

M(4) – 6 APRIL 2021

Ordinary Council Meeting

Minutes

The **Ordinary Meeting** of the **Alpine Shire Council** was held in the Council Chambers, Great Alpine Road, Bright on **6 April 2021** and commenced at **5:00pm**.

PRESENT

COUNCILLORS

Cr John Forsyth - Mayor

Cr Sarah Nicholas – Deputy Mayor

Cr Katarina Chalwell

Cr Ron Janas

Cr Tony Keeble

Cr Kelli Prime

Cr Charlie Vincent

OFFICERS

Charlie Bird - Chief Executive Officer

Will Jeremy - Director Assets

Ruth Kneebone - Director Commercial

APOLOGIES

Cr Charlie Vincent

Nathalie Cooke - Director Corporate

Agenda

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1. Recording and livestreaming of Council meetings

The CEO read the following statement:

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

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

Due to social distancing requirements, public gallery attendance will be limited to eight people.

Question time will still be held, however it is requested that questions be submitted in writing prior to the meeting. By submitting a question, you consent to your question being read aloud at the meeting.

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

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

The full meeting is being streamed live on Council's YouTube channel which is "Alpine Shire Council" and will also be available on the YouTube channel shortly after this meeting.

2. Acknowledgement of traditional custodians, and recognition of all people

The Mayor read the following statement:

The Alpine Shire Council acknowledges the Taungurung Traditional Owners and their ancestors as the Traditional Owners of the land we are now on, we pay our respect to Elders, past and present.

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(3) – 2 MARCH 2021

Cr Keeble

Cr Janas

That the minutes of Ordinary Council Meeting M(3) held on 2 March 2021 as circulated be confirmed.

Carried

4. Apologies

Cr Charlie Vincent

Nathalie Cooke - Director Corporate

5. Obituaries / congratulations

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

6. Declarations by Councillors of conflict of interest

Cr Sarah Nicholas declared a conflict of interest with respect to item 8.2.5 Bushfire Recovery Community Events 2020/21 Program as she is a member of the Bright & District Pony Club.

Cr Tony Keeble declared a conflict of interest with respect to item 8.2.3 Contract No 2100301 Alpine View Children's Centre Expansion - Design and Construct.

Cr Tony Keeble declared a conflict of interest with respect to item 8.3.6 Retail Lease 5 Elm Court, Bright.

7. Public questions

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

Questions on Notice can be written or from the floor.

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

8. Presentation of reports by officers

8.1 CHIEF EXECUTIVE OFFICER – CHARLIE BIRD

8.1.1 Contracts approved by the CEO

Cr Nicholas

Cr Keeble

That the capital works contract approved by the CEO be noted.

<i>Contract No:</i>	<i>CQ20116</i>	<i>Process: RFQ</i>
<i>Title:</i>	<i>Tawonga Caravan Park Upgrade - Architectural Consultants</i>	
<i>Tenderer:</i>	<i>Four 18 Architecture</i>	
<i>\$ (excl. GST):</i>	<i>\$55,200</i>	

Carried

8.2 DIRECTOR ASSETS – WILLIAM JEREMY

8.2.1 Contract No. 2100801: Great Valley Trail - Civil Works

File Number: CT21008

INTRODUCTION

This report relates to the award of a contract for the construction of the remaining section of the Harrierville to Bright shared trail, known as the Great Valley Trail.

Cr Nicholas

Cr Chalwell

That, subject to receiving consent from the Taungurung Land and Waters Council, Council awards Contract No. 2100801 for the "Great Valley Trail - Civil Works" to North East Civil Construction Pty Ltd for the lump sum price of \$1,034,721.25 + GST.

Carried

BACKGROUND

Construction of a shared trail from Harrierville to Bright has been a long-term community aspiration. In response to the January 2013 Harrierville bushfires, the Victorian Government provided \$1.0m of grant funding which enabled the following two sections of the shared trail to be completed:

- Pioneer Park, Harrierville to Stoney Creek (Harrierville Trout Farm) - 5km.
- Centenary Park, Bright to Germantown - 5.5km.

Since their completion in 2014, the local communities have been campaigning for the remaining section of shared trail to be delivered, linking Harrierville to Bright through Smoko and Freeburgh along a combined trail length of approximately 26km. A petition received by Council in February 2016 listed 468 signatures and requested completion of the next planned section of trail from Germantown to Freeburgh.

In March 2018, Council secured a commitment of \$1.3m from the Australian Government to enable the remaining section of shared trail to be constructed between Germantown and Stoney Creek, which will complete the trail connection from Harrierville to Bright. Council has subsequently secured additional commitments from the Victorian Government's Local Sports Infrastructure Fund (\$800,000), Sustainable Infrastructure Fund (\$300,000), and from Regional Roads Victoria (\$250,000).

A Tender for the civil construction was advertised in the Herald Sun on 17 February 2021, as well as on tenders.net and the Alpine Shire Council websites. The scope of this Tender includes construction of the path formation, pavement and associated drainage works.

The Tender documents were downloaded by 59 prospective tenderers and (six) 6 responses were received by the closing date.

EVALUATION

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

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

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

Two tenderers were shortlisted and invited to tender evaluation meetings to clarify aspects of their tender and provide further detail on the proposed methodology, subcontractors and program. Through this evaluation process it was determined that the tender from North East Civil Construction best met the selection criteria.

POLICY IMPLICATIONS

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

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

- Incredible places for our community and visitors

FINANCIAL AND RESOURCE IMPLICATIONS

The total budget for the Great Valley Trail project is \$3,150,000, with Council's financial commitment to the project being \$500,000.

There is sufficient allocation within the project budget to deliver the civil works component of the project through award of this Contract.

CONCLUSION

Following a comprehensive assessment, the Tender from North East Civil Construction is considered to present the best value option for 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:

- Director Assets
- Manager Asset Development
- Project Officer
- Development Engineer

ATTACHMENT(S)

Nil

8.2.2 Contract No. 2011801: Bright Sports Centre - Structural Repairs

File Number: CT20118

INTRODUCTION

This report relates to the award of a contract for structural repairs to the Bright Sports Centre.

Cr Janas
Cr Chalwell

That Council awards Contract No. 2011801 for 'Bright Sports Centre Structural Repairs' to Joss Facility Management for the lump sum price of \$241,193 + GST.

