

M(8) – 4 AUGUST 2020

# Ordinary Council Meeting

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Minutes

The **Ordinary Meeting** of the **Alpine Shire Council** was held in Council Chambers, Great Alpine Road, Bright on **4 August 2020** and commenced at **4:00pm**.

## **PRESENT**

### **COUNCILLORS**

Cr Peter Roper - Mayor  
Cr Sarah Nicholas – Deputy Mayor  
Cr John Forsyth  
Cr Tony Keeble  
Cr Kitty Knappstein  
Cr Ron Janas  
Cr Daryl Pearce

### **OFFICERS**

Charlie Bird – Chief Executive Officer  
Will Jeremy – Director Assets  
Nathalie Cooke – Director Corporate

### **APOLOGIES**

Nil

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## 1. Recording and livestreaming of Council meetings

*The CEO read the following statement:*

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

Audio is captured from the entire room and video is focused on the Councillors and officers.

Question time will still be held, however questions must be submitted in writing prior to the meeting. By submitting a question, you consent to your question being read aloud and 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 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 – M(7) – 7 July 2020

***Cr Nicholas***

***Cr Knappstein***

***That the minutes of Ordinary Council Meeting M(7) held on 7 July 2020 as circulated be confirmed.***

***Carried***

## 4. Apologies

Nil

## 5. Obituaries / congratulations

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

## 6. Declarations by Councillors of conflict of interest

Item 8.2.2 - 2020/21 Event Funding Program

Cr John Forsyth declared a conflict of interest with respect to the following: La Fiera Festival, Myrtleford Bush Market, Myrtleford Show'n'Shine and Swap Meet as he is a member of the Myrtleford Chamber of Commerce and Rotary Club and he was not present for the assessment of the Event Funding applications.

Item 8.2.3 – 2020/21 Community Grants Program

Cr Ron Janas declared a conflict of interest with respect to the Myrtleford Men's Shed and Myrtleford Landcare Group. He was not present for the assessment of the Community Grant Funding applications.

## 7. Public questions

Due to current social distancing requirements to address COVID-19, the meeting will be held entirely online. The gallery is closed to the public and community members are invited to view the meeting online.

Questions received by midday on the day of the Council Meeting will be responded to. Questions must be submitted in writing to [info@alpineshire.vic.gov.au](mailto:info@alpineshire.vic.gov.au). Questions on Notice will be limited to two questions per person.

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

## 8. Presentation of reports by officers

### 8.1 DIRECTOR ASSETS – WILLIAM JEREMY

#### 8.1.1 2020/21 Event Funding Program

##### INTRODUCTION

This report relates to the allocation of financial sponsorship and the provision of logistics support to events through Councils 2020/21 Event Funding Program.

**Cr Knappstein**

**Cr Pearce**

**That Council:**

- 1. Allocates financial sponsorship and provides logistics support to events as follows:**

<i>Event Name</i>	<i>Applicant</i>	<i>Total Recommended</i>	<i>Sponsorship</i>	<i>Logistics</i>
<i>5Zero</i>	<i>Bright Brewery Australia Pty Ltd</i>	<i>\$1,500</i>	<i>\$1,500</i>	<i>Nil</i>
<i>Alpine Classic</i>	<i>Alpine Classic Co Pty Ltd</i>	<i>\$5,000</i>	<i>\$1,300</i>	<i>\$3,700</i>
<i>Alpine Cross</i>	<i>Alpine Cycling Club Inc</i>	<i>\$3,000</i>	<i>\$2,000</i>	<i>\$1,000</i>
<i>Alpine Cycling Club Gravity Enduro</i>	<i>Alpine Cycling Club Inc</i>	<i>\$2,000</i>	<i>\$1,000</i>	<i>\$1,000</i>
<i>Annual Easter Art Show</i>	<i>Mount Beauty Art Group</i>	<i>\$1,000</i>	<i>\$1,000</i>	<i>Nil</i>
<i>*Bright Art Gallery and Cultural Centre for Café Culture</i>	<i>Bright Art Gallery</i>	<i>\$1,956</i>	<i>\$1,956</i>	<i>Nil</i>
<i>Bright Autumn Festival</i>	<i>Bright Autumn Festival - part of the Bright and District Chamber of Commerce</i>	<i>\$7,000</i>	<i>\$5,000</i>	<i>\$2,000</i>

<b>Event Name</b>	<b>Applicant</b>	<b>Total Recommended</b>	<b>Sponsorship</b>	<b>Logistics</b>
<b>*Bright Cabaret and Comedy Festival</b>	<b>Jenny Packham</b>	<b>\$2,000</b>	<b>\$2,000</b>	<b>Nil</b>
<b>Bright Festival of Photography</b>	<b>Bright Festival of Photography</b>	<b>\$2,000</b>	<b>\$2,000</b>	<b>Nil</b>
<b>Bright Make it Bake it Grow it Market</b>	<b>Bright and District Chamber of Commerce</b>	<b>\$1,000</b>	<b>Nil</b>	<b>\$1,000</b>
<b>Bright Open 2021 and Australian Nationals Paragliding competition</b>	<b>North East Victoria Hang Gliding Club</b>	<b>\$2,000</b>	<b>\$2,000</b>	<b>Nil</b>
<b>Bright Rotary Markets</b>	<b>Rotary Club of Bright</b>	<b>\$4,400</b>	<b>\$3,000</b>	<b>\$1,400</b>
<b>Bright Spring Festival Carnival and Fireworks</b>	<b>Bright Spring Festival - part of the Bright and District Chamber of Commerce</b>	<b>\$2,500</b>	<b>\$1,700</b>	<b>\$800</b>
<b>Brighter Days Foundation</b>	<b>Brighter Days Foundation Inc</b>	<b>\$15,000</b>	<b>Nil</b>	<b>\$15,000</b>
<b>Bright's Iconic Rod Run</b>	<b>Bright's Rod &amp; Kustom Club Inc</b>	<b>\$32,500</b>	<b>Nil</b>	<b>\$32,500</b>
<b>Carols &amp; Music in the Park</b>	<b>Rotary Club of Bright</b>	<b>\$1,500</b>	<b>\$1,000</b>	<b>\$500</b>
<b>Darker Days</b>	<b>Bright Brewery</b>	<b>\$250</b>	<b>Nil</b>	<b>\$250</b>
<b>Dederang Picnic Races</b>	<b>Dederang Picnic Race Club Inc</b>	<b>\$3,500</b>	<b>\$3,000</b>	<b>\$500</b>
<b>Gather Festival 2021</b>	<b>No data</b>	<b>\$3,500</b>	<b>\$2,600</b>	<b>\$900</b>
<b>Get A Grip of the Grind</b>	<b>Get A Grip of the Grind</b>	<b>\$1,000</b>	<b>\$1000</b>	<b>Nil</b>

<b>Event Name</b>	<b>Applicant</b>	<b>Total Recommended</b>	<b>Sponsorship</b>	<b>Logistics</b>
<b>Harrietville Half (HH)</b>	<b>No data</b>	<b>\$3,000</b>	<b>\$2,500</b>	<b>\$500</b>
<b>High Country Charity Ride 2021 (February)</b>	<b>Cycle Plan Pty Ltd</b>	<b>\$1,000</b>	<b>\$1,000</b>	<b>Nil</b>
<b>High Country Charity Ride 2021 (March)</b>	<b>Cycle Plan Pty Ltd</b>	<b>\$1,000</b>	<b>\$1,000</b>	<b>Nil</b>
<b>High Country Women's Cycling Festival</b>	<b>High Country Women's Cycling Pty Ltd</b>	<b>\$2,000</b>	<b>\$2,000</b>	<b>Nil</b>
<b>LaFiera (Italian Festival Myrtleford)</b>	<b>Myrtleford Chamber of Commerce &amp; Industry Inc</b>	<b>\$14,700</b>	<b>\$12,500</b>	<b>\$2,200</b>
<b>*Alpine Rally</b>	<b>Myrtleford Football Netball Club</b>	<b>\$2,500</b>	<b>\$2,500</b>	<b>Nil</b>
<b>*Myrtleford 67th Golden Spurs Rodeo</b>	<b>Myrtleford Golden Spurs Rodeo Inc</b>	<b>\$2,600</b>	<b>Nil</b>	<b>\$2,600</b>
<b>Myrtleford Bush Market</b>	<b>The Myrtleford Chamber of Commerce &amp; Industry Inc</b>	<b>\$700</b>	<b>Nil</b>	<b>\$700</b>
<b>Myrtleford Farmers Market</b>	<b>Myrtleford Farmer Market (trading name)</b>	<b>\$1,500</b>	<b>\$1,000</b>	<b>\$500</b>
<b>Myrtleford Rotary Annual Show'n'Shine and Swap Meet</b>	<b>The Rotary Club of Myrtleford</b>	<b>\$1,000</b>	<b>Nil</b>	<b>\$1,000</b>
<b>Peaks Challenge Falls Creek 2021</b>	<b>Bicycle Network</b>	<b>\$1,000</b>	<b>Nil</b>	<b>\$1,000</b>
<b>Porepunkah Community Christmas Party</b>	<b>Porepunkah CFA</b>	<b>\$1,200</b>	<b>\$1,100</b>	<b>\$100</b>



<i>Event Name</i>	<i>Applicant</i>	<i>Total Recommended</i>	<i>Sponsorship</i>	<i>Logistics</i>
<i>Spartan Trifecta</i>	<i>Initiative Events Pty Ltd</i>	<i>\$10,000</i>	<i>\$10,000</i>	<i>Nil</i>
<i>The Mount Beauty Music Festival 2021</i>	<i>The Mount Beauty Music Festival</i>	<i>\$5,000</i>	<i>\$4,500</i>	<i>\$500</i>
<i>The Myrtleford Festival</i>	<i>The Myrtleford Festival</i>	<i>\$7,700</i>	<i>\$4,400</i>	<i>\$3,300</i>
<i>Tour of Bright</i>	<i>Alpine Cycling Club Inc</i>	<i>\$7,300</i>	<i>\$6,000</i>	<i>\$1,300</i>
<i>*Valley Fire Festival</i>	<i>Champagne Club Kiewa Valley Inc</i>	<i>\$1,838</i>	<i>\$1,838</i>	<i>Nil</i>
<i>Wandiligong Nut Festival</i>	<i>Wandiligong Nut Festival</i>	<i>\$4,300</i>	<i>\$3,000</i>	<i>\$1,300</i>
<i>XCO MTB Race</i>	<i>Alpine Cycling Club</i>	<i>\$2,800</i>	<i>\$2,300</i>	<i>\$500</i>
	<i>Total</i>	<i>\$163,744</i>	<i>\$87,694</i>	<i>\$76,050</i>

*\* Applications received through the Community Grant Funding program*

- 2. Notes the recommendation from the event funding assessment panel being that if an event is cancelled as a result of COVID-19 the funding allocation for that event through the 2020/21 funding program be made available to the event for the 2021/22 financial year without the event organiser having to reapply for funds.*
- 3. Notes that financial sponsorship will not be provided to event organisers unless government restrictions limiting gatherings as a result of the COVID-19 pandemic are lifted and the event organiser has provided all required documentation to Council, including a risk management plan addressing measures to minimise transmission of COVID-19.*
- 4. Delegates authority to the Chief Executive Officer to distribute residual or unspent funds to a cumulative total of \$200,000.*
- 5. Seeks to attract one or more unique 'signature events' to the Alpine Shire, funded to the value of \$100,000 which is equal to the amount of the bushfire funding allocated to the 2020/21 event funding program.*
- 6. Provides feedback and assistance to unsuccessful applicants.*

*Carried*

## BACKGROUND

Alpine Shire Council's 2020/21 Event Funding Program was open for applications between 15 May and 28 June 2020. 36 applications have been received seeking support with an additional six applications being received via the Community Grants program, resulting in a cumulative request of \$415,203 in financial sponsorship.

Council Officers carried out preliminary scoring of each application against the following criteria as detailed in the Event Funding Program Guidelines:

- Expected economic and tourism benefits;
- Event profile;
- Community impact and benefit; and
- Capacity and capability of the event organiser to develop and deliver the event.

The following general criteria were also considered: long term sustainability of the event; operational detail of the event (including marketing); social justice principles; capacity to build relationships; location and fit of the event within the community; long term legacy creation; links to state/regional and local event strategies/plans.

