to rectify / minimise mud, crushed rock or other debris being carried onto public roads from the subject land, to the satisfaction of the responsible authority.

Fees

49. In the event of any municipal roads, pathways or drainage works being constructed as a requirement of this permit the applicant must pay to Council Plan Checking Fees of 0.75% and Engineering Inspection Fees of 2.5% of the value of works prior to the statement of compliance being issued.

Expiry

50. This permit will expire if one of the following circumstances applies:
- a) The development is not started within two (2) years of the date of this permit.
 - b) The development is not completed within four (4) years of the date of this permit.
 - c) The plan of subdivision is not certified within two (2) years of the date of this permit.
 - d) The registration of the subdivision is not completed within five (5) years of the date of certification of the plan of subdivision.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six (6) months afterwards.

End of Conditions



Planning Notes:

1. 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.
2. A road opening/crossing permit must be obtained from the responsible authority prior to working in or occupying the road reserve with construction equipment or materials. Applications may be accessed from the Alpine Shire Council website.



APPENDIX (b)

All of the below mentioned relevant planning considerations from the Alpine Planning Scheme may be viewed at the following link: <https://planning-schemes.delwp.vic.gov.au/schemes/alpine>.

State Planning Policy Framework

The State Planning Policy Framework (SPPF) provides relevant direction to the proposal at the following clauses:

- 11.02-1S Supply of urban land
- 13.02-1S Bushfire planning
- 15.01-1S Urban Design
- 15.01-2S Building Design
- 15.01-3S Subdivision Design
- 15.01-5S Neighbourhood Character
- 16.01-1S Integrated housing
- 16.01-2S Location of residential development
- 16.01-3S Housing diversity

Local Planning Policy Framework

The Local Planning Policy Framework (LPPF) provides relevant direction to the proposal at the following clauses:

- 21.03-1 Townships and Villages
- 21.03-4 Built form and heritage
- 21.07-1 Bright
- 22.01-1 Battle-axe blocks policy
- 22.04-1 Infrastructure
- 22.04-4 Urban stormwater management

Zone

The subject land is zoned General Residential Zone.