Carried

BACKGROUND

In January 2020, access to parts of the Bright Sports Centre was closed as a precaution whilst Council investigated advice that a wall may be structurally unsound.

Subsequent investigation established that settlement of the building footings has occurred which has resulted in movement and instability the external brick walls.

A technical solution has been agreed which includes the following works:

- Ground improvement and construction of new concrete footings
- New structural steel supports to the existing walls
- Repairs to cracked brickwork
- Drainage improvements in the carpark

Detailed design was completed in November 2020, and the work was subsequently tendered. The Invitation to Tender was advertised in the Herald Sun on 11 of January 2021, and on Tenders.net and the Alpine Shire Council website.

The Tender documents were downloaded by ten prospective Tenderers, and two conforming submissions were received.

EVALUATION

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

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

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

Following an initial assessment, the two tenderers were invited to clarify aspects of their tender, present their qualifications and evidence of previous performance, and confirm their proposed methodology including their ability to meet the required timeframes. Following the assessment by the evaluation panel it was determined that the tender from Joss Facility Management best met the selection criteria.

ISSUES

The technical basis and supporting cost estimate on which the 2020/21 budget allocation was established was not mature. Following detailed scoping and design work, the tendered costs for the works exceed the budget allocation by a significant margin.

The property was purchased in the 2009/10 financial year, and over the period through to the 2013/14 financial year there have been a number of significant upgrades to the facility to add a swimming pool, and to upgrade the gym, squash courts and change rooms. The total cost of the purchase and these subsequent upgrade works was \$1.64 million. In 2016/17, a further \$180k was spent on building upgrades, including installation of solar panels and implementation of rear access to the multi-purpose rooms, and in the same year it was necessary to carry out replacement of the pool lining and significant maintenance of the air conditioning system, costing a combined \$180,000. A total of \$2.09 million has been spent to date on the facility, including the original purchase and subsequent upgrades and significant renewal works.

The alternative approach of partially demolishing the Bright Sports Centre has been assessed. There is increased uncertainty and no forecast material saving in cost through taking this approach, which would remove the three existing squash courts and in doing so would reduce the ability of the building to accommodate the needs of the community.

POLICY IMPLICATIONS

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

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

- Incredible places for our community and visitors

FINANCIAL AND RESOURCE IMPLICATIONS

The contract award recommendation exceeds the allocation of \$100,000 to this project in the 2020/21 Annual Budget. The forecast overspend on the budgeted amount, which is necessary in order to successfully deliver this project, has been modelled in the Long Term Financial Plan and can be accommodated without significant impact on Council's working capital ratio.

CONSULTATION

Consultation has been carried out with Council's Facilities Team and operational staff at the Sports Centre. The impact of the construction works on the current operation of the

facilities has been established to be minimal. Completion of the works will permit the squash courts and carpark to be brought back into use.

CONCLUSION

Following a comprehensive evaluation, interviews and reference checks, the tender from Joss Facility Management is considered to present the best value option for 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:

- Director Assets
- Manager Asset Development
- Project Officer

ATTACHMENT(S)

- Nil

8.2.3 Contract No. 2100301: Alpine View Children's Centre Expansion - Design and Construct

File Number: CQ21003

INTRODUCTION

This report relates to the award of a contract for the design and construction of the Alpine View Children's Centre Expansion Project.

Cr Keeble left Council Chambers at 5.40pm as he declared conflict of interest.

Cr Nicholas

Cr Prime

That Council:

1. *awards the "Principal Design and Construct Contract for Alpine View Children's Centre Expansion" to Modus Projects Pty Ltd for the lump sum price of \$983,421 + GST.*
2. *notes that whilst the delivery of additional carparking spaces at the Centre remains subject to revision of the land lease agreement with the Victorian Government's Department of Education and Training, all other components of the project scope can be delivered to completion within the existing lease footprint.*

Carried

BACKGROUND

Over recent years, the demand on the Alpine View Children's Centre in Bright has consistently exceeded the available capacity. In the 2019/20 financial year, Council completed a study to assess the feasibility of establishing a new childcare facility in Porepunkah. The conclusion of this study was that a new childcare facility was not supported based on the current and projected increase in demand over the coming 5-10 year timeframe, and that the best option is expansion of the existing centre in Bright.

In August 2020, Council secured grant funding of \$1,000,577 from the Victorian Government's 'Building Blocks' grant program, with Council committing \$160,000 towards a total project budget of \$1,160,557.

Detailed scoping was completed, and a Tender for the design and construction of the extension was advertised in the Herald Sun on 26 February 2020, as well as on tenders.net and the Alpine Shire Council website. The Tender documents were downloaded by 65 prospective tenderers and two conforming responses were received by the closing date.

EVALUATION

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

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

- Price
- Relevant Expertise
- Organisation and Management Structure
- Occupational Health and Safety
- Environmental Management System
- Quality Management System
- Program and Delivery
- Social Procurement

A single shortlisted tenderer, Modus Projects, was invited to clarify aspects of their Tender and provide further detail on the proposed methodology, program and procurement. Modus Projects submitted a proposal based on a partnership approach, with Foursight Architects to be engaged as a key subcontractor to deliver the architectural design. Through the evaluation process it was determined that the Tender from Modus Projects best met the selection criteria.

ISSUES

The project will be delivered whilst the children's centre remains in operation in order to minimise impact on the delivery of the service. Alpine Children's Services has been engaged throughout the scoping of this project, is supportive of this approach, and committed to working closely with the builder to ensure the works can be delivered safely.

Delivery of a component (additional carparks) of the project requires a revision to the land lease agreement with the Victorian Government's Department of Education and Training (DET). The Bright P-12 school has been engaged and discussions are underway in relation to securing support for the revision to the lease agreement from the School Council, however the time to secure an updated lease agreement with DET is unknown.

POLICY IMPLICATIONS

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

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

- Incredible places for our community and visitors

FINANCIAL AND RESOURCE IMPLICATIONS

There is sufficient allocation within the project budget to deliver the construction works through award of this Contract.

CONSULTATION

Council consulted with a wide range of internal and external stakeholders, including Alpine Children's Services, in order to establish the design brief for this project.