Guided by the preliminary scoring and eligibility, the applications were then reviewed by an event funding assessment panel comprising:

- One member of the Bright and District Chamber of Commerce;
- One member of the Upper Kiewa Valley Community Association;
- One member of the Myrtleford Chamber of Commerce;
- Two Councillors (Cr Forsyth and Cr Keeble); and
- Director Assets (Council).

The panel has recommended that 39 applicants receive support through the Event Funding Program, totalling \$87,694 in financial sponsorship and an estimated value of \$76,050 logistical support, totalling \$163,744 support.

## ISSUES

1. Three applications have not been recommended for funding for the reasons outlined below.

Event Name	Applicant	Requested
Celebration of the Bike	Adventure Travel Film Festival (this is the entity to be used for insurance and funding)	\$25,000
<i>Insufficient information provided for the application to be assessed.</i>		
E-Bike, E-Bright Festival	Xventure Pty. Ltd. T/A All Terrain Cycles	\$3,500
<i>Event considered to be an extension of normal business of All Terrain Cycles.</i>		

Event Name	Applicant	Requested
*Bright Vehicle Preservation Society Swap Meet	Bright Vehicle Preservation Society	\$4,100
<p><i>This event is located in Pioneer Park and scheduled on the same weekend as the Bright Iconic Rod Run, also located in Pioneer Park. Consistent with the approach taken in funding the Bright Rotary Market on the same weekend, funding for the proposed Bright Vehicle Preservation Society Swap Meet has been considered within the funding allocation for the Bright Iconic Rod Run.</i></p>		

\* Application received through the Community Grant Funding program

- The 2020 LaFiera Festival was cancelled as a result of COVID-19, however the organisers have sought financial support of \$8,000 as committed by Council to the 2020 event in order to cover the cost of purchases made in relation to the event. The assessment panel considered this request while assessing this year's event application. The amount has been included in the combined financial support amount recommended in the table above (\$8,000 plus a further \$4,500 for the 2021 event).
- A commitment of \$30,000 grant funding to the 2020 Spartan Trifecta Event has been received from Austrade following a successful funding application. Council has committed to providing \$10,000 of financial sponsorship, bringing the total amount of funding for this event to \$40,000.
- Event organisers receiving funding for events delivered during the 2020/21 financial year are required to comply with the requirements of Council's Wastewise Policy. This includes event organisers preparing and submitting a wastewise plan for their event prior to any funding being provided to an event organiser.

## POLICY IMPLICATIONS

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

- A thriving and connected community

## FINANCIAL AND RESOURCE IMPLICATIONS

Council's 2020/21 budget includes provision of \$300,000 to support the delivery of events, comprising \$200,000 of Council funds and an additional \$100,000 of State Government 'Local Government Bushfire Recovery Funding'.

There is sufficient budget to allocate event funding in line with the recommendations of this report.

## **CONSULTATION**

The Event Funding Program was advertised in the local media, on Council's website and Facebook page, and details were emailed directly to all existing event organisers. Event organisers were engaged by Council's events team through the application period.

An assessment panel including two Councillors and four representatives from across the Shire assessed the applications received under the Event Funding Program, and provided the recommendations contained in the report.

## **CONCLUSION**

Events are important to the Alpine Shire, providing economic injection and cultural enrichment.

The recommendations put forward by the funding assessment panel support events that align with the regional brand, encourage repeat visitation, contribute to the events calendar, have a positive economic impact for the community and may be sustainable over a long period of time.

The recommendations align with the event funding criteria.

## **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 Economic and Community Development
- Development Officer (Event Development)

The following Declarations of Conflict of Interest were made by assessment panel members:

- Member of the Bright and District Chamber of Commerce: 5Zero, Bright Autumn Festival, Bright Make It, Bake It, Grow It Markets, Bright Spring Festival, Darker Days, Wandiligong Nut Festival.
- Member of the Upper Kiewa Valley Community Association: Gather Festival
- Member of the Myrtleford Chamber of Commerce: La Fiera, Myrtleford Bush Market, Myrtleford Farmers Market.
- Cr John Forsyth: La Fiera, Myrtleford Bush Market, Myrtleford Show'n'Shine and Swap Meet.

Panel members removed themselves from assessment of the relevant event funding applications and any panel discussions relevant to the applications.

## **ATTACHMENT(S)**

- Nil

## 8.1.2 2020/21 Community Grants Program

### INTRODUCTION

This report relates to the allocation of funding through Council's 2020/21 Community Grants Program.

***Cr Nicholas***

***Cr Keeble***

***That Council:***

***1. Allocates funding as follows:***

<b><i>Name of Applicant</i></b>	<b><i>Project Title</i></b>	<b><i>Grant Request</i></b>	<b><i>Recommend Grant</i></b>	<b><i>Total Project Cost</i></b>
<b><i>Myrtleford Amateur Swimming Club</i></b>	<b><i>Alpine Pool Shade</i></b>	<b><i>\$11,999</i></b>	<b><i>\$9,499</i></b>	<b><i>\$27,084</i></b>
<b><i>Porepunkah Panthers Baseball Club Inc.</i></b>	<b><i>Improvements to Porepunkah Reserve</i></b>	<b><i>\$7,104</i></b>	<b><i>\$7,104</i></b>	<b><i>\$9,472</i></b>
<b><i>Flex and Bends</i></b>	<b><i>Flex and Bends-FAB Warm Water Exercise Program</i></b>	<b><i>\$1,225</i></b>	<b><i>\$1,225</i></b>	<b><i>\$11,753</i></b>
<b><i>Myrtleford Men's Shed Inc</i></b>	<b><i>Building Permit for Roofing External Work Area</i></b>	<b><i>\$1,070</i></b>	<b><i>\$1,070</i></b>	<b><i>\$44,760</i></b>
<b><i>Myrtleford Savoy Soccer Club Inc</i></b>	<b><i>Female uniforms / kit</i></b>	<b><i>\$3,679</i></b>	<b><i>\$1,840</i></b>	<b><i>\$4,905</i></b>
<b><i>Team Mount Beauty</i></b>	<b><i>Trail Head and Trail Node Signage Upgrade</i></b>	<b><i>\$1,930</i></b>	<b><i>\$1,930</i></b>	<b><i>\$3,580</i></b>
<b><i>Mount Beauty Neighbourhood Centre Inc</i></b>	<b><i>Painting for course part 2</i></b>	<b><i>\$4,900</i></b>	<b><i>\$4,900</i></b>	<b><i>\$22,000</i></b>
<b><i>Myrtleford Bowls Club Inc.</i></b>	<b><i>Bowling Greens Capital Works Upgrade.</i></b>	<b><i>\$11,835</i></b>	<b><i>\$10,000</i></b>	<b><i>\$15,780</i></b>
<b><i>Mount Beauty Golf Club</i></b>	<b><i>New Greens Watering Controllers</i></b>	<b><i>\$2,443</i></b>	<b><i>\$2,443</i></b>	<b><i>\$3,412</i></b>

<b><i>Name of Applicant</i></b>	<b><i>Project Title</i></b>	<b><i>Grant Request</i></b>	<b><i>Recommend Grant</i></b>	<b><i>Total Project Cost</i></b>
<b><i>Mount Beauty Basketball Association</i></b>	<b><i>Return to Basketball</i></b>	<b><i>\$1,750</i></b>	<b><i>\$1,750</i></b>	<b><i>\$3,100</i></b>
<b><i>Myrtleford Chamber of Commerce</i></b>	<b><i>Myrtleford CBD site plan</i></b>	<b><i>\$1,650</i></b>	<b><i>\$1,650</i></b>	<b><i>\$2,200</i></b>
<b><i>Mongans Bridge Caravan Park</i></b>	<b><i>Mongans Bridge Caravan Park</i></b>	<b><i>\$712</i></b>	<b><i>\$712</i></b>	<b><i>\$950</i></b>
<b><i>Bright &amp; District Chamber of Commerce Inc</i></b>	<b><i>Xmas Tree light renewal</i></b>	<b><i>\$3,685</i></b>	<b><i>\$3,685</i></b>	<b><i>\$5,185</i></b>
<b><i>Upper Kiewa Valley Community Association</i></b>	<b><i>Interpretive signage for the West Kiewa/Pebble Beach Track</i></b>	<b><i>\$4,668</i></b>	<b><i>\$4,668</i></b>	<b><i>\$6,225</i></b>
<b><i>Tawonga Mount Beauty Bowls Club</i></b>	<b><i>Capital Works Project</i></b>	<b><i>\$5,310</i></b>	<b><i>\$5,310</i></b>	<b><i>\$7,080</i></b>
<b><i>Myrtleford &amp; District Historical Society Inc</i></b>	<b><i>Shelving Historical Artefacts: 3 Major Enterprises</i></b>	<b><i>\$4,963</i></b>	<b><i>\$4,963</i></b>	<b><i>\$6,618</i></b>
<b><i>Bright Singers Inc</i></b>	<b><i>Sheet Music and Storage Upgrade</i></b>	<b><i>\$1,876</i></b>	<b><i>\$500</i></b>	<b><i>\$2,502</i></b>
<b><i>Sustainable Upper Ovens</i></b>	<b><i>Sustainable Living Skills Sharing</i></b>	<b><i>\$7,510</i></b>	<b><i>\$2,500</i></b>	<b><i>\$11,000</i></b>
<b><i>Bright Court House Committee of Management</i></b>	<b><i>Auditorium Upgrade</i></b>	<b><i>\$15,299</i></b>	<b><i>\$10,000</i></b>	<b><i>\$28,744</i></b>
<b><i>Myrtleford District Landcare &amp; Sustainability Group</i></b>	<b><i>Community Indian Myna Awareness</i></b>	<b><i>\$1,500</i></b>	<b><i>\$1,500</i></b>	<b><i>\$4,760</i></b>
<b><i>Kiewa Valley Historical Society Inc</i></b>	<b><i>Whistling Snow Line Poles</i></b>	<b><i>\$2,761</i></b>	<b><i>\$2,761</i></b>	<b><i>\$3,683</i></b>

<b>Name of Applicant</b>	<b>Project Title</b>	<b>Grant Request</b>	<b>Recommend Grant</b>	<b>Total Project Cost</b>
<b>Bright Radio Controlled Modelling Club Inc.</b>	<b>Mower Purchase</b>	<b>\$2,999</b>	<b>\$2,999</b>	<b>\$4,099</b>
<b>Harrietville Community Hall Committee of Management</b>	<b>Kitchen upgrade</b>	<b>\$9,242</b>	<b>\$6,932</b>	<b>\$12,322</b>
<b>Dederang Picnic Race Club Inc</b>	<b>Race / Golf Club Rooms Re-stumping</b>	<b>\$8,678</b>	<b>\$8,000</b>	<b>\$12,303</b>
<b>Bright Coworking</b>	<b>Phase 3 Fitout - Meeting Expectations</b>	<b>\$19,043</b>	<b>\$2,283</b>	<b>\$26,118</b>
<b>Bright Playgroup Inc.</b>	<b>Little Rascals Reopening</b>	<b>\$1,374</b>	<b>\$1,374</b>	<b>\$1,833</b>
<b>Alpine Community Plantation Inc.</b>	<b>Sustainable Park Access Management</b>	<b>\$8,000</b>	<b>\$8,000</b>	<b>\$25,014</b>
<b>Alpine Little Athletic Association</b>	<b>Timing Gates</b>	<b>\$10,133</b>	<b>\$8,000</b>	<b>\$13,245</b>
<b>Tawonga and District Community Association Inc.</b>	<b>Playground</b>	<b>\$567</b>	<b>\$567</b>	<b>\$755</b>
		<b>\$157,905</b>	<b>\$118,165</b>	<b>\$320,482</b>

- 2. Allocates \$500 to support community groups wishing to apply for small grants to run Clean Up Australia events in March 2021. This program will be open for applications in January 2021.**
- 3. Delegates authority to the Chief Executive Officer to distribute residual or unspent funds.**
- 4. Provides feedback and assistance to unsuccessful applicants in highlighting other potential funding opportunities that may be available for their projects.**

**Carried**

## BACKGROUND

Council's Community Grants Program is a long-established funding program assisting community groups and organisations to deliver community focussed projects, programs and initiatives in the Alpine Shire.

