

M(6) – 24 JUNE 2025

Ordinary Council Meeting

Minutes

The **Ordinary Council Meeting** of the **Alpine Shire Council** was held in the Bright Council Chambers, 2 Churchill Avenue, Bright on **24 June 2025** and commenced at **5:00 pm**.

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1 Recording and livestreaming of Council meetings

The CEO will read the following statement:

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

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

In common with all narrative during Council meetings, verbal responses to congratulations, obituaries and question time will not be recorded in the written minutes. By submitting a question, you consent to your question being read aloud at the meeting.

The reasoning behind recording council meetings is 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

All to stand, the Mayor will read the following statement:

Alpine Shire Council acknowledges the Taungurung peoples as the Traditional Owners of the lands on which we are meeting today. Council also acknowledges all of the Traditional Owners of the wider lands of the area known as the Alpine Shire.

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(5) 27 MAY 2025

Cr Byrne

Cr Tanzen

That the minutes of M(5) 27 May 2025 as circulated be confirmed.

Carried Unanimously

4 Apologies

Nil

5 Obituaries / Congratulations

Refer to Alpine Shire Council's website www.alpineshire.vic.gov.au; for its YouTube live-streaming recording for responses to obituaries and congratulations.

6 Declarations by Councillors of Conflict of Interest

Cr Byrne declared a conflict of interest in relation to items 8.3.1 Myrtleford Flood Study Flood Modelling Report 2025 and items 8.3.9 Petition – Expansion of the caravan park at the Myrtleford Recreation Reserve

Cr Anderson declared a conflict of interest in relation to item 8.2.4 Submission of the Draft 2025/26 Rates and Charges (Bright Pioneer Park Timekeepers Box).

Cr Smith declared a conflict of interest in relation to item 8.2.4 Submission of the Draft 2025/26 Rates and Charges (Bright Pioneer Park Timekeepers Box).

7 Public Questions

Public Question time will be held in accordance with the following provisions of Council's Governance Rules:

G5 Public Question Time

GS3. Questions submitted to Council may be:

Submitted as a "Question on Notice" to the Chief Executive Officer in writing by 5pm on the day prior to the Council meeting, stating the name and contact details of the person submitting the question; or

During meetings held wholly in-person, at the Chairperson's discretion, asked directly by a member of the public gallery at the Council meeting during public question time.

GS4. No person may submit or ask more than two questions at any one meeting.

GS7. Questions should be limited to items of public interest, and are not intended to replace Council's ordinary Customer Request process. A question may be disallowed by the Chairperson if the Chairperson determines that it:

- is not related to an item on the agenda;
- relates to a matter outside the duties, functions and powers of Council;
- is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
- deals with a subject matter already answered;
- is aimed at embarrassing a Councillor or a member of Council staff;
- relates to confidential information as defined in s3 of the Act;
- relates to the personal hardship of any resident or ratepayer; or
- relates to any other matter which the Council considers would prejudice the Council or any person.

Refer to Alpine Shire Council's website www.alpineshire.vic.gov.au; for its YouTube live-streaming recording for responses to questions.

8 Presentation of reports by officers

8.1 CHIEF EXECUTIVE OFFICER - WILL JEREMY

8.1.1 Leave of absence – report withdrawn

INTRODUCTION

This report relates to a request for a leave of absence from councillor duties.

That Council:

- 1. Notes the written request by Cr Peter Smith for leave of absence; and*
- 2. Grants approval to the request for leave of absence until _____.*

BACKGROUND

Cr Smith has formally advised the Mayor and the Chief Executive Officer that he is seeking a leave of absence due to medical reasons.

Section 35 of the *Local Government Act 2020* requires Council to grant any reasonable request for Councillor leave. If a Councillor is absent from Council meetings for a period of four consecutive months without leave obtained from Council, they would cease to hold office, hence it is imperative that Council consider and grant leave requests as they are made.

Councils Governance Rules under Chapter 3 Part D2 state as follows:

- D2.1 A Councillor intending to take a leave of absence should formally advise the Mayor and Chief Executive Officer.
- D2.2 The Chief Executive Officer will include any leave of absence request received in the agenda of the next Council meeting.
- D2.3 A leave of absence not included in a Council meeting agenda may still be considered by Council if a formal request has been received by the Mayor and Chief Executive Officer prior to the meeting.
- D2.4 Council will not unreasonably withhold its approval of a leave of absence request.
- D2.5 A Councillor who has not submitted an apology or had a leave of absence approved who is not in attendance at a Council meeting will be recorded as absent.

ISSUES

Nil.

POLICY IMPLICATIONS

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

There are no financial implications associated with this matter.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Cr Smith is unable to fulfil his obligations on delegated committees	Possible	Minor	<ul style="list-style-type: none"> A substitute councillor may be appointed to act as proxy at those meetings if required.

CONSULTATION

Cr Smith has provided verbal updates to Councillors and Executive in relation to ongoing medical matters.

CONCLUSION

That the leave of absence for Cr Smith be approved by Council.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Chief Executive Officer
- Governance Officer
- Executive Assistant (CEO)

ATTACHMENT(S)

Nil

8.2 DIRECTOR CORPORATE AND COMMUNITY - NATHALIE COOKE

8.2.1 Budget Report - Quarter Three Review 2024/25

INTRODUCTION

The purpose of the 'Budget Report - Quarter Three Review 2024/25' (the 'Report') is to provide Council with an overview of the year-to-date results for the period ending 31 March 2025, and to provide an update on the forecast financial position against the full year budget.

Cr Byrne

Cr Andersen

That Council receives and notes the 'Budget Report - Quarter Three Review 2024/25' for the period ending 31 March 2025.

Carried Unanimously

BACKGROUND

The Report provides Council with an overview of the year-to-date results and an update on the forecast financial position against the full year budget. Explanations are provided for variances to budget greater than \$100,000. This Report is prepared quarterly.

ISSUES

Council is forecasting a full year surplus of \$9.98m, which is \$1.39m higher than the budgeted surplus of \$8.6m, however \$865k lower than was forecast at the end of Q2.

The published surplus position was driven by a number of contributing factors, including increased grant income received and recognised, and a reduced depreciation forecast.

The forecasted variance to budget is the result of a mix of drivers. There is forecast additional income as well as reduced expenditure, primarily due to an updated expected depreciation amount. Full details can be reviewed in the attached Budget Report Quarterly Review for the period ending 31 March 2025.

Forecast additional income (\$590k) includes:

- Capital Grants (\$246k)
 - Council received this year's and a 10% balance of last 3 year's Local Roads and Community Infrastructure (LRCI) grants (\$1,625k). The amount which we were able to be claimed from the LRCI program was not confirmed until after the budget was approved. Council also received late notification of higher Roads to Recovery grant funding (\$213k) than forecast in the Budget.
 - A change in accounting policy for unearned income results in \$1.6m income from non-recurrent grants already recognised in prior years. This policy was

adopted for last financial year's annual report process, after the budget had been completed. As such, this income will not contribute to this year's results.

- Other Income (\$408k)
 - Receipt of Victorian Energy Efficiency Certificates received for upgrading streetlights (\$406k) omitted from the budget process due to uncertainty of timing.
 - Unbudgeted Mystic membership income from ACP (Alpine Community Plantations) (\$133k) following contract negotiations which were concluded in Q4 2023/24.).
 - Offset by a lower amount of expected investment interest by \$74k as term deposit balance is decreased.

Forecast reduced expenditure (\$798k) is predominantly comprised of:

- Depreciation (\$831k)
 - Depreciation has been forecasted to more accurately reflect analysis that has been undertaken on our asset data as a part of the work being undertaken to prepare Council's Asset Plan and 10-year Financial Plan.

Revised Budget

The *Local Government Act 2020 (LGA 2020)* requires that an assessment be made as to whether a revised budget is required after the half yearly finance report is completed. A revised budget is required under the *LGA 2020* before any of the following can occur:

- A variation to the declared rates or charges;
- Undertaking any borrowings that have not been approved in the budget;
- A change to the budget that the Council considers should be the subject of community engagement.

At the end of the Q3 financial period, none of these three items is forecast to occur, and Council is not required to complete a revised budget for 2024/25.

POLICY IMPLICATIONS

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

Council is forecasting a full year surplus of \$9.98m, which is \$1.39m higher than the budgeted surplus of \$8.6m.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Poor decision-making impacts on financial sustainability.	Rare	Major	<ul style="list-style-type: none"> Quarterly reporting provides a snapshot of performance for Council. Maintaining rigour in financial reporting supports Council to make financially sustainable decisions.

CONSULTATION

Consultation has been carried out with Council Officers across the organisation in order to compile this report.

The report was tabled at the 16 May 2025 Audit and Risk Committee meeting for discussion. No issues were raised.

CONCLUSION

The Budget Report - Quarter Three Review 2024/25 for the period ending 31 March 2025 is presented for noting.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Corporate and Community
- Manager Corporate
- Accountant

ATTACHMENT(S)

1. 8.2.1.1 Quarterly Budget Report Q3 2024-25

8.2.2 Adoption of the Revenue and Rating Plan 2025

INTRODUCTION

The *Local Government Act 2020* requires each council to prepare and adopt a Revenue and Rating Plan to cover a minimum period of four years following each Council election. The Revenue and Rating Plan establishes the revenue raising framework within which the Council proposes to work. The purpose of this report is to adopt the Revenue and Rating Plan 2025.

Cr Byrne

Cr Ronco

That Council:

1. *Notes that two submissions were received regarding the draft Revenue and Rating Plan 2025;*
2. *Adopts the Alpine Shire Council Revenue and Rating Plan 2025; and*
3. *Signs and seals the Revenue and Rating Plan 2025 at the appropriate stage of the meeting.*

Carried Unanimously

BACKGROUND

In 2019, the Victorian State Government conducted a Local Government Rating System Review. The Local Government Rating System Review Panel presented their final report and list of recommendations to the Victorian Government in March 2020. The Victorian Government subsequently published a response to the recommendations of the Panel's report. However, the recommended changes have not yet been implemented and timelines to make these changes have not been announced. The Revenue and Rating Plan 2025 (the Plan) is a legislative requirement. It is for a four year 'block' period starting in June in the year after each general council election.

The *Local Government Act 1989* provides the framework in which councils operate their rating structures. This section has not yet moved to the *Local Government Act 2020*.

ISSUES

The purpose of the Plan is to determine the most appropriate and affordable revenue and rating approach for Alpine Shire Council which, in conjunction with other income sources will adequately finance the objectives in the Council Plan. It identifies financial and revenue related risks and ensures these are mitigated and effectively managed. The plan outlines the principles and strategic framework that Council will utilise in calculating and distributing rates to property owners. However, the quantum of rate revenue and rating differential amounts will be determined in the annual Alpine Shire Council budget.

Submissions Received

The draft Plan was released for public exhibition following the April 2025 Ordinary Council Meeting. Public submissions formally closed on Tuesday 27 May 2025. Two submissions were received during the public exhibition period and are summarised below with responses. After consideration, the submissions received have not altered the Revenue and Rating Plan from the version tabled at the April 2025 Council meeting for endorsement to take to public consultation.

Submission 1: *Analysis provided of changes to the Capital Improved Value (CIV) of farming properties across the Shire with a reduction in the impact on the benefit of the lower set rate differential for farming properties. Request made to undertake a formal review of the farm differential rate.*

Council has utilised LG Valuations (a professional property valuation firm that have provided valuations for the Alpine Shire for more than ten years) data to assess the changes in CIV across all differential categories over the past three years. In summary, the aggregated data shows that there has been some CIV movement across classifications that average to an increase of 32.46% for farm properties; 22.58% for residential properties and 35.84% for commercial/industrial properties. The data shows that although there may be large variations over a single year, over a longer timeframe there is some market correction.

Analysis shows that there are only minor movements in proportion of rate revenue collected across the three differential rate categories and has therefore maintained the current level of differential in the proposed Plan. However, Council is committed to regularly reviewing the rate differentials to ensure they remain relevant.

Submission 2: *Concern raised that all properties in Dinner Plain were proposed to be classified as commercial/industrial and subject to the Commercial/Industrial differential rate.*

A declared Special Rate applied to commercial/industrial properties during the 2024/25 financial year. A special rate has not been declared for 2025/26 and commercial/industrial properties have been included in the commercial/industrial differential rate policy. There are no proposed changes to the residential rate policy at Dinner Plain and residential properties will continue to pay the residential differential rate of 100%.

After consideration, the submissions received have not altered the Revenue and Rating Plan from the version tabled at the April 2025 Council meeting for endorsement to take to public consultation.

Feedback received on the draft 2025/26 Budget highlighted that a clarification of the Objectives component of the Commercial/Industrial Rate policy at 4.4.3 was required. Changes have therefore been made to the wording within the objective to clarify that the differential rate is utilised largely to support the higher levels of servicing costs of commercial/industrial properties and municipal wide impacts of the tourism industry, in particular. The level to which Council invests expenditure to undertake economic

development and tourism strategies is as approved in the Budget adopted by Council annually.

No other changes were made to the Revenue and Rating Plan 2025.

POLICY IMPLICATIONS

The Plan is an important part of Council's integrated planning framework. Strategies outlined in the Plan align with the objectives contained in the draft Community Vision and Council Plan 2025-29, in particular, "A sustainable and Resilient Alpine", and enable Council's budgeting and long-term financial planning documents. The Plan is underpinned by policies that provide stability and predictability. Council's strategic risk register refers to the Plan as a control for the risk of Financial Sustainability.

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

A Revenue and Rating Plan establishes the revenue raising framework within which the Council proposes to work and outlines the assumptions, policy, and decisions of Council in relation to generating the required income to effectively support implementation of the Council Plan and budget for a 4-year period.

The Plan will set out decisions that Council has made in relation to rating options available to it under the *Local Government Act 1989* and *Local Government Act 2020* to ensure the fair and equitable distribution of rates across property owners. It will also set out principles that are used in decision making for other revenue sources such as fees and charges. It is also important to note that this plan does not set revenue targets for Council, it outlines the strategic framework and decisions that inform how Council will go about calculating and collecting its revenue

The proposed change to the rating strategy in Dinner Plain will result in an overall reduction in funds of approximately \$167,000 for 2025/26 as the commercial/industrial properties in Dinner Plain Village rating structure are brought under the rate cap.

Implementation and resourcing impacts from the introduction of the State Government's Emergency Services and Volunteer Fund (ESVF) are being assessed. The new charge will result in an increase in costs to the community.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Failure to meet legislated timelines to deliver a Revenue and Rating Plan prior to 30 June 2025.	Rare	Moderate	<ul style="list-style-type: none"> Strategic planning of deliverables, and appropriate resourcing to ensure delivery. Community engagement in line with Council's policies.
Revenue and Rating Plan 2025 does not meet the financial needs of Council to deliver the Council Plan.	Rare	Moderate	<ul style="list-style-type: none"> Implementation of the integrated strategic planning and reporting framework to ensure the linkage of planning through resource allocation, to performance monitoring, and accountability mechanisms; Financial reporting and controls.

CONSULTATION

The following public consultation process has occurred during the development of the Revenue and Rating Plan 2025.

Revenue and Rating Plan community engagement process:

- Revenue and Rating Plan 2025 placed on public exhibition at an Ordinary Council Meeting and open for public submissions during May 2025;
- Community engagement through a public notice in the local newspaper;
- Hearing of public submissions; and
- Final Revenue and Rating Plan 2025 (including any revisions) presented to Council for adoption.

CONCLUSION

It is recommended that Council adopt the Revenue and Rating Plan 2025 in line with the requirements of section 93 of the *Local Government Act 2020*.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Corporate and Community
- Manager Corporate
- Rates Coordinator

ATTACHMENT(S)

1. 8.2.2.1 Revenue and Rating Plan 2025 Final - June 2025 v 2

8.2.3 Adoption of the 2025/26 Rates and Charges

INTRODUCTION

The purpose of this report is to declare the Alpine Shire Council rates and charges to be raised for the 2025/26 financial year, for the period 1 July 2025 to 30 June 2026.

Cr Andersen

Cr Tanzen

That Council:

1. *Declares rates and charges of \$23,576,000 be raised in the 2025/26 financial year and featuring a 3.00% rate increase, for the purpose of section 94(1) of the Local Government Act 2020, based on setting the 'rate in the dollar' and 'charges' as follows:*
 - a. General (residential) rate (0.002360)
 - b. Commercial/Industrial differential rate (0.003375)
 - c. Farm differential rate (0.001723)
 - d. Waste – 80 litre bin (weekly) \$127.17
 - e. Waste – 240 litre bin (weekly) \$381.51
 - f. Waste - 80 litre bin (fortnightly) \$63.59
 - g. Waste – 240 litre bin (fortnightly) \$190.76
 - h. Waste - 240 litre bin (fortnightly) Special Consideration \$63.59
 - i. Recycling – 140 litre bin (fortnightly) \$56.56
 - j. Recycling – 240 litre bin (fortnightly) \$84.52
 - k. Recycling – 360 litre bin (fortnightly) \$118.06
 - l. Recycling – 240 litre bin (weekly) \$169.05
 - m. Recycling – 360 litre bin (weekly) \$236.11
 - n. Food Organics Green Organics 240 litre bin (weekly) \$115.06
 - o. Dinner Plain standard waste service \$689.20
 - p. Dinner Plain commercial waste service \$1559.09
 - q. Waste Management Charge \$290.00
2. *Declares that rates and charges be paid by four instalments on or before 30 September 2025, 30 November 2025, 28 February 2026 and 31 May 2026 in accordance with Section 167 of the Local Government Act 1989.*

Carried

BACKGROUND

Council has prepared a Budget for 2025/26 which is aligned to delivering projects and services as contained in the draft Community Vision, Council Plan, and Municipal Public Health and Wellbeing Plan (MPHWP) 2025-2029. Rates and charges are a significant revenue source for Council and the collection of rates and charges is an important factor in funding Council services.

The rates and charges to be levied, and which form part of the 2025/26 Budget, provides a sound basis for Council to generate the revenue needed to support the implementation of the 2025/26 Budget and finance the objectives of the Council Plan.

ISSUES

In accordance with Section 94(1) of the *Local Government Act 2020*, Council is required to declare rates and charges it intends to raise by 30 June for the following financial year.

The total quantum of rates and charges raised complies with the State Government rate cap which limits the total increase in the average rates assessment revenue to 3.00%.

Council will raise, collect, and pass on funds for the Emergency Services and Volunteer Fund (replaces the Fire Services Property Levy) to the State Government in accordance with the *Emergency Services and Volunteers Fund Act 2012 [formerly Fire Services Property Levy Act 2012]*.

The Annual Rate Notice will be issued to all rateable and non-rateable properties in August 2025.

The adoption of the 2025/26 Budget is to be considered as a separate report at the June 2025 Ordinary Council Meeting.

POLICY IMPLICATIONS

The 2025/26 Budget is prepared in accordance with the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020*.

The Budget covers a four-year period, including the budget year 2025/26, and the subsequent three financial years.

Rating provisions remain in the *Local Government Act 1989*. The Victorian Government has released the final report and government response on the Local Government Rating System Review; however, this has not yet translated to legislative change.

The 2025/26 Budget is aligned to the six Strategic Directions and three Objectives identified in the draft Community Vision and Council Plan 2025-2029. Major Initiatives are identified that will contribute to the delivery of the Strategic Objectives. These are reported against in the Council Annual Report.

Council's progress in the delivery of these major initiatives will be reported in the corresponding Annual Report. The 2024/25 Annual Report will report against the drivers and initiatives identified in the 2021-2025 Council Plan

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

Council prepares its Budget with the objective of balancing long term financial sustainability and prioritised delivery against community need. The declaration of rates

and charges for 2025/26 outlines how Council intends to raise the necessary revenue to support delivery of the Budget.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Breach of the Rate Cap	Unlikely	Moderate	<ul style="list-style-type: none"> Review of the rate setting model to ensure accurate rate modelling

CONSULTATION

Section 96(1) of *the Local Government Act 2020* provides for Council to develop the Budget in accordance with the financial management principles, and Council's Community Engagement Policy.

Council undertook public consultation prior to drafting the Budget from November 2024 to December 2024 and placed the draft Budget on public exhibition for a four-week period following the April Ordinary Council Meeting. The draft Revenue and Rating plan 2025, was placed on public exhibition during the same period.

CONCLUSION

Council Officers recommend the adoption of the proposed rates and charges noting their alignment with the Alpine Shire Council Budget 2025/26 and the Revenue and Rating Plan 2025.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Corporate and Community
- Manager Corporate
- Rates Coordinator

ATTACHMENT(S)

Nil

Crs Anderson and Smith declared a conflict of interest in relation to item 8.2.4 and vacated Council Chambers at 5:51pm.

8.2.4 Submissions to the Draft 2025/26 Budget

INTRODUCTION

The purpose of this report is to respond to the submissions received on the draft Alpine Shire Council Budget 2025/26.

Cr Byrne

Cr Ronco

That Council:

1. *Considers written submissions received pursuant to Council's Community Engagement Policy, in relation to the draft Alpine Shire Council Budget 2025/26;*
2. *Makes the following amendments to the draft Budget 2025/26:*
 - a. *Capital Expenditure*

<i>S #</i>	<i>Submission / amendment</i>	<i>Request / Change</i>	<i>Budget FY2025/26</i>
<i>a</i>	<i>Mount Beauty Airport land purchase</i>	<i>\$22,000</i>	<i>\$22,000</i>
<i>b</i>	<i>Pebble Beach Amenity Block</i>	<i>\$140,000</i>	<i>\$140,000</i>
<i>c</i>	<i>Bright Pioneer Park Timekeepers Box</i>	<i>\$50,000</i>	<i>\$50,000</i>
<i>d</i>	<i>Myrtleford Memorial Hall</i>	<i>\$450,000</i>	<i>\$960,000</i>
<i>e</i>	<i>Netball Storage Pioneer Park</i>	<i>\$23,000</i>	<i>\$23,000</i>
<i>f</i>	<i>Fleet and Large Plant Renewal and New</i>	<i>(\$365,000)</i>	<i>\$525,000</i>
<i>g</i>	<i>Mobile AV Equipment</i>	<i>(\$25,000)</i>	<i>\$0</i>
<i>h</i>	<i>Nimmo Pedestrian Bridge</i>	<i>\$63,000</i>	<i>\$550,000</i>
<i>i</i>	<i>Footpath Renewal</i>	<i>\$50,000</i>	<i>\$250,000</i>
<i>j</i>	<i>Drainage Renewal</i>	<i>(\$40,000)</i>	<i>\$200,000</i>
<i>k</i>	<i>Landfill Capping</i>	<i>(\$1,100,000)</i>	<i>\$0</i>
<i>l</i>	<i>Myrtleford Landfill Cell 1 and 2</i>	<i>\$1,300,000</i>	<i>\$1,300,000</i>
<i>m</i>	<i>Landfill Capping Stage 3 Design</i>	<i>\$100,000</i>	<i>\$100,000</i>

<i>n</i>	<i>Corporate Technology</i>	<i>(\$60,000)</i>	<i>\$0</i>
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b. Operational Expenditure

<i>S #</i>	<i>Submission / amendment</i>	<i>Request</i>	<i>Budget FY2025/26</i>
<i>a</i>	<i>Net change resulting from operational adjustments</i>	<i>\$259,659</i>	<i>\$36,877,000</i>

c. Income

<i>S #</i>	<i>Submission / amendment</i>	<i>Change</i>	<i>Budget FY2025/26</i>
<i>a</i>	<i>Rates and Charges</i>	<i>\$201,000</i>	<i>\$23,576,000</i>
<i>b</i>	<i>Financial Assistance Grant</i>	<i>\$147,749</i>	<i>\$5,080,158</i>
<i>c</i>	<i>Developer Gifted Assets</i>	<i>\$1,820,000</i>	<i>\$1,820,000</i>
<i>d</i>	<i>Contributions to Capital Projects</i>	<i>\$150,000</i>	<i>\$854,000</i>
<i>e</i>	<i>Investment Income</i>	<i>(\$123,650)</i>	<i>\$950,000</i>
<i>f</i>	<i>Capital Grants - non-recurrent</i>	<i>\$1,527,000</i>	<i>\$1,527,000</i>
<i>g</i>	<i>Various other movements</i>	<i>(\$39,099)</i>	

3. Notes the following community submissions that did not result in changes to the draft Budget 2025/26:

<i>Submission</i>	<i>Submission \$</i>	<i>Rationale and Approach</i>
<i>Planning Resources</i>	<i>N/A</i>	<i>Additional funding has already been allocated in the draft 2025/26 Budget.</i>
<i>Waste Charges and Service Equity</i>	<i>N/A</i>	<i>Council retains public waste bins charges within the Waste Management Charge.</i>

<i>Additional Waste Service Requests</i>	<i>N/A</i>	<i>If additional bin services are requested, they are paid by the requestor.</i>
<i>Fees for Cat and Dog registrations are different</i>	<i>N/A</i>	<i>A review of the fee structure for the registration of dog and cats will be considered for the 2026/27 Budget.</i>
<i>Extra parking in Bright and a new Bridge on Hawthorn Lane.</i>	<i>N/A</i>	<i>Strategic planning work is underway to identify future needs and recommendations for Council. This process will include community consultation.</i>
<i>Increase Myrtleford Industry</i>	<i>N/A</i>	<i>The Alpine Shire Land Development Strategy 2024 identified areas for opportunities, future structure/place planning will reinforce any outcomes.</i>
<i>Project Management support for Timekeeper's box construction at Pioneer Park</i>	<i>N/A</i>	<i>Council will provide project management support within its current resources - estimated value of in-kind support is \$10,000.</i>
<i>Bright and District Chamber of Commerce</i>	<i>N/A</i>	<i>No changes to the draft 2025/26 Budget.</i>

4. *Notifies in writing each person, or persons, who made a submission to the draft 2025/26 Budget, setting out the decision and the reasons for that decision.*

Carried

BACKGROUND

Council has prepared a Budget for 2025/26 which is aligned to the draft Community Vision and Council Plan 2025-2029.

Key budget information is provided in the Alpine Shire Council Budget 2025/26, including details of the rate increase, the strategic objectives of the Council, the operating result, ongoing service provision, capital works projects and the Council's financial position.

ISSUES

Previous Community Budget Submissions

Council undertook community consultation to inform preparation of the draft Budget from 13 November to 16 December 2024, with 34 submissions received. Submissions with recommendations were presented to the April 2025 Ordinary Council Meeting. Submitters were provided written communication indicating the outcome of their submission in early May.

Draft Budget Submissions

Section 96(1) of the *Local Government Act 2020* provides for Council to develop a budget in accordance with financial management principles and Council's Community Engagement Policy.

Council Officers made internal submissions. The purpose of an internal submission is to ensure that relevant information arising after the draft Budget has been placed on exhibition for public comment, is considered by Council for inclusion in the final 2025/26 Budget.

Recommendation 3 details submissions received from the public on the draft Budget. Seven submissions were received and were treated in accordance with Council's Community Engagement Policy.