Overlays

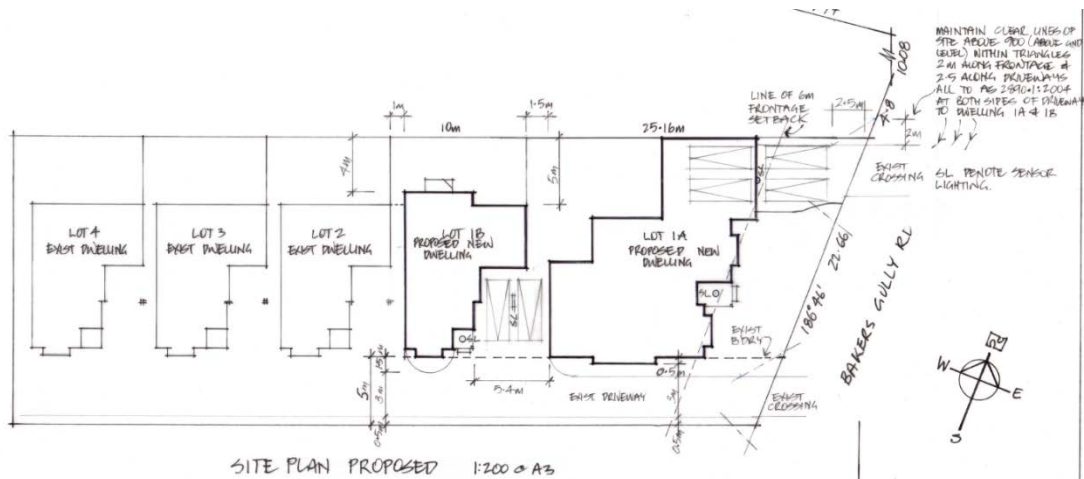
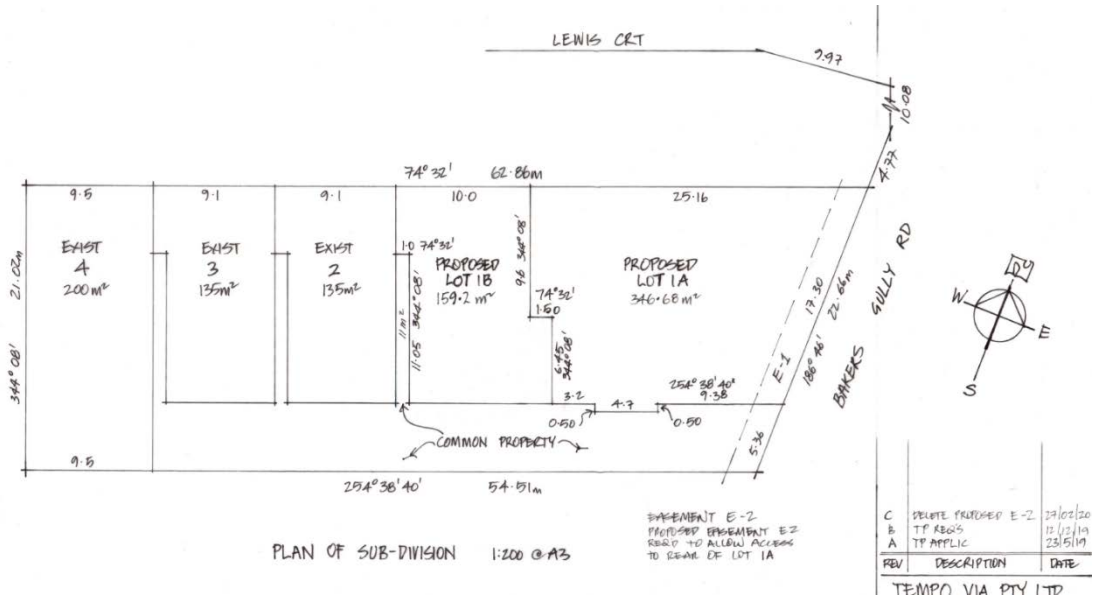
The subject land is covered entirely by the Bushfire Management Overlay - Schedule 1.

General Provisions

Clauses 65.01 and 65.02 within the Alpine Planning Scheme provides the decision guidelines.