The 2020/21 Community Grants Program was open for applications between 15 May and 28 June 2020. 51 eligible applications were received, with a cumulative request of \$355,241 in funding. Six applications were referred to Council's Event Funding program for consideration, being the Myrtleford Alpine Rally, Myrtleford Golden Spurs Rodeo, Bright Art Gallery Café Culture, Champagne Club Valley Fire Festival, Bright Vehicle Preservation Society Swap Meet and Bright Cabaret and Comedy Festival.

The applications were reviewed by an assessment panel comprising:

- One member of the Myrtleford Chamber of Commerce;
- One member of the Bright Chamber of Commerce;
- One member of the Upper Kiewa Valley Community Association;
- Two Councillors (Cr Janas and Cr Knapstein); and
- Director Assets (Council).

Council's Manager Economic Development and Community Development Officer were also present to support the assessment panel.

Applications were assessed against the following criteria:

- Degree of benefit to the community;
- Contribution and support from the community toward the project;
- Degree to which projects can be maintained and are sustainable;
- Impact on environmental, economic, social, built, recreational and wellbeing criteria; and
- Geographical spread of funding allocation across the Shire.

The assessment panel has recommended that 29 applicants receive funding, with 19 to receive the full amount of funding requested and ten to receive funding at a reduced level.

A further amount of \$500 is recommended to be allocated to support community groups wishing to apply for small grants to run Clean Up Australia Day events in March 2021.

Bright Community Bank Branch of Bendigo Bank has committed to contribute \$26,125 towards 15 projects submitted as part of the Alpine Shire Council Community Grants Program as follows:

Name of Applicant	Project Title	Bright Community Bank Branch Bendigo Bank
Myrtleford Amateur Swimming Club	Alpine Pool Shade	\$2,500



Name of Applicant	Project Title	Bright Community Bank Branch Bendigo Bank
Myrtleford Savoy Soccer Club Incorporated	Female uniforms / kit	\$1,839
North East Canoe Club	Temporary Shelter	\$1,239
Myrtleford Rotary and The Myrtleford Historical Society	Street Scape on Coles	\$1,200
Bright Singers Inc	Sheet Music and Storage Upgrade	\$500
Sustainable Upper Ovens	Sustainable Living Skills Sharing	\$2,500
Bright Court House Committee of Management	Auditorium Upgrade	\$5,000
Upper Ovens Valley Landcare Group	Junior Landcare	\$1,200
Bright Art Gallery and Cultural Centre Inc	Cafe Culture	\$1,956
Harrietville Community Hall Committee of Management	Kitchen upgrade	\$2,310
Bright Coworking	Phase 3 Fitout - Meeting Expectations	\$2,283
Bright Croquet Club Inc	Equipment for Volunteers for ease of maintenance	\$615
Bright Tennis Club	AED cabinet	\$270
Harrietville Primary School	Harrietville Activities on the Bike Path	\$580
Alpine Little Athletic Association	Timing Gates	\$2,133

## ISSUES

22 applications have not been recommended for funding through the Community Grants Program, for the reasons outlined below:

Applicant	Project Title	Grant Request	
Myrtleford Bowls Club Inc.	Big Bash BBQ	\$5,479	<i>Support of club social events is outside of scope of this year's funding round.</i>
North East Canoe Club	Temporary Shelter	\$1,239	<i>Fully funded by Bright Community Branch Bendigo Bank</i>
Ovens Valley Horse Riders	Operation Chuck Wagon	\$5,000	<i>Purpose of application is not clear</i>
Myrtleford Chamber of Commerce & Industry Inc.	Myrtleford Splash Park	\$37,500	<i>Project is considered to be too large for this Community Grant program. The applicant will be assisted to identify other potential sources of funding for this project.</i>
Porepunkah Airfield Association	Porepunkah Airfield 10 Year Capital Works Plan	\$1,200	<i>Association could look to membership to undertake this project.</i>
Alpine Cycling Club	Pioneer Park Road facility	\$37,500	<i>Project is considered to be too large for Community Grants. The applicant will be assisted to identify other potential sources of funding for this project.</i>
Myrtleford Rotary and The Myrtleford Historical Society	Street Scape on Coles	\$1,924	<i>Fully funded by Bright Community Branch Bendigo Bank</i>
Myrtleford Playgroup	Multi-Purpose Playground Upgrade	\$25,989	<i>Project is considered to be too large for Community Grants. The applicant will be assisted to identify other potential sources of funding for this project.</i>

Applicant	Project Title	Grant Request	
Mount Beauty & District Men's Shed	External Works for New Shed Extension	\$1,924	<i>Applicant has received significant support previously for this project.</i>
Champagne Club Kiewa Valley Inc	Community activity support items	\$617	<i>Subject of application should be incorporated with events funding</i>
Upper Ovens Valley Landcare Group	Junior Landcare	\$2,394	<i>Part funded by Bright Community Branch Bendigo Bank - applicant can approach Council's Engage! Program for additional support if needed</i>
Life Saving Victoria	'Sink or Swim' Aquatic Safety & First Aid Online	\$4,256	<i>Applicant has not demonstrated sufficient engagement with key stakeholders to ensure this project will be successful</i>
Bright Coworking	#livelikealocal Marketing Campaign	\$5,590	<i>This project is linked to the development of the Economic Development Strategy. To be considered once the strategy is completed and endorsed by Council.</i>
Myrtleford Op Shop	Myrt Op-Shop New Signage	\$1,500	<i>Applicant has funds to cover this project in a sustainable manner.</i>
Sustainable Upper Ovens	Upper Ovens Food Co-op Initialisation	\$10,000	<i>A large project for this funding round.</i>
Sustainable Upper Ovens	Upper Ovens Food Co-op Fit-out	\$10,000	<i>A large project for this funding round.</i>
Into Our Hands Community Foundation Limited	Partnership to build community capacity in the Alpine Shire	\$10,000	<i>Request for funding to support fund raising is not eligible for Community Grant.</i>

Applicant	Project Title	Grant Request	
Reach Out Wildlife Australia Pty Ltd	ROWA Phase One Start-up Investment	\$6,592	<i>Start-up funding is outside of the scope for community grant. The applicant will be assisted to identify other potential sources of funding for this project.</i>
Mount Beauty CFA	Engine Bay Door	\$20,700	<i>This project should be funded by CFA as an OH&amp;S issue.</i>
Bright Croquet Club Inc	Equipment for Volunteers for ease of maintenance	\$615	<i>Fully funded by Bright Community Branch Bendigo Bank.</i>
Bright Tennis Club	AED cabinet	\$280	<i>Fully funded by Bright Community Branch Bendigo Bank.</i>
Harrietville Primary School	Harrietville Activities on the Bike Path	\$580	<i>Fully funded by Bright Community Branch Bendigo Bank.</i>
Total		\$193,190	

## POLICY IMPLICATIONS

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

- A thriving and connected community

## FINANCIAL AND RESOURCE IMPLICATIONS

Council's 2020/21 budget includes provision of \$80,000 to support community projects through the Community Grants Program. An additional \$40,000 has been allocated to the 2020/21 program from State Government funded 'Local Government Bushfire Recovery Funding'.

The recommended allocation of \$118,165 through community grants and \$500 for the Clean Up Australia initiative fits within the allocated budget.

Any unspent grants may be considered for distribution to other community initiatives, programs or projects arising throughout the financial year.

## **CONSULTATION**

The Community Grants Program was advertised through local media, on Council's website and Facebook page and emailed directly to community groups.

An assessment panel including two Councillors and representatives from across the Shire assessed the grant funding applications, and provided the recommendations contained within this report.

## **CONCLUSION**

The recommendations put forward by the assessment panel support community participation, contribute to the building of healthy and strong communities and represent a diversity of projects from across the Shire.

## **DECLARATION OF CONFLICT OF INTEREST**

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

- Director Assets
- Manager Economic and Community Development
- Development Officer (Community and Wellbeing)

During the assessment panel review the following officers declared a conflict of interest:

- Director Assets with respect to the application of Alpine Community Plantation;
- Manager Economic and Community Development in respect to the application of Alpine Community Plantation; and
- Development Officer (Community and Wellbeing) with respect to the application of Alpine Cycling Club.

These officers did not participate in the assessment of the relevant event funding applications or any panel discussions relevant to the applications.

## **ATTACHMENT(S)**

- Nil

### 8.1.3 Land Exchange – 14 Riverside Avenue, Bright

File Number: Plan of Subdivision PS638662T

#### INTRODUCTION

This report relates to the proposed exchange of a small area of road land with the land owner of Lot 1 TP837927K Parish of Bright, known as 14 Riverside Avenue, Bright.

***Cr Nicholas***

***Cr Knappstein***

***That Council:***

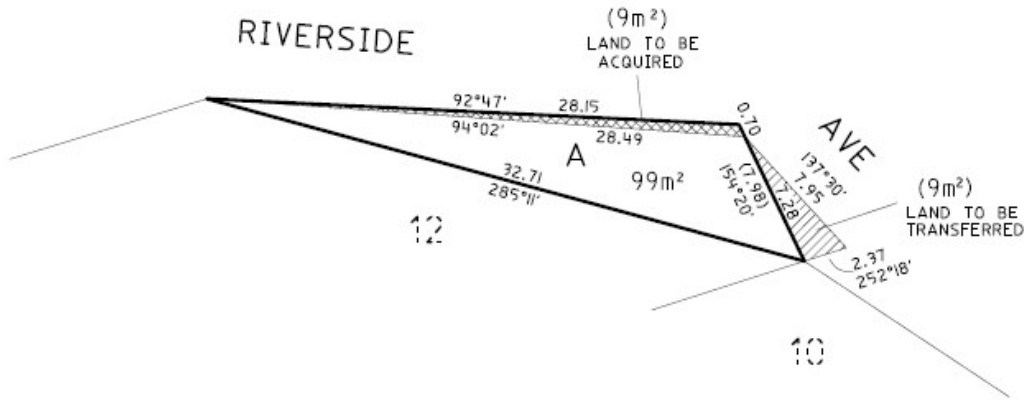
- 1. Note that no formal submissions were received regarding the proposed road discontinuance and exchange of land.***
- 2. Approve the road discontinuance and exchange of land affecting part of Lot 1 TP837927K Parish of Bright (private land) as follows:***
  - a. Discontinue 9m2 of road in accordance with Schedule 10, Clause 3(a) of the Act, shown as crosshatched on the plan below (Land to be Acquired);***
  - b. Exchange the 9m2 of land discontinued as a road (Land to be Acquired) with the owner of Lot 1 TP837927K in part (b), pursuant to Section 189 of the Act, in lieu of the 9m2 of private land the road was deviated through (Land to be Transferred) in part (a) – noting that the land to be exchanged has been valued at \$3,600 for each parcel;***
  - c. Declare the 9m2 of land declared as a road (Land to be Transferred) to be open to public traffic pursuant to Section 204(2) of the Act;***
- 3. Authorise the Chief Executive Officer to publish a notice in the Government Gazette describing:***
  - a. the road discontinuation, as required by Schedule 10, Clause 3(a) of the Act;***
  - b. declare the exchanged piece of road to be open to public traffic pursuant to Section 204(2) of the Act; and***
  - c. Authorise the Chief Executive Officer to lodge documents with the Registrar, as required by to Section 207D & 207E of the Act.***

***Carried***

#### BACKGROUND

The purpose of the road discontinuance and land exchange is to facilitate the exit of vehicles from the supermarket on Gavan Street, Bright.

The road discontinuance and exchange of land affecting part of Lot 1 TP837927K Parish of Bright (private land) as follows:



**Figure 1: Proposed land exchange showing land to be acquired (cross hatched) and land to be transferred (shown hatched).**

At the Ordinary Council Meeting held on 2 June 2020, Council endorsed the following:

*That Council:*

1. *Advertises its intention to undertake a road deviation and exchange of land affecting part of Lot 1 TP837927K Parish of Bright (private land) as follows:*
  - a. *Discontinue 9m<sup>2</sup> of road in accordance with Schedule 10, Clause 3(a) of the Act, shown as crosshatched on the plan above (Land to be Acquired);*
  - b. *Exchange the 9m<sup>2</sup> of land discontinued as a road (Land to be Acquired) with the owner of Lot 1 TP837927K in part (b), pursuant to Section 189 of the Act, in lieu of the 9m<sup>2</sup> of private land the road was deviated through (Land to be Transferred) in part (a) – noting that the land to be exchanged has been valued at \$3,600 for each parcel;*
  - c. *Declare the 9m<sup>2</sup> of land declared as a road to be open to public traffic (Land to be Transferred) pursuant to Section 204(2) of the Act;*

**ISSUES**

Pursuant to Section 206 including Clause 2 of Schedule 10 of the *Local Government Act 1989* (the Act), Council may deviate this road as shown in Figure 1.