The principal contractor appointed under this Contract will be required to engage with key stakeholders to confirm the detailed design brief before proceeding with final concept designs. Directly affected residents, Alpine Children's Services and the Bright P-12 School will be contacted before construction commences so to minimise disruptions. Project updates will be distributed throughout the project via media release, on Council's website and Facebook page. The implementation of the project stakeholder and communication plan will continue throughout the duration of the project.

CONCLUSION

Following a comprehensive assessment, the Tender from Modus Projects Pty Ltd is considered to present the best value option for 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:

- Director Assets
- Manager Asset Development
- Project Officer

ATTACHMENT(S)

Nil

Cr Keeble re-entered Council Chambers at 5.49pm.

8.2.4 Draft Economic Development Strategy

INTRODUCTION

This report relates to the public exhibition of the Draft Economic Development Strategy.

Cr Nicholas

Cr Chalwell

That Council:

- 1. endorses the Draft Economic Development Strategy to be placed on public exhibition for a minimum period of 28 days;*
- 2. Invite public submissions regarding the Draft Economic Strategy.*
- 3. If submissions are received that hears submission at a time to be determined; and*
- 4. reviews and considers the submissions as part of the Draft Economic Strategy to be adopted at a future meeting.*

Carried

BACKGROUND

The Alpine Shire has experienced significant economic shocks including the 2019-20 summer bushfire and COVID-19 pandemic events. These events have resulted in a loss to the economic output of the Shire, financial loss to businesses, job losses as well as damaging effect on the social and health and wellbeing of our community.

The economy of the Alpine Shire is heavily reliant on the tourism industry which injects approximately \$379 million into the local economy each year and employs 15% of the Shire's total working population. The economic loss to this industry as a result of these events is estimated to have been \$315 million for the period January to September 2020. The impacts of the bushfires and COVID-19 pandemic events have required significant recovery efforts from many agencies including Council.

Support has been reactive to current conditions with particular focus on providing advice and support pathways to relevant agencies required for businesses to survive. With the likelihood of bushfire events occurring more frequently into the future, planning needs to occur to provide options to diversify the future economy and jobs, reducing the reliance on the tourism industry.

The draft of Alpine Shire Economic Development Strategy has been developed in consultation with communities across the Alpine Shire. The document will assist to determine priority projects and programs for Council to consider to enable a thriving economy into the future.

ISSUES

Council is not aware of any issues.

POLICY IMPLICATIONS

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

- A thriving and connected community.

It is also consistent with the following priority of the Municipal Public Health and Wellbeing Plan:

- Socially connected and supported communities.

FINANCIAL AND RESOURCE IMPLICATIONS

There are no financial or resource implications associated with the public exhibition of the Draft Economic Development Strategy.

CONSULTATION

The Alpine Shire communities have been engaged throughout the development of the draft to shape the strategy. Engagement with residents, business owners, community organisations and services occurred through:

- Telephone interviews
- Industry focus groups
- Community workshops
- Online survey
- Email correspondence
- Website content updates

CONCLUSION

It is recommended that Council endorses the Alpine Shire Economic Development Strategy draft for public exhibition. Feedback from the public exhibition period will be considered for inclusion in the final Strategy document, prior to the Strategy being adopted by Council at a future Council meeting.

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 Economic and Community Development

ATTACHMENT(S)

8.2.4 Draft Economic Development Strategy

8.2.5 Bushfire Recovery Community Events 2020/21 Grants Program

INTRODUCTION

This report relates to the allocation of funding through round two of the Bushfire Recovery Community Events 2020/21 Grants Program.

Cr Nicholas left Council Chambers at 5.56pm as she declared conflict of interest.

Cr Keeble

Cr Chalwell

That Council:

1. allocates funding as follows:

<i>Name of Applicant</i>	<i>Project Title</i>	<i>Requested Grant</i>	<i>Recommended Grant</i>
<i>Bright Art Gallery & Cultural Centre Inc</i>	<i>Resilience Art Project</i>	<i>\$2,385</i>	<i>\$2,385</i>
<i>Bright Fire Brigade</i>	<i>Bright Fire Brigade Awards and Commemoration</i>	<i>\$5,000</i>	<i>\$5,000</i>
<i>Buffalo River CFA</i>	<i>Buffalo River Family Fun Day</i>	<i>\$5,000</i>	<i>\$5,000</i>
<i>Cam Walker</i>	<i>Victorian Backcountry Festival</i>	<i>\$5,000</i>	<i>\$5,000</i>
<i>Harrietville Community Forum</i>	<i>Harrietville survived 2020</i>	<i>\$5,000</i>	<i>\$5,000</i>
<i>Mount Beauty Neighbourhood Centre</i>	<i>Coming out of the smoke RUOK</i>	<i>\$2,000</i>	<i>\$2,000</i>
<i>Mount Beauty United Cricket Club</i>	<i>(3 applications) Welcome to Summer Family Night, Sunset Cocktail Night, and Trivia Night</i>	<i>\$3,320</i>	<i>\$3,320</i>
<i>Myrtleford Agricultural and Pastoral Show Society</i>	<i>73rd Myrtleford & District Annual Show</i>	<i>\$5,000</i>	<i>\$5,000</i>

<i>Name of Applicant</i>	<i>Project Title</i>	<i>Requested Grant</i>	<i>Recommended Grant</i>
<i>Myrtleford Chamber of Commerce & Industry Inc</i>	<i>Encore Myrtleford Summer Series</i>	<i>\$5,000</i>	<i>\$5,000</i>
<i>Wandi Trail Runners Inc.</i>	<i>Wandi Cross 2021</i>	<i>\$2,000</i>	<i>\$2,000</i>
		<i>\$39,705</i>	<i>\$39,705</i>

2. *provides feedback and assistance to unsuccessful applicants, including other potential funding opportunities that may be available for their projects; and*
3. *delegates authority to the CEO to allocate residual funding from the Bushfire Recovery Community Events 2020/21 Grants program (Round 1 and Round 2) to community events delivered by Council.*

Carried

BACKGROUND

Council's Bushfire Recovery Community Events Grants Program 2020/21 is a funding opportunity made available by Australian and Victorian Governments under the Commonwealth-State Disaster Recovery Funding Arrangements (DRFA), received by Council in July 2020.

The program was developed to assist community groups and organisations to deliver community events in the Alpine Shire and Alpine Resorts. Events aim to bring bushfire affected communities together, build resilience and raise awareness of support services.