APPENDIX (c)
Subdivision and development plans



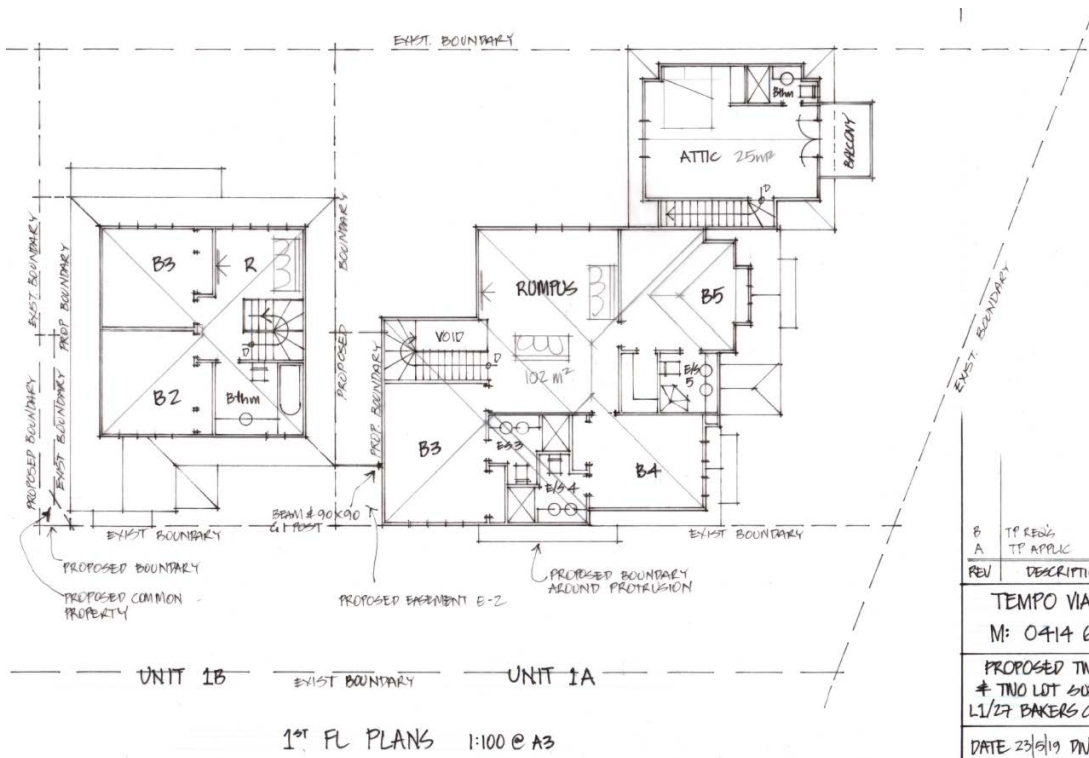
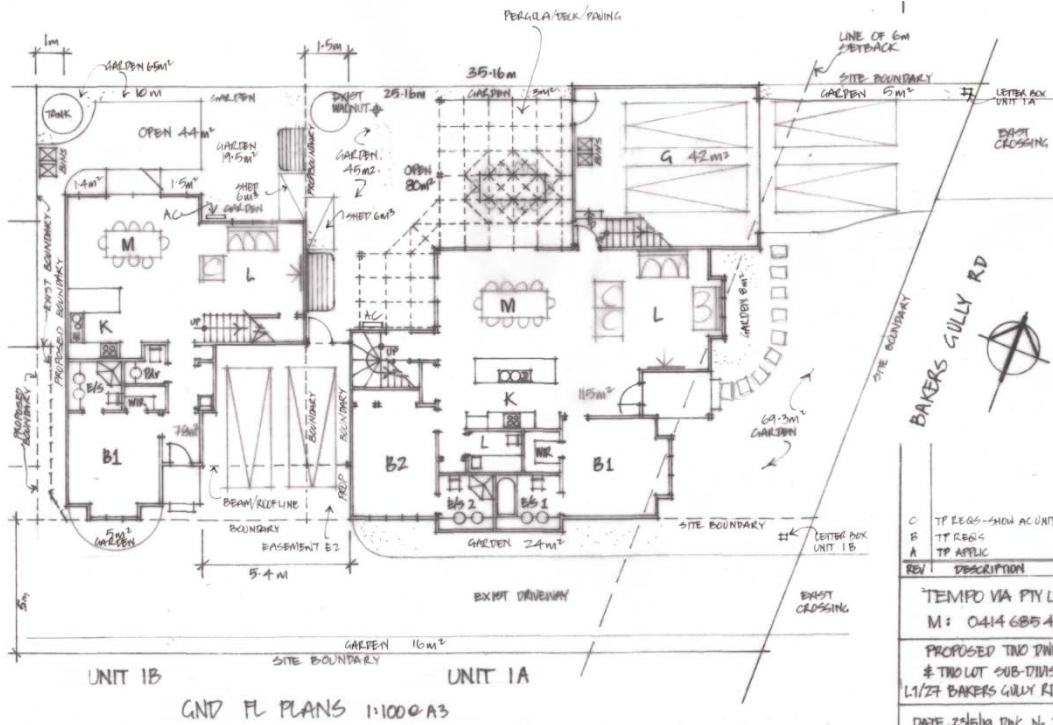
	DWELL FOOTPRINT	PORCH	GARAGE	CLPDET	TOTALS
DWELL 1A	115	4	42	-	161
DWELL 1B	78	2	-	24	104
TOTALS	193	6	42	24	
SITE	512				
SITE COVER	(193+6+42) ÷ 512 = 47%				