Permission from the Minister for Environment and Climate Change (2012) has been obtained for this deviation and is still valid.

A land valuation has been prepared as required in accordance with Section 189 of the Act.

In accordance with Section 189 of the Act, Council advertised for submissions under section 223. None were received.



**Figure 2: Locality map (see red outline)**

### **POLICY IMPLICATIONS**

Council can facilitate the road deviation in accordance with s206 and cl2 Schedule 10, of the *Local Government Act 1989* (the Act). Exchange of land is in accordance with s189 of the Act.

It is noted that roading provisions and s223 public submission processes remain in the Local Government Act 1989, and have not been transitioned to the *Local Government Act 2020*.

Other related legislation includes: *Transfer of Land Act 1958*.

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

- Infrastructure and open space that our community is proud of.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

Minor costs associated with the transfer of land can be accommodated within existing operational budgets.

### **CONSULTATION**

Council advertised the road deviation and land exchange in accordance with s223 of the *Local Government Act 1989*. Advertisements were placed in the Myrtleford Times / Alpine Observer on 17 June 2020. No formal written submissions were received by the closing date of 15 July 2020.



## **CONCLUSION**

To finalise this Road land exchange, a Council resolution to approve the exchange and gazette the road deviation, discontinuance and declaration under the Local Government Act is required.

## **DECLARATION OF CONFLICT OF INTEREST**

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

- Director Assets
- Manager Asset Maintenance
- Engineering Coordinator

## **ATTACHMENTS**

- Nil

## 8.2 DIRECTOR CORPORATE – NATHALIE COOKE

## 8.2.1 Planning Application P.2020.43 - Rodgers Lane, Dederang

<b>Application number:</b>	<b><i>P.2020.43</i></b>
<b>Proposal:</b>	<b><i>Resubdivision of four (4) lots into two (2) lots, and Buildings and Works for the Construction of a Dwelling.</i></b>
<b>Applicant's name:</b>	<b><i>Mr Nick Vlahandreas (Mountain Planning)</i></b>
<b>Owner's name:</b>	<b><i>Lara McPherson and Marcus Goonan</i></b>
<b>Address:</b>	<b><i>Crown Allotment 27 Section 7 Parish of Dederang, TP 588650N (This allotment is in 3 parts), Crown Allotment 24 Section 7 Parish of Dederang, TP 356625H, Crown Allotment 5 Section 7 Parish of Dederang, TP 677658A, and Crown Allotment 23 Section 7 Parish of Dederang, TP 353788T.</i></b>
<b>Land size:</b>	<b><i>Approximately 162.43 hectares</i></b>
<b>Current use and development:</b>	<b><i>Cattle grazing and agricultural shedding.</i></b>
<b>Site features:</b>	<b><i>The subject land is an irregular shape comprising of 4 lots, with direct road frontage to Rogers Lane which is a partially sealed road. The site contains substantial area of native vegetation (approx. 83.12ha), several watercourses, agricultural sheds, unsealed tracks and some fencing. There are two (2) electricity easements on the eastern edge of Crown Allotment 24. The site slopes up approximately 300 metres from eastern corner of Crown Allotment 24 to a north-western point on the western lot boundary of Crown Allotment 27.</i></b>
<b>Why is a permit required?</b>	<b><i>Clause 35.07-3 – Subdivision (Farming Zone) Clause 42.03-2 – Buildings and Works (Significant Landscape Overlay) Clause 44.06-2 – Subdivision and Buildings and Works (Bushfire Management Overlay)</i></b>
<b>Zoning:</b>	<b><i>Farming Zone (FZ)</i></b>
<b>Overlays:</b>	<b><i>Bushfire Management Overlay - (Portion of Crown Allotment 5 and 27 only.) Significant Landscape Overlay - Schedule 1</i></b>

<b><i>Restrictive covenants on the title?</i></b>	<b><i>None</i></b>
<b><i>Date received:</i></b>	<b><i>15 July 2020 (amended plan)</i></b>
<b><i>Statutory days:</i></b>	<b><i>6 days at 21 July 2020</i></b>
<b><i>Planner:</i></b>	<b><i>James Trimble</i></b>

***Cr Janas***

***Cr Nicholas***

***That a Notice of Decision to grant a planning permit be issued for the Resubdivision of four (4) lots into two (2) lots, and Buildings and Works for the Construction of a Dwelling in accordance with the conditions outlined in Appendix 8.2.1 (a) and for the summarised following reasons:***

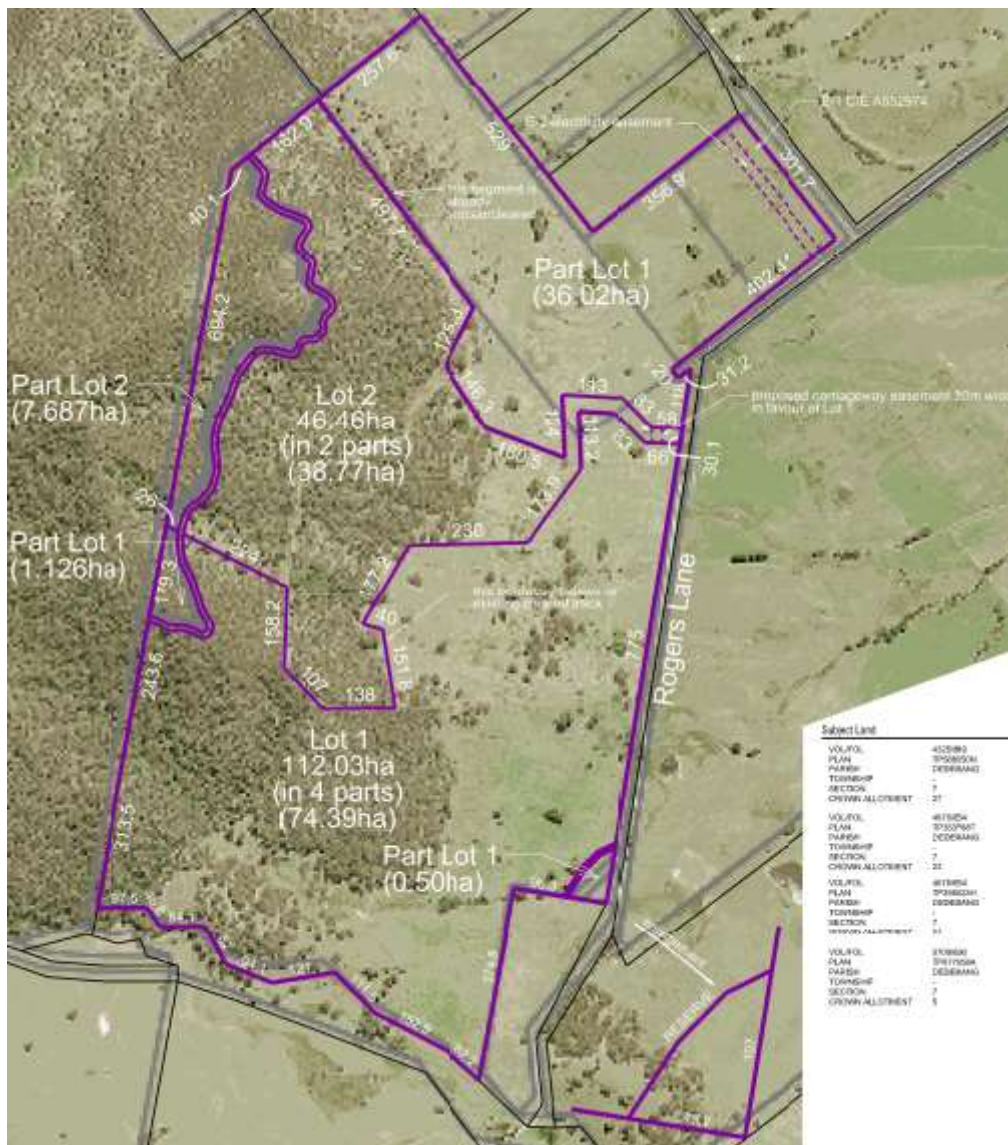
- 1) The proposal generally meets the relevant provisions of the:***
  - a) State and Local Planning Policy Framework;***
  - b) Farming Zone, Bushfire Management Overlay and Significant Landscape Overlay;***
  - c) Decision Guidelines at Clauses 65.01 and 65.02.***
- 2) The proposal provides an appropriate design.***
- 3) It is unlikely that any native vegetation would be consequentially removed as a result of the proposal.***
- 4) The proposed Section 173 Agreement provides for an appropriate matter which does not result in contravention of the planning scheme or a planning permit.***

***Carried***

## **PROPOSAL**

The application consists of two (2) parts being the resubdivision of four (4) lot into two (2) lots, and buildings and works for the construction of a dwelling.

The resubdivision is proposed to create two (2) new lots. Proposed lot 1 will have a total area of 112.03 hectares in four parts of 74.39 hectares, 36.02 hectares, 1.126 hectares and 0.5 hectares. Proposed Lot 2 will have a total area of 46.46 hectares in two parts of 38.77 hectares and 7.687 hectares. Portion of the proposed northern lot boundary of Lot 2 follows an existing cleared track within the site and an existing lot boundary. Portion of the proposed southern lot boundary of Lot 2 follows an existing cleared track within the site. A western section of this proposed lot boundary is through native vegetation. A 20-metre-wide carriageway easement is proposed in the eastern section of Lot 2 to the benefit of Lot 1. The width of the access leg forming part of proposed Lot 2 is 30.1 metres. The majority of proposed Lot 2 will comprise of native vegetation. The proposed resubdivision is identified in figure 1 below.