Submitters were provided the opportunity to present their submissions to Council. On 3 June 2025, two submitters presented their submission to Council, a third submitter was unable to present in time for the completion of the budget and their submission was taken as read.

POLICY IMPLICATIONS

The Budget is prepared in accordance with the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020*. Submission processes have been governed by Council's Community Engagement Policy.

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

The net impact of submissions which are recommended for incorporation into the Budget 2025/26 is as follows:

Income

- Income amendments Increase \$3,683, 000

Expenditure

- Capital Expenditure Increase \$ 608,000
- Operational Expenditure Increase \$ 259,659

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Budget adopted without community engagement.	Rare	Minor	<ul style="list-style-type: none"> Ensure wide participation through engagement campaign. Engagement processes include community submission prior to budget drafting. Draft budget placed on public exhibition with an invitation for feedback. All submissions received considered.

CONSULTATION

The draft 2025/26 Budget was released for public exhibition following the April Ordinary Council Meeting. Public submissions formally closed on Tuesday 27 May 2025.

Seven submissions were received, three of the submitters sought to present their matter to Council. Two submitters presented to Council on 3 June. All submissions received were considered in the finalisation of the Budget 2025/26.

CONCLUSION

All submissions have been considered by Council. This report reflects the Officers' recommendations to Council following a review of the cost and scope of each submission.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Corporate and Community
- Manager Corporate

ATTACHMENT(S)

Nil

Crs Anderson and Smith returned back into Council Chambers at 5:59pm.

8.2.5 Adoption of the 2025/26 Budget

INTRODUCTION

The purpose of this report is to recommend adoption of the Alpine Shire Council 2025/26 Budget.

Cr Byrne

Cr Smith

That Council:

- 1. Adopts the Alpine Shire Council 2025/26 Budget incorporating the amendments adopted by Council in the budget submissions report (agenda item 8.2.3 and 8.2.4 of this Council Meeting) and incorporating rates and charges;*
- 2. Authorises the Chief Executive Officer to give public notice of adoption of the Budget 2025/26; and*
- 3. Delegates authority to the Chief Executive Officer to reflect any changes made by Council at this meeting, which are not reflected in the Budget document as attachment 8.2.5, and to make minor typographical corrections.*

Carried Unanimously

BACKGROUND

Alpine Shire Council endorsed the draft Budget 2025/26 to be placed on public exhibition at the April 2025 Ordinary Council Meeting. Following a period of public exhibition and internal submissions, amendments and refinements have been made to prepare the Alpine Shire Council Budget 2025/26.

ISSUES

Council has completed preparation of the Alpine Shire Council Budget 2025/26 (the Budget). It is aligned to the draft Community Vision and Council Plan 2025-2029.

Through continued strong financial control, the Budget provides a prudent financial position which enables Council to continue to deliver services and projects as conditions evolve.

This Budget projects an operating surplus of \$2.12m, and an underlying operating deficit of \$1.22m which has been influenced by:

- A Rate increase of 3.00%, in line with the Fair Go Rates System, which caps Victorian Council rate increases (announced by the Minister for Local Government in December 2024);
- The inclusion of commercial/industrial properties in Dinner Plain in the differential rating policy for commercial/industrial properties;
- Capital works expenditure totalling \$9.56m, a capital works program which reflects a sustainable pipeline of asset renewal and new capital projects;
- A materials and services budget of \$15.76m which reflects the financial environment constrained by the rate cap; and

- e. A modest increase in employee remuneration as a result of the 2023 Enterprise Bargaining Agreement and final increment provided for under the Superannuation Guarantee.

Operating Result

Council is projecting an operating surplus of \$2.12m and an underlying operating deficit of \$1.22m.

In calculating the underlying deficit position, Council includes only rates and charges, fees and fines, recurrent grants and other income. This revenue total is compared to the total expenditure and in 2025/26 delivers an underlying deficit position of \$1.22m.

The draft 2025/26 Budget contained a \$1.30m operating deficit, while the final 2025/26 Budget has an operating surplus of \$2.12m. The movement between the draft Budget deficit position and the surplus final budget position is largely driven by the recognition of \$1.82m in non-monetary contributions and an increase in budgeted capital grants revenue due to the carry forward of incomplete capital works of \$2.26m in the 2024/25 year, this being an increase from \$0.99m in the draft Budget.

Income

Council's total income is projected to be \$39.00m, being a reduction from 2024/25 income of \$47.47m. This is largely due to a reduction in approved grant funding.

- ***Rates***

Rates and charges are budgeted at \$23,576,000m, which includes the application of a 3.00% rate increase, in line with the rate cap for 2025/26.

This income also includes the impact of the decision at the March 2025 Ordinary Council Meeting to not declare a Special Rate for Dinner Plain for 2025/26 and to include Dinner Plain in the definition of commercial/industrial property in the Revenue and Rating Plan 2025, also being presented at this meeting.

- ***Fees and Charges***

The fees and charges schedule included in the 2025/26 Budget provides a comprehensive list of charges which will apply for the delivery of services to the community. Broadly, fees and charges have increased in line with the proposed rate increase of 3.00%, with some increases based on a cost recovery calculation. There have been some fees and charges that have decreased in value due to a correction of GST applicability.

Since the draft budget, Council reviewed its fees associated with operating Peashooter Toboggan Run and is proposing to introduce a \$10 (inclusive GST) per day per person over the age of three, to assist with operating cost of snow operations at Dinner Plain. This is located on page 87 of the 2025/26 Budget.

For 2025/26, Council has implemented a new system for managing the fees and charges schedule, which will now provide a searchable page available on Council's website from 1 July 2025. This is intended to increase clarity and ease of reference for customers.

Expenditure

• ***Operating Expenditure***

Council's budgeted operating expenditure provides for an overall decrease in materials and services expenditure from \$16.70m in 2024/25 to \$15.76m in 2025/26, reflecting a continued focus on improving efficiency.

The 2025/26 Budget includes a small decrease in employee numbers from 143 full time equivalent (FTE) staff to 137 FTE, largely driven by the finalisation of temporary roles associated with grant funding.

Despite this overall decrease in expenditure, Council has increased, or established new budgets, for some key delivery items which include:

- \$425,000 to continue the strategic planning program of work, which includes completing technical studies and planning scheme amendments to develop a contemporary Planning Scheme;
- \$21,460 increase for youth development initiatives, which will assist in partially offsetting the loss of previously received grant funding;
- \$20,000 increase in Council provided community grants to support local community groups and organisations to deliver initiatives for the benefit of local residents;
- \$116,000 increase in insurance costs;
- \$39,000 increase to support Council's internal and external audit services;
- \$100,000 additional expenditure on tree maintenance;
- \$120,000 increase to support bridge maintenance;
- \$62,000 additional expenditure to maintain public facilities; and
- \$115,000 additional expenditure on public facility cleaning.

Efficiency and savings have been found through a review and prioritisation of the work program to be delivered across the organisation, and the proposal that a number of projects are undertaken utilising in-house resourcing only.

• ***Capital Works Expenditure***

Council plans to deliver a capital works program totalling \$9.56m. This is a decrease from the 2024/25 capital works budget of \$19.04m. This decrease is due to the successful completion of a number of significant projects in 2024/25, and a reduction in available grant funding.

The capital budget also contains a carry forward of \$2.26m for capital projects not completed in 2024/25. These projects are the Myrtleford Memorial Hall, Nimmo Pedestrian bridge and Myrtleford Landfill Cells 1 and 2.

Highlights of the proposed capital works program include:

- \$2.19m for roads, supporting a program of works across our roads network including stabilisation and patching, line marking, asphalt overlays, and a road upgrade program.

- \$1.77m for waste, including kerbside and public bins renewal, and landfill capping.
- \$2.30m for property and buildings, supporting a program of design, upgrades, and construction across our Shire.
- \$0.60m for plant, machinery, and equipment, enabling renewal of Council's fleet and large plant and, new large plant
- \$2.62m for other infrastructure, including bridge renewal, addition and renewal of footpaths and cycleways, drainage renewal, and renewal of recreational parks and facilities.

POLICY IMPLICATIONS

The Alpine Shire Council 2025/26 Budget is prepared in accordance with the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020*.

The Budget covers a four-year period, including the budget year 2025/26, and the subsequent three financial years.

Rating provisions remain in the *Local Government Act 1989*.

The Budget is aligned to the draft Community Vision and Council Plan 2025-29. Major Initiatives are identified that will contribute to the delivery of the Strategic Objective. Council's progress in the delivery of these major initiatives will be reported in the corresponding Annual Report.

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

Council prepares its Budget with the objective of balancing long term financial sustainability and prioritised delivery against community need. The Alpine Shire Council 2025/26 Budget forecasts an operating surplus of \$2.12 million, an adjusted underlying deficit of \$1.22m, being 3.43% and a working capital ratio of 3.38.

Materials and services expenditure has decreased reflecting a continued focus on financial sustainability.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Financial Instability / poor decision making	Unlikely	Major	<ul style="list-style-type: none"> Financial control and overview of budget at an underlying account level. Quarterly financial reporting, provided to the Audit and Risk Committee and Council. Maintenance of Long-Term Financial Plan.
Inability to fund services in rising cost environment	Unlikely	Major	<ul style="list-style-type: none"> Adaptability to refine service delivery to deliver within budgetary constraints. Appropriate financial management, financial control and reporting processes. Recognition of challenges and appropriate analysis and planning in the 10 Year Financial Plan.

CONSULTATION

Section 96(1) of the *Local Government Act 2020* provides for Council to develop the budget in accordance with the financial management principles and Council's Community Engagement Policy.

A community engagement process specific to the 2025/26 Budget ran from November 2024 through December 2024. A number of community submissions to the Budget were received and are detailed in a report to the April 2025 Ordinary Council Meeting, with submitters receiving formal responses in May 2025.

The draft 2025/26 Budget was endorsed for public consultation in April 2025. Consultation was undertaken from 30 April 2025 to 27 May 2025. The outcomes of this consultation have been reported separately within the June 2025 Ordinary Council Meeting agenda.

CONCLUSION

All submissions received have been considered by Council. The Alpine Shire Council 2025/26 Budget reflects the Officers' recommendations to Council following a review of the cost and scope of each submission.

This Budget sets out the projects and services to be delivered in the 2025/26 financial year and forecasts an operating surplus of \$2.12m, an underlying operating deficit of \$1.22m, and capital expenditure totalling \$9.56m.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Corporate and Community
- Manager Corporate
- Accountant

ATTACHMENT(S)

1. **8.2.5.1 Alpine Shire Council Budget 2025-26 - FINAL**

8.2.6 Dinner Plain Reserve

INTRODUCTION

This report details the proposed processes for management of the Dinner Plain Reserve and provides a recommendation for permitted expenditure to be funded from the Dinner Plain Reserve from 1 July 2025, aligned with the 2025/26 Budget.

Cr Ronco

Cr Tanzen

That Council:

- 1. Notes the proposed process for management of the Dinner Plain Reserve from 1 July 2025; and*
- 2. Approves use of the Dinner Plain Reserve to fund approved projects and services as listed and totalling \$431,182 to be delivered specifically to Dinner Plain and as aligned with the 2025/26 Budget:*

<i>a. Dinner Plain Bus</i>	<i>\$175,000</i>
<i>b. Dinner Plain Snowmaking</i>	<i>\$100,000</i>
<i>c. Dinner Plain Snow Play Slope Management</i>	<i>\$26,502</i>
<i>d. Brabralung Trail Grooming</i>	<i>\$69,680</i>
<i>e. Dinner Plain Tennis Court Resurfacing</i>	<i>\$60,000</i>

Carried Unanimously

BACKGROUND

At the March 2025 Ordinary Council Meeting, Council resolved to:

- Prepare the Draft 2025/26 Budget on the basis that a special rate will not be raised for Dinner Plain Village for the 2025/26 financial year;
- Include Dinner Plain in the definition and scope of the commercial/industrial differential rate in the draft Revenue and Rating Plan 2025, and undertake public consultation on this draft;
- Quarantine the Dinner Plain Reserve from 30 June 2025, with no further income to be allocated to the Reserve after 30 June 2025; and
- Consider a recommendation at a future Council Meeting in relation to permitted expenditure from the Dinner Plain Reserve from 1 July 2025.

Dinner Plain has been operated on a total cost recovery basis. The difference between all general and special rate income and all general and special costs attributable to Dinner Plain has been allocated to a reserve, namely the 'Dinner Plain Reserve' (the Reserve). This is inclusive of all relevant income and costs, including, for example, the general rates paid by Dinner Plain ratepayers; an apportionment of general Council grants; an apportionment of Council services relevant to Dinner Plain; an apportionment of Council overheads; all special rate costs; and all capital works expenditure in Dinner Plain.

For the five-year period from 2020/21 to 2024/25, Council has raised \$872,580 from a declared special rate at Dinner Plain. Over that same period, Council has committed

expenditure of \$2,368,000 for the delivery of declared special rate services. Over this period, the amount expended by Council on delivering special rate services has therefore significantly exceeded the amount raised by the special rate.

ISSUES

Reserve Balance

The Dinner Plain Reserve will cease to receive income at 30 June 2025, with general income going forward forming a part of Council's general revenue, and waste revenue and expenses continuing to be managed through Council's Waste Reserve. Funds in the Reserve will then be expended to support approved projects and services within Dinner Plain until such time as the Reserve is exhausted and subsequently closed.

A review of the operation of the Reserve has been undertaken to ensure all income and expenditure has been correctly attributed to allow for confidence in the final Reserve balance. The outcome of this review confirms that, as at the end of March 2025, the calculated balance of the Reserve was \$650,000.

Council's financial accounts will be audited by our external auditors, as engaged by the Victorian Auditor General's Office, prior to 31 October 2025. This audit will include funds attributed between the end of March 2025 and the 30 June 2025. On approval of the Financial Accounts for 2024/25, the final balance remaining in the Dinner Plain Reserve will be confirmed.

Management of the Reserve from 1 July 2025

It is proposed that the Reserve is maintained to fund approved service delivery and capital projects to be delivered specific to Dinner Plain. A review of the proposed Budget 2025/26 has been undertaken, and the following expenditure is identified to be accounted from the Reserve in 2025/26:

#	Budget Item	Budget FY2025/26
<i>a</i>	<i>Dinner Plain Bus</i>	<i>\$175,000</i>
<i>b</i>	<i>Dinner Plain Snowmaking</i>	<i>\$100,000</i>
<i>c</i>	<i>Dinner Plain Snow Play Slope Management</i>	<i>\$26,502</i>
<i>d</i>	<i>Brabralung Trail Grooming</i>	<i>\$69,680</i>
<i>e</i>	<i>Dinner Plain Tennis Court Resurfacing</i>	<i>\$60,000</i>
	<i>Total</i>	<i>\$431,182</i>

Capital expenditure may include any capitalised resourcing required to deliver the project.

All service and employee related expenditure which directly services Dinner Plain will be approved through Council's annual budget process and expenses accounted for in the general expenditure of Council.

Expenditure from the Reserve will be reported on in Council's quarterly and annual financial reporting which is presented to Council to approve and is publicly available.

Transfer of funds are restricted by the internal purpose of the Reserve. All transfers from the reserve account must be authorised by Council in the following manner:

- Identified in the budgeting process as funds committed to be transferred from the reserve account; or
- By Council resolution to approve a transfer of funds which was not identified in the budgeting process.

POLICY IMPLICATIONS

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

The balance of the Dinner Plain Reserve on 30 June 2025 will be audited as a part of Victorian Auditor General's Office external audit of Council's Annual Financial Statements for 2024/25.

The total expenditure accounted to the Reserve will be reported as a part of Council's cyclic financial reporting.

The total approved expenditure to be expended from the Reserve in 2025/26 is \$431,182.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Reserve balance is inaccurate at 30 June 2025.	Possible	Moderate	<ul style="list-style-type: none"> • Review of Reserve funds has been undertaken; • External audit of the 2024/25 Annual Financial Statements will confirm final balance.
Accounting for funds spent from the Dinner Plain Reserve post 30	Unlikely	Moderate	<ul style="list-style-type: none"> • Financial management of

June 2025 is not transparent.			Reserve is overseen by the Finance Department. <ul style="list-style-type: none"> Quarterly and Annual reporting of movement of the Reserve is reported to Council and publicly available.
Delivery of projects and services is not aligned to community expectations	Possible	Moderate	<ul style="list-style-type: none"> Project prioritisation, scoping and design are undertaken with established community consultation processes and capital projects are delivered with the oversight of a PCG. Development of the annual Budget is subject to community engagement and feedback mechanisms.

CONSULTATION

The Revenue and Rating Plan outlines Council's decision-making processes on how revenue is calculated and collected and included the proposed change to the rating strategy for Dinner Plain. The Draft Revenue and Rating Plan 2025 was placed on public exhibition and advertised through a notice in the local paper, and on Council's online engagement platform inviting community submission.

Council's Annual Budget process includes a review and approval process for the following year's expenditure, including material and services delivery and capital projects. The Annual Budget is subject to community engagement and feedback mechanisms prior to being adopted by Council.

CONCLUSION

Council notes that the Dinner Plain Reserve will cease to receive income from 30 June 2025. The balance of the reserve will be formalised through the Annual Financial Statement auditing process.

This report provides for Council approval for the expending of funds from the Reserve in 2025/26 in line with the purpose of the Reserve, and aligned with the 2025/26 Budget.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Corporate and Community
- Manager Corporate
- Accountant

ATTACHMENT(S)

Nil

8.2.7 P.2024.010 - 22 Mill Road, Mount Beauty

<i>Application number:</i>	<i>P.2024.010</i>
<i>Proposal:</i>	<i>Use of the land for group accommodation (two dwellings), construction of a building and carrying out works, construction and put up for display a business identification sign</i>
<i>Applicant's name:</i>	<i>Oxley & Co</i>
<i>Owner's name:</i>	<i>NTR Invest Pty Ltd</i>
<i>Address:</i>	<i>22 Mill Road, Mount Beauty (Lot 6 PS 549580R)</i>
<i>Land size:</i>	<i>2856sqm</i>
<i>Current use and development:</i>	<i>Vacant land (within Mount Beauty Air Park)</i>
<i>Site features:</i>	<i>Relatively flat, vehicle access to Mill Road, rear boundary abutting Mount Beauty Airstrip</i>
<i>Why is a permit required?</i>	<i>SUZ5 1.0: Use of land (Group Accommodation) SUZ5 4.0: Buildings and works Clause 52.05-13: Display business identification sign in a high amenity area</i>
<i>Zoning:</i>	<i>Special Use Zone - Schedule 5</i>
<i>Overlays:</i>	<i>None</i>
<i>Restrictive covenants on the title?</i>	<i>Restrictive Covenant PS549580R Section 173 Agreement AX239552E</i>
<i>Date received:</i>	<i>5 February 2024</i>
<i>Planner:</i>	<i>Matt Novacevski, Statutory Planning Coordinator</i>

Cr Andersen

Cr Graham

That Council advises the Victorian Civil and Administrative Tribunal that, had an application for review under Section 79 of the Planning and Environment Act (1987) not been lodged in relation to this matter, Council would have issued a Notice of Decision to grant a planning permit. The permit would have authorised use of the land for group accommodation (two dwellings), construction of a building and carrying out works, construction and display of a business identification sign, for the following reasons:

- 1. The proposed use and development of the land for group accommodation is generally consistent with the applicable requirements and directions of SUZ5 and is*

generally consistent with the land use objectives for Precinct 2 (Mixed Use Area) of the Mount Beauty Air Park Master Plan (2016).

- 2. Buildings and works are not proposed to be located within 60m of the centre of the Mount Beauty Airfield runway, complying with the Restrictive Covenant on title.*
- 3. The intent of the Section 173 Agreement to minimise the visual impact of development from Mill Road is able to be met subject to landscaping conditions.*
- 4. Council's Property and Contracts team has provided conditional consent for direct access to the Airpark subject to further legal agreements being put in place.*
- 5. Conditions, including a requirement for fencing, restricted access to the hangar and apron area and a requirement to enter into a legal agreement regulating access to the runway, appropriately mitigate risks in relation to runway access.*
- 6. The signage proposed is modest in size, reflective of the nature of the operation and can be regulated through permit conditions to ensure that it does not impact on amenity or safety.*

Carried Unanimously

PROPOSAL

The proposal is to construct two double-storey, A-frame dwellings for short-stay group accommodation on Mill Road, along with a Colorbond aircraft hangar able to accommodate two planes with direct taxiway access to the Mount Beauty Air Park runway at the rear. The development targets short-term visitors with private aircraft seeking secure onsite storage and tourist accommodation with direct airfield access.

Each proposed dwelling features a ground-floor open-plan kitchen/living/dining area, bedroom with ensuite, additional bathroom, laundry, and expansive decks on the north and south sides. Upper levels include a mezzanine lounge, two bedrooms and a separate toilet. The dwellings are proposed to have a front setback of 14m, with hardwood cladding with Colorbond roofing. Acoustic insulation and double-glazed windows minimize noise from the nearby airstrip.

Six car parking spaces are provided (four at the Mill Road frontage) along with landscaping to screen the built form from Mill Road. Recreational areas proposed for each of the dwellings, between the hangar and the rear of the site, offer a spa, sauna, ice bath, BBQ, outdoor eating area and fire pit.

Approval for a 3.6m x 1m business identification sign on the hangar to allow the premises to be readily identified from the runway has also been sought.

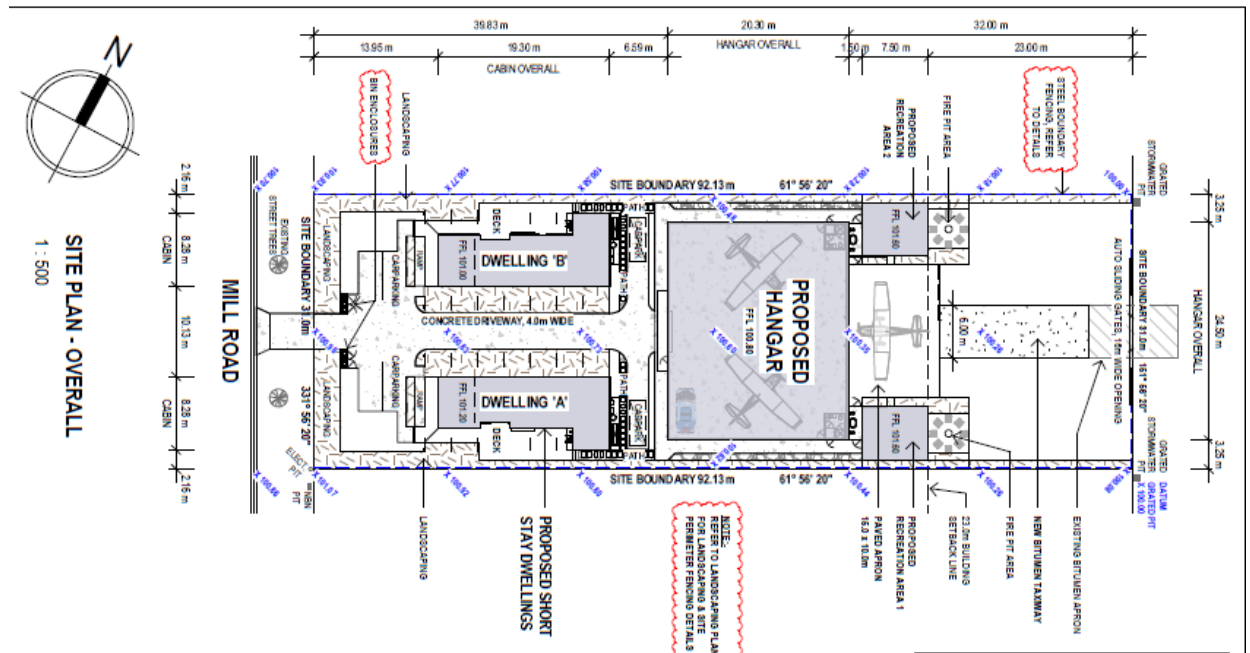


Figure 1: Shows the development layout on site.

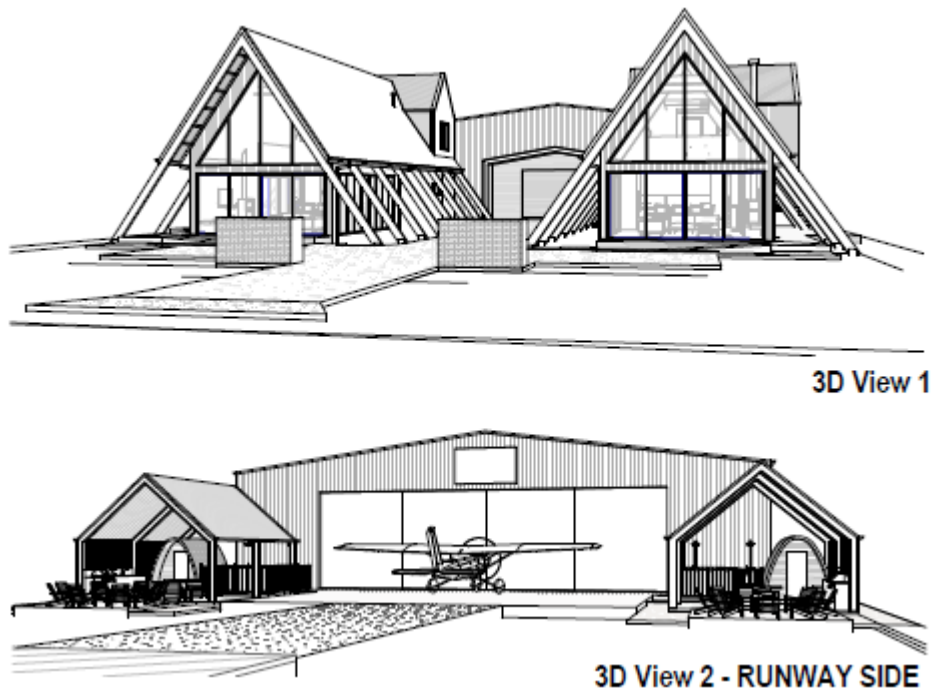


Figure 2: Shows elevations of the accommodation buildings fronting Mill Road and the hangar/recreation facilities facing the runway.

VCAT PROCEEDINGS

On 21 February 2025, the development proponents lodged an appeal with the Victorian Civil and Administrative Tribunal (VCAT) under Section 79 of the Planning and Environment Act (1987) in relation to a failure to determine the permit application within

prescribed timeframes. Subsequently, VCAT convened a compulsory conference of the parties held on 14 May 2025. As part of the compulsory conference, the tribunal sought a position on the matter from Council staff.

As this permit application had been deemed a matter for Councillors to consider in 2024, officers have no delegation to put forward a position. Following the compulsory conference, VCAT released an order requiring the applicant to provide further information by 28 May 2025 to regarding information sought at the mediation in relation to design around the airport hangar and runway.