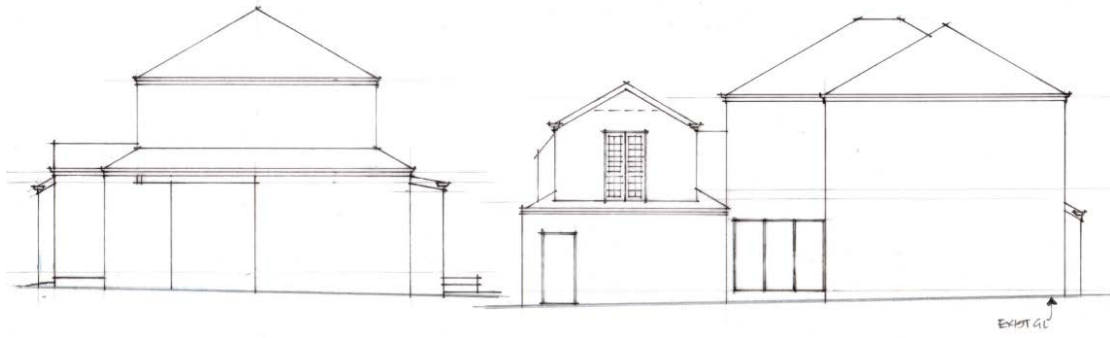
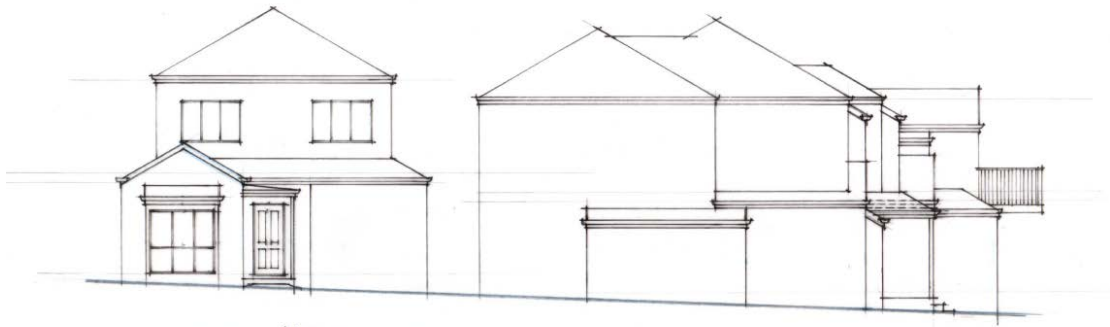
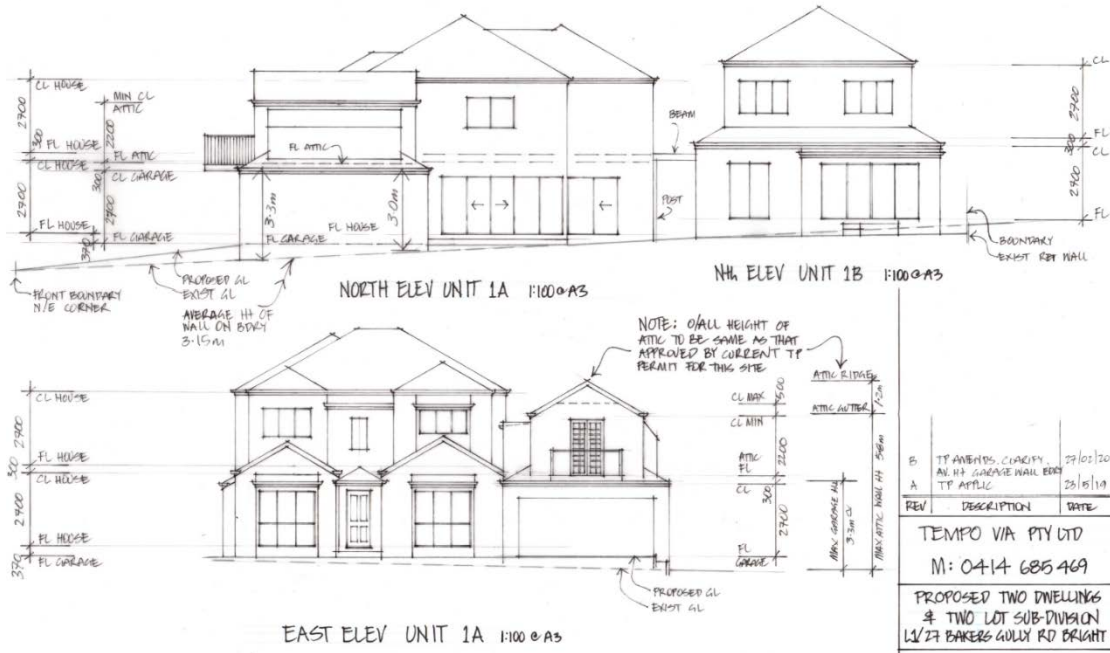
COLOUR SCHEME	
ROOFS, FASCIA'S, GUTTERS & D.P.'s OVER FASCIA	COLORBOND WINDSPRAY
WALLS, D.P.'s ETC	DULUX MENISCUS & STRENGTH
PLINTHS & T.P.'s OVER PLINTHS	DULUX ITD