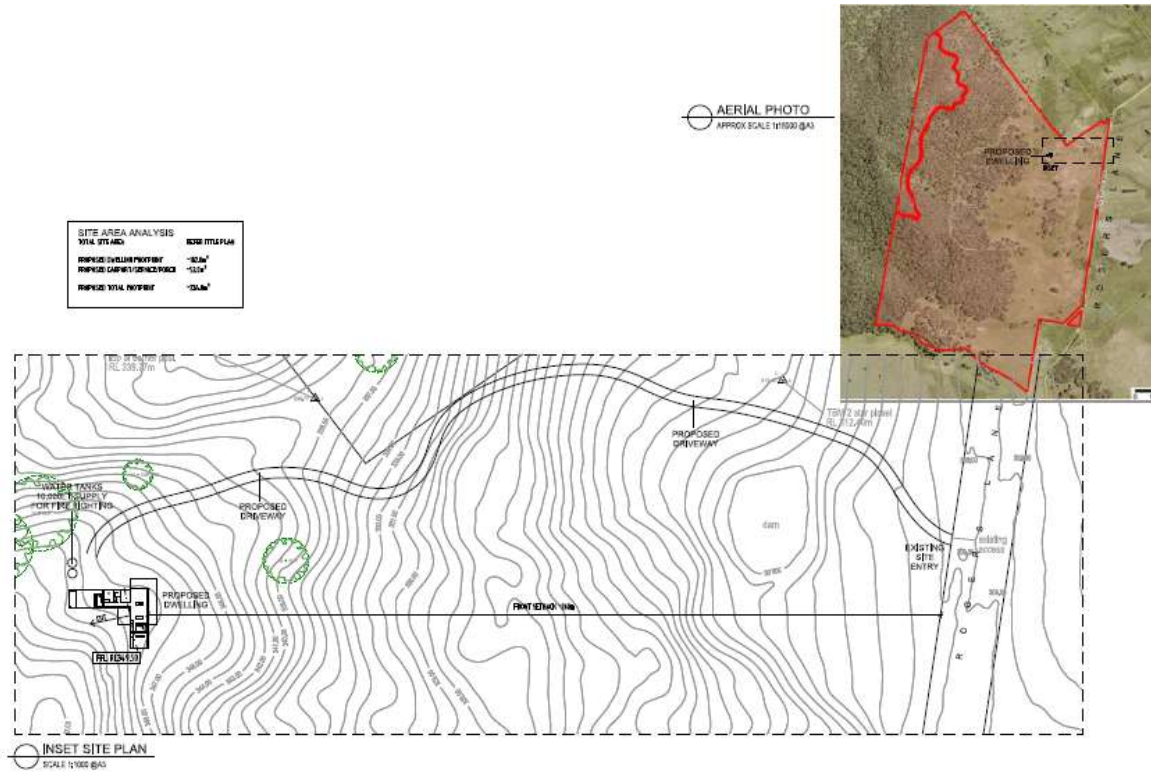


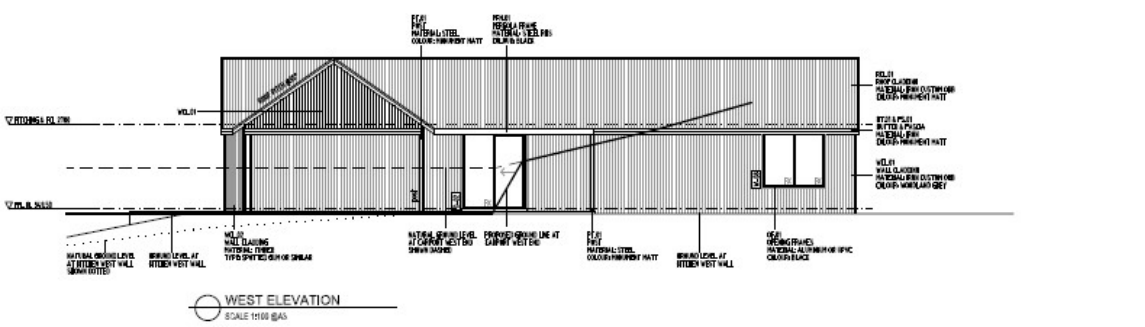
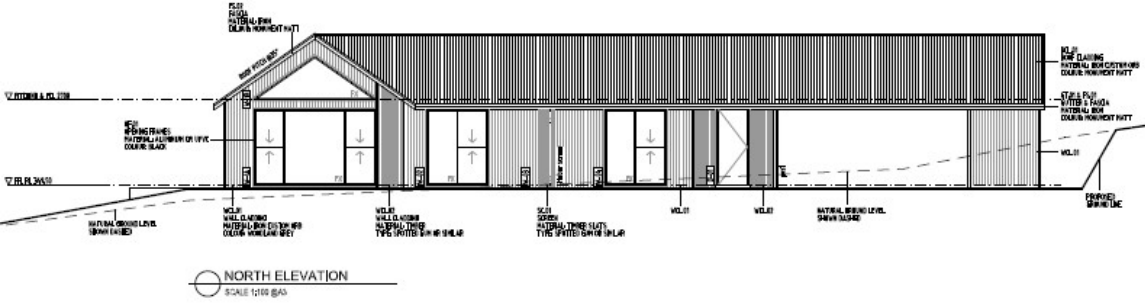
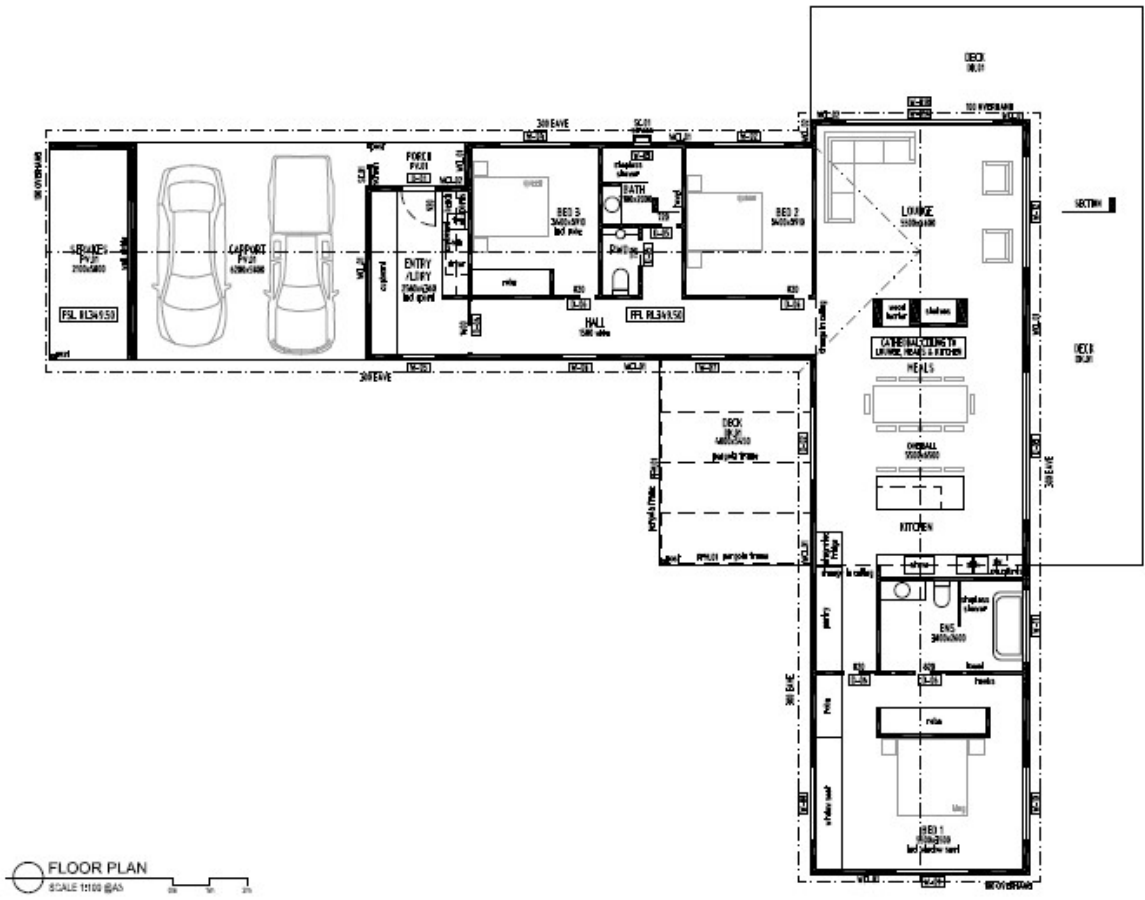
**Figure 1: Shows the proposed resubdivision.**

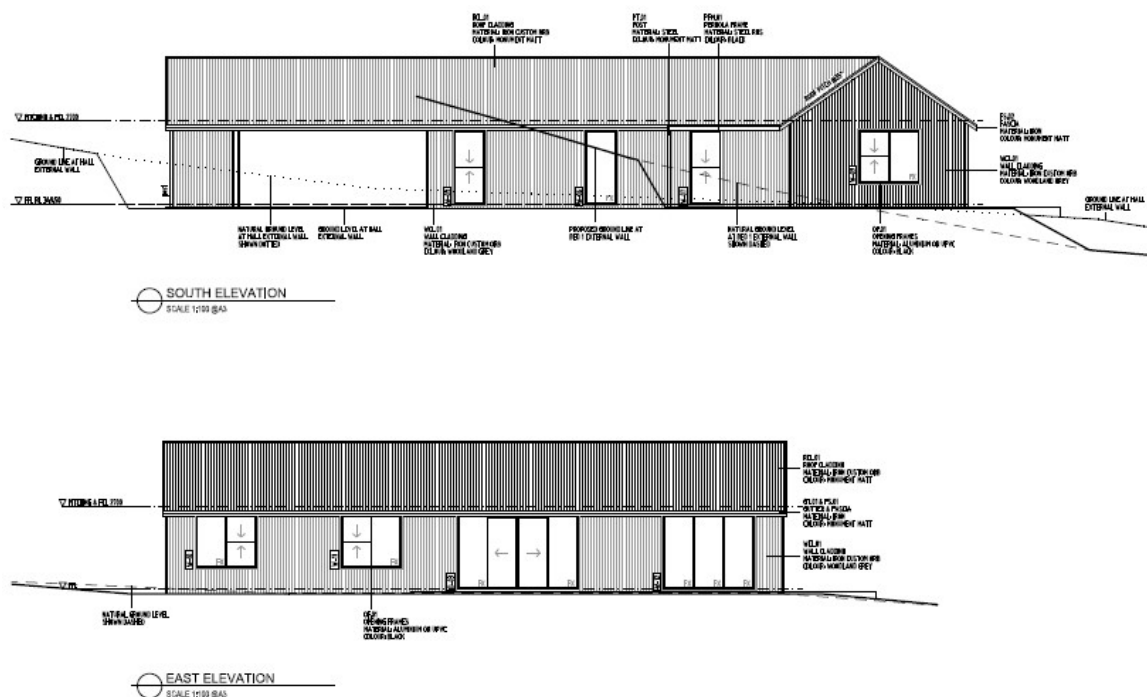
The second part of the application is buildings and works for the construction of a dwelling. The proposed dwelling including its associated wastewater disposal area, and vehicle access is intended to be sited within proposed Lot 2. The proposed finished level of the dwelling is approximately 79.5 metres above the lowest level on the site.

The proposed dwelling is setback approximately 260 metres from Rodgers Lane. The proposed dwelling is single storey and includes a 35-degree pitched roof, double carport, three (3) bedrooms, two (2) bathrooms, open plan meals/kitchen/lounge, front and rear decks, two (2) 10,000 litre water tanks. Approximately 1 metre of cut and fill is associated with the proposed dwelling. External materials and colours include Iron Custom Orb Colorbond Monument Matt roofing, Iron Custom Orb Colorbond Woodland Grey wall cladding, Black window frames, Colorbond Monument Matt gutters, Timber Shiplap vertically hung Spotted Gum or similar wall cladding, and steel Colorbond Woodland Grey water tanks. Vehicle access to the proposed dwelling from Rodgers Lane

is proposed via an existing access point. The proposed dwelling is identified in the following figures below.







Figures 2: Shows the proposed Buildings and Works for the construction of a Dwelling.

## SUBJECT LAND AND SURROUNDS

The subject land is an irregular shape comprising of four (4) lots with direct road frontage to Rogers Lane, which is a partially sealed road. The site contains substantial areas of native vegetation (approximately 83.12 hectares), several watercourses, some fencing and unsealed tracks. There are 2 agricultural sheds on the site. There are 2 electricity easements on the eastern edge of Crown Allotment 24. The site has several existing lot boundaries through areas with native vegetation. The site slopes up approximately 300 metres from eastern corner of Crown Allotment 24 to a north-western point on the western lot boundary of Crown Allotment 27.

Land surrounding the site consists of varied lot sizes within the Farming Zone, with the majority of sites being used for agricultural/farming purposes, with a few sites having a dwelling. The rear of Crown Allotment 27 abuts Crown land which is zoned Public Conservation and Recreation Zone and contains substantial areas of native vegetation. There is a long skinny parcel of Crown land with native vegetation which splits Crown Allotment 27 into parts.





**Figure 3: Subject site**

## **PUBLIC NOTIFICATION**

The application was advertised in accordance with Section 52 of the Planning and Environment Act 1987 for 14 days. Notice of the application was sent to surrounding landholders and occupiers at 4538 Kiewa Valley Highway, Dederang and 89 Police Lane, Dederang. No objections were received as a result of public notification.

## **REFERRALS**

Referrals / Notice	Advice / Response / Conditions
Section 55 (statutory) referrals:	Country Fire Authority - Conditional consent Ausnet - Conditional consent
Section 52 (non-statutory) referrals:	North East Water - No objection Department of Environment, Land, Water and Planning (DELWP) - Objection
Internal referrals:	Alpine Shire Environmental Health Department - Conditional consent

The concerns raised by DELWP in their written objection have been summarised as follows.

- Concerns with the anticipated loss of some native vegetation from the fencing of new lot boundaries.