The Bushfire Recovery Community Events Grants Program 2020/21 Round 1 was open for applications between 7 December 2020 and 10 January 2021. A total of \$19,450 was awarded through Round 1 at the 2 February Council Meeting.

The Bushfire Recovery Community Events Grants Program 2020/21 Round 2 was open for applications between 1 February and 28 February 2021.

Fourteen applications were received, with a cumulative request of \$47,705 in funding.

The applications were reviewed by an assessment panel comprising:

- Five community members from the Alpine Community Recovery Committee (CRC);
- Alpine Shire Councillor; and
- Council's Manager Economic and Community Development.

The assessment panel has recommended that 12 applicants receive funding through the Bushfire Recovery Community Events 2020/21 Grants Program, with all 12 to receive the full amount of funding requested.

ISSUES

Two applications have not been recommended for funding through the Bushfire Recovery Community Events 2020/21 Grants Program, for the reasons outlined below:

Applicant	Project Title	Grant Request	
DPRBOS – Dinner Plain Residents and Business Operators Society	Dinner Plain Community Easter Events	\$3,000	Not supported as the event is not related to bushfire recovery, and Council will be supporting Easter events in Dinner Plain through normal budgeted activities.
Bright & District Pony Club	Bright & District Pony Club Show Jumping Event	\$5,000	Not supported because this event will not benefit the broader community, as it is an activity not accessible by a majority of the community. An open day would have been more favourably supported.
Total		\$8,000	

POLICY IMPLICATIONS

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

- A thriving and connected community

FINANCIAL AND RESOURCE IMPLICATIONS

Council received \$200,000 of funding from the Victorian and Commonwealth Government's "Community Bushfire Recovery 2020, Community Events Grant". The recommended allocation of \$39,705 through this funding program meets the requirements of this grant fund.

Unspent funds from this funding program are proposed to be reallocated to other community events to be managed directly by Council.

CONSULTATION

The Community Events Grants Program was advertised through local media, on Council's website and Facebook page, the Alpine Community Recovery Committee, and emailed to community groups through the Alpine Shire.

An assessment panel including one Shire staff, one Shire Councillor, and representatives from across the Shire and Resorts assessed the grant funding applications, and provided the recommendations contained within this report.

CONCLUSION

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

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 Bushfire Recovery
- Manager Economic and Community Development

ATTACHMENT(S)

Nil

Cr Nicholas re-entered Council Chambers at 6.04pm.

8.2.6 Street Sweeper Purchase

INTRODUCTION

This report relates the potential purchase of a second-hand street sweeper scheduled to be auctioned through an online sale from 8 to 14 April 2021.

Cr Janas

Cr Keeble

That Council:

- 1. delegates authority to the CEO to bid for the purchase of a second-hand Rosmech Scarab Street Sweeper being auctioned through GraysOnline; and*
- 2. in the event a successful bid is placed, the agreed purchase price is to be disclosed at the May 2021 Ordinary Council Meeting.*

Carried

BACKGROUND

Through a competitive tendering process carried out annually, Council currently dry hires a street sweeper for a 12-week period to support the autumn leaf pick up, with the vehicle being operated by Council staff. The hire cost over recent years has been \$47,000 per annum.

Outside of the leaf pick up period, there are a number of additional tasks which could be more effectively and efficiently carried out if a street sweeper was available to the team year-round, but where it is not cost-effective to hire a street sweeper on each occasion that it would be used due to the mobilisation and demobilisation time and costs. These tasks include cleaning litter from the CBD following major events, clean-up after storm events, regular scheduled cleaning of drainage pits and gross pollutant traps, clean-up following oil and fuel spills.

Purchase of a new street sweeper has been evaluated, and based on a purchase price of \$370,000 and use through the 12-week leaf pick-up period only, the payback period has been assessed to be in the range of 6-8 years compared to continuing to dry hire the vehicle. Purchase of a well-maintained second-hand machine at a competitive price is estimated to reduce the payback period to 4-6 years.

An opportunity has presented to bid for the purchase of a second-hand street sweeper through an online auction to be conducted in early April. The street sweeper is being sold by the Rural City of Wangaratta (RCoW), which has already replaced it in their fleet with a new machine. The model of machine being sold is a Rosmech Scarab, which is very familiar to our team, having been the model of street sweeper which has been dry hired and operated by Council's outdoor team over recent years. The machine is in good condition for its age, has a full service history, and we have received positive feedback from the RCoW staff who have operated the machine. The timing for the sale of this machine by the RCoW is triggered from their plant replacement schedule.

ISSUES

Council is not aware of any issues.

POLICY IMPLICATIONS

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

- Incredible places for our community and visitors

FINANCIAL AND RESOURCE IMPLICATIONS

Purchase of a street sweeper is unbudgeted in 2020/21. The purchase can be accommodated at this time without significant impact on Council's Long-Term Financial Plan, and is forecast to have a payback period of 4-6 years.

CONSULTATION

Feedback has been sought from the Director Infrastructure Services, Assets Depot Services Coordinator, and plant operators at the Rural City of Wangaratta to assist in the evaluation of the machine.

CONCLUSION

Purchase of the street sweeper being auctioned through GraysOnline at a competitive price will present value for Council relative to purchase of a new machine. It is recommended that authority be delegated to the CEO to bid for purchase of the machine.

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 Asset Maintenance
- Depot Operations Officer
- Open Spaces Coordinator
- Civil Works Coordinator

ATTACHMENT(S)

Nil

8.3 DIRECTOR COMMERCIAL – RUTH KNEEBONE

8.3.1 Dinner Plain Special Rate (2021/22) Public Notice of Proposed Declaration

INTRODUCTION

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

The purpose of this report is to recommend that public notice is given of a proposed declaration of a Special Rate for the Dinner Plain village applicable to Commercial / Industrial land only in the 2021/22 financial year.