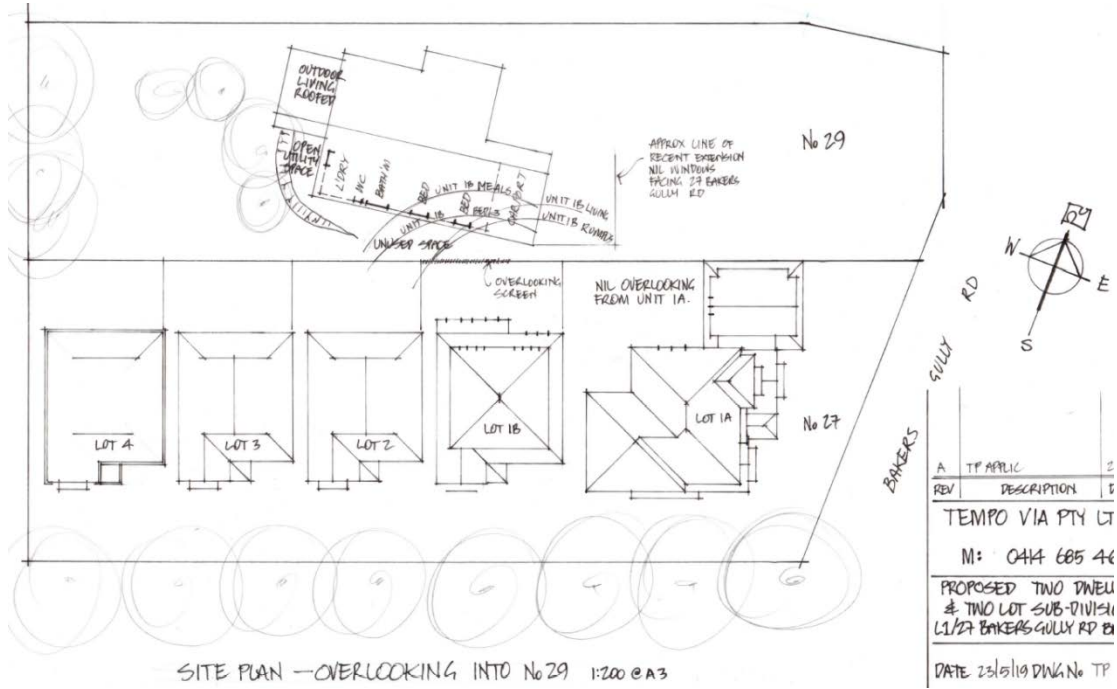
- REFER TO GND PL PLANS VIA TP OR/
FOR AREAS OF INDIVIDUAL GARAGES ETC

ITEM	M ²	PERM.	% SITE
SITE AREA	511	-	-
DRIVEWAY	31	?	6
GARDENS	159	Y	31.1
DECKS/POS	124	Y	24.2
PARKING AREA	28	?	5.5
TOTAL PERMEABLE	283	Y	55.4