- Clause 52.17 of the Alpine Planning Scheme provides an exemption from needing a planning permit for up to 4m of native vegetation removal to enable the construction of a boundary fence between properties in different ownership.
- In accordance with Clause 52.17 and the (incorporated document) Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017, Sect 2.3.3), the responsible authority needs to consider whether an application to subdivide land will enable native vegetation to be removed in the future without the requirement for a planning permit under Clause 52.17 or Clause 52.16. Therefore, any losses of or detrimental impacts on native vegetation must be fully considered at the subdivision stage. This includes any native vegetation removal that would become exempt as a consequence of a decision to subdivide land.
- The use of Section 173 agreement is not appropriate as:
  - It is not being used to achieve a desired planning outcome or a planning objective;
  - It is being used to control a form of development that is not regulated by the Scheme (boundary fences are exempt from requiring a planning permit);
  - It is being used to deny a landowner entitlement provided by the Fences Act;
  - The agreement could be ended thereby enabling access to the Clause 52.17 ‘fences’ clearing exemption at some time in the future; and
  - It is clearly being used as a mechanism to avoid the mandatory planning scheme obligations at Clause 52.17.

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

All applicable policy and decision guidelines can be found in Appendix 8.3.1(b).

### **State Planning Policy Framework**

The following State Planning Policy Framework (SPPF) is relevant to the matters raised within the DELWP objection.

#### Clause 12.01-1S - Protection of biodiversity

The objective of this policy is to assist the protection and conservation of Victoria’s biodiversity. A relevant strategy includes ensure that decision making takes into account the impacts of land use and development on Victoria’s biodiversity, including consideration of cumulative impacts, fragmentation of habitat, and the spread of pest plants, animals and pathogens into natural ecosystems. Relevant policy documents to be considered include Protecting Victoria’s Environment – Biodiversity 2037 (Department of Environment, Land, Water and Planning, 2017), and Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017).

Relevant text from the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) includes the following.

- *Where the responsible authority considers that a proposed use and/or development is likely to involve, or lead to, the consequential removal of native vegetation into the future as a result of This ensures consideration and integration of all issues as part of its decision making. This can include, but is not limited to, the consideration of an application for a permit to subdivide land that will enable native vegetation to be removed in the future without requiring a permit under Clause 52.16 or Clause 52.17.*
- *An offset is required to compensate for the loss to biodiversity from the removal of native vegetation.*
- *Assumed losses and consequential removal. When calculating extent, all areas of native vegetation that will be impacted by the proposed use or development are included, regardless of whether the native vegetation will be directly removed. This includes assumed losses, and consequential removal of native vegetation.*

The proposal is not likely to involve, or lead to, the consequential removal of native vegetation into the future. The proposal does not result in the direct removal of native vegetation. The proposed northern boundary of Lot 2 follows either areas that do not have any native vegetation within 4 metres, existing cleared tracks, or existing lot boundaries. The proposed southern boundary of Lot 2 follows either areas that do not have any native vegetation within 4 metres, existing cleared tracks, or steep undulating remote land that would be difficult and impractical to fence. The applicant is proposing a Section 173 agreement which would prevent fencing along lot boundaries requiring the removal of native vegetation. The current owner has verbally advised that it is not their intent to removal any native vegetation from the site for the construction of new fencing.

A permit is not required for the proposal under clause 52.16 or 52.17 as there is an exemption within clause 52.17 which allows for the removal, destruction or lopping of native vegetation to the minimum extent necessary to enable: the operation or maintenance of an existing fence; or the construction of a boundary fence between properties in different ownership. The clearing along both sides of the fence when combined must not exceed 4 metres in width, except where land has already been cleared 4 metres or more along one side of the fence, then up to 1 metre can be cleared along the other side of the fence. For this exemption to become applicable proposed Lot 1 and Lot 2 would have be in different ownership. The current owner has verbally advised that it is not their intent to sell proposed Lot 1 and Lot 2.

Relevant text from the assessor handbook which is referenced within the abovementioned guidelines includes the following.

- *A permit is not required to remove native vegetation under Clause 52.17 if the table of exemptions in Clause 52.17 specifically states that a permit is not required.*
- *Consider assumed losses and consequential removal of native vegetation.*
- *Consequential loss includes native vegetation that can be removed without obtaining a permit as a result of a decision made on an application.*
- *If native vegetation is assumed lost or can be removed as a consequence of the decision, a permit may be required under Clause 52.16 or 52.17.*
- *Ensure that any consequential removal of native vegetation due to exemptions that would apply following approval of a permit or plan has been included. This includes*

*for example, loss of native vegetation along proposed property boundaries for fence lines.*

- *All applications must demonstrate or provide evidence to show that no options exist to further avoid or minimise native vegetation removal without undermining the objectives of the proposal.*
- *The responsible authority should consider any native vegetation that is likely to be removed under an exemption in Clause 52.16 or 52.17 as a consequence of a permit approval. This loss must be included in the extent of the permit being considered.*
- *The 2005 Villawood VCAT decision (Villawood Properties v Greater Bendigo CC VCAT 2703 (20 December 2005). concludes that when dealing with subdivisions, native vegetation (within a lot with a development zone) should not be regarded as being retained. Significant native vegetation on the site that should or can be retained should be reflected in the design of the subdivision.*

A permit is not required for the proposal under clause 52.16 or 52.17. The consequential loss of native vegetation has been considered. Significant native vegetation on the site that should or can be retained has been reflected in the application. The site is not within a development zone. The site is zoned Farming.

#### 12.01 -2S - Native vegetation management

The objective of this policy is to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. The strategy of this policy states:

*Ensure decisions that involve, or will lead to, the removal, destruction or lopping of native vegetation, apply the three-step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017).*

- *Avoid the removal, destruction or lopping of native vegetation.*
- *Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
- *Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation.*

The relevant policy documents to be considered are the same as those listed above under 12.01-1S.

The proposal is considered to be generally in accordance with all other applicable State Planning Policy Framework.

### **Local Planning Policy Framework**

The following Local Planning Policy Framework (LPPF) is relevant to the matters raised within the DELWP objection.

#### 21.04-1 - Native vegetation, biodiversity and environmental values

The relevant objectives of this Policy include:

- *Maintain, conserve and enhance biodiversity and native vegetation assets and values.*
- *Maintain, conserve and enhance the natural environment and environmental and values in rural areas.*
- *Facilitate protection of native fauna, conservation of native plant communities and significant species in their natural condition and the maintenance of genetic diversity.*
- *Support land use and development that maintains and enhances the natural environment for ecological, social and economic benefits of existing and future generations.*
- *Encourage the retention of and re-establishment of native vegetation on private land.*
- *Provide protection and appropriate management of significant remnant areas.*
- *Ensure that development and land use addresses the natural physical features and site context of the area, including soil, water quality, flora, fauna and biodiversity values.*

The proposal is considered to meet the objectives above as it does not result in the direct removal of any native vegetation, the only additional area for which a future exemption to the removal of native vegetation from the site may apply would be the western portion of the southern lot boundary of proposed Lot 2 which is steep undulating remote land that would be difficult and impractical to fence, and the applicant is proposing a Section 173 agreement to prevent the removal of native vegetation from the site associated with lot boundary fencing.

#### 22.02-1 - Native vegetation and biodiversity

Relevant policy provisions include:

- *Buildings and works (including on-site effluent disposal fields, fencing and access tracks) need to be sited and designed to avoid and minimise the requirement for native vegetation removal or any detrimental impacts on retained native vegetation.*
- *Preference be given to proposals, which incorporate measures to avoid and minimise the impact on remnant vegetation.*
- *Where the removal of native vegetation cannot be avoided, conditions in accordance with native vegetation regulations and policy requirements will be included on any permit granted, to ensure that offsets achieve no net loss of native vegetation.*

The proposal complies with the above-mentioned policy provisions as:

- The buildings and works have been sited and designed to avoid and minimise the requirement for native vegetation removal.
- The proposal has been designed to avoid and minimise the impacts on native vegetation and includes a Section 173 agreement measure to further avoid and minimise the impacts on native vegetation.
- The proposal does not result in the direct removal of native vegetation.

The proposal is considered to be generally in accordance with all other applicable Local Planning Policy Framework.

## Zoning

The subject land is zoned Farming. The proposal is consistent with the purposes and decision guidelines of the Farming zone for the following reasons:

- It encourages the retention of productive agricultural land with the consolidation of existing smaller allotments into larger lots.
- The dwelling use is permitted as of right on the site, and the associated building and works and subdivision have been designed to ensure that the dwelling will not adversely affect the use of the land and surrounding land for agricultural activities.
- The land is capable of accommodating the proposed development including the disposal of effluent.
- The resubdivision increases the capacity of the land to sustain an agricultural activity.
- The buildings and works do not result in the direct removal of any native vegetation.

## Overlays

The site is covered by the Significant Landscape Overlay - Schedule 1. There is a planning permit trigger at clause 42.03-2 for the proposed buildings and works for the construction of a dwelling. The proposed buildings and works are considered to meet the relevant decision guidelines of this overlay, subject to the inclusion of appropriate conditions.

Portion of Crown allotments 5 and 27 are covered by the Bushfire Management Overlay. The proposed new lot boundaries, and buildings and works for the construction of a dwelling are sited within the Bushfire Management Overlay. 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 appropriate conditions.

## Particular Provisions

The clause 65 decision guidelines provides a range of standardised decision guidelines that a responsible authority must consider as appropriate before deciding on a permit application or the approval of a plan. Contained within Clause 65.01 are the following native vegetation specific decision guidelines:

- *The extent and character of native vegetation and the likelihood of its destruction; and*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*

The likelihood of the destruction of native vegetation associated with the proposal is very low. The only additional area for which a future exemption to the removal of native vegetation from the site may apply would be the western portion of the southern lot boundary of proposed lot 2, which is steep undulating remote land that would be difficult and impractical to fence.

In addition, the applicant has proposed a Section 173 agreement to provide for the protection of native vegetation on the site associated with boundary fencing.

### **Section 173 Agreements**

Pursuant to Section 173 of the *Planning and Environment Act 1987* a responsible authority may enter into an agreement with an owner of land in the area covered by a planning scheme for which it is a responsible authority. An agreement may provide for any one or more of the following matters:

- *The prohibition, restriction or regulation of the use or development of the land;*
- *The conditions subject to which the land may be used or developed for specified purposes;*
- *Any matter intended to achieve or advance—*
  - *the objectives of planning in Victoria; or*
  - *the objectives of the planning scheme or any amendment to the planning scheme of which notice has been given under section 19;*
- *Any matter incidental to any one or more of the above matters.*

An agreement must not require or allow anything to be done which would breach a planning scheme or a permit. To amend or end a section 173 agreement requires the consent of the responsible authority.

The section 173 agreement proposed by the applicant is suitable as it prohibits the construction of boundary fencing which would result in the removal of native vegetation. Fencing is development. The objectives of the planning scheme have been discussed above. The proposed Section 173 agreement is considered to achieve or advance these objectives as it precludes the removal of native vegetation removal from the site for both proposed new boundary alignments and importantly existing boundary alignment that aren't currently fenced. Having the ability to put in place controls that relate to the existing boundary fencing and therefore the associated native vegetation exemptions is a significant minimisation step that the applicant has agree to. Separate legislation controls fencing, however, it must be noted that the planning scheme may regulate also fencing. The agreement could be ended in the future however this would require the consent of the response authority. In considering such an application to end the subject Section 173 agreement to responsible authority must consider:

- *The purpose of the agreement; and*
- *Whether and why the agreement is no longer required; and*
- *Whether the ending of the agreement would disadvantage any person, whether or not a party to the agreement; and*
- *The reasons why the responsible authority entered into the agreement; and*
- *Any relevant permit or other requirements the land is subject to under the Subdivision Act 1988 ; and*
- *Any other prescribed matter.*

Therefore, based on the above any such application to end the proposed agreement which would result in the loss of native vegetation from the site would likely be refused.

## **CONCLUSION**

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

- 1) The proposal generally meets the relevant provisions of the
  - a) State and Local Planning Policy Framework;
  - b) Farming Zone, Bushfire Management Overlay and Significant Landscape Overlay;
  - c) Decision Guidelines at Clauses 65.01 and 65.02.
- 2) The proposal provides an appropriate design.
- 3) It is unlikely that any native vegetation would be removed as a result of the proposal.
- 4) The proposed Section 173 Agreement provides for an appropriate matter which does not result in contravention of the planning scheme or a planning permit.

## **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**

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

## **Appendix 8.2.1(a) Conditions**

### **Amended Plans**

1. Before the development of the dwelling 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. All buildings and works associated with the dwelling including the driveway and wastewater disposal area being sited entirely within proposed Lot 2.