The applicant subsequently lodged without prejudice amended plans for consideration by Council that include:

- Fencing and gates at the runway side of the property, detailed in the plans as black 'weldmesh panels' at a height of 1.65m (as specified at point 5.3 of the Section 173 agreement covering the site).
- Further landscaping along site boundaries.
- Noise attenuation measures.
- The provision of water tanks (10000lt).
- Suitable garbage storage.
- Carparking and vehicle turning templates to indicate that vehicles are capable of achieving the required movements.
- Details of the business identification sign.

VCAT also ordered Council to put forward a position on the application, including draft conditions in the event a permit should be granted. This report therefore recommends a position for Council to put to VCAT to assist the tribunal in resolving the matter.

SUBJECT LAND AND SURROUNDS

The subject land comprises 2856sqm and is within Precinct 2 (Mixed Use) of the Mount Beauty Aerodrome and Air Park, zoned Special Use Zoned (SUZ5) specifically for this purpose. The site is a vacant, generally flat lot located on the north-east side of Mill Road, between the road and the Mount Beauty Airstrip to the rear.



Figure 2: Aerial view of subject land (outlined in white) provided by Applicant

There is a Covenant PS549580R (restriction on buildings and works within 60m of the centre of the Mount Beauty Airfield Runway) and Section 173 Agreement AX239552E registered to the title.

The land directly surrounding the site is also part of what is described as Precinct Two of the Mount Beauty Airpark. This site and neighbouring sites along Mill Road offer direct aircraft access from the airstrip, with parameters set in the Section 173 Agreement referred to above. Existing development is present within Precinct three, designated as the Business and Commercial Precinct, while Precincts one and two remain undeveloped.

To the northeast of the site is land within the Farming Zone, where only limited development has occurred. To the south, between Embankment Drive and Mill Road, there is an industrial estate zoned Industrial Zone 1. East of the airstrip and south of Embankment Drive is the North East Water Wastewater Treatment Facility and its associated pondages, which are bordered to the south by a shared pathway. Areas to the east and west are zoned General Residential and have been fully developed for housing.

The site is not within an area of Aboriginal Cultural Heritage Sensitivity.

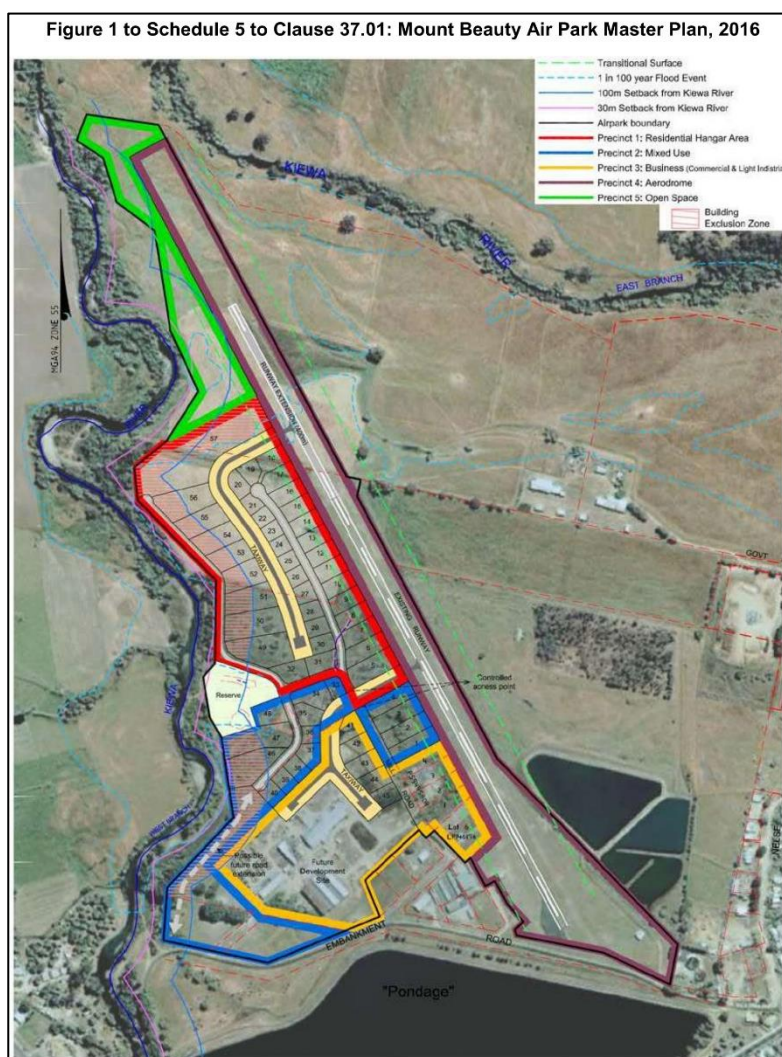


Figure 3: Mount Beauty Air Park Master Plan 2016 (Precinct 2 in blue).

PUBLIC NOTIFICATION

The Special Use Zone - Schedule 5, which applies to the Mount Beauty Air Park development, sets out that:

An application for a use that is consistent with the Mount Beauty Air Park Master Plan (2016) is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the *Planning and Environment Act 1987*.

An application for buildings and works is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the *Planning and Environment Act 1987*.

It is considered that the proposal is consistent with the Mount Beauty Air Park Master Plan (2016) and is therefore exempt from notice under the provisions listed above.

REFERRALS

Referrals / Notice	Advice / Response / Conditions
Section 55 referrals:	<p>Goulburn Murray Water</p> <p>Goulburn Murray Water does not object subject to conditions ensuring construction activities, wastewater and stormwater are managed within the recognised requirements.</p>
Section 52 referrals	<p>North East Water</p> <p>North East Water does not object to the proposal and has provided suggested notes regarding new connections to the pressure sewerage system for inclusion on any permit issued.</p>
Internal / external referrals:	<p>Engineering</p> <p>Council's Development Engineer is supportive of the proposal subject to conditions that would have been included on any permit issued by Council.</p> <p>Property and Contracts</p> <p>Council's Property and Contracts team is supportive of the proposal subject to a condition requiring an agreement with Council to be struck for airstrip/runway access that would have been included on any permit issued by Council.</p>

PLANNING ASSESSMENT AND RESPONSE TO GROUNDS OF OBJECTION

All applicable policy and decision guidelines as part of the Conditions to provide to VCAT for Consideration are contained in the Appendix at the end of this report.

STATE AND LOCAL PLANNING POLICY FRAMEWORK

The State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF) give support to the proposal with the following objectives and policy listed:

The Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF) give support to the proposal with the following objectives and policy listed:

02.03-5 – Built environment and heritage

02.03-7 – Economic development

02.03-8 - Transport

11.01-1S – Settlement

11.01-1L-4 – Mount Beauty – Tawonga South

12.05-2S – Landscapes

12.05-2L – Landscapes

17.01-1S – Diversified economy

17.01-1L – Diversified economy

17.04-1S – Facilitating tourism

17.04-1L – Tourism

18.01-1S – Land use and transport integration

The above policies give clear support to the proposal. The following response to the specifics of the policies is provided:

- Proposed built form is assessed as being of high quality appropriate to its setting (02.03-5), while the proposed group accommodation use, along with the modest signage proposed, encourage an identified and supported economic activity for the Shire generally (02.03-7), and for the Mount Beauty Airpark specifically (02.03-8).
- Policy (11.01-1L-04) seeks to facilitate the development of the Mount Beauty Aerodrome, with the proposal being in general accordance with the most current Masterplan adopted as part of Special Use Zone 5.
- Policy (12.05-2L) seeks to ensure that the external cladding of buildings is of muted non-reflective tones. The submitted plans demonstrate compliance with this direction of policy, and a Condition should be included in any permit granted which mandates this.
- Policy (17.01-1S) seeks to facilitate growth in a range of employment sectors, including tourism, based on the emerging and existing strengths of each region. The current proposal supports and implements this strategy by facilitating appropriate tourism growth and development within a unique facility (airpark) that is a growing strength of the region.
- Policy (17.04-1L) seeks to enhance and expand the tourism industry within the municipality by (amongst other matters) encourage a diverse range of tourist facilities in appropriate locations to meet changing visitor needs and generate increased visitation. The current proposal supports and implements these strategies.
- Policy (18.01-1S and 18.02-7S) seeks to protect existing transport infrastructure (including airports and airfields) from encroachment incompatible land use and development that would impact on the current or future function of the asset. The current proposal is consistent with these strategies, being generally consistent with the land use and development outcomes envisaged by the Mount Beauty Air Park Master Plan (2016).

ZONING AND LAND USE

The subject land is zone Special Use Zone - Schedule 5. The development is consistent with the SUZ5's purpose and decision guidelines.

The proposal is considered consistent with the Mount Beauty Aerodrome Obstacle Limitation Surfaces and provides an acceptable interface with the aerodrome, with no interface to public land. The built form is deemed appropriate for its setting, and the landscape treatment is generally acceptable, subject to conditions requiring enhanced planting within the front setback to better screen the development from Mill Road. The

proposal is not expected to negatively impact the area's natural features, environmental or biodiversity values, or broader landscape character.

The development does not involve the removal of native vegetation and includes no outdoor storage. Parking, site access, loading, and service areas are all assessed as acceptable. Lighting and stormwater management can be adequately addressed through permit conditions, ensuring appropriate mitigation of any associated impacts.

The subject land is capable of being connected to all necessary reticulated services and is not within a flood-prone area. Conditions should be included in any permit granted to require the provision of water tanks for firefighting purposes, ensuring compliance with relevant safety and infrastructure requirements.

The proposal delivers tourist accommodation integrated with an aeroplane hangar that thus leverages the site location abutting the aerodrome. It reflects development sought by the Mount Beauty Air Park Master Plan (2016), and, subject to conditions, presents a scale, intensity, bulk, and character that is sympathetic to and complements the aerodrome setting.

The land is not subject to any overlays.

SAFETY AND RUNWAY ACCESS MANAGEMENT

Council's Property and Contracts team has reviewed the proposal and has required that before the commencement of the proposed use, the owner must enter into an access agreement with Council setting out conditions for direct access to the airfield and runway from the subject land.

The access agreement is called up by Clauses 5.5 and 5.6 of the Section 173 Agreement that currently covers the site. Entering into the access agreement would be a prerequisite for safe access to the airport runway.

Further measures to address the potential conflict between visitors and aircraft using the site will include limiting access to the paved apron from the proposed recreation areas, with pedestrian access to any aircraft to be required to be provided through the hangar.

STREETSCAPE IMPACTS

The proposal does not comply with the setback requirement detailed in this Section 173 Agreement AX239552E; however, Council has discretion under the agreement to vary the requirement ("unless otherwise approved"). The proposal has demonstrated that landscaping can be provided within the front setback to minimise the visual impact when viewed from Mill Road (understood to be the key intention of this restriction in the S173 Agreement). It is recommended any permit granted require enhanced landscaping (including canopy trees) within the front setback to achieve this desired outcome.

INTEGRATION OF USE WITH AIRPARK

If the use and development of the land for group accommodation is undertaken in a way that the access to the airstrip is not taken advantage of then there remains a possibility that the use could be separated from any frequent integration with the Air Park.

However, given the cost of providing runway access, the infrastructure to be put in place to allow for the safe management and storage of aircraft and the uncommon accommodation opportunity that the proposal provides, the predominant use of the site for accommodation without the visitors making use of the airstrip is considered to be unlikely, or not likely enough to warrant refusal of the application.

CONCLUSION

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

- The proposed use and development of the land for group accommodation is generally consistent with the applicable requirements and directions of SUZ5 and is generally consistent with the land use objectives for Precinct 2 (Mixed Use Area) of the Mount Beauty Air Park Master Plan (2016).
- Buildings and works are not proposed to be located within 60m of the centre of the Mt Beauty Airfield runway, complying with the Restrictive Covenant on title.
- The intent of the Section 173 Agreement to minimise the visual impact of development from Mill Road is able to be met subject to landscaping conditions.
- Council's Property and Contracts team has provided conditional consent for direct access to the Airpark subject to further legal agreements being put in place.
- Conditions, including a requirement for fencing of recreation areas and aircraft access to be restricted to the hangar and apron area, will ensure minimal conflict between visitors and aircraft.
- The signage proposed is modest in size and conditions will ensure that it does not impact on amenity or safety.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Corporate and Community
- Manager Regulatory Services
- Statutory Planning Coordinator

APPENDIX

8.2.7 P.2024.010 Conditions to provide to VCAT for consideration

APPENDIX

8.2.7. P.2024.010 CONDITIONS TO PROVIDE TO VCAT FOR CONSIDERATION

GENERAL CONDITIONS

Compliance with documents approved under this permit

1. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

Layout not altered

2. Before the use and development starts, plans must be approved and endorsed by the responsible authority. The plans must:
 - a. be prepared to the satisfaction of the responsible authority
 - b. be drawn to scale with dimensions
 - c. submitted in electronic form
 - d. be generally in accordance with the plans prepared by Vivid Building Design, Revision SK08 dated 19 May 2025, Sheets A01-A12, but amended to show the following details:
 - i. The provision of water tanks for fire-fighting purposes with appropriate capacity, fittings and access.
 - ii. Suitable landscaping (including canopy vegetation) to the satisfaction of the responsible authority to substantially screen the group accommodation when viewed from Mill Road.
 - iii. Removal of Agapanthus sp. from the landscaping plan and replacement with either Dianella sp, Arthropodium sp. or similar non-invasive species to the responsible authority's satisfaction.
3. The layout of the site and the size of the proposed buildings and works must be generally in accordance with the endorsed plans which form part of this permit. The endorsed plans must not be altered or modified (whether or not to comply with any statute statutory rule or local law or for any other reason) without the consent of the responsible authority.

Completion of landscaping

4. Before the use starts, the landscaping shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.

Landscaping Maintenance

5. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

External Fabric Muted

6. The external fabric of the building/s hereby approved, (including the roofing) or any above-ground water storage tank constructed or installed on the land must be of non-reflective, neutral “earthy” tones to blend with the landscape and preserve the visual amenity of the area. Any metal cladding proposed to be used in the construction of the building/s hereby approved, must be:
 - a. Galvanised or natural colour bonded metal cladding (not zincalume); and/or
 - b. Treated metal cladding painted in muted tones, provided such painting is completed prior to the occupation of any building/s hereby approved,

All to the satisfaction of the Responsible Authority.

General Amenity Provision

7. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a. transport of materials, goods or commodities to or from the land;
 - b. appearance of any building, works or materials;
 - c. emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or
 - d. presence of vermin.

All to the satisfaction of the Responsible Authority.

Protection of Aviation Navigational Aids

8. The use and development hereby approved must not generate electrical or radio interference affecting Aviation Navigational Aids.

Outdoor Lighting

9. Outdoor lighting must be designed, baffled and located to the satisfaction of the Responsible Authority such that no direct light is emitted outside the boundaries of the subject land.

Security Alarms

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

Loudspeakers

11. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.

Garbage Storage

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

PROPERTY AND CONTRACTS CONDITIONS

Airport Access Agreement

13. Before the use and development commences, the owner of the land must enter into an agreement with the responsible authority to regulate access to the Mount Beauty Airport pursuant to Clauses 5.5 and 5.6 of AGREEMENT Section 173 Planning and Environment Act 1987 AX239552E 08/09/2023.

ENGINEERING CONDITIONS

Urban Drainage Works

14. Prior to occupation of the buildings all stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge by underground pipe to the satisfaction of the Alpine Shire Council. No effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system. The legal point of discharge is either existing 525mm drain at the back of the lot or existing 750mm drainage at the front of the lot across the Mill Road.
15. All roof water from buildings and surface water from paved areas must be collected and discharged to the LPOD to avoid any nuisance discharge to adjacent land.

Drainage Discharge Plan

16. Prior to the commencement of works a drainage discharge plan with computations must be submitted to, and approved by, Alpine Shire Council. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The information submitted be generally in accordance with Council's Infrastructure Design Manual.
17. The drainage discharge plan and accompanying information must include:
 - a. details of how the works on the land are to be drained and/or retarded.
 - b. connection points for drainage for each lot
 - c. underground pipe drains conveying stormwater to the legal point of discharge for each allotment
 - d. a maximum discharge rate from the site is to be as specified in IDM clause 19 or determined by computation to the satisfaction of Council
 - e. measures to enhance stormwater discharge quality from the site and protect downstream waterways. Including the expected discharge quality emanating from the development and design calculation summaries of the treatment elements.

Urban Vehicle Crossing Requirements

18. Prior to occupation of the building(s), vehicular crossings shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the Alpine Shire Council, and shall comply with the following:

- a. standard vehicular crossings shall be constructed at right angles to the road to suit the proposed driveways, and any existing redundant crossing shall be removed and replaced with concrete kerb and channel to match into the surrounding profile.
- b. Any proposed vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense.
- c. Crossings shall be constructed of plain grey concrete and be generally in accordance with IDM drawing SD240.

Internal driveways

19. Prior to occupancy of the building, vehicular driveways must be constructed in accordance with the endorsed plan(s) to the satisfaction of the Alpine Shire Council, and must comply with the following:
 - a. Internal driveways to be aligned to minimise erosion as practicable.
 - b. Runoff to be controlled by adequate side and cutoff drains to be discharged within property boundaries and/or connected to the point of discharge to avoid any nuisance discharge to adjacent land.

Carparking

20. All car parking spaces must be designed to allow vehicles to drive forwards when entering and leaving the property. A turning template is to be shown on the approved drawing which clearly indicates a vehicle is capable of achieving the required movements.

Construction Phase

21. Prior to commencement of construction, the owner or developer must submit to the Alpine Shire Council a written report and photos of any prior damage to public infrastructure. As applicable, listed in the report must be the condition of kerb and channel, footpath, seal, street lights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to Alpine Shire Council's assets/public infrastructure caused as a result of the development or use permitted by this permit.
22. Soil erosion control and dust generation measures must be employed throughout the construction stage of the development to the satisfaction of the Alpine Shire Council.
23. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land to the satisfaction of the Alpine Shire Council.

24. Details of a contact person/site manager must be provided to Alpine Shire Council, so that this person can be easily contacted should any construction management issues arise.

GOULBURN-MURRAY WATER CONDITIONS

25. All construction and ongoing activities must be in accordance with EPA Publication 1834.1 Civil Construction, Building and Demolition Guide (September 2023).
26. All wastewater from the dwellings must be disposed of via connection to the reticulated sewerage system in accordance with the requirements of the relevant urban water authority.
27. Stormwater must be discharged to a legal point as nominated by the Responsible Authority. All infrastructure and works to manage stormwater must be in accordance with the requirements of the Responsible Authority.

EXPIRY CONDITION

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

SIGNAGE CONDITIONS

Sign Not to be Altered

29. The location and details of the sign, as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

No Sign Illumination

30. The sign hereby approved must not be illuminated by external or internal light except with the written consent of the responsible authority.

Expiry – Signs

31. This permit as it relates to a sign will expire 15 years from the issued date of this permit. On expiry of the permit, the sign and structures built specifically to support and illuminate it must be removed. In accordance with Section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the period referred to in this condition.

NOTATIONS

Road Opening/Non-Utility Minor Works on Municipal Road Reserve/Consent for Works on Road Reserves Permit Required

A road opening/crossing permit must be obtained from the Alpine Shire Council prior to working in or occupying the road reserve with construction equipment or materials. Applications may be accessed via the following link [Work on Council land permit](#), or from the Alpine Shire Council website.

Building Approval Required

32. This permit does not authorize the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

North East Water

33. The applicant is advised that the sewerage system available for this property is a pressure system. A pressure pump will be required to connect to this system.
34. New Customer Contributions (NCC's) for connections to water and sewer will apply. The applicant is advised to contact North East Water directly regarding customer contribution fees for water and sewer connections. Customer contribution fees are required to be paid to North East Water prior to commencement of works.

8.2.8 P.2023.83 - Stone Extraction and Earthworks, 1001 Great Alpine Road Freeburgh

<i>Application number:</i>	<i>P.2023.083</i>
<i>Proposal:</i>	<i>Stone Extraction and Earthworks</i>
<i>Applicant's name:</i>	<i>Neil and Jenny Bentley</i>
<i>Owner's name:</i>	<i>Neil and Jenny Bentley</i>
<i>Address:</i>	<i>1001 Great Alpine Road, Freeburgh Crown Allotment 30, Lot 1 TP 902516W</i>
<i>Land size:</i>	<i>7.201 Hectares</i>
<i>Current use and development:</i>	<i>Unused agricultural land</i>
<i>Site features:</i>	<i>Site has historically been used for gold dredging and as a pine plantation. These former uses have left the land in a degraded condition, with an undulating ground level, plantation debris, and stones</i>
<i>Why is a permit required?</i>	<i>A permit is required to use land in the Farming Zone for 'Stone extraction'. A permit is also required for earthworks under Schedule 1 to the Farming Zone</i>
<i>Zoning:</i>	<i>Farming Zone</i>
<i>Overlays:</i>	<i>Bushfire Management Overlay</i>
<i>Restrictive covenants on the title?</i>	<i>None</i>
<i>Date received:</i>	<i>4 August 2023</i>
<i>Planner:</i>	<i>Matt Novacevski, Statutory Planning Coordinator</i>

*Cr Ronco
Cr Graham*

That a Notice of Refusal be issued for Stone Extraction and Earthworks on the following grounds:

- 1. Insufficient information has been provided with the application to make an informed and complete assessment of the amenity impacts associated with noise arising from the Stone extraction process, in accordance with clause 13.05-1S Noise management.*
- 2. Insufficient information has been provided with the application to make an informed and complete assessment of the air quality (dust) emissions and proposed*

mitigation and management measures, in accordance with the requirements of clause 13.06-1S Air quality.

- 3. Insufficient information has been provided with the application to justify a reduction in the recommended separation distance between the proposed Stone extraction work area and nearby dwellings, in accordance with the requirements of clause 13.06-1s Air quality.*
- 4. The application fails to demonstrate that the proposed Stone extraction activities can be managed to avoid adverse impacts on surrounding properties, in accordance with clause 13.07-1S Land use compatibility.*
- 5. The application is inconsistent with relevant decision guidelines relating to noise, air emissions (dust), and land use compatibility, in clause 35.07 Farming Zone, Clause 52.09 Extractive industry and Extractive Industry Interest Areas, and Clause 65 Decision guidelines.*
- 6. That approval of the development in its current form is likely to generate unacceptable noise, air emissions (dust), and land use compatibility issues on surrounding properties.*

Carried Unanimously

PROPOSAL

The proposal is to use and develop the land for Stone extraction and earthworks in a work area measuring 0.98 hectares. Following the stone extraction process, the land is proposed to be rehabilitated through tree planting, land management, and grazing but rehabilitation plans have not been provided as part of the application.

The proposal involves:

1. Extracting and screening approximately 10,000 cubic metres of stone from the work area using heavy machinery operated on-site.
2. Removing from the site waste generated by the stone extraction and screening processes using Class 3 heavy trucks with a capacity of 80 cubic metres (19 metres long vehicle, including dog and body), with between 2 - 6 truck movements per day.
3. Redistributing approximately 2,000 cubic metres of screened sand and soil on the site.
4. Improving water access on-site by undertaking earthworks on an existing dragline (water) hole to:
 - a. lower the ground level inside the dragline hole
 - b. batter the edges around the dragline hole
 - c. construct bunds at the edges of the dragline hole
 - d. lower and level land surrounding the dragline hole to direct surface water into the hole.

The Stone extraction activities would occur over a six month - two year activity period, with operating hours being: 0800 - 1730 on Monday to Friday, 0800 - 1330 on Saturday and with no work on Sundays or public holidays.

Entry to the Stone extraction work area would be via an existing access point onto the Great Alpine Road. The site has a complex planning history, including past VCAT determinations regarding similar planning permit applications as detailed in the report below.

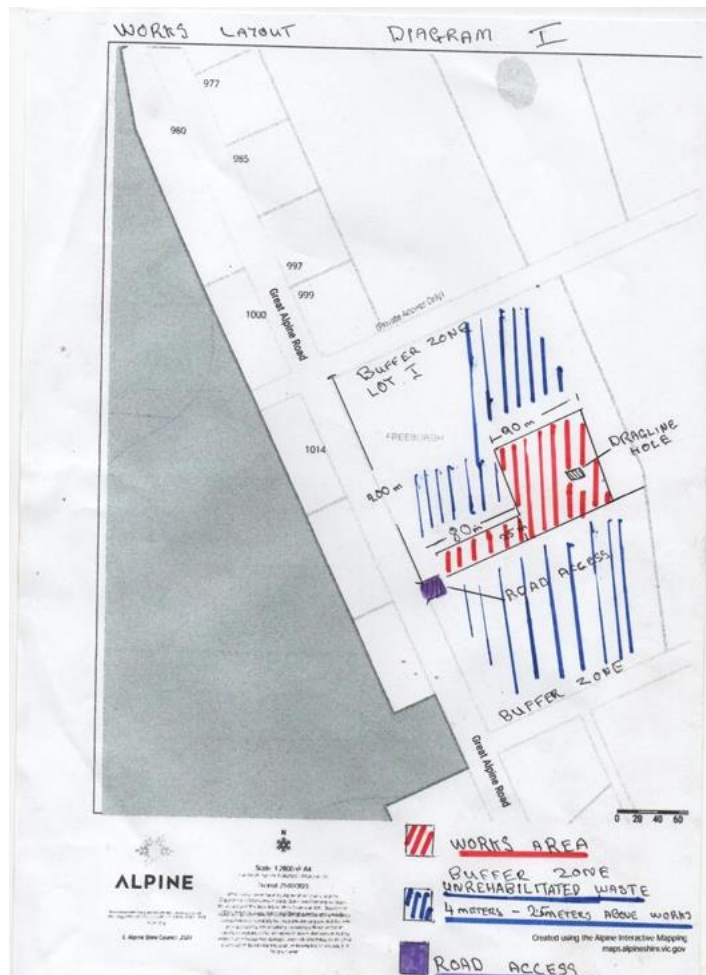


Figure 3: Shows the development layout on site.

SUBJECT LAND AND SURROUNDS

The subject land is located at 1001 Great Alpine Road, Freeburch. It includes multiple allotments.

The proposed Stone extraction and earthworks are to occur on Crown Allotment 30, Lot 1, TP 902516W, which has a total area of 7.201 hectares. The work area comprises 0.98 hectares within Crown Allotment 30.

The subject land is rectangular in shape, with a frontage to the Great Alpine Road of approximately 205 metres and a depth of approximately 179 metres (measured along the southern boundary).

The subject land is located on the east side of the Great Alpine Road and is in the Farming Zone. Surrounding land to the north, south, and east is also in the Farming Zone.

The subject land and surrounding properties sit within a narrow, cleared section of the Ovens Valley, with steep forested hills (in the Public Conservation and Resource Zone) located to the east and west.