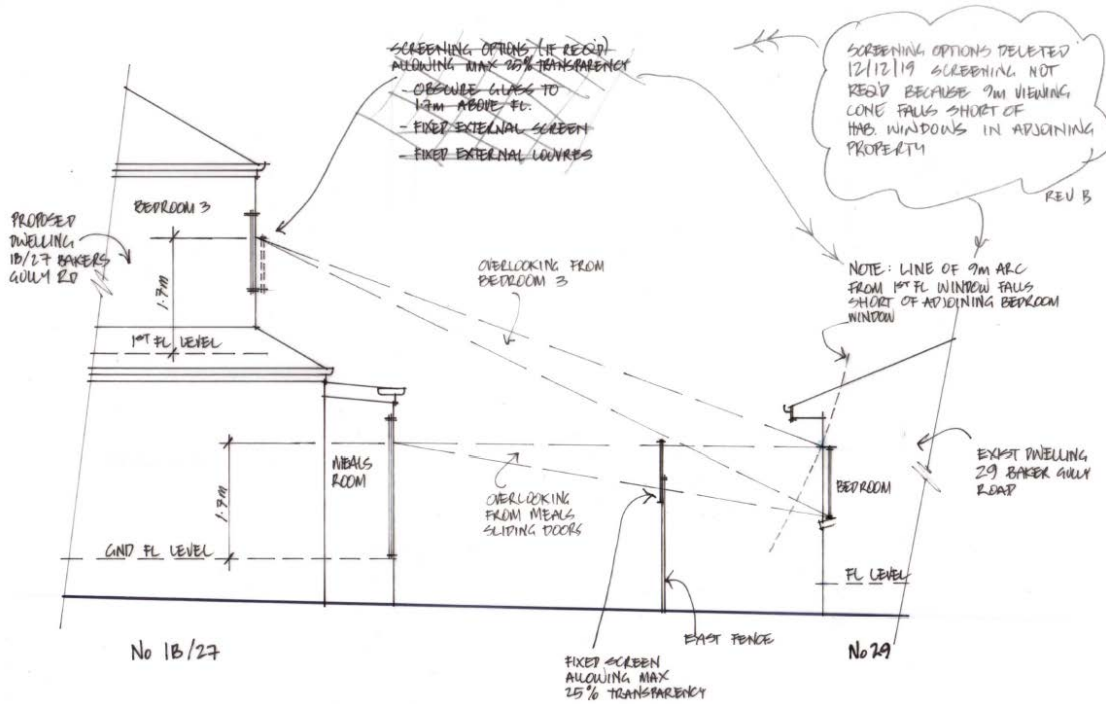
- GARDEN AREA DOES NOT INCLUDE GARDENS
IN COMMON DRIVEWAY TO UNIT 1B.
- PERMEABILITY AREA ONLY INCLUDES
GARDENS, DECKS & PRIVATE OPEN SPACE