### **Endorsed Plans**

2. The layout of the site and the size of the proposed buildings and works must be generally in accordance with the endorsed 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. 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.

### **Section 173 Agreement**

4. Prior to the issue of a statement of compliance, the owner must enter into an Agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 to provide the following:
  - a. Lots 1 and 2 must not be further subdivided, so as to create an additional lot.
  - b. Excluding the replacement of existing boundary fencing all new boundary fencing that results in the removal of native vegetation is not permitted.

The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement.

### **Covenant Condition**

5. Covenants that relate to the use of the land or development must not be included in any contracts of sale or on titles of any lots without the written approval of the responsible authority.

### **Stormwater**

6. Before the dwelling is occupied all stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge to the satisfaction of the responsible authority.
7. All roof water from buildings and surface water from paved areas must be collected, as practicable and discharged to the LPOD to avoid any nuisance discharge to adjacent land, to the satisfaction of the responsible authority.



8. Prior to issue of the Statement of Compliance all stormwater and surface water discharging from the site, buildings and works must be retained and treated on site to the satisfaction of the responsible authority. No effluent or polluted water of any type will be allowed to enter the stormwater drainage system. Once treated to the satisfaction of the responsible authority, the stormwater shall be conveyed to the legal point of discharge.

### **Vehicle Crossings**

9. Prior to issue of the Statement of Compliance vehicular crossings and access shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the responsible authority.

### **External Building Colour Reflectivity**

10. The external materials of the building(s) including the roof must be constructed of materials of muted colours to enhance the aesthetic amenity of the area. No materials having a highly reflective surface shall be used. For the purpose of this clause "highly reflective" shall include unpainted aluminium, zinc or similar materials.

### **Construction Management**

11. 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.

### **Construction Requirements**

12. 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.
13. 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.

### **Mandatory Bushfire Condition**

14. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable 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.

### **Farm Zone Dwelling Conditions**

15. Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
16. Prior to occupation the dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970, to the satisfaction of the responsible authority.
17. Prior to occupation the dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes, to the satisfaction of the responsible authority.
18. Prior to occupation the dwelling must be connected to a reticulated electricity supply or have an alternative energy source, to the satisfaction of the responsible authority.

### **External Lighting**

19. All external lighting provided on the site must be suitably baffled so that no direct light is emitted beyond the boundaries of the site and no nuisance is caused to adjoining properties, to the satisfaction of the responsible authority.

### **General Subdivision Conditions**

20. Each lot shown on the endorsed plans must be drained to the point of discharge as approved by the responsible authority.
21. 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.
22. 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.
23. 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 Authority Conditions**

#### **Bushfire Management Plan to be endorsed**

24. The Bushfire Management Plan (prepared by Mountain Planning, dated 27/03/2020, Rev 0) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

### **Alpine Shire Council Environmental Health Conditions**

25. An application must be made for a Permit to Install a Septic Tank System to the satisfaction of Council's Environmental Health Officer prior to a building permit being issued in accordance with the requirements of the Building Act 1993. The septic system must comply with the Code of Practice – onsite Wastewater Management Publication 891.4 and AS1546.1 to 1546.4 and generally be in accordance with the Land Capability Assessment (Project 400475, Nov 2019) from SJE Consulting.

### **Ausnet Conditions**

26. The plan of subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the subdivision Act 1988.
27. The applicant must –
- Enter in an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.
  - Enter into an agreement with AusNet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system if required.
  - Enter into an agreement with AusNet Electricity Services Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AusNet Electricity Services Pty Ltd.
  - If required, provide easements satisfactory to AusNet Electricity Services Pty Ltd for the purpose of "Power Line" in the favour of "AusNet Electricity Services Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AusNet Electricity Services Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land. If required, obtain for the use of AusNet Electricity Services Pty Ltd any other easement required to service the lots.
  - If required, adjust the position of any existing easement to accord with the position of the electricity line(s) as determined by survey.
  - Provide to AusNet Electricity Services Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.

### **End of Ausnet Conditions**

### **Expiry**

28. 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.
29. 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 Planning Permit 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.
- 3) CFA consents under Section 9 of the Subdivision Act 1988 to the Certification of the Plan of Subdivision. CFA does not want the Plan of Subdivision for this planning permit application referred under Section 8 of the Subdivision Act 1988. CFA also consents to the Statement of Compliance for Subdivision under the Subdivision Act 1988.
- 4) It is recommended that, at an early date the applicant commences negotiations with AusNet Electricity Services Pty Ltd for a supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued without delay (the release to the municipality enabling a Statement of Compliance with the conditions to be issued).

Arrangements for the supply will be subject to obtaining the agreement of other Authorities and any landowners affected by routes of the electric power lines required to supply the lots and for any tree clearing.

Prospective purchasers of lots on this plan should contact Ausnet to determine the availability of a supply of electricity. Financial contributions may be required.

### **Appendix 8.2.1(b) Policy and Decision Guidelines**

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.

- 11.03-5S - Distinctive areas and landscapes
- 11.03-6S - Regional and local places
- 12.01-1S - Protection of biodiversity
- 12.01 -2S - Native vegetation management
- 12.05-2S - Landscapes
- 13.02-1S - Bushfire Planning
- 14.01-1S - Protection of Agricultural Land
- 14.01-2S - Sustainable agricultural land use
- 14.01-2R - Agricultural productivity – Hume
- 15.01-2S - Building Design
- 15.01-3S - Subdivision Design
- 15.01-6S - Design for rural areas
- 16.01-5S - Rural residential development

#### **Local Planning Policy Framework**

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

- 21.03-2 - Rural residential living
- 21.03-3 - Rural lifestyle, subdivisions and dwellings
- 21.04-1 - Native vegetation, biodiversity and environmental values
- 21.04-3 - Landscapes
- 21.04-4 - Environmental risk
- 21.05-3 - Agriculture
- 21.07-8 - Dederang
- 21.08 - Reference Documents
- 22.02-1 - Native vegetation and biodiversity
- 22.02-3 - Landscapes
- 22.03-2 - Agriculture

## **Zone**

The subject land is zoned Farming.

## **Overlays**

The site is covered by the Significant Landscape Overlay - Schedule 1.

Portions of Crown Allotment 5 and Crown Allotment 27 are covered by the Bushfire Management Overlay.

## **Particular Provisions**

53.02 – Bushfire Planning

## **General Provisions**

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

## 8.2.2 Contract CT19102 Ground Water Monitoring Wells and Surface Water Field Sampling and Water Quality Testing at Four Landfill Sites Including Leachate and Gas Monitoring at Porepunkah and Myrtleford Landfill

File Number: CT19102

### **INTRODUCTION**

The purpose of this report is to provide an amendment to the recommendation to the award of a contract for the Ground Water Monitoring Wells and Surface Water Field Sampling and Water Quality Testing at four Landfill Sites Including Leachate and Gas Monitoring at Porepunkah and Myrtleford Landfill.

A tender was conducted in February 2020 for these services and a contract has been prepared for the provision of these services from 8 June 2020, for a period of three years, with one option to extend for a further period of one year. At the June 2020 Ordinary Council meeting the recommendation to award the contract to Alpine Earth Sciences was adopted by Council. In the recommendation there had been a miscalculation of the estimated contract value.

***Cr Forsyth***

***Cr Nicholas***

### **RECOMMENDATIONS**

***That Council:***

- 1. Award Contract CT19102 Ground Water Monitoring Wells and Surface Water Field Sampling and Water Quality Testing at Four Landfill Sites Including Leachate and Gas Monitoring at Porepunkah and Myrtleford Landfill to Alpine Earth Sciences for a three-year term, plus one option to extend for a further year, at an estimated contract value of \$250,000 (plus GST),***
- 2. Contract documentation to be finalised and signed at a later Council meeting.***

**Carried**

### **BACKGROUND**

There is currently a transition occurring between the *Local Government Act 1989* ("LGA 1989") and the *Local Government Act 2020* ("LGA 2020"), some provisions within the *LGA 1989* are still in effect and are yet to be repealed and replaced by *LGA 2020*, and some provisions within *LGA 2020* have yet come into effect and the corresponding provisions in *LGA 1989* have been repealed. For the remainder of the paper reference is made to the *Act* which is in effect as relevant to the given provision.

Council currently undertakes monitoring at four closed landfill sites. The monitoring includes field testing, laboratory analysis and reporting of ground water, surface water, leachate and gas emissions according to different configurations at the following sites:

- Myrtleford Landfill
- Old Myrtleford Landfill
- Porepunkah Landfill
- Harrietville Landfill

The current contract for delivering these services has ended and a tender has been undertaken to procure the monitoring services, as required, over the next three years.

As a result of the tender process a contract has been prepared for the monitoring services commencing 8 June 2020 for a period of three years, with one option for an additional one year.

The tender was released in January 2020 and closed 21 February 2020 and was advertised in local papers, the Border News, the Herald Sun and listed on tenders.net. Eleven parties submitted tenders.

## **EVALUATION**

All eleven tenders received were conforming tenders and were evaluated according to the key selection criteria listed in the Invitation to Tender:

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

Following the initial and second assessment of the offers, further clarification was sought from some of the tenderers regarding their proposed methodology and submitted pricing. The evaluation was undertaken by Manager Facilities and reviewed by Director Corporate.

The pricing schedules specified costs per round of sampling or per trip. The minimum required frequency of monitoring has been used to assess estimate annual costs of submitted tenders. The error in the original estimated contract value recommendation occurred by not applying a multiplier to account for the number of locations samples were to be collected from. There was a wide spread of submitted costs for the delivery of the services resulting in part due to the distance some of the submitting tenderers would have to travel to undertake field testing.

## **ISSUES**

The monitoring being undertaken at Myrtleford and Porepunkah landfill sites is undertaken according to the EPA directions and EPA approved Environmental Monitoring Programs. Compliance to approved methodology and reporting regimes is critical and the demonstrated capacity for the submitting tenderers to meet these obligations was required through the tender submission.

Additional monitoring rounds and changes to the required monitoring program may occur during the period of the contract. Serviceability of these increased requirement is also an important consideration when evaluating submissions.



A combined weighting of 50% for experience and demonstrated methodology in the evaluation matrix was therefore used in the evaluation process.

All tenderers provided evidence of approved methodology and experience in undertaking the monitoring as required.

### **POLICY IMPLICATIONS**

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

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

- A responsible and sustainable organisation

### **FINANCIAL AND RESOURCE IMPLICATIONS**

The required monitoring brief under the contract has been expanded over prior requirements and therefore additional provision has been made in the 2020/21 budget to allow for an increase in costs associated for these monitoring specifications.

Year one costs based upon the minimum prescribed monitoring frequency and specifications would be approx. \$61,000 (plus GST).

Three year, plus one year option, costs would be a minimum of approximately \$250,000 (plus GST). If there is a requirement from the EPA for greater than the current minimum prescribed monitoring frequency the total contract value may exceed this amount.

### **CONSULTATION**

Following a review of submitted tenders a number of tenderers were contacted to seek further clarification on their submissions. The tender specifications were prepared in accordance with current approved Environmental Monitoring Programs at Porepunkah and Myrtleford Landfills.

### **CONCLUSION**

That based upon the evaluation criteria, including the meeting of Council's monitoring and reporting requirement that Alpine Earth Sciences offers the best value for the tendered services and that Council enter into a contract with Alpine Earth Sciences for delivery of these services for a period of three years with a one-year option for Council to extend.

**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)**

- Nil

## 8.2.3 Contract CQ20038 Security Patrol and After Hours Call Out Services for Alpine Shire Council Facilities

File Number: CQ20038

### INTRODUCTION

The purpose of this report is to recommend the award of a contract for Security Patrol and After Hours Call Out Services for Alpine Shire Council Facilities.

A tender was conducted in June 2020 for these services and a contract has been prepared for the provision of these services from 1 September 2020 for a period of three years.

***Cr Keeble***

***Cr Janas***

***That Council:***

- 1. Award Contract CQ20038 Security Patrol and After Hours Call Out Services for Alpine Shire Council Facilities to SSX Group for a three-year term, at an estimated contract value of \$165,000 (plus GST); and***
- 2. Contract documentation to be finalised and signed at a later Council meeting.***

***Carried***

### BACKGROUND

Council has security patrols and an alarm call out service undertaken at various Council buildings and facilities in Bright and Myrtleford. The purchase order for the current service provider is ending and Council intends to enter a three (3) year contract for these services. A tender process has been undertaken and a contract has been prepared commencing 1 September 2020 for a period of three years.