There are numerous dwellings in proximity to the subject land, all on small lots within the Farming Zone. The application identifies:

- To the north, there is a single-storey dwelling located approximately 160 metres from the proposed work area.
- To the south, there is a double-storey dwelling located approximately 300 metres from the proposed work area.
- To the east is grazing land that abuts the Ovens River, which forms part of a larger holding extending to Webster Lane.
- A further nine dwellings are located further to the north, between the subject land and Webster Lane, and to the south, where three dwellings are located between the subject land and the Great Alpine Road.

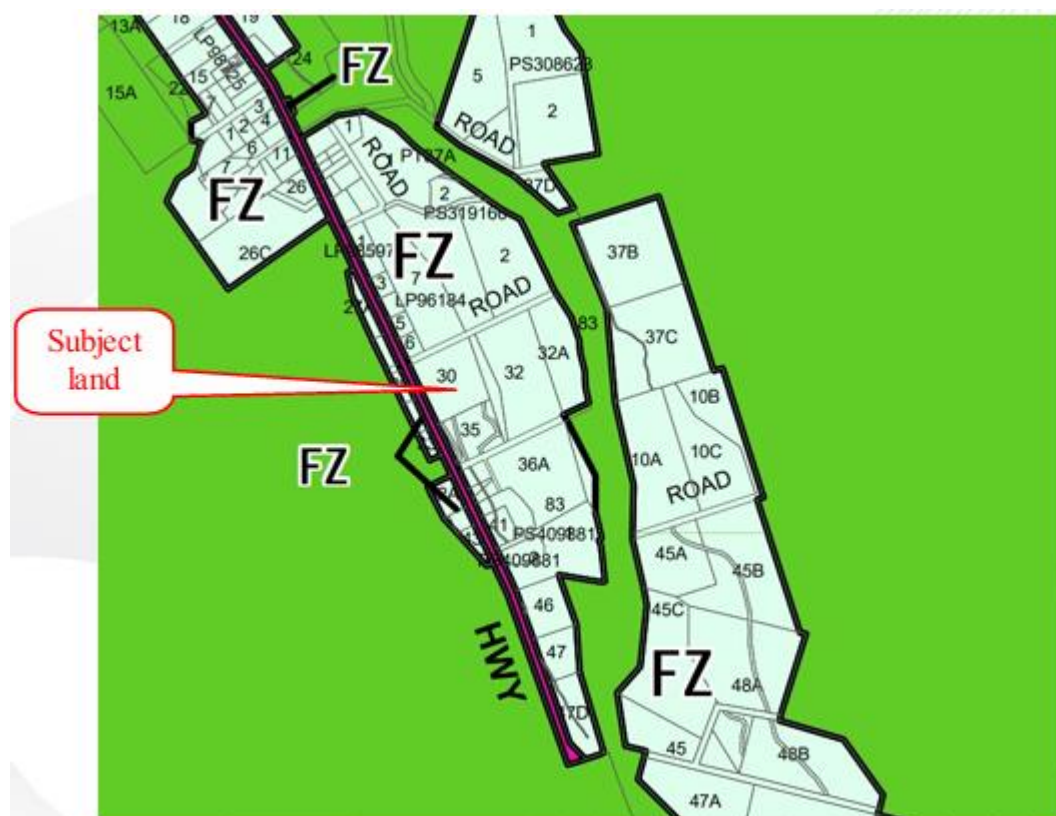


Figure 4: Subject land.

PUBLIC NOTIFICATION

The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987*. Notice of the application was sent to 10 surrounding landholders and occupiers. Five objections were received; the reasons for objection are as follows:

- Concern about impacts from dust and noise.
- Noting that VCAT has previously refused a similar proposal on the site.
- Concern about the proposed stone extraction methods.
- Concern about traffic impacts.
- Concern about operating hours.

REFERRALS

Referrals / Notice	Advice / Response / Conditions
Section 55 referrals:	<p>Department of Transport and Planning: No objection subject to conditions on permit.</p> <p>Goulburn Murray Water: No objection subject to conditions on permit.</p>
Internal / external referrals:	<p>Environment Protection Authority (s52 notice): Provided advice about noise and dust management and a note that could be included on permit, if one is issued.</p> <p>Council's Engineering department: No objection subject to conditions on permit, if one is issued.</p>

VCAT DECISION: GIBSON V ALPINE SHIRE [2019] VCAT 1979

Council has previously determined an application for Stone extraction and earthworks at the subject land. The VCAT review of this application has implications for Council's assessment of the current proposal at hand.

In that earlier application, Council supported the proposal because (in particular) it would have resulted in the land being rehabilitated and returned to agriculture. On the basis that numerous objections were received, Council issued a Notice of Decision to Grant a Planning Permit.

An objector sought review of the Council decision at the Victorian Civil and Administrative Tribunal (VCAT).

VCAT heard submissions on the application on 3 and 4 December 2019, in Wangaratta.

VCAT set aside the Council decision and ordered that no permit be granted. The key policy and planning issues that formed the basis of VCAT's decision are explained below.

In relation to the application material it reviewed, VCAT stated (at paragraph 25):

"In our view, there are also...uncertainties which include the following:

Whether there is enough overburden to construct the bunds. Overburden is defined as "materials which overlay the resource being quarried, excludes soil and topsoil". The Notice requires the bunds to be constructed to the satisfaction of the responsible authority prior to the processing and removal of any material from the site. If there is insufficient overburden available, trucks will need to bring earth to the site. The permit applicants estimate the battered bunds would be approximately 4 metres wide.

Whether enough soil will be available for rehabilitation or whether trucks will be required to bring in fill to complete it.

A water cart is expected to be required for dust suppression. The water source is unknown. Details of other dust mitigation measures are unknown."

In relation to the Farming Zone, VCAT stated (at paragraphs 42 to 45):

"When considering the decision guidelines in clause 35.07, the key issues in this proceeding focus on this question of land use compatibility for the period of stone extraction. Put another way, whether the stone extraction operation can sufficiently contain its noise and air emissions. We address these matters, and issues relating to truck traffic, below.

"It is relevant to a balanced decision that:

The proposal does not result in a loss of productive farmland but instead seeks to improve the land to enable a modest amount of grazing.

The rehabilitation of the site has other benefits as well, notably with respect to the landscape values along this tourist route and the management of weeds that have infested the land.

Employment opportunities will be created.

No native vegetation is to be removed, other than wattle and any pine regrowth for which no permit is required.

There are no submissions that the proposal will affect surface water, groundwater or the Ovens River, subject to conditions sought by referral authorities.

"(Objector) suggests there will be an adverse impact on the farm to the north/east, particularly as a consequence of noise startling cattle. The owners are part of the objectors' application. We note this concern but are not persuaded that this is a significant impact based on the material presented and the fact that noise can reasonably be expected in the FZ."

In relation to noise, and with reference to the acoustic report by Cogent Acoustics, VCAT stated (at paragraph 49):

"Policy documents that we must consider as relevant include Interim Guidelines for Control of Noise from Industry in Country Victoria (Environment Protection Authority, 1989). The scheme does not refer to a more recent guide - Noise from Industry in

Regional Victoria (Recommended Maximum Noise Levels from Commerce, Industry and Trade Premises in Regional Victoria, October 2011) [NIRV]. This later document has been used in the acoustic assessment for the permit applicant. The document is relevant under section 60(1A)(g) of the Planning and Environment Act 1987."

VCAT further stated (at paragraphs 62 and 63):

"We are not persuaded to defer further assessment to a permit condition requiring an updated acoustic report and the proposed condition on the Notice with respect to a verification report. We do not know if the assessment will show that the recommended noise level would be met at all dwellings and/or what implications may flow from such an assessment, including with respect to the site layout and proposed operation.

"Consequently, we are not persuaded an acceptable outcome will be achieved having regard to the policies and provisions of the scheme. We reach this conclusion aware that the project may be proposed for up to three years and there are significant benefits in rehabilitating the land. However, on the information available, we have not been satisfied that the scale and location of the proposed stone extraction can lead to an outcome where legitimate land uses can co-exist without unreasonable impacts on the closest dwellings."

In relation to air emissions, and particularly the then-current (since updated) EPA guideline recommending a separation distance of 250 metres, VCAT stated (at paragraph 95):

"Consequently, we are not persuaded an acceptable outcome will be achieved having regard to the policies and provisions of the scheme. As is the case with noise, we reach this conclusion aware that the project may be proposed for up to three years and there are significant benefits in rehabilitating the land. However, on the information available, we have not been persuaded that the scale and location of the proposed stone extraction can lead to an outcome where legitimate land uses can co-exist without unreasonable amenity impacts."

In relation to tourism and landscape values, VCAT stated (at paragraph 107):

"... we have not refused a permit because of broader impacts on landscape values and tourism. It is relevant in this regard that rehabilitation of the subject land will improve the overall appearance with long term benefits."

In relation to traffic and safety, VCAT stated (at paragraph 109):

"The additional truck traffic can be accommodated and the proposed access point, approved under a different permit application, assists to facilitate access to and from the land. We do not consider specific issues and risks have been identified as a consequence of the proposal to warrant refusal of a permit on this ground."

In refusing the permit application, VCAT concluded (at paragraph 113):

"The condition of the subject land is poor. The proposal seeks to address this. However, this is a case where the site's context is influenced by multiple dwellings that are located close to the proposed work area. On the information available, we have not been

persuaded that the proposed use and development will occur in a way that achieves an acceptable planning outcome. This is specifically with respect to noise and air emissions. Net community benefit is not achieved."

It is useful at this point to compare the application before Council with that refused by VCAT in 2019, as per the below:

	Refused proposal	P.2023.083
Work area	4.95 hectares	0.98 hectares
Permit required for	Stone extraction and earthworks	Stone extraction and earthworks
Details of proposal	<p>Extract and screen 70,000 cubic metres</p> <p>Activity to occur 45 weeks per year</p> <p>No blasting</p> <p>No vegetation removal</p> <p>Overburden to be used on bunds</p> <p>Remove waste via Class 3 trucks</p> <p>Hours:</p> <p>0800-1800 weekday</p> <p>0900-1300 Saturday</p>	<p>Extract and screen 10,000 cubic metres</p> <p>Redistribute about 2,000 cubic metres</p> <p>Remove about 8,000 cubic metres via Class 3 trucks doing 2-6 trips per day</p> <p>Construct bunds</p> <p>No blasting</p> <p>No vegetation removal</p> <p>Hours:</p> <p>0800-1730 Weekday</p> <p>0800-1330 Saturday</p> <p>Activity over 6 month - 2 year period</p>
Application material	<p>VCAT noted:</p> <p>No dust mitigation or management plan</p> <p>Included expert acoustic report on noise impacts</p>	<p>Council notes:</p> <p>Basic site plan</p> <p>Basic plan for stone extraction and works</p> <p>Basic dust mitigation and management plan but not based on any expert analysis</p> <p>No acoustic report on noise impacts</p>

Refused proposal		P.2023.083
Key policies	VCAT considered: Clause 13.05-1S Noise management Clause 13.06-1S Air quality Clause 13.07-1S Land use compatibility Clause 35.07 Farming Zone Clauses 52.08 and 52.09 Earth resources Clause 65 Decision guidelines	Council to consider: Clause 13.05-1S Noise management Clause 13.06-1S Air quality Clause 13.07-1S Land use compatibility Clause 35.07 Farming Zone Clauses 52.08 and 52.09 Earth resources Clause 65 Decision guidelines

PLANNING ASSESSMENT AND RESPONSE TO GROUNDS OF OBJECTION

Applicable policy and decision guidelines for this application are now addressed as part of the sections below:

STATE AND LOCAL PLANNING POLICY FRAMEWORK

The State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF) do not support the proposal. An assessment against relevant clauses follows:

Clause 13.05-1S Noise management

The objective of this clause is:

To assist the management of noise effects on sensitive land uses.

Relevant policy in this clause is to:

Ensure that development is not prejudiced, and community amenity and human health is not adversely impacted by noise emissions.

Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital) near the transport system and other noise emission sources through suitable building siting and design (including orientation and internal layout), urban design and land use separation techniques as appropriate to the land use functions and character of the area.

Planning assessment

In its 2019 decision, VCAT gave considerable weight to noise issues and to the Cogent Acoustics report submitted by the proponent as part of its permit application.

Paragraphs 46 to 63 of the VCAT decision are dedicated solely to the issues of noise, the

assumptions in Cogent's modelling, the noise issues raised by objections, and whether the proposal complied with the applicable State policy and EPA Guidelines.

In 2019 the proponent recognised noise as central to its application and it presented material to enable full consideration of the noise issues. The decision went against the applicant, but VCAT, Council, and the objectors, all benefited from the expertise and analysis of the Cogent noise report.

Despite the close attention paid by VCAT to noise issues in 2019, the proponent applied to Council for the exact same land use - albeit at a lower intensity - but has chosen not to submit an expert acoustic report. The applicant's reasons follow:

"As the rehabilitation project is essentially an agricultural one, the mobile machinery used to retrieve the particles of topsoil, clay and fine sands from the rocks and cobble of the mining waste should be regarded as similar to mobile farm machinery used for operations such as ground preparation for crops or fodder harvesting.

Within the Guidelines of the EPA, "Noise from Industry in Regional Victoria" (as shown on the following pages 47 to 49 in this submission) states Under Part 1 – Overview, the farm industry means commercial, industrial or trade premises. It goes on to state that noise from mobile farm machinery is not covered in this document."

The applicant is correctly interpreting that the EPA Guideline does not apply to farm machinery.

However, the machinery to be used to extract and screen stone from the subject land is not farm machinery; instead, it is a very specific type of heavy machine designed for the extractive industries.

Since extractive industry machines are not exempt from the EPA Guideline, the Guideline applies to this proposal. Confirmation also comes from VCAT itself, which stated in 2019 (at paragraph 49) that:

"... a more recent guide - Noise from Industry in Regional Victoria.... is relevant under section 60(1A)(g) of the *Planning and Environment Act 1987*."

The applicant has failed to sufficiently address noise in this application. The stone extraction in the current application is proposed to occur within 160 metres of a dwelling and the EPA now recommends the separation distance between quarrying and sensitive used to be 500 metres, not 250 metres (to be discussed in more detail in subsequent sections). In addition, VCAT considered noise to be amongst the most important issues in its earlier decision.

Without an expert acoustic report to assess, and with no specific information relating to projected noise levels or impacts at nearby sensitive receptors, Council cannot be satisfied that the application complies with clause 13.05-1S.

13.06-1S Air quality

The objective of this clause is:

To assist the protection and improvement of air quality.

Relevant considerations in this clause includes:

Ensure, wherever possible, that there is suitable separation between land uses that pose a human health risk or reduce amenity due to air pollutants, and sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital).

Relevant policy documents include:

Separation Distance Guideline (Environment Protection Authority, August 2024)

Planning assessment

A key issue in the 2019 VCAT decision was compliance with clause 13.06-1S Air quality, and particularly the EPA's recommended separation distance.

In that earlier application, the nearest dwelling to the proposed stone extraction work area was 230 metres to the south-east. Council considered that to be an appropriate separation distance considering the (then-current) EPA recommended guidance of 250 metres and included a condition on its Notice of Decision for the proponent to prepare and implement a detailed dust mitigation plan.

Objectors sought review of the decision and argued to VCAT that the separation distance was inadequate, while on the other hand, the applicant's representative, argued that VCAT should give no weight to the EPA guidance.

In response, VCAT stated (at paragraph 82):

"...it is clear that separation distances are a relevant matter to consider. We do not agree with the permit applicants' submission that they bear no weight in our consideration of the permit application".

The EPA recently released an updated Separation Distance Guideline (Publication 1949), which is identified in clause 13.06-1S of the Alpine Planning Scheme as a relevant policy document.

The updated EPA Guideline states (on page 5) that it is organised into two environmental categories: Odour, and dust. Odour is not a relevant environmental consideration for this proposal, but dust is.

The Guideline further states (on page 6) that:

"Separation distances are intended to allow unintended emissions to disperse, and in doing so, minimise human health and amenity risks for any nearby sensitive land uses."

The Guideline states (on page 11) that Method 2: The Rural Method should be applied to establishing distances:

"where the nearest sensitive land use is both:

not in an urban area or township, and

on a site at least 4,000 m², or in a zone requiring subdivision to at least 4,000 m²."

Based on the facts presented by the applicant, Method 2: The Rural Method should be applied to establishing separation distances for the current permit application. This is also the method discussed by VCAT in its 2019 decision.

Table 4 of the Guideline (pages 35 and 36) includes recommended separation distances for dust. With respect to quarrying, which the guideline defines as "Quarrying, crushing, screening, stockpiling and conveying of rock", the recommended separation distance is 500 metres.

In the permit application before Council, the proponent identifies that the dwelling closest to the work area is 160 metres to the north. The next closest dwelling to the work area is identified as being 300 metres to the south.

In relation to separation distance, VCAT stated in its 2019 decision (at paragraph 80) that:

"...the onus is on the agent of change, being the permit applicants, to demonstrate why a variation in the separation distance is appropriate."

In the current application, the proponent acknowledges that dust control is its responsibility and has included a proposal to control dust by measures including:

- Undertaking stone extraction and screening activities in two, 30-day stints, possibly 2-6 months apart.
- Timing the stone extraction and screening activities to coincide with higher levels of moisture content on the subject land (based on rainfall).
- Ceasing stone extraction and screening activities when dust becomes evident due to prevailing wind.
- Ensuring a water suppression truck is present when materials are being loaded onto Class 3 heavy trucks.

While the applicant proposes several measures to mitigate and manage dust, it is evident from the planning submission to Council that the Guideline's recommended separation distance of 500 metres will not be achieved.

In respect of this, the Guideline states (on page 37) that:

"If a proponent wishes to seek a variation of a recommended separation distance for dust from a decision maker, they should complete a risk assessment in support of their application. EPA recommends a proponent only seek to vary a recommended separation distance for dust if a risk assessment determines that an alternate separation distance is appropriate, based on the factors in Guidance for assessing nuisance dust (EPA publication 1943)."

The applicant has not completed a risk assessment in accordance with the Guideline and has not demonstrated to Council that a variation to the 500 metres separation distance is appropriate. VCAT identified this as similarly problematic in its Gibson v Alpine [2019] determination referenced in this report.

In its 2019 decision, VCAT states (at paragraph 92) that:

"Ultimately, we must determine if there is suitable separation between land uses that reduce air amenity and sensitive land uses. We have referred to the decision guidelines

in clause 35.07 and other scheme provisions that are relevant in this regard. However, there is no information or material before us to persuade us that the proposed separation distance of a minimum of around 100 metres will produce an acceptable outcome."

VCAT further states (at paragraph 94) that:

"Even if we were to place no weight on the EPA's separation distances should be the case, we have no material upon which we could conclude that the potential for air emissions has been or can be adequately addressed so as to achieve an acceptable outcome."

While the separation distance between the proposed work area and the nearest dwelling is now 160 metres, not 100 metres as in the 2019 application, the EPA's recommended separation distance has increased to 500 metres from 250 metres under the updated Guideline.

The EPA was sent notice of the current application under section 52 of the *Planning and Environment Act 1987*. Its response stated:

"EPA have undertaken a high-level assessment of the application. Based on the location of the site and the activities proposed, offsite amenity impacts are likely (noise and dust) through the 'works' period, but should be able to be mitigated through good onsite management practices. Additionally, the applicant should take care to ensure that surface water contamination does not occur."

In 2019, when VCAT was presented an application for stone extraction that did not include sufficient information to enable full assessment of air emissions, it stated (at paragraph 95):

"We are not persuaded to defer further assessment via a permit condition requiring a dust mitigation/management plan. We do not know what implications may flow from such an assessment or recommended mitigation measures, including with respect to the site layout and proposed operation."

Despite the EPA believing air emissions 'should be able to be mitigated through good onsite management', it is the absence of detailed information before Council now that is at issue. Without that information - including a risk assessment to justify a significant reduction in separation distance - the applicant places the burden on Council to establish whether the reduced separation distance is appropriate, and to then devise an appropriate management regime and express that regime in conditions on the permit.

Council attempted such an approach in 2019, and that approach was overturned by VCAT.

Noting:

- The ongoing concerns about air emissions raised by objectors; and
- The 500-metre recommended separation distance for 'Quarrying' in the EPA guideline, and the proposed 160 metres separation distance provided by the applicant; and

- The weight given by VCAT to air emissions issues in its 2019 decision; and
- The absence of a risk assessment or any other justification provided by the applicant to reduce the recommendation separation distance,

There is insufficient information to demonstrate that the application complies with clause 13.06-1S and the relevant EPA guideline.

ZONING AND LAND USE

The subject land is in the Farming Zone (FZ). The development is inconsistent with the following FZ decision guidelines:

- The Municipal Planning Strategy and the Planning Policy Framework.
- Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.

Planning assessment

While the FZ is often considered a "working zone", this does not mean considerations of amenity including noise and air quality impacts or local character are irrelevant. This was addressed in VCAT's 2019 decision, where it stated at paragraph 41:

"Freeburgh is within the FZ but has a rural living character rather than a strong presence of productive agriculture. Houses on small lots are close to the subject land. While noise, dust and other impacts can be expected in a non urban setting such as the FZ, part of the balance we must consider is the proposal's impact on the lawfully established land uses near to the subject land."

VCAT further stated (at paragraph 42) that the key FZ issue is:

"... whether the stone extraction operation can contain its noise and air emissions."

While the application before Council reduces the stone extraction work area to 0.98 hectares, and reduces the Stone extraction production volume to 10,000 cubic metres, the proposed type of activity remains the same and therefore the same considerations apply to this application. Therefore, VCAT's assessment of the 2019 application against the provisions of the FZ are instructive in determining this application also:

"The proposal does not result in a loss of productive farmland but instead seeks to improve the land to enable a modest amount of grazing."

The rehabilitation of the site has other benefits as well, notably with respect to the landscape values along this tourist route and the management of weeds that have infested the land."

Employment opportunities will be created."

No native vegetation is to be removed, other than wattle and any pine regrowth for which no permit is required."

There are no submissions that the proposal will affect surface water, groundwater or the Ovens River, subject to conditions sought by referral authorities."

While the application is therefore found to be generally compliant with many of the objectives of the FZ, it cannot be said to comply with decision guidelines that require Council to consider applicable

State and Local Planning Policy; whether the site is suitable for the use or development; and whether the proposal is compatible with adjoining and nearby land uses.

As has been discussed above, the applicant has failed to provide sufficient information to demonstrate compliance with clause 13.05-1S Noise management and clause 13.06-1S Air quality.

In addition, the applicant has specifically failed to provide a risk assessment to justify a reduction in recommended separation distance between the stone extraction work area and sensitive uses (dwellings). This fact brings into question the extent to which the application complies with Clause 13.07-1S Land use compatibility, in particular the objectives to:

- Ensure that use or development of land is compatible with adjoining and nearby land uses.
- Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.
- Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures."

For reasons explained in earlier sections of this report, the proposal fails to meet the critical tests set by the FZ's decision guidelines: it does not comply with the applicable

State Policies for noise management and air quality, and it does not comply with clause 13.07-1S Land use compatibility.

PARTICULAR PROVISIONS

Clause 52.08 Earth and energy resources industry identifies that a permit is required for Stone extraction.

Clause 52.09 Extractive industry and Extractive Industry Interest Areas includes application requirements for extractive industries.

In accordance with clause 52.09-2, the applicant has provided information from the Earth Resources Regulator (now part of Resources Victoria) to demonstrate that the proposal is exempt from the work authority requirements of the Mineral Resources (Sustainable Development) Act 1990.

Relevant decision guidelines of clause 52.09 include:

- The effect of the proposed extractive industry on any native flora and fauna on and near the land.
- The impact of the proposed extractive industry on sites of cultural and historic significance, including any effects on Aboriginal places.
- The effect of the proposed extractive industry on the natural and cultural landscape of the surrounding land and the locality generally.
- The ability of the proposed extractive industry to contain any emissions within the boundaries of the land in accordance with relevant legislation.
- The effect of vehicular traffic, noise, blasting, dust and vibration on the amenity of the surrounding area.
- The ability to rehabilitate the affected land to a form or for a use which is compatible with the natural systems or visual appearance of the surrounding area.
- The ability to rehabilitate the land so it can be used for a purpose or purposes beneficial to the community.
- The effect of the proposed extractive industry on groundwater quality and the impact on any affected water uses.
- The impact of the proposed extractive industry on surface drainage and surface water quality.
- Any proposed provisions, conditions or requirements in a work plan that has received statutory endorsement under the Mineral Resources (Sustainable Development) Act 1990.

Planning assessment

The application notes that the proposed Stone extraction and earthwork will not impact on native flora and fauna, and the subject land does not include sites of cultural or historic significance.

The subject land has been highly modified by historic mining practices and more recent timber production. However, the application fails to demonstrate that the Stone extraction land use will contain emissions within the boundary of the land in accordance

with relevant legislation, or that the Stone extraction land use will not impact the amenity of the surrounding area through noise and dust emissions.

The proposal will modify the flow of surface water across the subject site, but there is no indication that the Stone extraction process will negatively affect water quality.

The proposal is exempt from the work authority requirements of the Mineral Resources (Sustainable Development) Act 1990.

With respect to conditions on permit, it is noted that the recommendation to Council is to issue a Notice of Refusal to Grant a Planning Permit; however, should Council decide to approve this permit application, any permit issued must include the mandatory conditions contained in clause 52.09-5.

Clause 65 Decision guidelines

Relevant considerations in this clause include:

- The matters set out in section 60 of the Act.
- Any significant effects the environment, including the contamination of land, may have on the use or development.
- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision.
- The orderly planning of the area.
- The effect on the environment, human health and amenity of the area.
- The proximity of the land to any public land.
- Factors likely to cause or contribute to land degradation, salinity or reduce water quality.
- Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.
- The extent and character of native vegetation and the likelihood of its destruction.
- Whether native vegetation is to be or can be protected, planted or allowed to regenerate.
- The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

Planning assessment

Permit application P.2023.083 has been assessed against the relevant clauses of the Planning Policy Framework, the Farming Zone and Particular Provisions.

The orderly planning of the area has been considered in the context of the compatibility between the proposed stone extraction use and existing dwellings on nearby land; whether appropriate separation distances are provided between the stone extraction work area and sensitive uses; and the potential for unreasonable amenity impacts to arise from noise and air emissions.

Decision guidelines relating to land degradation, proximity to public land, stormwater, native vegetation removal, and hazards from flood, erosion or fire, have not been considered based on the facts of the application.

On balance, the application is shown to comply with the objectives of the Farming Zone, but fails to demonstrate compliance with key State Policies and decision guidelines relating to noise management, air quality, and land use compatibility.

OTHER ISSUES

Traffic and safety

Several objectors raised concern with the proposed truck movements into and from the subject land.

The truck movements required to support the proposed Stone extraction activities will make use of an existing access from the subject land onto the Great Alpine Road.

The applicant has provided sufficient information on the number of proposed truck movements.