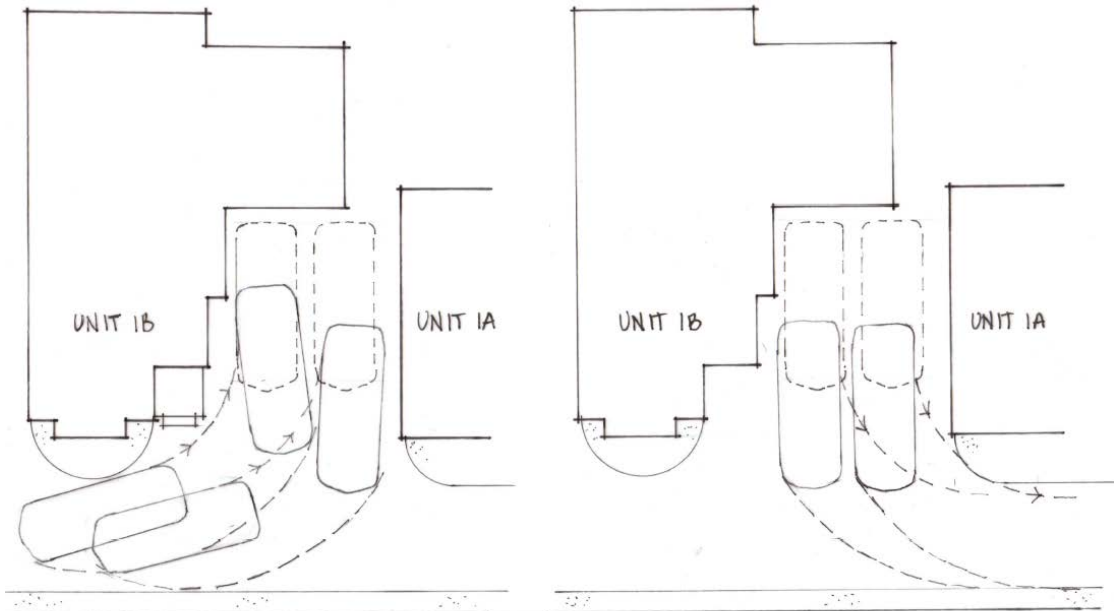
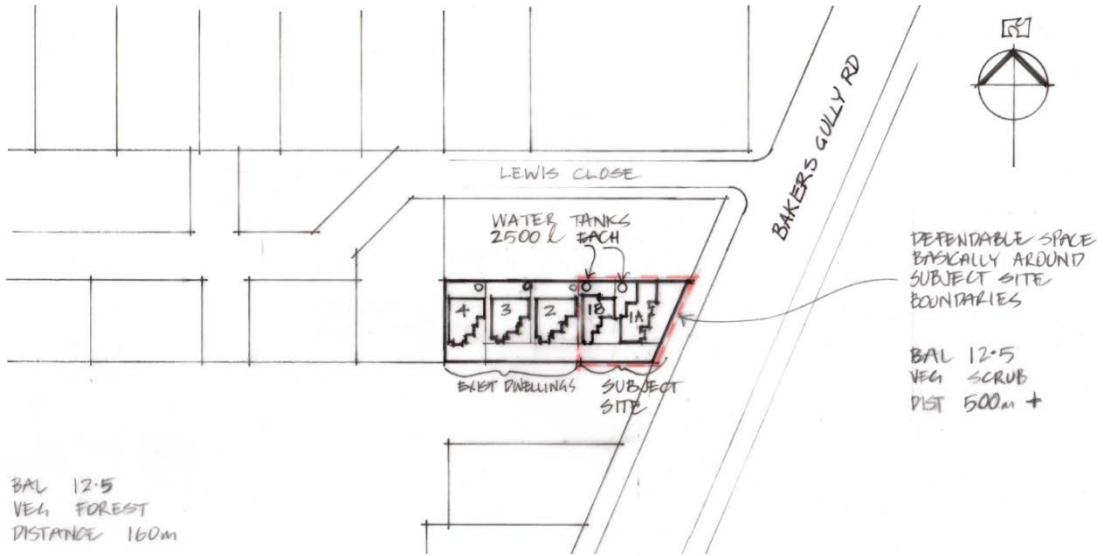




SITE PLAN --OVERLOOKING INTO No 29 1:200 @ A3



OVERLOOKING DETAIL 1:500 @ A3
(SHOWING WORST CASE BUT COVERING ALL CASES.)