The tender was released on 15 June 2020 and closed 1 July 2020 and was advertised in local papers, the Border News, the Herald Sun and listed on tenders.net. Three parties submitted tenders.

### EVALUATION

All three tenders received were conforming tenders and were evaluated according to the key selection criteria listed in the Invitation to Tender:

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

The evaluation was undertaken by Manager Facilities and reviewed by Director Corporate.

The pricing schedules specify costs per patrol per site and call out charges per site. The current required frequency of patrols has been used to assess estimate annual costs of submitted tenders.

### **ISSUES**

Council has previously been procuring these services through a Request for Quotation process on an annual basis. It has been decided that due to the ongoing nature of the service a contract for three years should be put in place.

The pricing schedule in the contract allows Council the ability to change the frequency and number of sites being serviced. A review of the sites and requirements will be carried out during the contract term.

All tenderers provided evidence of approved methodology and experience in undertaking the monitoring as required.

### **POLICY IMPLICATIONS**

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

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

- Highly utilised and well managed community facilities

### **FINANCIAL AND RESOURCE IMPLICATIONS**

Based upon the current frequency and number of sites being services the year one (1) costs is approximately \$53,000 (plus GST), and the total estimated contract value is \$165,000 (plus GST). There is sufficient allocation within the budget for this contract.

### **CONSULTATION**

Following a review of submitted tenders some clarification was sought from tenderers regarding their pricing and staff models.

### **CONCLUSION**

Based upon an evaluation against the tender criteria SX Group offers the best value for the tendered services and it is recommended that Council enter into a contract with SSX Group for delivery of these services for a period of three years.

### **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)**

- Nil

## 8.2.4 Tender CQ20021 Provision of Public Waste & Public Amenity Servicing and Cleaning of Council Facilities and Public Amenities

File Number: CQ20021

### INTRODUCTION

The purpose of this report is to recommend the award of contracts for services tendered under tender CQ20021 Provision of Public Waste & Public Amenity Servicing and Cleaning of Council Facilities and Public Amenities.

A tender was conducted in May and June 2020 for these services and contracts have been prepared for the provision of these services from 1 December 2020 for a period of three years, with one option to extend for a further period of three years.

***Cr Forsyth***

***Cr Keeble***

***That Council***

- 1. Award Contract CQ20021a Cleaning of Council Facilities to Ausbright Facilities Management for a three year term, plus one option to extend for a further three years for the total estimated contract value of \$490,000 (plus GST);***
- 2. Award Contract CQ20021b Public Waste and Recycling Collection and Cleaning of Public Area Amenities (Ovens Valley) to Ausbright Facilities Management for a three year term, plus an option for a further three years for the total estimated contract value of \$1,040,000 (plus GST);***
- 3. Award Contract CQ20021c Public Waste and Recycling Collection and Cleaning of Public Area Amenities (Kiewa Valley) to Ausbright Facilities Management for a three year term, plus an option for a further three years to a total estimated contract value of \$486,000 (plus GST);***
- 4. Extend the following contracts, to allow supplier transition, for a period of 3 months to 30 November 2020 for a total estimated cost of \$79,500 (plus GST):***
  - a. Contract 1102202 – Provision of Facility Cleaning Kiewa Valley;***
  - b. Contract 1102202 – Provision of Facility Cleaning Upper and Lower Ovens Valley; Contract 1102204 – Provision of Public Waste & Recycling Collection Kiewa Valley; Contract 1100230 – Provision of Public Waste & Recycling Collection Upper and Lower Ovens; and***
- 5. Contract documentation to be finalised and signed at a later Council meeting.***

***Carried***

### BACKGROUND

There is currently a transition occurring between the Local Government Act 1989 ("LGA 1989") and the Local Government Act 2020 ("LGA 2020"), some provisions within the LGA 1989 are still in effect and are yet to be repealed and replaced by LGA 2020, and some provisions within LGA 2020 have yet come into effect and the corresponding provisions

in LGA 1989 have been repealed. For the remainder of the paper reference is made to the *Act* which is in effect as relevant to the given provision.

Council currently has separate existing contracts for the following services:

- Provision of Facility Cleaning Kiewa Valley
- Provision of Facility Cleaning Upper & Lower Ovens Valley
- Provision of Public Waste and Recycling Collection Kiewa Valley
- Provision of Public Waste and Recycling Collection Ovens Valley, and
- Provision of Cleaners for Cleaning Council Facilities.

The existing contracts for Provision of Facility Cleaning and Provision of Public Waste and Recycling Collection are scheduled to end 31 August 2020 with the existing contract for Provision of Cleaners for Cleaning Council Facilities scheduled to end 30 November 2020.

The existing contracts for Provision of Facility Cleaning relate to the cleaning and servicing of Councils public amenities such as public toilets, BBQs and water stations. The existing contracts for Provision of Public Waste and Recycling Collection relate to the servicing of public place bins, some street cleaning and litter collection servicing. The existing contract for Provision of Cleaners for Cleaning Council Facilities relates to the cleaning of Council buildings such as Council the office and libraries.

With the current contracts for delivering these services ending a tender has been undertaken to procure these services, as required, over the next three years.

The tender was designed to enable submissions in separable parts:

- Public Place Waste and Recycling Collection Kiewa Valley;
- Public Place Waste and Recycling Collection Ovens Valley;
- Cleaning of Public Area Amenities Kiewa Valley;
- Cleaning of Public Area Amenities Ovens Valley; and
- Cleaning of Council Facilities.

A request for pricing for the provision of cleaning supplies and consumables was also included in the tender.

As a result of the tender process contracts have been prepared for:

1. Cleaning of Council Facilities commencing 1 December 2020 for a period of three years, plus one option to extend for a further three years;
2. Public Place Waste and Recycling Collection, and Cleaning of Public Area Amenities (Ovens Valley) commencing 1 December 2020 for a period of three years, plus an option for a further three years; and
3. Public Place Waste and Recycling Collection, and Cleaning of Public Area Amenities (Kiewa Valley) commencing 1 December 2020 for a period of three years, plus an option for a further three years.

The tender was released on 6 May 2020 and closed 4 June 2020 and was advertised in local papers, the Border News, the Herald Sun and listed on tenders.net. Eleven parties submitted tenders.

## EVALUATION

A total of seven (7) submissions were received.

- Three (3) tenderers provided submissions for all services;
- Five (5) tenderers provided a submission for Cleaning of Council Facilities;
- Four (4) tenderers provided a submission for Public Place Waste and Recycling Collection and Cleaning of Public Area Amenities (Ovens Valley); and
- Four (4) tenderers provided a submission for Public Place Waste and Recycling Collection and Cleaning of Public Area Amenities (Kiewa Valley) .

All tenders received were conforming tenders and were evaluated according to the key selection criteria listed in the Invitation to Tender:

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

Following the initial assessment of the offers, further clarification was sought from some of the tenderers regarding their proposed methodology and submitted pricing.

The evaluation was undertaken by Manager Facilities, Facilities Officer Waste, an externally engaged procurement consultant and was reviewed by Director Corporate.

## ISSUES

The tender was designed to allow for a single, or multiple, contracts to be awarded due to the differing nature of the service delivery methods and outcome objectives. The assessment of the tenders was undertaken with this in mind, and each priced service was initially assessed individually.

A further assessment was undertaken for the combined Public Place Waste and Recycling Collection and Cleaning of Public Area Amenities for each of the valleys.

For the purpose of the evaluation the pricing submitted for consumables was not assessed and a separate evaluation process will be undertaken for cleaning supplies and consumables.

Due to the complexity of the tenders received, the evaluation process required more time than had been initially considered. Current contracts for Provision of Facility Cleaning and Provision of Public Waste and Recycling Collection are due to end four (4) weeks from the August Ordinary Council Meeting. As the recommendation is to transition these contracts to a new supplier an extension to existing contracts is also recommended to enable appropriate transition times.

The Cleaning of Council Facilities contract ends 30 November 2020 and with the recommendation to award all contracts to one company it is recommended that all contracts commence from 1 December 2020. This will require Council approval for the extension of the current contracts Public Place Waste and Recycling Collection Kiewa Valley; Public Place Waste and Recycling Collection Ovens Valley; Cleaning of Public Area

Amenities Kiewa Valley; Cleaning of Public Area Amenities Ovens Valley; and Public Amenity and Public Bin servicing to be extended by three (3) months. This extension will also provide a transition period for the exiting contractors from the contracts.

It is recommended that the different services are managed under separate contract arrangements to enable flexibility in performance management under the contract terms.

## **POLICY IMPLICATIONS**

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

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

- Highly utilised and well managed community facilities

## **FINANCIAL AND RESOURCE IMPLICATIONS**

### **Cleaning of Council Facilities**

The costs of services under the proposed supplier contract is in line with current contract pricing. Year one (1) costs under the contract are estimated to be \$77,800 (plus GST), with a total contract estimated expenditure for the three (plus three year option) term of \$490,000 (plus GST).

### **Public Waste and Recycling Collection and Cleaning of Public Area Amenities (Ovens Valley)**

The costs of services under the proposed new supplier contract results in a reduction in the service costs for when compared to current contract costs. Year one (1) costs under the contract is estimated to be \$164,593 (plus GST), a saving of \$ 77,132 (plus GST) as compared to current costs and a total contract estimated expenditure for the three (plus three year option) term of \$1,04M (plus GST).

### **Public Waste and Recycling Collection and Cleaning of Public Area Amenities (Kiewa Valley)**

The costs of services under the proposed new supplier contract results in a reduction in the service costs for when compared to current contract costs. Year one (1) costs under the contract is estimated to be \$77,040 (plus GST), an increase of \$2,564 (plus GST) as compared to current costs and a total contract estimated expenditure for the three (plus three year option) term of \$486,000 (plus GST).

### **Contract extensions**

The extension of contracts 1102202; 1102202; 1102204 and 1100230 for a period of three months to the 30 November 2020 to allow transition will have a total cost of \$79,500 (plus GST).



## **CONSULTATION**

Following a review of submitted tenders a number of tenderers were contacted to seek further clarification on their submissions.

## **CONCLUSION**

Based upon the evaluation criteria Ausbright Facilities Management offers the best value for the tendered services and it is recommended that Council enter into contracts with Ausbright Facilities Management for delivery of these services, for a period of three years with a three-year option for Council to extend.

## **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)**

- Nil

## 9. Assembly of Councillors

### Introduction

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

***Cr Forsyth***

***Cr Nicholas***

***That the summary of the Assemblies of Councillors for July 2020 be received.***

***Carried***

### Background

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

Date	Meeting
7 July	Briefing Session
14 July	Economic Development Strategy Workshop (virtual online meeting)
21 July	Briefing Session (virtual online meeting)

### Attachment(s)

- 9.0 Assemblies of Councillors – July 2020

## **10. General business**

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

## **11. Motions for which notice has previously been given**

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

## **12. Reception and reading of petitions**

Nil

## 13. Documents for sealing

*Cr Nicholas*

*Cr Knappstein*

*That the following documents be signed and sealed.*

- 1. Section 173 Agreement – Mark Denis Riky and Brynie Millicent Riky. Lot 2 on Plan of Subdivision 959743P Volume 11921 Folio 975. Conditions 18 and 19 of Planning Permit 2019.11.1 for a two lot resubdivision at 12 Bailey Street Porepunkah. The Agreement provides for the implementation of Bushfire Protection measures and building envelope restrictions.*
- 2. Section 173 Agreement – Barbara Rosser and Naynad Investments Pty Ltd and Goulburn Murray Water Corporation. Lot 1 TP84368, Lot 1 TP 384856, CA 1 SEC A Township of Wandiligong. Volume 7982 Folio 134; Volume 8504 Folio 209 and 9514 Folio 917. Condition 13 of the Planning Permit 2018.50.1 for Subdivision of the land into three lots at 4 Sangsters Lane and Centenary Avenue, Wandiligong. The Agreement provides for wastewater management requirement conditions and future dwelling size restrictions.*

*Carried*

There being no further business the Chairperson declared the meeting closed at 4.51p.m.

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Chairperson