In its 2019 decision, VCAT stated (at paragraph 109):

"... the subject land is in a Road 1 Zone and is an arterial route. The additional truck traffic can be accommodated and the proposed access point, approved under a different permit application, assists to facilitate access to and from the land. We do not consider specific issues and risks have been identified as a consequence of the proposal to warrant refusal of a permit on this ground."

The current proposal before Council is for stone extraction at a lower intensity than was proposed in 2019; that notwithstanding, the issues remain the same, particularly as communicated by the objectors.

VCAT's 2019 assessment found that, despite concern from objectors about traffic and safety, none of those objections identified specific issues or risks. The same is true for objections received by Council in relation to the 2023 application.

Noting the recommendation is for refusal, should Council decide to approve this permit application, standard conditions can be applied to a permit to ensure road access is undertaken in accordance with the plans submitted to Council with the permit application.

CONCLUSION

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

- Insufficient information has been provided with the application to make an informed and complete assessment of the amenity impacts associated with noise arising from the Stone extraction process, in accordance with clause 13.05-1S Noise management.
- Insufficient information has been provided with the application to make an informed and complete assessment of the air quality (dust) emissions and proposed mitigation

and management measures, in accordance with the requirements of clause 13.06-1S Air quality.

- Insufficient information has been provided with the application to justify a reduction in the recommended separation distance between the proposed Stone extraction work area and nearby dwellings, in accordance with the requirements of clause 13.06-1s Air quality.
- The application fails to demonstrate that the proposed Stone extraction activities can be managed to avoid adverse impacts on surrounding properties, in accordance with clause 13.07-1S Land use compatibility.
- The application is inconsistent with relevant decision guidelines relating to noise, air emissions (dust), and land use compatibility, in clause 35.07 Farming Zone, Clause 52.09 Extractive industry and Extractive Industry Interest Areas, and Clause 65 Decision guidelines.
- That approval of the development in its current form is likely to generate unacceptable noise, air emissions (dust), and land use compatibility issues on surrounding properties.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Corporate and Community
- Manager Regulatory Services
- Statutory Planning Coordinator

APPENDIX

Nil

8.2.9 Statutory Planning Service Delivery Improvements

INTRODUCTION

The purpose of this report is to provide an overview of the actions being undertaken to improve the delivery of statutory planning services and provide a better customer experience in this area.

Cr Graham

Cr Smith

That Council notes the report and actions being undertaken to improve the delivery of statutory planning services and the customer experience by the Statutory Planning team.

Carried Unanimously

BACKGROUND

In Victoria, Local Government Authorities fulfil a series of responsibilities under the *Planning and Environment Act (1987)*, which include decision-making on planning permit applications under delegation from the Minister for Planning. This work is vital in fostering the vibrancy, environment and character of the Alpine Shire and the attributes that make the municipality a special place.

Over the last three years there has been substantial turnover of staff within the statutory planning team, coupled with an increase in the volume and complexity of applications received, resulting in a degradation in statutory planning service delivery.

On average the time taken to process applications has increased; the cost to process applications has increased due to a reliance on external consultancy support; and customer service delivery has been challenged due to the availability of planners to answer a range of customer enquiries alongside a high volume of work.

A range of strategies are being employed to address these identified challenges and are outlined in this report.

ISSUES

Resourcing and Budget

The statutory planning team resourcing and budget has been significantly increased and recruitment into roles is either finalised, or in progress.

The team currently consists of a Statutory Planning Coordinator (0.8 FTE) supported by 3.6 FTE Senior Statutory Planners, 1.6 FTE Statutory Planners and 1.79 FTE of administrative support staff, totalling 7.79 FTE. An additional Senior Statutory Planner (1.0 FTE) and Statutory Planning Assistant (1.0 FTE) are included in the draft 2025/26 Budget and currently in recruitment. Subject to approval of the draft 2025/26 Budget on 24 June, this will bring the total FTE for the team to 9.79 FTE.

For comparison, prior to the 2020/21 financial year, the equivalent budgeted FTE for the Statutory, Planning team was 4.79 FTE. Therefore, the new establishment represents an overall increase of 5.0 FTE.

Maintaining an appropriate number of suitably qualified and experienced staff will assist in maintaining consistency across applications, leading to better overall quality of processing and providing single points of customer service contact therefore improving the customer experience. It also reduces the complexity and costs associated with utilising external contractors and consultants. For specialist assessment support (for example to assess heritage or complex environmental considerations) external support will still be utilised.

A snapshot of the permit application status currently and for the previous two months is shown below. The impact of improvements in resourcing is reflected in the May 2025 data.

	March 2025	April 2025	May 2025
New applications received during the month	8	11	13
Total applications determined during the month	8	8	25
Total live applications at the month end cut-off	184	187	175

Customer Service Priorities

The Statutory Planning team receives a large number of enquiries each week, and many of these queries are complex and timely to investigate and respond. Customer enquiries are received through multiple channels, creating challenges with tracking of customer contact. In addition, the ongoing resource constraint has made managing the volume and nature of incoming queries difficult, often leading to a poor customer experience. Actions being undertaken to improve customer service include the establishment of:

- Planner on roster to provide for a designated planner as main point of contact for general enquiries through Customer Service, and pre application meetings.
- Triage protocols to manage contact made through Customer Service enquiry, single point email boxes, group email boxes, telephone system and the online planning system. The effectiveness of these protocols will be reviewed and continued process improvements made as required.
- Monthly planner to be available at Myrtleford and Mount Beauty locations to improve accessibility for residents to meet with a planner and obtain planning information.

- Regular customer surveys to provide data to monitor performance improvement and enable ongoing review.
- Biannual developer and consultant forum program to develop and improve relationships with regular stakeholders.

Service Delivery and Process Priorities

Key initial service delivery and process improvements have been identified and are being progressively implemented. These include:

- Establishment of statutory planning portfolios to provide a dedicated work program enabling a specialisation of skills and a single point for customer contact for similar enquiry types. The proposed portfolio structure is: Major development, Residential development, Farming zone and rural development, Dinner Plain, Business and tourism.
- A focused review of aged and complex applications (greater than 12 months) to facilitate resolution and incorporate learnings into continuous improvement efforts.
- Defined processes and documentation of planner allocation processes to provide guidance on preliminary assessment of applications.
- Review of internal referral processes involving other areas of Council, to improve communication, efficiency and consistency of service delivery.
- Development of an internal process handbook to provide for more consistent and efficient delivery of services and assessment of applications.

System Development and Improvement

Council's Greenlight planning portal is the main application interface for both Statutory Planning and Building Services. Council is working with the vendor to address a number of implementation issues in order that the system can provide efficiencies in processing. In addition to this, the following system requirements are being actioned:

- Development of key reporting out of the planning system.
- Training and development of staff in a range of business-critical systems.
- Development of guidance documentation to assist customers in using and navigating the planning system.
- Consultation with regular external users to ensure the system is working as intended that documentation developed addresses key requirements.

Performance Monitoring and Reporting

Regular performance monitoring and reporting is key in determining the effectiveness of the strategies being implemented and will be an ongoing focus. Reporting currently requires a mix of system data extraction and manual manipulation and tracking. This process is expected to become more streamlined following completion of development work on the Greenlight planning system.

Regular reporting is currently planned as follows:

- Establishment of a range of key performance indicators to monitor the positive; transition of service delivery and customer service;

- Monthly reporting to Councillors and Executive (ongoing);
- Biannual reporting to Council meetings.

POLICY IMPLICATIONS

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

4.2 Planning and development that reflects the aspirations of the community

FINANCIAL AND RESOURCE IMPLICATIONS

The draft 2025/26 Budget includes provision for an additional 2.0 FTE of planning staff, currently under recruitment. This additional cost will be partially offset with a reduction in budgeted consultant and contractor expenditure. As the current backlog of applications is reduced, the ongoing volume and allocation of applications will be monitored and resourcing considered against requirements.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Council is unable to deliver on its responsibilities under the <i>Planning and Environment Act 1988</i>	Possible	Major	<ul style="list-style-type: none"> • Near term service improvements around processes, customer responsiveness and systems/technology are put in place. • Staff at all levels are involved in service improvements to help shape the team and support retention.
Inconsistency around processes undermines efficiency and decision-making	Possible	Major	<ul style="list-style-type: none"> • Process reviews and development of documentation is prioritised.

CONSULTATION

Actions outlined in this report have been based on customer feedback and internal review. Ongoing consultation with key stakeholders and the community will be undertaken to inform continuous improvement processes.

CONCLUSION

Council's Statutory Planning team is currently working on a series of high-priority measures to be completed over the next twelve months to improve customer service, service delivery, and support high quality decision-making.

This first phase of improvements will be reviewed and complemented with a second phase of work to help make the service easier to navigate, and to further ensure it is equipped to make sound planning decisions that foster Alpine Shire's vibrancy, character and environment.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Corporate and Community
- Manager Regulatory Services
- Statutory Planning Coordinator

ATTACHMENT(S)

Nil

8.2.10 Councillor Internal Resolution Procedure

INTRODUCTION

Following the introduction of the Model Councillor Code of Conduct in October 2024, all councils are required to prepare and adopt their own Councillor Internal Resolution Procedure by 1 July 2025. This report presents the procedure for adoption within the statutory timeframe.

Cr Tanzen

Cr Graham

That Council adopts the Councillor Internal Resolution Procedure.

Carried Unanimously

BACKGROUND

Amendments to the *Local Government Act 2020* (LGA 2020) in October 2024 introduced the Model Councillor Code of Conduct. The move to a model code means that Councillors across the State are bound by the same code, which covers:

1. Performing the role of a Councillor
2. Behaviours
3. Good governance
4. Integrity
5. Not limiting robust public debate

The LGA 2020 amendments also introduced the requirement for each council to develop their own Councillor Internal Resolution Procedure to deal with alleged breaches of the Model Councillor Code of Conduct. The procedure must contain the details prescribed by the *Local Government (Governance and Integrity) Regulations 2020*, and be adopted by 1 July 2025.

ISSUES

The Internal Resolution Procedure is designed as a first step to deal with internal disputes between Councillors where there are allegations of breaches of the Model Councillor Code of Conduct. The Procedure operates as preliminary process that should occur prior to initiating a formal Internal Arbitration process prescribed in the LGA 2020.

The procedure provides both parties to a dispute with support and encouragement to resolve the dispute in a manner that enables the Councillors to move forward and maintain effective working relationships. The procedure provides for the following processes:

1. Discussion directly between Councillors
2. Conciliation led by Mayor
3. Support from Councillor Conduct Officer
4. Defined end or termination of conciliation
5. Confidentiality

6. Record of outcome

Only Councillors can allege breaches of the Model Code of Conduct against their fellow Councillors. Allegations cannot be instigated from other parties (eg community, staff, etc).

Where resolution is not reached

If conciliation is not reached through the Internal Resolution Procedure, Councillors can initiate a formal Internal Arbitration process under section 141 of the LGA 2020, which provides for the appointment of an arbiter to deal with alleged breaches of the Model Councillor Code of Conduct.

Limitations

The Internal Dispute Resolution Procedure does not apply under the following circumstances:

- Differences between Councillors are in relation to policy or decision making, which is resolved through discussion and voting in Council meetings.
- Complaints made against a Councillor or Councillors are made by members of Council staff or any external person.
- Allegations of sexual harassment.
- Disclosures about a Councillor made under the *Public Interest Disclosures Act 2012*, must be made to the Independent Broad-based Anti-corruption Commission (IBAC).
- Allegations of criminal misconduct, which should be immediately referred to Victoria Police or the relevant Integrity body.

POLICY IMPLICATIONS

The adoption of the Councillor Internal Resolution Procedure ensures that Council is compliant with section 140 of the *Local Government Act 2020*, and has guidance in place for occasions where there are alleged breaches of the Model Councillor Code of Conduct.

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

Council purchased a template from a legal firm, to ensure that all necessary requirements were covered in the Councillor Internal Resolution Procedure.

The procedure is designed to minimise cost and disruption of disputes to Council and individual Councillors, and where possible, avoid disputes escalating and becoming the subject of an Internal Arbitration.

The procedure makes it clear that Council will not pay the costs of legal advice or representation for any Councillor in connection with the procedure. Parties to a dispute may seek their own legal or other advice at their own cost, if they choose to do so.

If the conciliation process outlined in the Procedure does not result in the resolution of the issue, Councillors are able to instigate the Internal Arbitration process outlined in the *Local Government Act 2020*, which includes the appointment of an arbiter. Council would be required to pay for the cost of the Internal Arbitration process, including the arbiter's fee.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Council does not have a guiding process for an alleged breach of the Model Councillor Code of Conduct	Unlikely	Moderate	<ul style="list-style-type: none"> Ensure that the Councillor Internal Resolution Procedure is adopted. Ensure that Councillors are aware of the procedure, and also the Internal Arbitration process available under the LGA 2020.

CONSULTATION

Consultation with the community is not required in this instance, as the policy affects only Councillors. Councillors have been briefed on the requirement to adopt a procedure, and on the contents of the procedure itself.

CONCLUSION

The adoption of the Councillor Internal Resolution Procedure ensures that Council is legislatively compliant, and has a guiding document in place should there be an allegation of a breach of the Model Councillor Code of Conduct. It is recommended that Councillors adopt the procedure at this time.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Corporate and Community

- Manager Corporate
- Governance Officer

ATTACHMENT(S)

1. **8.2.10.1 Councillor Internal Resolution Procedure (V1)**

8.2.11 Procurement Policy

INTRODUCTION

The Procurement Policy is a key instrument that outlines the principles and standards for the purchase of all goods, services and works by Council.

The purpose of this report is to present proposed amendments to Council's Procurement Policy in accordance with the *Local Government Act 2020 (LGA 2020)*.

Cr Byrne

Cr Tanzen

That Council:

1. *Notes that the Procurement Policy (No.089) has been reviewed in accordance with the Local Government Act 2020 (LGA 2020), with the following amendments proposed in Version 11:*
 - a. *Broadened definition of social value parameters*
 - b. *Inclusion of a reference to Fair Access Policy and other supporting documents and guidelines referenced to be read in conjunction with this Policy*
 - c. *Clarification of the circumstances in which a Procedural Exemption may be sought*
 - d. *Clarification on processes for approval of budgeted contract variations*
 - e. *Inclusion of additional definitions.*
2. *Adopts Procurement Policy No. 089, Version 11;*
3. *Revokes Procurement Policy No. 089, Version 10; and*
4. *Signs and Seals Procurement Policy No. 089, Version 11 at the appropriate stage of the meeting.*

Carried Unanimously

BACKGROUND

The Procurement Policy (the Policy) is a key instrument in supporting Council to achieve best value outcomes. The Policy supports Council's purchasing objectives and must comply with the requirements of the LGA 2020, while being clear and easy to understand and be fit-for-purpose, given the obligations it sets out for those undertaking procurement on behalf of Council.

Version 10 of the Policy was adopted in June 2023 and entailed significant changes to thresholds and other requirements to meet the LGA 2020.

The Policy is required to be reviewed within each Council term and is generally reviewed every four years. However, an incorrect review date was put on the 2023 adopted Policy indicating that a review would be undertaken in December 2024. The Policy has therefore been reviewed early in the cycle.

ISSUES

The Procurement Policy sets out the following procurement principles:

- value for money;
- open, fair, and unbiased;
- social value;
- probity, transparency, and accountability;
- risk management;
- environmental sustainability;
- continuous improvement; and
- collaboration.

Value for money is set as the primary evaluation driver allowing for cost and non-cost elements. Factors such as quality, quantity, risk, and experience are assessed alongside social impact, environmental sustainability, timeliness, and cost on a whole of contract and whole of asset life basis.

Policy updates include:

- Broadened definition of social value parameters;
- Reference to Fair Access Policy;
- Clarification of the circumstances in which a Procedural Exemption may be sought;
- Clarification on processes for approval of budgeted contract variations; and
- Addition of definitions.

The next review date of the Policy will be December 2029. An earlier review may be undertaken if a need is identified.

The Procurement Procedure provides additional clarification and guidance for the application of the Policy and is currently under review to ensure alignment with the drafted Policy. The Procedure is approved by the CEO and will be finalised following approval of the Policy. As a part of the Procedure review, a number of supporting templates are also being developed.

A rollout and training plan is currently being developed to support the implementation of the revised Policy and Procedure. This training will include additional information on conflict-of-interest declarations, and probity requirements.

POLICY IMPLICATIONS

The Policy has been reviewed in accordance with Sections 108 and Section 109 of the *LGA 2020* to reflect these amended provisions which came into effective on 1 July 2021.

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

The Procurement Policy is a key instrument in ensuring that Council obtains best value outcomes for ratepayers.

It is noted that the proposed amendments are minor in nature and support the delivery of efficiency and best value outcomes for Council.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Non-compliance with Procurement Policy Requirements	Possible	Minor	<p>Current and relevant procurement Policy and procedures</p> <p>Staff training on procurement practices and expectations</p> <p>Auditing and monitoring of procurement activities and reporting to Audit and Risk Committee</p>

CONSULTATION

The proposed Policy amendments have been based on consultation with senior Council officers, and feedback from staff. The Audit and Risk committee was given an opportunity to provide feedback on the draft Policy.

CONCLUSION

The Procurement Policy (Version 11) ensures compliance with legislative requirements and maximises efficiencies in Council's purchasing practices to ensure best value is obtained for ratepayers.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Corporate and Community
- Manager Corporate
- Commercial Officer

ATTACHMENT(S)

1. **8.2.11.1 DRAFT Procurement Policy No 89 Version 11**

8.2.12 Reappointment of Independent Audit and Risk Committee Member

INTRODUCTION

The purpose of this report is to recommend the reappointment of an independent member to Council's Audit and Risk Committee for a further three-year term.

Cr Byrne

Cr Ronco

That Council reappoints Craig Covich to the Audit and Risk Committee for a three-year term expiring 6 September 2028.

Carried Unanimously

BACKGROUND

Alpine Shire Council's Audit and Risk Committee established under section 53(1) of the *Local Government Act 2020* (the Act) comprises councillor and independent members.

The Audit and Risk Committee Charter (the Charter) requires that the Committee comprises a minimum of five members, being:

- no more than two councillors nominated and appointed by Council; and
- at least three independent persons.

The Audit and Risk Committee currently consists of six members: two councillors and four independent members.

The Charter provides for independent members to be appointed for an initial term of up to three years. At the completion of an appointed term, section 3.4 of the Charter provides for independent members to apply for reappointment to the Committee with a maximum of three consecutive terms.

ISSUES

Independent member Craig Covich was first appointed in July 2019 and then reappointed in September 2022, for a second term expiring in September 2025.

Mr Covich has expressed his desire to continue to serve on the Alpine Shire Council Audit and Risk Committee for a third (and final) term.

Expertise and experience

Section 53(b) of the Act specifies that independent Committee members have, collectively, expertise in financial management and risk, and experience in public sector management. The Charter further specifies collective knowledge and strategic skills in the areas of audit, governance, control, and compliance and preference for at least one independent member to be a member of CPA Australia (CPA status), the Institute of Chartered Accountants Australia (CA status) and/or the Institute of Internal Auditors.

As the focus and responsibilities of the Committee respond to emerging needs and regulatory, economic, and reporting developments, members' competencies, and the overall balance of skills on the Committee is re-evaluated in the appointment of new and returning members.

The Audit and Risk Committee Chair confirms that Mr Covich has been a valuable member of the Committee over the past six years, bringing direct local government experience to the Committee with expertise in bringing together finance and asset management to deliver best practice for local government. The Chair was supportive of Mr Covich's reappointment.

Terms of appointment

The terms of appointment for each member are, where possible, arranged to provide an orderly rotation of membership. Current independent member terms expire in June 2026 and April 2027. The reappointment of Mr Covich for a further three-year term will provide for stability and continuity on the Committee going forward.

POLICY IMPLICATIONS

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

Independent Audit and Risk Committee members receive a set fee for each meeting attended in accordance with the Audit and Risk Committee Charter and as set by Council in its annual budget. The fee is indexed annually by the Essential Services Rate Cap as approved by Council at its September 2023 meeting.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
A quorum is not made, and the Committee cannot deliver as per its Charter.	Rare	Minor	<ul style="list-style-type: none"> Proactive and early engagement on recruitment of members. Allow time for external recruitment to the Committee if a member chooses not to be reappointed. Maintain rigour in assessing new members for a blend of required skills and knowledge.

CONSULTATION

The Audit and Risk Committee and Chair was informed about the expiry date of Mr Covich's current term at the Committee's February 2025 meeting. The Chair enquired with Mr Covich of his interest in seeking reappointment and Mr Covich formalised his expression of interest in seeking reappointment to the Committee in May 2025.

CONCLUSION

Mr Covich is a valuable member of the Alpine Shire Council Audit and Risk Committee, and it is recommended he be reappointed for a further three-year, and final, term ending 6 September 2028.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Corporate and Community
- Manager Corporate
- Risk Management Officer

ATTACHMENT(S)

Nil

8.2.13 **Audit and Risk Committee Annual Report and Assessment of Performance**

INTRODUCTION

This report presents the 2024/25 Annual Report on the activities and performance of the Audit and Risk Committee. Both the annual report and assessment of performance are requirements of section 54 of the *Local Government Act 2020*.

Cr Andersen

Cr Byrne

That Council notes the Alpine Shire Council Audit and Risk Committee 2024/25 Annual Report, including the assessment of the performance of the Committee, in accordance with sections 54(4) and 54(5) of the Local Government Act 2020.

Carried Unanimously

BACKGROUND

The Audit and Risk Committee (the Committee) has been established by Council under Section 53 of the *Local Government Act 2020* (the Act).

The Committee’s primary purpose is to assist Council in the effective discharge of its responsibilities by providing independent oversight, objective advice and guidance on Council’s frameworks, systems and controls relating to:

- legislative and good governance compliance
- financial and performance reporting
- risk management
- internal and external audit.

The 2024/25 Committee consisted of six members: two councillors and four independent members:

Councillors	Independent Members
Cr John Forsyth* - Jul 24-Sep 24	Julie Guest, Chair
Cr Ron Janas* - Jul 24-Sep 24	Craig Covich
Cr Peter Smith^ - Oct 24-Jun 25	Gerard Moore
Cr Dave Byrne^ - Oct 24-Jun 25	Jason Young

Notes:

* Councillors who did not stand for re-election in October 2024

^ Councillors elected in October 2024 and appointed to the Audit and Risk Committee in November 2024

Section 54(4) of the Act stipulates that:

'An Audit and Risk Committee must:

- a. undertake an annual assessment of its performance against the Audit and Risk Committee Charter; and*
- b. provide a copy of the annual assessment to the Chief Executive Officer for tabling at the next Council meeting.'*

This requirement is also reflected in the Committee's Charter at section 6.8.

Section 54 (5) of the Act stipulates that:

'An Audit and Risk Committee must:

- a. prepare a biannual audit and risk report that describes the activities of the Audit and Risk Committee and includes its findings and recommendations; and*
- b. provide a copy of the biannual audit and risk report to the Chief Executive Officer for tabling at the next Council meeting.'*

This report addresses the requirements of both sections 54(4) and 54(5) of the Act.

ISSUES

Annual Assessment of Performance

The Committee members and senior Council management completed an online survey in April 2025 to rate and provide feedback on the performance and administration of the Committee. There was a 90% return rate of the survey.

The results indicate there is general satisfaction:

- that the Committee has reviewed and approved its Charter and Annual Work Program
- with attendance at and conduct of meetings
- that regulatory compliance is monitored
- with the Committees contribution to the annual external audit of financial and performance statements, and
- with the overall performance of the Committee.

Respondents acknowledged the diversity of experience that is held within the current membership of the Committee, the collaborative and open relationship that exists, and the support that is being provided by the Committee to Council and organisation as a result.

In the detailed feedback, respondents identified the following key opportunities for improvement:

Internal audit plan

Development and implementation of an internal audit plan to identify and address internal control deficiencies – concern that without an effective internal audit program, deficiencies may exist that are currently unknown and therefore not being addressed.

This matter is being addressed with the recent appointment of Crowe Albury to provide Council's internal audit services including development of an internal audit work plan supported by an annual budget allocation for three internal audits per year.

Risk management framework

Review and maintenance of risk management framework, policy and register – Council has a current Governance and Risk Framework and Risk Policy (scheduled for review by July 2026) however concern that the risk register is not currently reviewed on a regular basis resulting in a relatively low level of confidence that the key risks as identified within the register are aligned to the areas where the organisation carries the greatest exposure. This matter will be addressed during 2025/26 as a high priority with the internal auditors undertaking an enterprise-wide risk assessment and an internal review and update of the risk register. Both of these initiatives will include engagement with the Audit and Risk Committee.

The assessment of the Committee's performance going forward will be undertaken by Crowe Albury, recently appointed to provide internal audit services to Council. This approach will improve the independence of the evaluation of the operation and performance of the Committee and will commence for the 2025/26 financial year.

Annual Report on Activities of the Committee

The Committee's Annual Report provides Council with information on:

- Committee membership
- meetings and attendance
- the achievement of the Committee's Annual Work Program, which outlines the activities it monitors and reviews to ensure it complies with its requirements under the Committee Charter
- performance of the Committee as detailed above.

Key activities and reviews undertaken by the Committee during 2024/25 include:

- endorsement and monitoring of the Committee's Annual Work Program
- providing feedback and endorsement of the updated Audit and Risk Committee Charter
- reviewing the Annual Financial Report and Victorian Auditor General Audit for year ending 30 June 2024
- reviewing the Performance Statement for the year ending 30 June 2024
- conducting "in-camera" sessions with the external auditors
- reviewing the quarterly Budget and Performance reports
- considering the updates on the Council's Financial Plan, Budget and significant changes in accounting standards and reporting
- monitoring the implementation of actions outstanding from audits, various integrity agency recommendations, and Committee recommendations
- monitoring councillor and committee expenses, CEO credit card use and purchasing audits

- reviewing health and safety reports, including analysis of trends and data, as well as WorkSafe incidents
- receiving regular updates on the ICT Cyber Security Program; Asset Management Steering Group Activities, insurance claims, capital projects and investments
- supporting Council in the appointment of internal auditors
- providing feedback on the review of key governance, risk, and financial policies
- completion and review of the Committee's annual performance assessment.

Over the 2024/25 period the Committee has noted key achievements in numerous areas under the Charter, including increasing maturity in asset management and cyber security, as well as a concerted effort by Council to implement an internal audit service. The Committee also noted satisfaction with the improvements implemented to the management of the Committee, including agenda and report quality and timely distribution. The Committee also recommended and noted intentions for continuous improvement in risk management.

POLICY IMPLICATIONS

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

Resources to fund the operation of the Audit and Risk Committee are allocated in Council's annual budget and the administration of the Committee, including the 2024/25 performance survey, is accounted for in the Risk Management Officer's role.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Committee operates outside its role and extent of authority	Rare	Minor	<ul style="list-style-type: none"> • Committee Charter endorsed by Committee and approved by Council • Committee Annual Work Program

CONSULTATION

The Committee received a report on the results of the 2024/25 annual assessment of performance at its May 2025 meeting.