Cr Keeble
Cr Nicholas

That Council:

1. *gives public notice in accordance with s163 of the Local Government Act 1989 of the intention to declare a special rate for the period 1 July 2021 to 30 June 2022 as follows:*
 - a. *a special rate (the Dinner Plain Special Rate) be declared for the purpose of defraying any expenses in relation to the provision of services of special benefit to the owners of Commercial / Industrial land within the Dinner Plain village;*
 - b. *the total cost of the performance of this function is estimated to be \$648,000 over one year, based on inclusion of the following services:*
 - i. *The Dinner Plain to Hotham winter bus service*
 - ii. *Roadways snow clearing*
 - iii. *Cross country snow grooming*
 - iv. *Marketing and events support specific to Dinner Plain*
 - v. *Cable Television Maintenance;*
 - c. *the Dinner Plain Special Rate will apply to Commercial / Industrial land within the Dinner Plain village as defined in the attached map;*
 - d. *the definition of Commercial / Industrial land is the definition provided in the draft Alpine Shire Council Revenue and Rating Plan;*
 - e. *the amount of the Dinner Plain Special Rate to be levied is determined as 43% of the general rate as provided in the Alpine Shire Council draft Budget Report 2021/22;*
 - f. *the amount of the Dinner Plain Special Rate to be levied is estimated to be \$181,000 over one year, or such other amount as is lawfully raised as a consequence of this Resolution;*

- g. the amount of the Special Rate will be the amount shown as due and payable in any notice sent to a person required to pay the Dinner Plain Special Rate;*
- h. each person liable to pay the Dinner Plain Special Rate is to pay by instalments in line with Council's general rate payment requirements each year.*
- 2. invites public submissions in relation to the proposed declaration of the Dinner Plain Special Rate in accordance with s163A and s223 of the Local Government Act 1989;*
- 3. forms a committee according to Section 223 (1)(b) of the Local Government Act 1989, if required, consisting of Councillors for the purpose of hearing submissions in relation to the proposed declaration of the Dinner Plain Special Rate; and*
- 4. considers the Dinner Plain Special Rate for 2021/22 declaration at a Special Council Meeting on 15 June 2021.*

BACKGROUND

The Dinner Plain village has for some time been subject to a Special Rate to defray the expenses associated with services of special benefit to Dinner Plain ratepayers. Within the Alpine Shire Council's draft Council Budget Report 2021/22, this includes:

- the Dinner Plain to Hotham winter bus service (\$270,000)
- roadways snow clearance (\$160,000)
- cross country snow grooming (\$66,000)
- marketing and events support specific to Dinner Plain (\$150,000), an increase of \$10,000 to expand events
- Cable Television Maintenance (\$2,000), a reduction of \$13,000 due to extensive component replacement now completed.

ISSUES

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

This approach was continued in 2019/20 and 2020/21, and it is proposed that it be maintained for the declaration of a Special Rate in 2021/22.

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

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

this is allocated to a reserve, namely the 'Dinner Plain Reserve'. This is inclusive of all relevant income and costs, including, for example, the general rates paid by Dinner Plain ratepayers; an apportionment of general Council grants; an apportionment of Council services relevant to Dinner Plain; an apportionment of Council overheads; all Special Rate costs; and all capital works expenditure in Dinner Plain. Based on current forecasts, Dinner Plain expenditure will continue to exceed income as it has in 2020/21.

It is noted that in line with the 2019/20 Dinner Plain Special Rate declaration, Council is committed to delivery of a pipeline of \$1.5m new and upgrade capital works within Dinner Plain by 2027. It is anticipated that by the end of 2021/22, \$1,507,000 of this pipeline will have been delivered, including:

2017/18 Works

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

2018/19 Works

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

2019/20 Works

- Toboggan and Ski Run Safety Improvements - \$35,000
- Dinner Plain Snowmaking Options Analysis - \$19,000 (\$62,000 total cost, \$43,000 grant funded)
- Dinner Plain Mountain Bike Trails Stage 2 - \$4,000 (\$17,000 total cost, \$13,000 grant funded)
- Dinner Plain Village Detailed Designs - \$15,000
- Dinner Plain Street Name Signage - \$19,000
- Dinner Plain Tube Slide - \$1,000

2020/21 Works (Forecast)

- Dinner Plain Activation - \$81,000 (\$321,000 total cost, \$240,000 grant funded)
- Toboggan and Ski Run Safety Improvements - \$6,000

2021/22 Works (Proposed)

- Dinner Plain Activation - \$900,000 (\$1,200,000 total cost, \$300,000 grant funded)
- Dinner Plain Bus Shelter and Bus Bay (\$40,000 total cost, fully grant funded)
- Dinner Plain Pump Track Design (\$80,000 total cost, fully grant funded)

POLICY IMPLICATIONS

The preparation of the Dinner Plain Village Special Rate 2021/22 is in accordance with the:

- Special Rates and Charges, Ministerial Guidelines, September 2004
- *Local Government Act 1989*
- Draft Revenue and Rating Plan.

FINANCIAL AND RESOURCE IMPLICATIONS

Based on current property valuations across the Alpine Shire, the Dinner Plain Special Rate for 2021/22 is proposing to raise an estimated \$181,000 over the 12-month period. This is significantly less revenue than the cost of the Special Rate services which are estimated to cost \$648,000 over the same period.

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

The Dinner Plain reserve is forecast to be \$297,000 as at 30 June 2022.

CONSULTATION

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

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

Under Section 223 of the *Local Government Act 1989* a person has a right to make a submission on the proposed Dinner Plain Special Rate for 2021/22 and any submission must be considered before adoption of the budget by Council. Council must allow a minimum 28 days after the public notice to receive submissions. A person has the right to have their submission heard at a committee formed according to Section 223 (1)(b) of the *Local Government Act 1989*, if required, consisting of Councillors for the purpose of hearing submissions.

CONCLUSION

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

Council is giving public notice of the intent to declare a Dinner Plain Special Rate of 43% of the general rate for rateable residential properties for the period 1 July 2021 to 30 June 2022 in accordance with Section 163 of the *Local Government Act 1989*. It is

proposed to declare the Dinner Plain Special Rate at a Special Council Meeting on 15 June 2021.

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 Commercial
- Director Assets
- Manager Corporate
- Rates Coordinator

ATTACHMENT(S)

8.3.1 Dinner Plain Village Rate Map

8.3.2 Draft 2021/22 Budget Report

INTRODUCTION

The purpose of this report is to receive the draft 2021/22 Budget Report for the Alpine Shire Council.