ENTER SITE IN FORWARD DIRECTION

EXIT SITE IN FORWARD DIRECTION

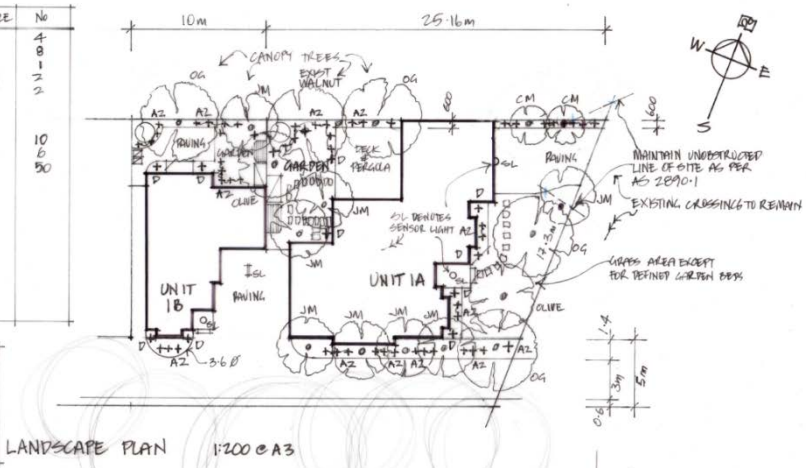
VEHICLE SWEEP PATHS 1:100 @ A3



NAME	SYMBOL	H x Ø	PRT SIDE	No
ACER RUBRON (OCT GLOBE)	OG	10X6	150	4
ACER FRAXINUM (OCT NARROW)	JM	5X4	150	8
JUALANS (WALNUT)	WALNUT	5X5	EXIST	1
OLIVE	OLIVE	4X3	100	2
CRABE MYRTLE	C.R.	3X3	150	2
PAPINE OBORA	D	0.5X0.5	100	10
ACALYA NINGNIA ALBA	AZ-A	1.5X1.5	100	6
ACALYA RED NINGNIA	AZ	0.5X0.5	100	90
GROUND COVER PLANTS NUMEROUS NOT SHOWN INCLUDING - CLIVIAS - VIOLETS				

PROPOSED FENCING
 NH. BURY WEST OF GARDEN IA - MIN 1.0M
 NH. BURY EAST OF GARDEN IA - MAX 0.9M
 EAST BURY - MAX 0.9M
 SH. BOUNDARIES - MAX 0.9 WITHIN 2.5M OF EAST BURY MAX 1.0M ELSEWHERE

GENERAL NOTES	
GARDEN EROSION	- 150X15 TREATED PINE OR SIMILAR
GARDEN SOIL	- MIN 100 DEEP TOP SOIL
MULCH	- MIN 100 DEEP SEMI COMPOSTED
WATERING SYSTEM	- MANUAL
PAVING TO SPACES	- GRAVEL, YELLOW OCHRE OR SIMILAR
PAVING DRIVEWAY	- GRAVEL, BITUMEN OR CONCRETE TO OWNER'S CHOICE - COLOURS YELLOW OCHRE, CHARCOAL OR GREEN AS APPLICABLE.



NUMEROUS EXIST V. LARGE TREES ON ADJOINING PPTY OVERHANGING DRIVEWAY DO NOT ALLOW PLANTING ALONG STRIP GARDEN ON SOUTH SIDE OF DRIVEWAY

REV	DESCRIPTION	DATE
B	TP REQ. FENCING SHOW CANOPY TREES CHANGE OG+JM TO GA ALONG DRIVEWAY UNIT 1A INITIAL ISSUE TP REQ	27/02/20
A		12/12/19

TEMPO VIA PTY LTD
 MOB: 0414 685 469

PROPOSED TWO DWELLINGS & TWO LOT SUB-DIVISION



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 March 2020 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
17 March	Briefing Session
25 March	Briefing Session
31 March	Briefing Session

ATTACHMENT(S)

- 9.0 Assemblies of Councillors – March 2020



10 GENERAL BUSINESS

11 MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN

12 RECEPTION AND READING OF PETITIONS

Council has received a petition for a 50m swimming pool in Bright with a retractable roof.

A report will be tabled to the next Ordinary Council meeting in May 2020.



13 DOCUMENTS FOR SEALING

RECOMMENDATION

That the following documents be signed and sealed.

- 1. Alpine Shire Council Municipal Pandemic Plan adopted by the Municipal Emergency Management Planning Committee on 11 March 2020.*
- 2. S5 Instrument of Delegation to Chief Executive Officer dated 7 April 2020.*
- 3. S6 Instrument of Members of Council Staff.*

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

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Chairperson