CONCLUSION

The annual assessment of the performance and administration of the Audit and Risk Committee for 2024/25 is now complete. The consensus is that the Committee is functioning well, is provided with quality information and reports, and the relationship between members and management is excellent.

The Committee again acknowledges the timely and high-quality support of Council's executives and officers which ensures the effective functioning of the Audit and Risk Committee.

The Committee through its annual report and assessment of performance has taken the opportunity to highlight areas for improvement including establishing a program of internal audits and updating and maintaining the currency of the risk register. These improvements are acknowledged, and a plan is in place to address these matters.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Corporate and Community
- Manager Corporate
- Risk Management Officer

ATTACHMENT(S)

1. **8.2.13.1** Audit and Risk Committee 2024-25 Annual Report

8.2.14 Audit and Risk Committee Meeting Minutes - Meeting No.2024/5-5, 16 May 2025

INTRODUCTION

The purpose of the report is to present the (unconfirmed) minutes of the Audit and Risk Committee meeting No. 2024/25-5 held on 16 May 2025.

Cr Byrne

Cr Andersen

That Council receives and notes the (unconfirmed) minutes of the Audit and Risk Committee meeting No.2024/25-5 held on 16 May 2025.

Carried Unanimously

BACKGROUND

The Audit and Risk Committee (Committee) minutes, and a report summarising the meeting content, must be reported to a meeting of Council within two months of the Committee meeting in accordance with section 5.2 of the Audit and Risk Committee Charter.

As the Committee has yet to confirm the minutes, they are presented to Council for noting as unconfirmed.

ISSUES

The Committee met on 16 May 2025 and considered several items including regular quarterly reports and standing items. The key items are summarised below.

Internal Audit Service

Crowe Albury (part of Findex (Aust) Pty Ltd) was appointed in April 2025 to provide internal auditing services to Council. Mr Brad Bohun, Senior Partner, Crowe Albury, attended the meeting via video conferencing to meet the Committee and brief it on the development of the internal audit plan and future internal audits.

Capital Works Report

As part of continual risk management, the Committee receives a report on the status of capital projects at regular intervals to ensure any risks associated with project delays can be identified early and solutions for mitigation discussed. The Committee noted the efforts of Council to keep projects on time and on budget.

Asset Management Steering Group Report Update

A regular report is provided to the Committee detailing the current focus of the Asset Management Steering group on a range of asset matters.

The Committee noted the significant amount of work underway by the Group, including the review of the Road Management Plan, development of Asset Plans and changes to road data to match Vicmaps.

Asset Valuations

The Committee was updated on the status of valuations on Bridges, Parks, Open Spaces and Streetscapes (only Playgrounds), Recreation (Sports infrastructure) and an audit on Drainage assets which are required as part of the 2024/25 year end process.

Assessment of Performance

The committee received a report on its annual self-assessment of performance. This is the subject of separate report to Council.

Procurement Policy Review

The Procurement Policy is a key instrument in supporting Council to achieve best value outcomes and purchasing objectives and must comply with the requirements of the *Local Government Act 2020*. The Committee was briefed on the review of this policy and resolved to support the proposed amendments to it. The Procurement Policy review is the subject of a separate report to Council.

POLICY IMPLICATIONS

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

There are no financial or resourcing implications associated with this report.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
The oversight function of the Audit and Risk Committee is not adequately presented to a Council meeting.	Unlikely	Minor	<ul style="list-style-type: none"> Minutes are prepared within two weeks of the Audit and Risk Committee meeting and tabled at the next available Ordinary Council Meeting.

CONSULTATION

The unconfirmed minutes from the meeting are distributed to the Audit and Risk Committee members and presented formally at the following meeting for ratification.

CONCLUSION

The Committee, being satisfied with the detail provided in its agenda and the Officer reports, submits the (unconfirmed) minutes of its meeting No.2024/25-5 held on 16 May 2025 to Council for noting.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Corporate and Community
- Manager Corporate
- Risk Management Officer

ATTACHMENT(S)

1. 8.2.14.1 Audit and Risk Committee Meeting No.2024-25-5 Unconfirmed Minutes

8.2.15 Instruments of Delegation

INTRODUCTION

Instruments of Delegation are an important means of Council ensuring its officers hold the appropriate legislative powers for the various Acts and Regulations that Council administers. This report refreshes delegations to the Chief Executive Officer, and to members of Council staff.

Cr Graham

Cr Andersen

That Council:

1. *Exercises the powers conferred by section 11(1)(b) of the Local Government Act 2020, so that:*
 - a. *There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in attachment "S5 - Instrument of Delegation from Council to the Chief Executive Officer" (instrument S5), subject to the conditions and limitations specified in that instrument;*
 - b. *Instrument S5 be signed and sealed at the appropriate stage of this meeting;*
 - c. *Instrument S5 comes into force immediately the common seal of Council is affixed to the instrument;*
 - d. *On the coming into force of instrument S5, the previous version of instrument S5 dated 24 September 2024 be revoked; and*
 - e. *The duties and functions set out in instrument S5 must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*
2. *Exercises the powers conferred by the legislation referred to in attachment "S6 - Instrument of Delegation from Council to Members of Council Staff" (instrument S6), so that:*
 - a. *There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in instrument S6, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;*
 - b. *Instrument S6 be signed and sealed at the appropriate stage of this meeting;*
 - c. *Instrument S6 comes into force immediately the common seal of Council is affixed to the instrument;*
 - d. *On the coming into force of instrument S6, the previous version of instrument S6 dated 24 September 2024 be revoked; and*
 - e. *The duties and functions set out in instrument S6 must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*

3. *Exercises the powers conferred by the legislation referred to in attachment "S18 - Instrument of Sub-Delegation from Council to Members of Council Staff (EPA 2017)" (instrument S18), so that:*
- a. *There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in instrument S18, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument*
 - b. *Instrument S18 be signed and sealed at the appropriate stage of this meeting*
 - c. *Instrument S18 comes into force immediately the common seal of Council is affixed to the Instrument*
 - d. *On the coming into force of instrument S18, the previous version of instrument S18 dated 24 September 2024 be revoked; and*
 - e. *The duties and functions set out in instrument S18 must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.*

Carried Unanimously

BACKGROUND

Council operates under more than 110 different pieces of legislation, each of which provides specific powers, duties or functions either to Council as the governing body, or directly to the Chief Executive Officer. To enable Council as an organisation to run smoothly, and to avoid the need for every legislative decision to be presented to a Council meeting, many of these powers, duties and functions are passed on by Instruments of Delegation from Council to the Chief Executive Officer (CEO) and members of Council staff.

The delegation of Council's powers, duties, and functions is a routine process presented to a Council meeting, which was most recently presented to the Ordinary Council meeting held in September 2024. Changes in legislation and staff titles are key reasons that Instruments of Delegation must be kept up to date.

Legislative powers, duties, and functions

Council's S5 Instrument of Delegation to the CEO passes on Council's powers directly to the CEO. For instances where decisions are required that are not within the CEO's delegation, these must be presented directly to Council - for example, where a purchase exceeds the CEO's financial delegation.

Where legislation allows it, the CEO then sub-delegates specific legislative duties to staff, via a separate Instrument. Some legislation does not allow sub-delegation via the CEO, so Council must delegate these powers directly to staff using the S6 Instrument of Delegation to Council Staff.

The Environment Protection Authority (EPA) delegates several of its powers to Council, which must then be sub-delegated to Council staff. The S18 Instrument of Sub-Delegation to Members of Council Staff ensures this occurs.

ISSUES

Legislative updates

S5 Instrument of Delegation to the Chief Executive Officer

There have been no changes made to the S5 Instrument of Delegation, however it is presented to Council for update to ensure that all the legislative powers available at the time of this meeting are passed on the CEO.

S6 Instrument of Delegation to members of Council staff

There have minor updates to the legislative powers, duties, and function in the S6 Instrument of Delegation since it was last adopted in September 2024. These have been included in the document, with the appropriate members of Council staff delegated to those legislative provisions.

S18 Instrument of Delegation to members of Council staff (EPA 2017)

There have been no legislative changes to the S18 Instrument, however the staff titles delegated have been updated as necessary.

Staff members with delegated duties

The two new positions (Manager Assets and Waste and Manager Engineering and Maintenance) have been added to the delegations to ensure that they have the appropriate powers, duties, and functions once staff members are appointed to those roles. Roles that are no longer operational have been removed.

POLICY IMPLICATIONS

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

Council allows for a delegations and authorisations template service in the annual budget to ensure that all relevant legislative provisions are included in Council's Instruments. Council officers are responsible for ensuring that the appropriate members of staff are provided with delegations and authorisations to undertake their duties.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Delegations are not in place or are out of date	Possible	Moderate	Ensure that all Council approved delegations are up-to-date to ensure that staff can undertake their statutory duties.

CONSULTATION

No external consultation is required. Delegations have been discussed with the relevant Manager, Director, and CEO.

CONCLUSION

A review and update of the S5 Instrument of Delegation to the CEO, S5 Instrument of Delegation to members of Council staff, and S18 Instrument of Delegation to members of Council staff (EPA 2017) will ensure that the CEO and Council officers can undertake the legislative powers, duties and functions related to their role.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Corporate and Community
- Manager Corporate
- Governance Officer

ATTACHMENT(S)

1. **8.2.15.1** S5 Instrument of Delegation from Council to the CEO - June 2025
2. **8.2.15.2** S6 Instrument of Delegation from Council to members of Council staff - June 2025
3. **8.2.15.3** S18 Instrument of Sub-Delegation from Council to members of staff (EPA 2017) - June 2025

Cr Byrne declared a conflict of interest in relation to item 8.3.1 and vacated Council Chambers at 6:47pm.

8.3 DIRECTOR ASSETS - ALAN REES

8.3.1 Myrtleford Flood Study Flood Modelling Report 2025

INTRODUCTION

The purpose of this report is to outline the key findings and recommendations of the Myrtleford Flood Study Flood Modelling Report 2025, and to present the study for Council's consideration and adoption.

Cr Andersen

Cr Graham

That Council:

1. *Adopts the Myrtleford Flood Study Flood Modelling Report 2025; and*
2. *Prepares and exhibits a planning scheme amendment to implement the Myrtleford Flood Study Flood Modelling Report 2025.*

Carried

BACKGROUND

The Myrtleford Flood Study Flood Modelling Report 2025

The Myrtleford Flood Study Flood Modelling Report 2025 was commissioned by Alpine Shire Council in partnership with the North East Catchment Management Authority (NECMA) as a high-priority action of the North East Regional Floodplain Management Strategy 2018-2028. The aim was to deliver accurate and contemporary flood modelling and mapping for the Myrtleford township and surrounding areas, which includes Barwidgee, Buffalo River, Gapsted and Ovens.

This study was driven by the need to update outdated flood controls (Land Subject to Inundation Overlay (LSIO)) in the Alpine Planning Scheme, which were based on coarse and inconsistent legacy datasets. Many parts of Myrtleford remain unprotected by reliable statutory flood controls despite a history of flood events, most notably in 1993, 2010 and 2022.

The study was delivered by Venant Solutions Pty Ltd and overseen by a multi-agency Project Control Group including Alpine Shire Council, NECMA, VicSES, Country Fire Authority, North East Water, Goulburn-Murray Water, and Streamology Pty Ltd.

The modelling was prepared using Australian Rainfall and Runoff 2019-compliant hydrologic (RORB) and hydraulic (TUFLOW) tools and calibrated against historic flood events.

The Myrtleford Breakaway Management Strategy (2021)

The Myrtleford Breakaway Management Strategy 2021 also provided critical context for the flood study, assessing the long-term geomorphic risk of the Ovens River avulsing into the Happy Valley Creek. This scenario would fundamentally alter flood dynamics and infrastructure exposure in the region.

The study area includes Barwidgee, Buffalo River, Gapsted, Myrtleford and Ovens as outlined in Figure 1 below.

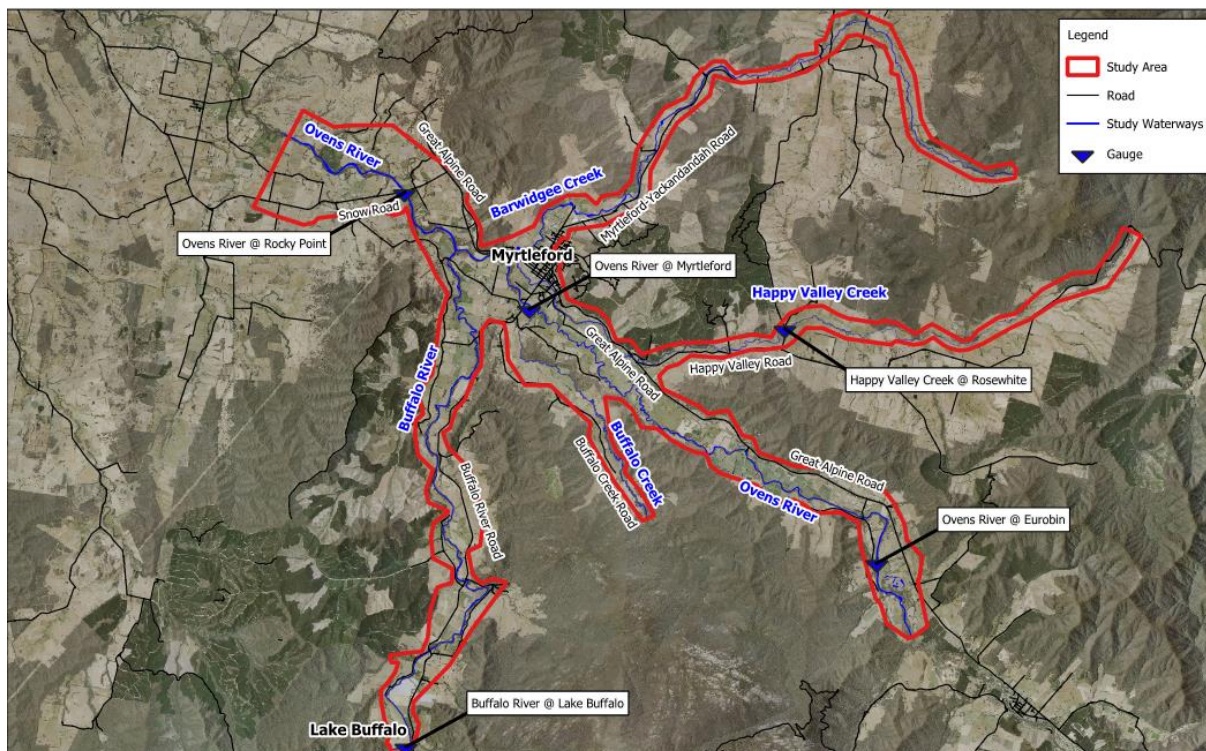


Figure 1: Myrtleford Flood Study Flood Modelling Report 2025 Study Boundary outlined in red.

ISSUES

Key Findings

Modelling outputs provide critical tools for a range of applications, including future development assessments, infrastructure planning, flood mitigation investigations, and improved emergency response planning. Ultimately, the study aims to reduce flood risk to homes, businesses, and roads, support land-use planning decision making, and strengthen community resilience to future flood events.

Outdated Planning Controls

This study represents an important update to the previous flood modelling undertaken in 2000 and addresses known deficiencies in existing flood mapping in the Alpine Planning Scheme. The outputs will be used to support a future planning scheme amendment that ensures planning controls reflect contemporary flood risk and hazard. The flood controls currently do not reflect contemporary risk and omit known flood-prone areas in a number of areas including central Myrtleford.

Updated flood extents and hazard mapping have been developed for a range of design events including 20%, 10%, 5%, 2%, 1% Annual Exceedance Probability (AEP) and the Probable Maximum Flood (PMF), with and without climate change. Model calibration and validation used multiple historical flood events (1993, 1998, 2010, 2016 and 2022), and the study complies with Australian Rainfall and Runoff Version 4.2.

Climate Risk

The study incorporates long-term climate modelling, applying the SSP5-8.5 scenario for the period 2081–2100, consistent with current practice across Victoria. While overall rainfall is expected to decrease under climate change, the intensity of storm events is projected to increase, meaning more rainfall during shorter durations and a higher likelihood of extreme events occurring more frequently. These trends significantly influence the size and behaviour of future flood events, particularly in urbanised and flood prone areas like Myrtleford.

The modelling shows flood levels increase under projected 2100 climate change scenarios, placing greater risk on residential areas like Lewis Avenue and Standish Street.

High-Velocity Flood Zones

The study identifies zones within the township where floodwaters exceed thresholds for safe building and evacuation. Hazard mapping identifies areas where flooding exceeds safe thresholds for buildings and life (i.e., Depth > 0.3m, Velocity > 1.5 m/s, Depth × Velocity > 0.3 m²/s).

Overland flow paths have been identified through central Myrtleford, including Lewis Avenue, Standish Street, and Maude Street, with potential for high depths and velocities in major events.

Avulsion Risk

The Breakaway Strategy highlights a significant long-term risk of the Ovens River avulsing into the Happy Valley Creek, which is a long-term geomorphic process with a 61% chance of occurring in the next 100 years and an estimated damage bill of \$184 million. This risk is not currently addressed in planning controls in the Alpine Planning Scheme.

Emergency Management Gaps

Prior flood planning and public information rely on outdated flood data, impacting the effectiveness of community preparedness and emergency responses. The updated data will support revisions to the Municipal Flood Emergency Plan (MFEP), inform recommended flood class levels for the Eurobin stream gauge, and be uploaded to the Victorian government's emergency response GIS portal for access and use by emergency services.

POLICY IMPLICATIONS

This work is consistent with the Alpine Planning Scheme Review 2023, the North East Regional Floodplain Management Strategy 2018-2028, Victorian Floodplain Management Strategy 2016 and the Local Government Act 2020.

Adoption of the study supports Council's obligations under sections 9(2)(c) and 9(2)(d) of the Local Government Act 2020 by promoting community safety and sustainable development through accurate flood data and climate risk planning.

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

3.4 A community that is prepared for, can respond to, and recover from emergencies

FINANCIAL AND RESOURCE IMPLICATIONS

The Myrtleford and Upper Ovens Flood Studies have been delivered using existing funding allocations in the 2024/25 operational budget (\$65,000), supplemented by external contributions from the Department of Justice and Community Safety – Emergency Management Victoria (DJCS–EMV) (\$165,000) and the North East Catchment Management Authority (NECMA) (\$20,000).

Future actions arising from the study’s findings such as a planning scheme amendment seeking to implement the flood study or any flood mitigation planning will be separately scoped and costed. External funding may be available for these activities.

Council officer time required to review the findings and coordinate next steps will be managed within existing staff capacity. There are no additional financial or human resource implications arising from this report.

RISK MANAGEMENT

The Myrtleford Flood Study Flood Modelling Report 2025 addresses several long standing and emerging risks relating to floodplain management, planning and community safety. The following key risks have been identified, along with proposed mitigation actions:

Risk	Likelihood	Impact	Mitigation Action / Control
Current planning controls do not reflect actual flood risk, increasing the likelihood of inappropriate development in flood-prone areas.	Possible	Moderate	<ul style="list-style-type: none"> Use updated flood modelling outputs to inform a future planning scheme amendment to apply appropriate planning controls to identify flood prone land.
Public safety and emergency response limitations: outdated flood intelligence may lead to ineffective emergency response and evacuation planning.	Possible	Moderate	<ul style="list-style-type: none"> Provide updated flood data to VicSES and emergency services; and incorporate into the Municipal Flood Emergency Plan.

Poor community awareness of flood risk: Properties currently outside existing overlays may now be affected, resulting in lack of preparedness or public opposition.	Possible	Moderate	<ul style="list-style-type: none">• Use updated flood modelling outputs to inform a future planning scheme amendment to apply appropriate planning controls to identify flood prone land.• Incorporate into the Municipal Flood Emergency Plan.
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CONSULTATION

The Myrtleford Flood Study Flood Modelling Report 2025 was informed by consultation with both internal Council departments and external stakeholders to ensure a whole-of-government approach to incorporating local knowledge.

Two stakeholder engagement sessions were held on 16 August 2024, where draft findings were presented to community members and agency representatives. Feedback was considered and will inform future actions relating to environmental management and mitigation planning. Further community engagement would be required as part of any future planning scheme amendment process.

CONCLUSION

The Myrtleford Flood Study Flood Modelling Report 2025 provides Council with a robust, contemporary assessment of flood risk across Myrtleford and surrounding communities. The study addresses critical gaps in current planning controls, incorporates the latest national flood modelling standards, and reflects the likely impacts of climate scenarios. The findings confirm the need to update flood controls within the Alpine Planning Scheme to better reflect actual flood behaviour, protect future development, and reduce risk to life and property.

The updated flood mapping will enhance local flood emergency planning and community preparedness. The outputs will also serve as a key reference for future infrastructure design, flood mitigation investigations and insurance assessments.

It is recommended that Council adopts the Myrtleford Flood Study Flood Modelling Report 2025, and prepare a planning scheme amendment to implement its findings and recommendations.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020* and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Assets
- Manager Growth and Future
- Project Officer (Strategic Planning)

ATTACHMENT(S)

1. 8.3.1.1 [Myrtleford Flood Study Flood Modelling Report 2025 \(link\)](#)

Cr Byrne was returned back into Council Chambers at 6:55pm.

8.3.2 Upper Ovens Regional Flood Mapping Study 2018 and Upper Ovens Flood Modelling Climate Change Update 2025

INTRODUCTION

The purpose of this report is to outline the key findings and recommendations of the Upper Ovens Flood Study 2018 and the updates undertaken to this study in the Upper Ovens Flood Modelling Climate Change Update 2025, which now complement the original study, and to present the studies for Council's consideration and adoption.

Cr Andersen

Cr Ronco

That Council:

- 1. Adopt the Upper Ovens Regional Flood Mapping Report 2018;*
- 2. Adopt the Upper Ovens Flood Modelling Climate Change Update 2025 as a technical input to this report for future planning and emergency management purposes; and*
- 3. Prepares and exhibits a planning scheme amendment to implement the findings of the Upper Ovens Regional Flood Mapping Report 2018 and the Upper Ovens Flood Modelling Climate Change Update 2025.*

Carried Unanimously

BACKGROUND

The Upper Ovens Regional Flood Mapping Study was originally prepared in 2018 on behalf of the Department of Environment, Land, Water and Planning (DELWP). It provided a comprehensive hydrologic and hydraulic assessment to develop regional scale flood mapping for the upper Ovens River, Morses Creek and Buckland River, including the townships of Bright, Eurobin, Harrietville, Porepunkah and Wandiligong.

Key Findings of the Original Study

Major flood risk areas identified are:

- Bright, Harrietville, Porepunkah, and Harris Lane face frequent flooding risks.
- 1% Annual Exceedance Probability (AEP) flood events cause significant urban inundation.
- Harris Lane is highly vulnerable with flooding predicted in 20% AEP events.
- Flood class levels at Bright and Harris Lane need urgent updates.
- Probable Maximum Flood (PMF) scenario predicts widespread disaster.

The original study, while technically robust for its time, did not incorporate climate change projections or the now-standard Australian Rainfall and Runoff (ARR) Version 4.2 (ARR 2019) modelling guidance. A limited climate scenario analysis was undertaken in 2021, but this has since been superseded by updated methodologies.

Updated Modelling

In 2025, Alpine Shire Council commissioned an update to the existing flood models to incorporate the impacts of climate change, using two long-term scenarios based on the 6th Intergovernmental Panel on Climate Change (IPCC) Report.

This approach aligns with current Victorian practice and reflects the most accurate data available. The updated modelling uses revised rainfall intensity-duration-frequency (IFD) data, higher catchment loss rates due to expected drying and updated storm profiles. The outputs inform flood extents, depths, velocities and hazard mapping across the catchment, and, critically, will support revised planning controls and emergency response updates.

ISSUES

Key Findings

Modelling outputs provide critical tools for a range of applications, including future development assessments, infrastructure planning, flood mitigation investigations, and improved emergency response planning. Ultimately, the study aims to facilitate a reduction in flood risk to homes, businesses, and roads, support land-use decision making, and strengthen community resilience to future flood events.

Outdated Planning Controls

Currently flood controls only apply to one parcel of land in Bright within the study area, and they do not reflect the original or revised flood risk in the 2018 or 2025 studies. This is a significant risk to protecting the floodplains from inappropriate development that could impact upon the community's future resilience to flooding, and the risk to life and property.

The 1% AEP event under SSP5-8.5 (2100) is now similar in magnitude to the 1 in 200 AEP event modelled in the 2018 study. Flood levels are predicted to rise by up to 1.6 m in Bright and 0.5 m at other key locations (e.g. Harris Lane, Porepunkah, etc.). Storm rainfall intensity is expected to increase by up to 77% (sub-hourly) and 37% (≥ 24 hrs) under SSP5-8.5. Critical storm durations remain consistent with the 2018 study (generally 18-36 hours), but losses are now higher due to projected catchment drying.

The updates will help to facilitate a reduction in flood risk to homes, businesses and roads; support land use planning decisions; and improve emergency response planning.

The draft mapping and planning overlays are based on the 1% AEP flood event, adjusted for SSP5-8.5 conditions in 2100, and can be used to inform updated flood controls within the Alpine Planning Scheme for the study area.

Climate Scenarios

The 2018 flood study did not incorporate ARR-compliant climate change modelling, leaving a gap in long-term floodplain planning. The 2025 updates apply the current best-practice methodology for flood modelling now expected for flood studies in Victoria.

Increased Flood Risk

The revised modelling shows that under the SSP5-8.5 scenario, flood levels in Bright are projected to rise by up to 1.6 metres compared to the existing 1% AEP event. Similar increases are evident at Harrierville and Eurobin. Long-term climate-adjusted scenarios show greater inundation across the catchment, impacting more properties, including critical tourism infrastructure and residential areas.

Emergency Planning Needs Update

Prior flood planning and public information rely on outdated flood data, impacting the effectiveness of community preparedness and emergency responses. The updated data will support revisions to the Municipal Flood Emergency Plan (MFEP), inform recommended flood class levels for the Eurobin stream gauge, and be uploaded to the Victorian government's emergency response GIS portal for access by emergency services.

Community Awareness

Many residents and business owners are unlikely to be aware of the increased flood risk associated with climate change, highlighting the need for future engagement and education.

POLICY IMPLICATIONS

The study and its updates align with key state, regional and local strategies, including the Alpine Planning Scheme Review 2023, North East Regional Floodplain Management Strategy 2018–2028, the Victorian Floodplain Management Strategy 2016, and Climate Ready Victoria – Alpine Region, all of which emphasise the importance of using best-available data to inform floodplain planning and climate adaptation.

The updated climate-adjusted modelling fulfils Council's legislative responsibilities to plan for climate change impacts and ensure informed, transparent decision-making under the Local Government Act 2020, sections 9(2)(c) and 9(2)(d).