Cr Nicholas

Cr Prime

That Council:

- 1. prepares the draft Alpine Shire Council 2021/22 Budget Report annexed to this resolution and featuring a 1.5% rate increase, for the purposes of section 94(1) of the Local Government Act 2020;*
- 2. authorises the Chief Executive Officer to:*
 - a. give public notice of the preparation of the draft Alpine Shire Council 2021/22 Budget Report in accordance with section 223 of the Local Government Act 1989;*
 - b. make available for public inspection the information required in accordance with the Local Government (Planning and Reporting) Regulations 2020;*
- 3. invites public submissions on any proposal contained in the budget made under section 223 of the Local Government Act 1989, with submissions closing 3pm, 13 May 2021;*
- 4. forms a committee according to Section 223 (1)(b) of the Local Government Act 1989, if required, consisting of Councillors for the purpose of hearing submissions in relation to the draft Alpine Shire Council 2021/22 Budget Report; and*
- 5. considers a recommendation to adopt the 2021/22 Budget Report at a Special Meeting of Council on 15 June 2021.*

Carried

ISSUES

Based on ongoing community consultation, Council has prepared a draft Annual Budget for 2021/22 which is aligned to the vision in the Council Plan 2017-21.

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

This Budget projects a surplus of \$7.2m which is influenced by:

- a. A Rate increase of 1.5%, in line with the Fair Go Rates System which caps Victorian Council rate increases in line with inflation
- b. Capital works expenditure totalling \$14m in 2021/22, delivering the largest Capital Works Program that Council has embarked on to date reflecting a steady

- pipeline of asset renewal and increased development activity as a result of many successful Grants applications
- c. An increased material and services budget arising from the additional Capital Works projects, various Strategic Planning projects, additional landfill levy costs and triennial Elm Leaf Beetle treatment
 - d. A temporary increase in staffing levels in response to changing service requirements, including continued support for Bushfire Recovery initiatives, circular economy, climate action initiatives, increased demand for statutory planning services and an increase in capacity required to deliver the Capital Works program.

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

In addition, a full review of Council fees and charges has been conducted. Fees have been increased or decreased in line with movements in the actual costs to provide various services.

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

POLICY IMPLICATIONS

The draft 2021/22 Budget is prepared in accordance with the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020*.

There is a transition period between the previous *Local Government Act 1989*, and the new *Local Government Act 2020*, with the draft 2021/22 Budget being the first prepared under 2020 legislation.

Where previously the Budget was for a single year, the new requirement is for the Budget to cover a four-year period, including the budget year 2021/22, and the subsequent three financial years.

Rating provisions remain in the *Local Government Act 1989*, with no set timeframe for a transition to the *Local Government Act 2020*. 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 2021-2025 Council Plan is currently in development, with community engagement occurring during March and April 2021. The major themes identified during this consultation have been used to show the linkage between the Budget and the Council Plan, as required by the *Local Government Act 2020*. Where these themes are developed more fully in the time between the draft Budget being released and the final version to be adopted in June, Council will ensure that these changes are clearly identified. They will not change the content or deliverables of the Budget itself but will provide a more complete linkage to the Council Plan. In future years, the Council Plan will be already in place during Budget development and will inform the themes and deliverables in the Budget document.

FINANCIAL AND RESOURCE IMPLICATIONS

Council prepares its draft Budget with the objective of balancing long term financial sustainability and prioritised delivery against community needs. The draft 2021/22 Budget forecasts an operating surplus of \$7.2 million dollars and a working capital ratio of 4.5.

Materials and services expenditure has increased due to the additional capital works projects. Departmental budgets have largely been managed to remain flat or have increased with the Consumer Price Index.

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. Section 96(2) provides for Council to run a consultation process in accordance with the previous *Local Government Act* for the draft 2021/22 Budget if a community engagement policy is not in place.

Special Rates are still governed by the requirements of the *Local Government Act 1989* and must include a public consultation process. It is considered prudent that Council mirrors this process for public consultation and submissions regarding the draft 2021/22 Budget, as the draft 2021-22 Budget contains assumptions based on the inclusion of a Dinner Plain Special Rate.

Under Section 223 of the *Local Government Act 1989*, Council is required to give public notice that it intends to adopt the draft 2021/22 Report. It must allow a minimum 28 days after the public notice to receive submissions and make the Draft 2021/22 Budget Report available for inspection at its offices and on its website.

Under Section 223 of the *Local Government Act 1989* a person has a right to make a submission on any proposal contained in the budget and any submission must be considered before adoption of the budget by Council. A person has the right to have their submission heard at a committee formed for the purpose of hearing submissions.

Council officers undertake community engagement processes throughout the year to assist with the development of the budget. The final step is for Council to adopt the budget after receiving and considering all submissions from interested parties. The budget is required to be adopted by 30 June.

CONCLUSION

The draft 2021/22 Budget has been prepared in accordance with Alpine Shire Council's Council Plan 2017-21 strategic objectives and the *Local Government Act 2020*. The draft Budget Report is presented for Council's consideration and public exhibition.

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 Commercial
- Director Assets
- Manager Corporate
- Accountant

ATTACHMENT(S)

8.3.2 Alpine Shire Council draft 2021/22 Budget

8.3.3 Draft Revenue and Rating Plan

File Number: 951.01

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.

*Cr Keeble
Cr Chalwell*

That Council:

- 1. endorse the Draft Revenue and Rating Plan for public exhibition*
- 2. invites public submission regarding the Draft Revenue and Rating Plan*
- 3. if submissions requesting changes to the policy are received, hears submission at a time to be determined; and*
- 4. reviews and considers adopting the Draft Revenue and Rating Plan at its special meeting on 15 June 2021.*

Carried

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 is a new requirement. It is for a four year 'block' period starting in June in the year after each general election.

ISSUES

The purpose of the Revenue and Rating 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 will identify financial and revenue related risks and ensure 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.

POLICY IMPLICATIONS

- The plan is an important part of Council's integrated planning framework, all of which is created to help Council achieve its Vision "The Alpine Shire provides outstanding opportunities for its residents and visitors through sustainable growth in balance with the natural environment."
- Strategies outlined in the plan align with the objectives contained in the Council Plan, in particular, "A responsible and Sustainable Organisation" and will feed into Council's budgeting and long-term financial planning documents, as well as other strategic planning documents under Council's strategic planning framework.
- The Revenue and Rating plan is underpinned by policies that provide stability and predictability.
- Council's strategic risk register refers to the Revenue and Rating Plan as a control for the risk of Financial Sustainability.

FINANCIAL AND RESOURCE IMPLICATIONS

The plan will explain how Council calculates the revenue needed to fund its activities, and how Council revenue will be apportioned between ratepayers and other users of Council facilities and services.

This plan will set out decisions that Council has made in relation to rating options available to it under the *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.

CONSULTATION

Community Engagement

The following public consultation process will be followed to ensure due consideration and feedback is received from relevant stakeholders:

Draft Revenue and Rating Plan Action	Month
Draft Revenue and Rating Plan prepared by Council officer	March 21
Community engagement undertaken in accordance with the Act 2020	April/May
Public submissions invited	April 21
Public submission period closes	May 21
Final Revenue and Rating Plan (including any revisions) adopted	June 21

CONCLUSION

Council must prepare and adopt a Revenue and Rating Plan for a period of at least four years, to be adopted by 30 June 2021, following the Council election.

The plan provides a medium-term plan for how Council will generate income to deliver on the Council Plan, program and services and capital works commitments over a four-year period. It defines the revenue and rating 'envelope' within which Council propose to operate.

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 Commercial
- Manager Corporate
- Rates Coordinator

ATTACHMENT(S)

8.3.3 Draft Alpine Shire Revenue and Rating Plan

8.3.4 Councillor Gift Policy

INTRODUCTION

This report provides for the adoption of a Councillor Gift Policy, which is a requirement of the *Local Government Act 2020*. The policy must be adopted prior to 24 April 2021 and include procedures for the maintenance of a Councillor Gift Register.

Cr Nicholas
Cr Prime

That Council:

- 1. adopt the Councillor Gift Policy (Policy 118, version 1);*
- 2. notes that all references to "elected members" in the Gifts, Benefits and Hospitality Policy (Policy 65) are superseded on the adoption of the Councillor Gift Policy (Policy 118, version 1); and*
- 3. sign and seal the Councillor Gift Policy (Policy 118, version 1) at the appropriate stage of this meeting.*

Carried

BACKGROUND

Council has a long-standing Gifts, Benefits and Hospitality Policy (policy 65), which covers the receipt of gifts by both staff and "elected members". This policy was not required by legislation, but was seen as best practice in management of conflict of interest.

The introduction of the *Local Government Act 2020* (LGA 2020) means that Council must adopt a Councillor-specific Gift Policy by 24 April 2021, and a separate Staff Gift Policy by 31 December 2021. The Councillor Gift Policy adopted under s138 of the LGA 2020 must include procedures for the maintenance of a Councillor Gift Register.

ISSUES

New policy

The Councillor Gift Policy proposes that:

- All gifts offered to Councillors valued greater than \$50 be declared in the Councillor Gift Register, whether accepted or declined
- All gifts offered to Councillor valued greater than \$200 be discussed with the Mayor, and declared in the Councillor Gift Register, whether accepted or declined
- A Councillor Gift Register be maintained, and made available on Council's website

The Councillor Gift Policy also provides additional definitions and guidance for Councillors to assist them in determining whether a gift is acceptable or must be declined. It is important that where a Councillor considers that accepting a gift may

constitute a Conflict of Interest, that the gift is declined. The policy requires that any gift offered to Councillors that they believe is an attempt to bribe, is declined and reported immediately to the Mayor and CEO.

Other LGA 2020 requirements

- Councillors must be aware of requirements in the LGA 2020, as they relate to gifts:
- Sections 126-131, regarding Conflict of Interest
- Sections 132-136, regarding Personal Interests Returns and declarations of gifts above the 'gift disclosure threshold' (currently \$500)
- Section 137, regarding Anonymous gifts.

Existing policy

While the Councillor Gift Policy must be adopted in April, the Staff Gift Policy is not required until December 2021. This means that Council requires the Gifts, Benefits and Hospitality Policy (policy 65) to continue to apply to staff until a new Staff Gift Policy is adopted.

This report includes a recommendation to negate the provisions that apply to "elected members" in policy 65, while keeping those provisions as they apply to staff. Once a Staff Gift Policy is adopted, the previous policy 65 will be revoked.

POLICY IMPLICATIONS

Adoption of a Councillor Gift Policy is a requirement of s138 of the *Local Government Act 2020*. The policy must be adopted by 24 April 2021, and must include procedures for the maintenance of a Councillor Gift Register.

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

- A high performing organisation

FINANCIAL AND RESOURCE IMPLICATIONS

The Councillor Gift Policy has been developed by officers; utilising guidance provided by better practice examples from Local Government Victoria. The maintenance of a Councillor Gift Register will occur as part of the support currently provided to Councillors. No additional financial costs are required.

CONSULTATION

The Councillor Gift Policy governs the way that Councillors must deal with the receipt of gifts. The policy does not impact on the community, and therefore does not require community engagement prior to adoption.

The draft Councillor Gift Policy has been discussed with Councillors, including their responsibilities for management of conflict of interest and declaration of gifts under the LGA 2020.

CONCLUSION

Adoption of the Councillor Gift Policy will ensure compliance with the *Local Government Act 2020*, providing a framework and guidance for Councillors in the management and disclosure of gifts.

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 Commercial
- Manager Corporate
- Governance Officer

ATTACHMENT(S)

8.3.4 Councillor Gift Register

8.3.5 Harrietville Community Green Waste Facility Lease

File Number: 1801.08.00

INTRODUCTION

This report relates to the leasing of land in Harrietville for the purpose of the operation of a community green waste facility for land contained in Lot D Plan of Subdivision PS200281Q located off Newmans Lane Harrietville.

It is proposed to enter into a lease with the Harrietville Community Forum (HCF) for the purposes of the provision of land for a community green waste facility off Newmans Lane Harrietville.

A lease has been prepared for a period of 1 year. There are no further terms provided under the lease. The terms under the lease have been agreed by HCF. A review of the operations of the facility under the terms of the lease and continued demand will be undertaken in December 2021 to determine if any further lease terms will be proposed into the future.