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

3.4 A community that is prepared for, can respond to, and recover from emergencies

FINANCIAL AND RESOURCE IMPLICATIONS

The Myrtleford and Upper Ovens Flood Studies have been delivered using existing funding allocations in the 2024/25 operational budget (\$65,000), supplemented by external contributions from the Department of Justice and Community Safety – Emergency Management Victoria (DJCS–EMV) (\$165,000) and the North East Catchment Management Authority (NECMA) (\$20,000).

Future actions arising from the study's findings such as a planning scheme amendment seeking to implement the flood study or any flood mitigation planning will be separately scoped and costed. External funding may be available for these activities.

Council officer time required to review the findings and coordinate next steps will be managed within existing staff capacity. There are no additional financial or human resource implications arising from this report.

RISK MANAGEMENT

The Upper Ovens Regional Flood Mapping Report 2018 and the Upper Ovens Flood Modelling Climate Change Update 2025 address several long standing and emerging risks relating to floodplain management, planning and community safety. The following key risks have been identified, along with proposed mitigation actions:

Risk	Likelihood	Impact	Mitigation Action / Control
Current planning controls do not reflect updated or climate-adjusted flood risks, increasing the likelihood of inappropriate development.	Possible	Moderate	<ul style="list-style-type: none"> Use updated modelling from both studies to support future planning scheme amendment to apply appropriate planning controls to identify flood prone land.
Public safety risk: inaccurate or incomplete flood data may hinder emergency response and increase exposure to flood-related hazards for residents and infrastructure.	Possible	Moderate	<ul style="list-style-type: none"> Update Municipal Flood Emergency Plans and local flood guides using new flood intelligence.
Climate impacts: failure to account for projected increases in rainfall intensity and flood frequency may compromise long-term planning and resilience.	Likely	Moderate	<ul style="list-style-type: none"> Adopt climate-adjusted SSP5-8.5 flood data to guide land use, emergency planning, and infrastructure design.

CONSULTATION

The Upper Ovens Regional Flood Mapping Study 2018 was developed through a collaborative process involving internal and external stakeholders to ensure a whole-of-Council perspective. Relevant Council departments including Strategic Planning, Asset

Management and Emergency Management, contributed to the review and interpretation of modelling outputs, ensuring alignment with planning frameworks and operational priorities.

Externally, the study was developed in partnership with the North East Catchment Management Authority (NECMA), with input from VicSES, Country Fire Authority, and DELWP. While community engagement was not undertaken during the modelling phase, future engagement would be required as part of any future planning scheme amendment process.

CONCLUSION

The Upper Ovens Flood Study Modelling Report 2018 and the Upper Ovens Flood Modelling Climate Change Update 2025 provides Council with a robust, contemporary assessment of flood risk across the Upper Ovens catchment and surrounding communities. The study addresses critical gaps in current planning controls, incorporates the latest national flood modelling standards, and reflects the likely impacts of climate scenarios. The findings confirm increased flood risk across key townships, highlights the need for updated emergency and planning responses, and provides robust technical data to inform future land use decisions. The studies also confirm the need to update flood controls within the Alpine Planning Scheme to better reflect actual flood behaviour, protect future development, and reduce risk to life and property.

The updated flood mapping will enhance local flood emergency planning and community preparedness. The outputs will also serve as a key reference for future infrastructure design, flood mitigation investigations and insurance assessments.

It is recommended that Council adopts the Upper Ovens Flood Study Modelling Report 2018 and the Upper Ovens Flood Modelling Climate Change Update 2025, and prepare a planning scheme amendment to implement its findings and recommendations.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020* and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Assets
- Manager Growth and Future
- Project Officer (Strategic Planning)

ATTACHMENT(S)

1. 8.3.2.1 [Upper Ovens Regional Flood Mapping Summary Report 2018 \(link\)](#)
2. 8.3.2.2 [Upper Ovens Regional Flood Mapping Hydraulics Report 2018 \(link\)](#)
3. 8.3.2.3 [Upper Ovens Regional Flood Mapping Flood Behaviour Report 2018 \(link\)](#)
4. 8.3.2.4 [Upper Ovens Regional Flood Mapping Hydrology Report 2016 \(link\)](#)
5. 8.3.2.5 [Upper Ovens Flood Modelling Climate Change Update 2025 \(link\)](#)

8.3.3 Glass Only Recycling Service Advocacy Position

INTRODUCTION

This report relates to Alpine Shire Council's advocacy position regarding the Victorian Government requirement for local government to provide a separate glass-only recycling service by 1 July 2027 and for glass to be removed from the comingled recycling stream.

A group of 31 councils are advocating to the Victorian Government to delay the implementation date for the glass-only bin, as their research has found that there are limited benefits for a glass-only service in comparison to the implementation costs for ratepayers. Currently 21 of the 31 councils have declared their position to be publicly named in the advocacy group.

Cr Tanzen

Cr Andersen

That Council advocates to the Victorian Government, both directly and as a member of a coalition of councils with aligned concerns, to delay the required implementation of a glass-only recycling service together with the removal of glass from the comingled recycling service, until the Victorian Government has clearly demonstrated how the benefits of a new glass-only kerbside recycling service (the 'purple bin') will outweigh the increased costs which will be imposed on ratepayers.

Carried Unanimously

BACKGROUND

All Victorian councils will soon be required by the Victorian Government to implement a four-stream waste and recycling system for all households, via a kerbside or drop-off service, as first mentioned in the Recycling Victoria (RV) Policy in 2020. The four streams include:

- General rubbish (red lidded bin)
- Mixed recycling (yellow lidded bin)
- Food and garden waste (lime green lidded bin)
- Glass recycling (purple lidded bin)

Since the release of the RV policy, a number of councils have been calling on the Victorian Government to release the business case for the glass only bin, to help effectively communicate the benefits of this change to their ratepayers. The Victorian Government advised that the business case would be provided in the Regulatory Impact Statement (RIS) for the Service Standard (a subordinate regulation to the Circular Economy Waste Reduction and Recycling Act 2021 that legislates local governments to provide a 'standard service').

The Department of Energy, Environment and Climate Action (DEECA) issued a set of draft regulations for public feedback in 2024, including a draft Service Standard and RIS. These draft regulations define the timeline for councils to implement the four-bin waste and recycling service and establish a service standard for the provision of these services.

The regulations include the requirement for councils to introduce a glass only service by 1 July 2027. Council officers submitted responses during the public consultation period to these draft regulations identifying the issues with a separate glass service, and have attended numerous meetings with DEECA and RV representatives raising these concerns.

The timeframe of release of the draft regulations in August 2024 (still to be finalised in June 2025) is more than four years into the delivery timeframe for councils to implement the new service. The draft service standards and RIS did not provide clarity on why the glass only service was chosen as the preferred option, and the financial assumptions throughout the RIS did not accurately reflect the overall cost to local government of providing the services. Furthermore, the South Australian and the New South Wales (NSW) governments have both undertaken comprehensive modelling and cost benefit analysis to assess the overall net benefit of a glass only bin. Both states found that expanding the Container Deposit Scheme (CDS) is the preferred option to a glass only bin for households, industry and government.

The draft service standards specify that a kerbside collection service must be provided for the four separate streams unless it is not reasonably practicable. One measure of reasonable impracticability identified is a geographically dispersed population, yet the service standards do not define geographical dispersion. DEECA has advised that if the property has a kerbside collection currently then it is reasonably practicable for Council to provide the four streams as a kerbside collection. As a result, it is unlikely that Council will be able to claim geographic dispersion on release of any final service standards, to allow "drop off only" service at transfer stations.

In Alpine Shire Council's case, the cost impact of this proposal is significant. The Material Recovery Facility (MRF), to which Alpine Shire's comingled recycling is taken for sorting, is in Albury and, so, governed by the NSW requirements, as such it will continue to accept glass in the comingled recycling stream. This means that processing the contents of separated glass bins at the facility will cost the same as the comingled recycling stream. As such, imposing a mandatory separate kerbside collection for glass on a monthly collection will increase the overall kerbside collection charge to residents by around \$51 per year, and in addition the upfront costs for the mass roll out will be approximately \$460,000 for bin infrastructure and educational materials.

With both comingled recycling and glass collected going to the same collection point, glass will continue to be present in the comingled recycling stream so the sole environmental benefit of separating glass to create a more valuable comingled recycling stream is lost. In fact, the environmental impact will be negative with the addition of thousands of new plastic bins and an additional truck driving around the collection routes.

ISSUES

Maroondah City Council, in collaboration with 22 other Victorian local government councils, undertook independent modelling and research comparing actual council data, against the financial assumptions in the RIS, which informs the regulations and service

standards. This research found that there are limited benefits to a glass only service, in comparison to the implementation costs for local government.

The group of councils participating in the advocacy to the Victorian Government has now grown to include 31 local government councils, of which 21 have now formalised their position to be named in the advocacy group with more councils considering to join the group.

Council supported the Victorian Government's position on the introduction of the Food Organics and Garden Organics (FOGO) due to the reduced landfill volume and reduced greenhouse gas emissions (GHG) associated with processing FOGO; however, the same environmental benefits are not evident in separation of glass from the comingled recycling stream.

The group is advocating to the Victorian Government to delay the implementation date for the glass only bin to allow time to consider:

- the impacts of the CDS on glass tonnages and the opportunity to capture remaining glass, including wine and spirits bottles, in the CDS in line with other states in Australia;
- national standardisation of kerbside services and CDSs;
- circulatory outcomes evidenced by MRFs accepting separate glass that the separate collection is not resulting in increased value of the comingled recycling stream; and
- the group's findings on the actual cost to implement the new service and to take the opportunity to work together with councils to minimise the cost imposition on communities.

POLICY IMPLICATIONS

Alpine Shire Council Plan 2021-2025

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 3.3 Responsible management of waste
- 5.2 A responsible, transparent and responsive organisation
- 5.3 Bold leadership, strong partnerships and effective advocacy

Local Government Act 2020

The recommendations are consistent with section 9(2) of the Local Government Act 2020, the overarching governance principles:

- (b) priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- (c) Councils are required to promote the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks;

- (f) Collaboration with other Councils and Governments and statutory bodies is to be sought; and
- (g) The ongoing financial viability of the Council is to be ensured.

FINANCIAL AND RESOURCE IMPLICATIONS

The initial roll out of the separate glass kerbside collection service will cost Council approximately \$460,000 for bin infrastructure, delivery of bins and educational materials. This will see a one-off increase in the waste management charge to residential properties of \$72 per tenement in the year that the service is rolled out.

Additionally, there will be an ongoing servicing cost to Council for the collection and processing of glass kerbside of approximately \$327,000 annually. This will result in an annual kerbside collection fee increase to each residential property of \$51 per tenement.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Financial risk if advocacy is unsuccessful and Victorian Government does not change its position, and Council is required to deliver the kerbside service by 1 July 2027	Possible	Major	Begin roll-out program of the new service as soon as final service standards are issued and geographical dispersion is defined. Advocacy group is seeking legal advice regarding risk to Council of failure to meet the directions of the regulations by July 2027
Reputational risk if Council does not advocate strongly to provide best value to the community and reduce GHG emissions from waste management	Very likely	Moderate	Join the group to use the combined power to advocate to the Victorian Government to reconsider its position ahead of release of the final regulations
Reputational risk with State Government if Council advocates strongly resulting in punitive actions, such as impacting our success in securing unrelated State	Unlikely	Moderate	Ensure respectful liaison with DEECA and SV representatives that aligns with other Councils participating in the advocacy group

Government grant funding			
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CONSULTATION

Consultation has been conducted with the 31 other councils in the advocacy group to ensure a united position. This has provided the background information used in this report.

Consultation has been undertaken with Council's kerbside collection contractor to confirm the treatment of glass at the MRF in Albury and if there would be any circularity and recycling benefit associated with removing glass from the comingled recycling stream.

Council officers have provided feedback to the service standards discussion paper during the public consultation period, as well as sent a letter from the Chief Executive Officer to the then Department of Environment, Land, Water and Planning Legislative Reform, Waste and Recycling Division; this letter was also sent to the same recipient by Rural Councils Victoria. Council officers also provided feedback to the draft service standards during the public consultation period and attended various meetings with DEECA and RV about the kerbside reform program. During this process, officers have continued to articulate all concerns mentioned in this report regarding the mandated service, as well as the required timeline for implementation, which is being compacted by the ongoing delay of release of the final regulations.

The Victorian Government has not adequately consulted on the need for a glass only service, nor the cost and resource impacts of introducing a glass only service on councils. This makes it difficult for Council to justify the cost imposition and communicate the need for the service to our community.

CONCLUSION

While the intent of the Victorian Government's four stream waste and recycling service regulations is to improve the value of recycled materials and reduce waste to landfill; research and modelling conducted by the advocacy group and Council officers has found that the implementation of a separate kerbside glass collection service would be a significant cost impost to ratepayers not commensurate with the environmental benefit. Other alternatives should be explored to maximise the recycling value of glass and the comingled stream, as well as ensuring national alignment, before more Victorian councils invest in the separate service.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020* and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Assets
- Manager Growth and Future
- Sustainability Coordinator

ATTACHMENT(S)

Nil

8.3.4 Wandi Walk

INTRODUCTION

This report relates to the status and outcomes of the investigation of public and private land associated with the Wandi Walk.

Cr Ronco

Cr Tanzen

That Council:

- 1. Notes that it has been established definitively and according to law that there is no public right of way across two freehold properties on White Star Road in Wandiligong, and that the freehold land extends to Morses Creek;*
- 2. Notes that it is unlikely that public access across these two freehold properties on White Star Road in Wandiligong will be re-established in the foreseeable future;*
- 3. Notes that Council officers are progressing actions to ensure that all of the public land in the subject area remains appropriately accessible to the public, and that signage is appropriately located and unambiguous; and*
- 4. Continues to investigate the feasibility of bypassing the freehold land to maintain the Wandi Walk as a continuous walking trail.*

Carried Unanimously

BACKGROUND

The Wandi Walk follows Morses Creek from its confluence with the Ovens River in Centenary Park, through to Wandiligong. The walking path is predominantly located on Crown Land alongside Morses Creek. At two locations, Morses Creek has migrated into separate parcels of freehold land which are currently under different ownership. The owners of this freehold land have previously permitted public access across their land, facilitating a continuous walking trail along the western side of Morses Creek into Alpine Park in Wandiligong.

On 11 May 2023, the owners of one of these freehold properties contacted Council by email advising that:

As a courtesy, we are giving you notice that we will be closing all access to our private land that is currently crossed by the Wandi Walk in October 2023. This will require the Alpine Shire to find an alternative route for the Wandi Walk that does not cross our land.

In this correspondence, the owners cited frustration with their engagement with Council's planning team over a 7-year period.

On 12 May 2023, the owners of the second of these freehold properties wrote a letter to Council providing a notice of objection to the access and crossing of their private land by members of the public, citing concerns about public liability issues. The owners further stated that together with their neighbours they:

are giving notice that we will be closing all access to our private land currently crossed by the walk in October 2023. This will require the Alpine Shire to seek an alternative

route which does not cross our land. We see this as a relatively straightforward exercise considering the existence of the combined walk/cycling trail on the East side of Morses Creek which is literally metres away.

ISSUES

Council engaged two different consultants with public land expertise to assess the situation, history and relevant law and to provide feedback to Council on the options available and the viability of each option for re-establishment of the walk on the western side of Morses Creek.

Morses Creek Location

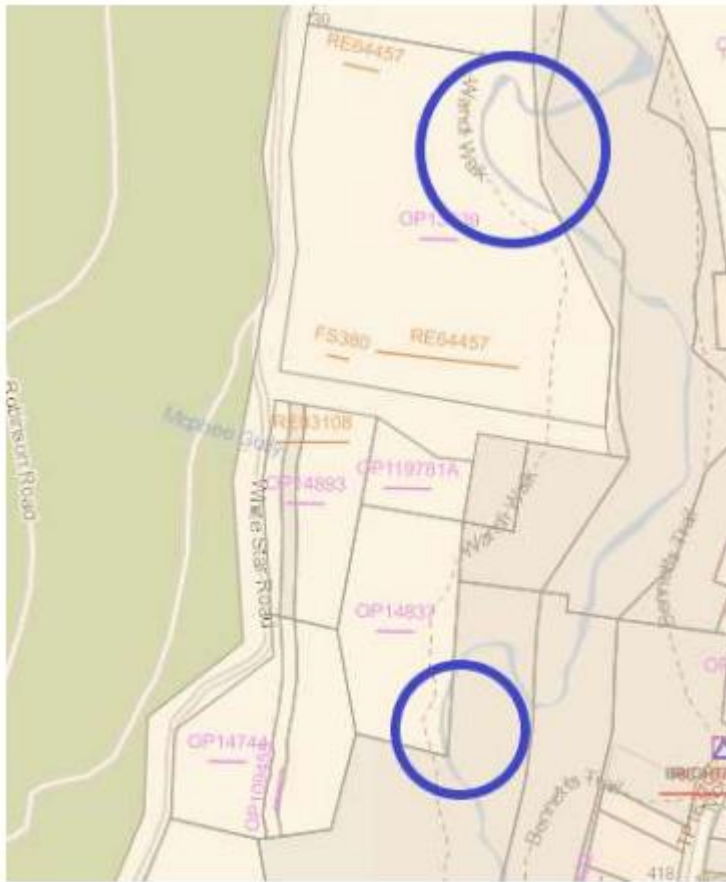


Figure 5: Locations where walking trail is on private land.

The Water Act 1905, states the bed and banks of the water course remain the property of the Crown regardless if the waterway moves. Further, if the water course has shifted as a result of 'sudden or man-made influence' the allotment boundaries remain in the same location.

The Land Act 1958 states that if the water course alters course, the reserve that was created at the time of alienation does not move with it and remains in the location at the time of reservation. The freehold/reserve boundary does not move.

Morses Creek has moved to the west in a manner that its course now lies within private land as outlined in Figure 1 above.

Both specialists concur that, based on applicable law, there is no longer any public land between the freehold properties and Morses Creek and no public right of way across the freehold properties.

All options have now been explored with both landowners, but these have ultimately not resulted in a pathway to re-establishing public access across freehold land where this was previously permitted.

POLICY IMPLICATIONS

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

4.5 Assets for our current and future needs

FINANCIAL AND RESOURCE IMPLICATIONS

There are no financial or resource implications for Council as a result of the recommendations in this report. Utilising operational budgets as required, Council officers will continue to progress actions necessary to ensure that all public land in the subject area remains accessible to the public, with appropriate and unambiguous signage to inform members of the public.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Further communication in relation to the Wandj Walk reignites community debate and unreasonable behaviour toward landowners.	Possible	Moderate	<ul style="list-style-type: none"> Communicate the reasons for the decision transparently and proactively to the public.

CONSULTATION

Council engaged two different consultants with public land expertise to assess the situation, history and relevant law and to provide a report on the options available and the viability of each option for re-establishment of the walk on the west side of Morses Creek. Both concluded that there is no public land between Morses Creek and two parcels of freehold land on White Star Road through which Morses Creek now passes.

The landowners were engaged to explore options for re-establishing the Wandj Walk as a continuous walk along the western side of Morses Creek.

CONCLUSION

Council has established definitively that there is no public land between two freehold properties and the Morses Creek, and no public right of way across these properties. Council has now explored all options with the respective landowners to re-establish public access. Council's future options in relation to the Wandi Walk remain limited to those which are constrained to the available public land.

Council officers continue to progress actions to ensure that all public land is accessible to the public, and that appropriate and unambiguous signage is in place to appropriately inform members of the public.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Assets
- Manager Assets and Waste
- Project Manager

ATTACHMENT(S)

1. 8.3.4.1 Wandi Walk Realignment Report - Public Land Consultancy
2. 8.3.4.2 Wandi Walk Report - SMEC Desktop Study.(F)pdf

8.3.5 Purchase of Discontinued Road - Mount Beauty Airport

INTRODUCTION

This report relates to the purchase of the discontinued government road to the north of the existing Mount Beauty Airport runway.

Alpine Shire Council (Council) had previously endorsed the discontinuance of the road at the Ordinary Council Meeting held on 9 November 2021. The discontinuance has been completed, and the Minister for Finance has approved the sale to Council.

Cr Smith

Cr Tanzen

That Council:

- 1. Resolves to purchase part of the discontinued road (comprising of Crown Allotment 2035 Parish Mullindolingong) for the following amount:*

<i>Purchase Price (incl. GST)</i>	<i>\$16,500</i>
<i>Admin Fee (incl. GST)</i>	<i>\$ 3,510</i>
<i>Statutory Fees (Free from GST)</i>	<i>\$ 270*</i>
<i>Survey/Valuation Reports (incl. GST)</i>	<i>\$ 2,788</i>
<i>Less deposit (already paid)</i>	<i>\$ 1,755</i>
<i>Total payment required</i>	<i>\$21,313</i>

** As the statutory charges are subject to review and may increase, Council authorises the payment of the statutory charges at the rate applicable at the time of payment;*

- 2. Authorises the Chief Executive Officer to undertake all actions and to sign all documents required to give effect the purchase of the discontinued road; and*
- 3. Notes that budget allocation of \$22,000.00 has been made in the 2025/26 financial year to complete the purchase.*

Carried Unanimously

BACKGROUND

The minutes of the Ordinary Council Meeting held on 9 November 2021 provide a detailed background regarding the need to discontinue and purchase the government road.

In summary, in order for the runway to be extended, that part of the land comprising part of the discontinued government road must be acquired by Council. Council has undertaken the process to discontinue the road, on the basis that Council would then purchase part of the discontinued road.

The Minister for Finance has now approved the sale of part of the discontinued road (Crown Allotment 2035 Parish Mullindolingong) to Council.

ISSUES

Extensive work

Council has undertaken extensive work in relation to the Mount Beauty Airport extension and the acquisition of this now discontinued road is fundamental to that extension.

Council has already paid a deposit of \$1,755.00.

Land to be acquired

The discontinued road is approximately 370m long by 20.13m wide. As well as traversing Council's land, it also runs through adjoining private property at either end as shown in Figure 1.

The area to be acquired by Council is that area shown as Allotment 2035 (1,994m²).

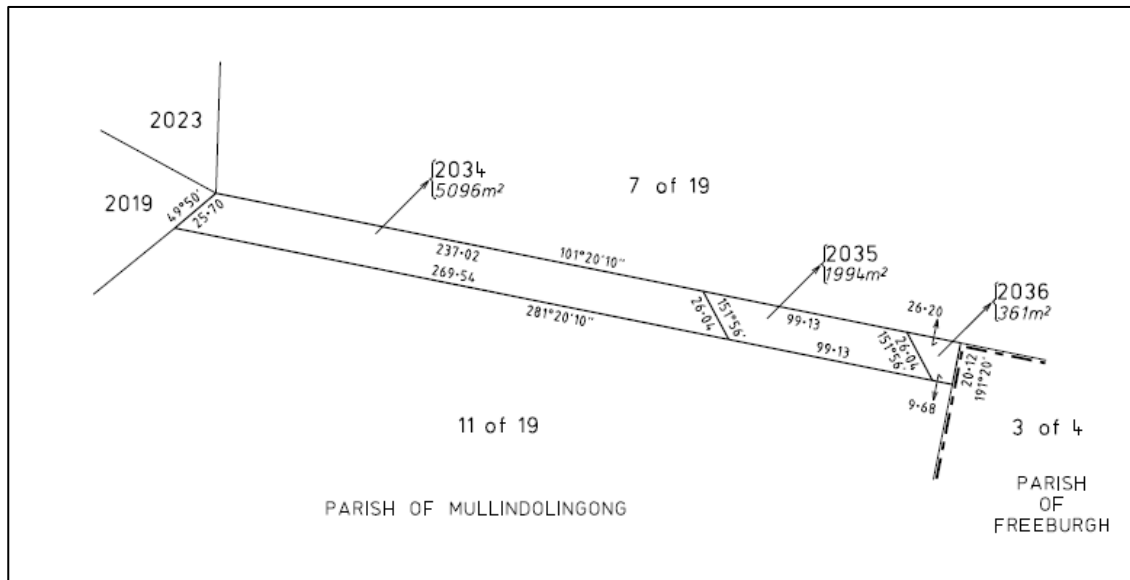


Figure 6: Discontinued Road

Next stages

The process to complete the runway extension has involved multiple steps and this acquisition will enable Council to finalise this process.

POLICY IMPLICATIONS

In accordance with section 112 of the Local Government Act 2020, Council may purchase any land which is or may be required by Council for or in connection with, or as incidental to, the performance of its functions or the exercise of its powers.

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

4.5 Assets for our current and future needs

FINANCIAL AND RESOURCE IMPLICATIONS

A budget allocation has been made in the 2025/26 budget for the acquisition of the discontinued road.

RISK MANAGEMENT

There are no known risks associated with this report.

CONSULTATION

The public notice regarding the discontinuance of the road was published in the Alpine Observer on 22 September 2021 and allowed for submissions until 20 October 2021. No submissions were received.

CONCLUSION

It is recommended that Council proceeds with the acquisition of the discontinued road, and authorises the Chief Executive Officer to undertake all actions and sign all documents required to effect the acquisition of the discontinued road.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020* and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Assets
- Manager Growth and Future
- Property and Contracts Coordinator

ATTACHMENT(S)

1. **8.3.5.1** M(13) 9 November 2021 Minutes (F) - Extract Discontinuance of Government Road Mount Beauty Airport

8.3.6 Mount Beauty Airfield Upgrade Project - Lessons Learned

INTRODUCTION

This report relates to the Mount Beauty Airport Upgrade project and the lessons learned regarding the management of scope change.

The purpose of this report is to conclude the successful delivery of this significant upgrade project which had its genesis prior to 2005, involved 16 reports to Council Meetings (including the two for this Council meeting) since then and has encountered a number of challenges along the way.

Following the successful completion of this project, the operational management responsibilities have now returned to the Mount Beauty Airport Management Association (MBAMA).

Cr Byrne

Cr Ronco

That Council:

- 1. Notes the successful completion of the Mount Beauty Airport Upgrade project;*
- 2. Notes that operational management of the Mount Beauty Airport has been returned to MBAMA;*
- 3. Notes the lessons learned from this project in relation to managing scope change; and*
- 4. Implements improvements to its Procurement Procedure for managing contract variations.*

Carried Unanimously

BACKGROUND

The Mount Beauty Airport was originally designed and constructed in a way which would allow for future lengthening of the runway.

Master Planning

In 2005, a draft Master Plan for the Mount Beauty Aerodrome was prepared, however it was not adopted by Council at the time. During the February 2009 bushfires, it was noted that the Mount Beauty Aerodrome runway was inadequate in both its length and surface condition to allow fire fighting aircraft to take off with full supplies of fire retardant. It was also noted that the runway was inadequate for air ambulance operations.

The Mount Beauty community highlighted the inadequacy of the aerodrome via a number of newspaper articles and through the collection of 245 signatures on a petition in support of an upgrade to the aerodrome.

Consequently, Council engaged Airports Plus Pty Ltd to prepare a new Master Plan to cover contemporary issues. The consultant sought input from the Mount Beauty Aerodrome Management Committee in relation to the detailed operations of the

aerodrome. The Plan was endorsed for public consultation at the Ordinary Council meeting in June 2010.

At the August 2010 Ordinary Council meeting, Council resolved to receive the comments and submissions and do further work based on the feedback received during the public consultation process. The revised Mount Beauty Aerodrome Master Plan was adopted by Council at the Ordinary Council meeting on 1 March 2011.

Heads of Agreement

A recommendation to sign a Heads of Agreement between Council and the landowners adjacent to the Mount Beauty Aerodrome was carried by Council at the Ordinary Council meeting on 6 March 2012. This was required to allow the progression of Council's river walk, the extension of the runway and the private development of an airpark.

Planning Scheme Amendment

At the Ordinary Council meeting on 3 December 2013, Council resolved to seek authorisation from the Minister of Planning to prepare amendment C38 to the Alpine Planning Scheme. The amendment was required to facilitate a runway extension to enable the aerodrome to better service the aviation needs of the community, among other benefits such as facilitating housing and providing a range of opportunities for new commercial facilities associated with aviation use.

The Planning Panel report and its associated recommendations relating to amendment C38 was adopted by Council at the Ordinary Council meeting on 6 December 2016. This was required to enable Council to secure privately held land to the north of the runway to allow for the extension.

Funding, Contracts and Project Implementation

Council approved the submission of a funding application to the Federal Government Regional Airports Program (RAP) at a special Council meeting on 3 December 2019. The purpose of the project was to ensure that Air Ambulance Victoria aircraft can access the airport into the future and open access opportunities for fire service aircraft to address emergency situations, effectively future-proofing emergency service access to the airport for decades to come.

On 13 June 2020, Council was advised that the funding application was successful, resulting in Council securing \$1,555,910 from the RAP with a co-contribution of \$1,555,910 of Council funds to facilitate the runway lengthening, widening, and associated upgrades. The total value of the construction funding for the project was \$3,111,820. Council contributed a further \$265,147 for the project planning, design and permit costs, which were not eligible to be acquitted under the RAP funding.

At the Special Council meeting on 21 September 2021, Council resolved to approve a variation to the contract awarded to Telstra for the relocation of a cable from beneath the Mount Beauty Airport Runway extension by laying a new fibre cable around the

airport property. This was an eligible cost which was acquitted under the RAP funding agreement.

A contract for the construction works was awarded at the Ordinary Council meeting on 5 October 2021 and construction commenced in November 2021, marking a significant milestone in the airport's development.

Following the gazetted public exhibition process with no submissions received, Council carried the decision at the Ordinary Council meeting held on 9 November 2021 to discontinue a government road that coincided with the location of the runway extension.

Physical work commenced on the runway extension on 22 November 2021 with the stripping of topsoil and excavation. These works revealed that the subgrade of the proposed runway extension did not meet the specification requirements. This was a latent ground condition, and the subgrade required stabilising treatment for the extended runway to be constructed in accordance with design specifications. The variation was approved by Council at the February 2022 Ordinary Council meeting. Council determined that the additional scope could be accommodated within RAP funding.

ISSUES

Scope Change 1: Aircraft Landing Area

Following notification of a grant of funding by the RAP, misalignment was identified between the scope outlined in the grant funding application and the recommendations of previous technical studies. Specialised airport design consultants were engaged in July 2020 to re-assess the funding application scope against the Civil Aviation Safety Authority (CASA) regulations. On the basis of the feedback received, the scope of the project was revised, with the key change being the decision to retain the airport with the classification 'Aircraft Landing Area' rather than aiming for an upgrade to a registered airport. The change in scope of the funding application was documented in a report to the September 2020 Ordinary Council meeting.

The Regional Airports Program approved the change in scope and Council entered into a funding agreement on this basis. Detailed design was progressed between January and May 2021, and this included flood modelling which was mandated by the North-East Catchment Management Authority (NECMA), as the proposed extension was considered likely to encroach onto the Kiewa River floodplain.

Scope Change 2: Apron Enlargement and Additional Runway Widening

MBAMA requested additional improvements to the apron near the terminal building and southern runway widening, contingent on available funding.

The variation was approved by Council at the February 2022 Ordinary Council meeting. Council determined that the additional scope could be accommodated within RAP funding. These improvements were expected to further improve the serviceability and safety of the airport operations.

Scope Change 3: Hangar Apron Upgrade Works and Unintended Drainage Consequences

MBAMA requested further apron upgrades in front of the hangars, again contingent on affordability within the RAP funding envelope. The scope included replacing the existing spray seal surface with asphalt and widening the apron, effectively increasing the aerial extent of the paved surface.

On the basis that the works were considered a simple upgrade to the surface of the hangar apron (replacement of a spray-seal surface with an asphalt surface), the construction contractor was appointed to deliver the works based on a high-level scope which was not supported by survey data or an engineering design. The construction contractor was deemed by Council officers to have delivered the works in accordance with this high-level scope of work.

Completing the works without an approved engineering design had the unintended consequence of water ingress into Hangars 9 and 10 during certain weather conditions due to increasing the extent of the impervious area in front of the hangars and an insufficient gradient, preventing proper runoff.

In order to rectify this unintended consequence, an engineering solution was developed and officers committed to the customer to deliver these works without confirming the cost of the works through a market-tested quote.

Following a public tender, the cost of the works was confirmed as being significantly greater than the original estimate. Officers paused delivery of the previously committed works in order to explore alternative options that might provide a more cost-effective solution. This change in approach was poorly communicated to the customer.

Following an unsuccessful negotiation with the customer to explore a more cost-effective solution, the remediation work was delivered according to the engineering solution specifications to improve the fall away from these hangars, which was funded by Council.

These rectification works were completed in March 2025.

LESSONS LEARNED

Scope Management

Maintaining adaptability within project planning allowed Council to incorporate valuable additional scope within the approved budget and consulting with airport stakeholders throughout the process ensured that critical improvements were identified and prioritized effectively.

Future project delivery teams should undertake detailed engineering design and costing for any additional scope before approval to proceed, to prevent unintended consequences.

An update to Council's Procurement Procedure will be implemented to incorporate a formal and documented Go/No Go decision point for all variations.

Project Governance, Communication and Documentation

All additional scope, specifications, hold points, and technical sign-offs must be formally documented and reviewed by experienced engineering consultants and formally approved prior to commencement of works and in line with financial delegations as outlined in the Procurement Policy and Procurement Procedure.

Communication with stakeholders and customers must not commit Council to works and costs without a formally approved variation order. Strengthened tracking and documentation mechanisms across all parties involved in the project would enhance transparency and accountability.

Customer Engagement

Proactive and early engagement with customers is critical when initial commitments are at risk of change due to new information or shifting circumstances. Prompt communication helps to maintain trust, manage expectations, and co-develop alternative solutions. Poor customer engagement in these situations can lead to confusion, erosion of confidence, and missed opportunities for collaborative problem-solving.

POLICY IMPLICATIONS

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 4.5 Assets for our current and future needs

FINANCIAL AND RESOURCE IMPLICATIONS

The Alpine Shire Council secured \$1,555,910 from the RAP and co-contributed \$1,555,910 of Council funds to facilitate the runway lengthening, widening, and associated upgrades. The total value of the construction funding for the project was \$3,111,820.

The total actual, audited and acquitted expenditure for the construction works that were funded by the RAP grant was \$3,088,492.

Council contributed a further \$265,147 for the project planning, design and permit costs, which were not eligible to be claimed under the RAP funding agreement.

The cost to Council to remedy the unintended consequences outside Hangars 9 and 10 totalled \$61,287.

The total cost for the delivery of this project was \$3,414,926, of which Council contributed \$1,870,680.

Mount Beauty Airfield Upgrade Project Financial Reconciliation	
RAP Funding Income	1,555,910
Council Co-contribution	1,555,910
Total Project Construction Income	3,111,820
Actual Construction Expenditure (Audited)	3,088,492
Total Unspent Grant Income	23,328
RAP's portion of Unspent Grant Income	11,664
Council's portion of Unspent Grant Income	11,664
Council Funds for Ineligible Costs	265,147
Council Funds for Hangar Apron Rectification Works	61,287
Total Project Cost	3,414,926
Total RAP funds for the project	1,544,246
Total Council Funds for the Project	1,870,680

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Projects not delivered within budget, on time and in full	Possible	Moderate	<ul style="list-style-type: none"> Implement the recommendations and lessons learned from the Mount Beauty Airfield Upgrade project to Council's Procurement Procedure for managing variations
Reputation damage	Very likely	Moderate	<ul style="list-style-type: none"> Implementation of thorough documentation and communication of the process for scope change requests, specifications and communication with stakeholders, that does not commit Council until variations are formally approved.

CONSULTATION

The scope and delivery of this project involved consultation and engagement with the community, funding authority, neighbouring landowners, MBAMA and hangar owners as well as referral agencies and utility authorities.

CONCLUSION

The Mount Beauty Airport Upgrade Project commenced in 2010 with the development of a master plan that included extending the runway. This project is now 100% complete, including the expiry of all defect liability periods associated with the various components of the work. Operational management responsibilities have been returned to the Mount Beauty Airport Management Association.

Applying the lessons learned and updating Council's Procurement Procedure for managing variations) will strengthen accountability and governance for capital projects going forward.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020*, and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Assets

ATTACHMENT(S)

1. **8.3.6.1** M(10) - 4 October 2022 Minutes (F)
2. **8.3.6.2** M(3) - 5 April 2022 Minutes (F)
3. **8.3.6.3** M(1) - 1 February 2022 Minutes (F)
4. **8.3.6.4** M(13) - 9 November 2021 Minutes (F)
5. **8.3.6.5** M(12) - 5 October 2021 - Mount Beauty Airport Upgrade Construction
6. **8.3.6.6** SPM(11) -21 September 2021 - Minutes
7. **8.3.6.7** M 10 - 1 September 2020 - Mount Beauty Airport Upgrade
8. **8.3.6.8** SP M 19 - 3 December 2019 - Minutes
9. **8.3.6.9** M 13 - 6 December 2016 - Amendment C 38
10. **8.3.6.10** M 15 - 3 December 2013 - Proposed Amendment C 38
11. **8.3.6.11** M 2 - 6 March 2012 - Heads of Agreement
12. **8.3.6.12** M 2 - 1 March 2011 - Mount Beauty Aerodrome Master Plan - adopted
13. **8.3.6.13** M 8 - 3 August 2010 - Mount Beauty Aerodrome Maintenance Plan
14. **8.3.6.14** M 6 - 1 June 2010 - Mount Beauty Aerodrome Draft Master Plan - Public Consultation

8.3.7 Risk Management at the Bright and Porepunkah River Pools

INTRODUCTION

This report provides an update on Council's previous consideration of the aquatic risk assessments and safety management initiatives at the Bright and Porepunkah River Pools.

Cr Tanzen

Cr Andersen

That Council:

- 1. Continues to monitor incidents and other statistics to improve safety at the Bright and Porepunkah River Pools;*
- 2. Prioritises the replacement of the existing gate and fencing at Bright River Pool;*
- 3. Supports safe and inclusive use of the Bright and Porepunkah River Pools for all patrons, including those who are culturally and linguistically diverse (CALD), by developing and implementing water safety education initiatives; and*
- 4. Notes that funding to prepare a master plan for the area surrounding the Bright River Pool has been sought through the Australian Government's Regional Precincts and Partnerships Program.*

Carried Unanimously

BACKGROUND

The Bright and Porepunkah River Pools are important local attractions during summertime and are operated by Belgravia Leisure (Belgravia) on behalf of Alpine Shire Council (Council).

Following receipt of Life Saving Victoria (LSV) and Belgravia's risk reports from 2022/23, Council considered the risk management findings and recommendations within these reports at the Ordinary Council Meeting held on 31 October 2023. At the same meeting, Council resolved not to support Council officers' recommendation to remove the jumping platform. Amongst other things, Council resolved to continue to monitor the situation and to prepare a master plan for the Howitt and Centenary Parks area, which would identify users' needs and any infrastructure required to satisfy these needs.

Since then, Council has undertaken a number of initiatives to address these risk management findings and recommendations to mitigate the risk of drowning at the river pools, particularly the Bright River Pool. This report outlines these initiatives.

ISSUES

Following the Ordinary Council Meeting held on 31 October 2023, the following actions have been undertaken:

- changes made to the excavation area in front of the jumping platform;
- addition of a lifeguard on a rescue board in water for early intervention;
- signage updated and replaced at the jumping platform entrance; and

- personal rescue equipment installed (life buoy).

Belgravia Leisure has recently identified an increase in culturally and linguistically diverse (CALD) patrons over the peak Christmas period, with most rescues occurring during this time. Council officers are investigating what additional water safety education initiatives may be required to ensure all patrons are aware of this matter.

Belgravia Leisure also advised that the majority of rescues (69%) during the 2024/25 summer season were associated with the jumping platform. Council officers are currently investigating a replacement jumping platform gate and fence to better manage access to the jumping platform in order to mitigate risk.

Finally, Council officers have applied for funding to prepare a master plan for the area surrounding the Bright River Pool through the Australian Government's Regional Precincts and Partnerships Program.

POLICY IMPLICATIONS

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 4.5 Assets for our current and future needs
- 5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

Design and replacement of the existing gate and fencing at the Bright River Pool can be funded from the 2025/26 operational budgets, subject to approval of the draft 2025/26 Budget by Council.

Funding to prepare a master plan for the area surrounding the Bright River Pool has been sought through the Australian Government's Regional Precincts and Partnerships Program.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Drowning	Possible	Extreme	<ul style="list-style-type: none">• Monitor and implement change

CONSULTATION

Following the conclusion of each season, Council officers engage with Belgravia Leisure to review and assess any reported incidents or operational issues. This post season evaluation allows for the identification of areas for improvement, and where necessary changes are implemented to improve safety.

CONCLUSION

Council officers will continue to monitor and implement change at the river pools to reduce the risk of drowning.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020* and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Assets
- Manager Growth and Future
- Property and Contracts Coordinator

ATTACHMENT(S)

1. **8.3.7.1** Minutes - Item 9.1.2 Bright River Pool Ordinary Council Meeting held on 31 October 2023

8.3.8 Petition - Redevelopment and rezoning of land at 1 Mummery Road, Myrtleford

INTRODUCTION

This report relates to a petition received by Council and objecting to redevelopment and rezoning of land on Mummery Road, Myrtleford.

Cr Ronco

Cr Andersen

That Council:

- 1. Notes the petition titled 'petition of objection to redevelopment and rezoning of land at end of Mummery Rd, Myrtleford' received at the Ordinary Council Meeting held on 27 May 2025;*
- 2. Notes that further background technical investigations and other strategic work will be undertaken over the next few years to understand the development potential of this important land identified for future residential development, which will further consider this request; and*
- 3. Encourages those who have signed the petition to make a submission in the future during the relevant consultation or engagement period.*

Carried Unanimously

BACKGROUND

1 Mummery Road in Myrtleford is a Council-owned site approximately 1.5km north of Myrtleford, which is known locally as the "Old Mill Site". It is situated adjacent to the Myrtleford Recreation Reserve to the north, existing residential properties on Conifer Street, Elica Way and Mummery Road to the east and south, and Barwidgee Creek to the west. It is zoned General Residential Zone, and Public Park and Recreation Zone, with the Bushfire Management Overlay and the Land Subject to Inundation Overlay applying to the land.

On 26 April 2025, a member of the community hand delivered a petition to Council objecting to any future redevelopment and rezoning of land at 1 Mummery Road, Myrtleford. The petition was assessed and considered not to satisfy Council's Governance rule G4 'Petitions'.

Whilst this correspondence does not meet all of the requirements for a petition outlined in Council's Governance Rules, Council officers acknowledge that the requirements for petitions may have been difficult to find on Council's website and it has been determined to treat the correspondence as a petition. Council's website has been updated to make this information easier to find and future petitions will need to satisfy these requirements in order to be formally received as such by Council.

The petition has been signed by 45 individuals and states:

'We, the undersigned concerned residents of Myrtleford, firmly object to any redevelopment and rezoning of the land located at the end of Mummery Road, Myrtleford. This piece of land, originating from the old Myrtleford Sawmill and CCA treatment plant, was gifted to the people of Myrtleford when the Mill relocated to its present address. It stands as a symbol of our community's legacy and must be preserved for the benefit of our residents.'

The land in question has never been fully rehabilitated and remains contaminated with waste and hazardous materials stemming from the decades of operation of the old Mill. Therefore, it is imperative that any plans for redevelopment or rezoning be transparently communicated to the residents of Myrtleford. We request that the Council promptly outlines any proposals they are exploring, researching, or suggesting concerning this land.

Additionally, we urge the Council to urgently investigate and clarify the true ownership of this land. Many residents are aware of the historic "gift" of this land to the township/people of Myrtleford and believe that it should be maintained as such. We do not believe that the Alpine Shire has any right to rezone or redevelop this land in any manner that does not enhance its legacy for the use and enjoyment of Myrtleford residents.

We seek a commitment from the Council to respect the historical significance of this land and ensure that any future use aligns with the spirit of the original gift to our community. The reservation of our heritage and the safety of our environment must be prioritized above any commercial or developmental interest.'

ISSUES

The Mummery Road Mill operated until the late 1980s. Upon cessation of production, the then mill owners Australian Forest Industry implemented an approved site remediation program. The site was acquired by the Myrtleford Shire Council in 1992. A portion of the site was subsequently rezoned to the Residential 1 Zone (subsequently translated by the Victorian government to the General Residential Zone) and a small subdivision comprising of 10 lots was progressed in 1996. The remainder of the site adjacent to Barwidgee Creek was to be used for public open space largely aligning with the extent of uncompacted fill covering the area and was rezoned Public Open Space (subsequently translated by the Victorian government to the Public Park and Recreation Zone). Council officers undertook further environmental studies in the mid-2000s to understand the development potential of the remainder of the site.

Council recently adopted the Alpine Shire Land Development Strategy 2024 (LDS), and it identified Myrtleford as one of four Service Towns, along with Bright, Mount Beauty-Tawonga South and Porepunkah, in the settlement hierarchy, which will accommodate the majority of the municipality's future population growth. The LDS provides the basis and scope for future structure planning in these four Service Towns to address neighbourhood character, encourage greater housing diversity and accommodate employment activities.

Amongst other things, the LDS supports the future development of existing urban zoned land for urban growth to ensure land and existing services are used more efficiently. Due to limited opportunities for new greenfield development in Myrtleford, infill development is key to accommodating future growth as required by the Victorian Government. The LDS identifies 1 Mummery Road as an area of investigation for future residential development. Further investigation of the site is supported by Action 6.5 of the LDS that states:

'Review the existing use of Council owned land assets which are underutilised such as Mummery Road, Myrtleford, or leased to private and community organisations and determine the preferred future use of the land for the greatest benefit to the community, once leases expire.'

Council officers have undertaken an environmental review of the status of the site. Council officers have engaged a suitably qualified environmental consultant to undertake further studies that will involve the collection of soil samples to confirm the environmental status of the site and any actions required to protect future sensitive land uses.

In accordance with the requirements of the Local Government Act 2020, Council will ensure that the future use of the land will be decided in accordance with the best interests of the community and will undertake such determinations in consultation with the community at the relevant time.

POLICY IMPLICATIONS

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 4.2 Planning and development that reflects the aspirations of the community
- 5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

There are no financial implications related to receiving and noting this petition.

RISK MANAGEMENT

There are no risks associated with this report.

CONSULTATION

Any Council decisions relating to the future use of the land will be subject to a community engagement process under the requirements of the Local Government Act 2020. This will ensure that the best interests of the community are considered, and that a holistic approach is undertaken that considers a wide range of existing and emerging issues.

CONCLUSION

It is recommended that Council notes the concerns expressed in the petition and the status of the background technical investigations into the land's suitability for future development for residential purposes.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020* and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Assets
- Manager Growth and Future
- Economic Development Coordinator

ATTACHMENT(S)

Nil

Cr Byrne declared a conflict of interest in relation to item 8.3.9 and vacated Council Chambers at 7:50pm.

8.3.9 Petition - Expansion of the caravan park at the Myrtleford Recreation Reserve

INTRODUCTION

This report relates to a petition received by Council and objecting to expansion of the caravan park at the Myrtleford Recreation Reserve.

Cr Tanzen

Cr Andersen

That Council:

- 1. Notes the petition titled 'petition objecting to the expansion of the caravan park at the Myrtleford Recreation Reserve' received at the Ordinary Council Meeting held on 27 May 2025; and*
- 2. Writes to the Department of Energy, Environment and Climate Action, as the appropriate authority, to highlight the concerns raised in the petition.*

Carried Unanimously

BACKGROUND

Myrtleford Recreation Reserve is Crown land managed by the Department of Energy, Environment and Climate Action (DEECA). The site is managed by a DEECA-appointed Committee of Management (the Committee), which is responsible for overseeing the day-to-day operations, maintenance and development of the recreation reserve in line with DEECA's guidelines and policies.

On 27 May 2025, Council resolved to receive and note a petition objecting to any further expansion of the caravan park at Myrtleford Recreation Reserve. The petition was assessed and considered not to satisfy Council's Governance rule G4 'Petitions'.

Whilst this correspondence does not meet all of the requirements for a petition outlined in Council's Governance Rules, Council officers acknowledge that the requirements for petitions may have been difficult to find on Council's website and it has been determined to treat the correspondence as a petition. Council's website has been updated to make this information easier to find and future petitions will need to satisfy these requirements in order to be formally received as such by Council.

The petition has been signed by 43 individuals and states:

'We, the concerned residents of Myrtleford, would like to strongly object to the proposed expansion of the Caravan Facilities within the Recreation Reserve. The previous expansion carried out by the Committee of Management approximately 14 months ago more than doubled the number of powered campsites, situating campsites within 150 metres of residential dwellings adjacent to the reserve.'

This expansion has led to a significant increase in noise and anti-social behaviour, including, but not limited to, foul language, dogs off leads, dog excrement, and late-night parties. With no Manager or Caretaker present at the 'Caravan Park'. We feel powerless to address these issues.

It has come to our attention that works have begun to add even more powerheads for camping, even closer to the adjacent residents, which can only exacerbate this already unruly situation.

We have never objected to events that are best suited to the reserve, such as shows, rodeos, and horse events. In contrast, we are happy to support these events, as they add immeasurably to the community and contribute positively to the town.

It is our understanding that Myrtleford's unofficial third caravan park does not operate under the same regulations and principles as licensed Caravan Parks within the Shire. This includes emergency management plans, CFA regulations (fire hoses and extinguishers), use of unmonitored dump points, council resources used to mow and tend to trees, all whilst the Recreation Reserve is not required to pay council rates-all functions that properly licensed Caravan Parks are required to perform.

It is our understanding that governments of any level should not compete with private enterprises while utilising [sic] the vast resources at their disposal unless a clear community need arises.

We would also like to understand where the considerable monies collected from the camping fees are being invested and what financial transparency is provided by the Committee of Management to allow scrutiny by the Residents.

We earnestly request that the Committee of Management reconsider and halt the expansion plans, taking into account the welfare and concerns of the residents of Myrtleford. We also seek Councils involvement in helping to address the noise and anti-social behaviour as we feel these are matters to be addressed by council wherever possible within the Shire.'

ISSUES

Council officers acknowledge the concerns raised in the petition regarding operational issues at the Myrtleford Recreation Reserve; however, as the facility is located on Crown land and managed by a DEECA-appointed committee of management, Council has no authority to intervene in operational or management matters.

Council does not provide a regular waste collection service to the site; waste is the responsibility of the Committee. Council does assist with mowing the site approximately four times per year in preparation for major events.

In relation to noise complaints or disturbances, these should be directed to Victoria Police for appropriate response and enforcement.

POLICY IMPLICATIONS

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 4.2 Planning and development that reflects the aspirations of the community
- 5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

There are no financial implications related to receiving and noting the contents of this petition.

RISK MANAGEMENT

There are no risks associated with this report.

CONSULTATION

As part of the consultation process associated with preparing this report, Council officers met with the Committee to gain a clearer understanding of the current issues and management arrangements at the site.

Council officers were advised that there is no work underway to increase powered sites, and there are currently no plans for expansion of powerheads at the recreation reserve.

CONCLUSION

It is recommended that Council notes the contents of the petition and forwards the concerns to DEECA as the appropriate authority to consider them.

DECLARATION OF CONFLICT OF INTEREST

In accordance with section 130 of the *Local Government Act 2020* and Chapter 7 section A6 of Council's Governance Rules, the following officers declare that they have no interests to disclose in providing this report.

- Director Assets
- Manager Growth and Future
- Property and Contracts Coordinator

ATTACHMENT(S)

Nil

Cr Byrne was returned back into Council Chambers at 7:54pm.

9 Informal Meetings of Councillors

INTRODUCTION

In accordance with Chapter 8, section A1 of Council's Governance Rules, if there is a meeting of three or more Councillors that:

- is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- is attended by at least one member of Council staff; and
- is not a Council meeting, Delegated Committee meeting, or Community Asset Committee meeting.

The Chief Executive Officer must ensure that a summary of the matters discussed at the meeting are tabled at the next convenient Council meeting, and are recorded in the minutes of that Council meeting.

Cr Andersen

Cr Tanzen

That the summary of informal meetings of Councillors for May & June 2025 be received.

Carried Unanimously

BACKGROUND

The written records of the informal meetings of Councillors held during the previous month are summarised below. Detailed records can be found attached to this report.

Date	Meeting
27 May	Briefing Session
3 June	Briefing Session
10 June	Briefing Session
17 June	Briefing Session

ATTACHMENT(S)

1. **9.1.1** Informal Meeting of Councillors - 20250527 (F)
2. **9.1.2** Informal Meeting of Councillors - 20250603 (F)
3. **9.1.3** Informal Meeting of Councillors - 20250610 (F)
4. **9.1.4** Informal Meeting of Councillors – 20250617 (F)

10 Presentation of reports by delegates

Refer to Alpine Shire Council's website www.alpineshire.vic.gov.au; for its YouTube live-streaming recording for responses to reports by delegates.

11 General business

Refer to Alpine Shire Council's website www.alpineshire.vic.gov.au; for its YouTube live-streaming recording for responses to general business.

12 Motions for which notice has previously been given

Nil

13 Reception and reading of petitions

Nil

14 Documents for signing and sealing

Cr Tanzen

Cr Smith

That the following documents be signed and sealed.

- 1. Procurement Policy (V11)*
- 2. Councillor Internal Resolution Procedure (V1)*
- 3. Revenue and Rating Plan (V3)*
- 4. S5 Instrument of Delegation from Council to the Chief Executive Officer*
- 5. S6 Instrument of Delegation from Council to members of Council staff*
- 6. S18 Instrument of Sub-Delegation from Council to members of Council staff (EPA 2017)*

Carried Unanimously

15 Closure of meeting

There being no further business, the Chairperson declared the meeting closed at 8:01pm.