Cr Keeble
Cr Nicholas

That Council:

- 1. approve and execute the lease of property forming part of Lot D PS200281Q located off Newmans Lane Harrietville to the Harrietville Community Forum for a community green waste facility under the following terms:*
 - a. annual rental of \$1.00;*
 - b. the lease term to be set at one year;*
 - c. Council to contribute \$5,000 per annum to the operations of the facility; and*
 - d. the lessee to establish an effective management group to take responsibility for the operation and administration of the premises.*
- 2. sign and seal the lease document at the appropriate stage of the Council meeting.*

Carried

BACKGROUND

In October 2010 Council entered into a Memorandum of Understanding (MoU) with the Harrietville Community Building Initiative Committee for the provision of land and mulching support for a community green waste facility off Newmans Lane Harrietville. The objective of the MoU was to provide a secure and environmentally acceptable location for mulching and recycling of hard tree waste composed of garden pruning, tree cuttings, clippings and branches.

The MoU called for a formal review after three (3) years and could be terminated by mutual agreement by one month's written notice by either party. Necessary approval from the Environmental Protection Agency and a Planning Permit was obtained in 2011. The infrastructure was built in 2012 as a community project using funding from the MacPherson Smith Community Alliance Trust obtained by the Harrietville Community Building Initiative.

In December 2018, following consultation with the Harrietville Community Forum (HCF), an extensive review of the operating model of the facility and continuing community support for the operations of the facility, Council entered into a lease with HCF for the continued use of the site for the community green waste facility.

The lease was for a period of two (2) years and provided for an annual contribution from Council of \$3,000 to support operating costs of the site.

The lease has come to an end and Council is proposing to enter into a new short-term lease arrangement with HCF over the site.

The terms of the lease will be the same as the previous lease except for the term, to be one year only, and the financial contribution from Council, to be increased to \$5,000 for the one-year period.

Key terms under the lease are:

- Term: 1 year
- Rent: \$1 p.a.
- Council contribution: \$5,000 p.a. for the term of the lease (in lieu of undertaking mulching functions)
- Insurance: Lessee to hold Public Liability cover of \$20,000,000.
- The Lessee to establish an effective management group to take responsibility for the operation and administration of the premises.
- The lessees to develop membership documents including a Members Agreement and User Guide including confirmation of induction for members to the site
- The lessee to provide Safe Working Method documents for the activities being undertaken at the site
- Any mulching on the site to be undertaken by a licensed operator who has provided evidence of current public liability insurance
- Mulching is not to be undertaken while any members of the public are on site
- HCF is responsible for all costs associated with the operations of the facility
- HCF is responsible for successful conduct of the mulching service, including advertising and promotion, membership, security, maintenance, monitoring, disposal of foreign material and beautification

Under Section 5(2)(d) of the *Local Government Act 1989*, Council is able to acquire, hold, deal with or dispose of the property (including land) for the purposes of performing its functions and exercising its powers.

Section 115 of the *Local Government Act 2020* (the Act) notes restrictions on Councils power to lease land. These being:

1. A Council's power to lease any land to any person is limited to leases for a term of 50 years of less;
2. Council must include its lease proposal in its financial budget if the lease is:
 - For a year or more and the annual rent of current market rent is \$100,000 or more per annum; or
 - for 10 year or more.
3. If Council proposes to enter a lease exceeding the above thresholds which has not been included in its financial budget, Council must undertake a community engagement process in accordance with its community engagement policy before entering a lease; and
4. If a lease proposal is below the above thresholds, the lease does not need to be included in Council's financial budget, nor is any community engagement process required.

As this lease is for a period of one (1) year and the rent set at \$1 p.a. there is no requirement to undertake community engagement or include in Council's financial budget.

Lease documentation has been developed for the purpose of entering into a short-term lease of this land.

Having met its obligations under Section 115 of the Act, Council may enter into the lease through by executing the lease document at the appropriate stage of this meeting.

ISSUES

The Recycle Victoria 10-year plan requires Councils to develop kerbside transition plans for the separation of food/organic material from kerbside waste bins and glass from kerbside comingled bins. A likely method of achieving the separation of food/organic waste from kerbside waste bins is through the introduction of a kerbside food organics/garden organics (green lid) bin. The introduction of this service could significantly reduce the volume of materials to be received and processed at the Harrietteville site subject to the proposed lease. Council is currently undertaking further market testing and service modelling options which is anticipated to be completed prior to July 2021.

Due to the requirement to develop a food/organics separation model, Council considers if appropriate that the proposed lease is only for a period of one year during which time there may be a clearer direction for any changes to Council's kerbside services.

In 2020 Council received a budget submission from HCF for support funding under the lease to be increased from \$3,000 to \$4,000. At the time this submission was not approved by Council. In reviewing the volumes and costs associated with the operation of the green waste facility since January 2020, Council considers the increase of support funding to \$5,000 for the one year of the lease to be suitable and sufficient to enable to the continued operation of the facility during the term of the lease.

POLICY IMPLICATIONS

The process is in accordance with the *Local Government Act 2020*. The recommendation is consistent with the following Strategic Objective of the Council Plan 2017-2021:

- Highly utilised and well managed community facilities

FINANCIAL AND RESOURCE IMPLICATIONS

Under the lease, Council has a commitment to pay \$5,000 to the tenant for the purposes of undertaking the operations of the site. There is provision of \$5,000 in the 2021/22 draft budget for this purpose. The annual lease income is \$1.

CONSULTATION

Consultation has been undertaken with the Harrietville Community Forum regarding the operation of the site and the proposed lease of the land. Legal advice was received regarding lease and insurance considerations in the preparation of the 2018 lease.

CONCLUSION

The proposed lease will allow the Harrietville Community Forum to operate a community green waste facility on the site for use by the Harrietville community.

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 Commercial
- Manager Facilities

ATTACHMENT(S)

Nil

8.3.6 Retail Lease 5 Elm Court, Bright

File Number: Elm Court Lease

INTRODUCTION

Council is Committee of Management for a parcel of land at 5 Elm Court, Bright and identified as Crown Allotment CA 2E SEC C2. The land and buildings have been subject to a lease for the past five (5) years ending 10 February 2021.

Expressions of interest seeking tenants have been invited and the purpose of this report is to issue a lease to the recommended tenant.

Cr Keeble left Council Chambers at 6.31pm as he declared conflict of interest.

Cr Nicholas

Cr Prime

That Council, subject to Section 17D of the Crown Land (Reserves) Act 1978 and approval by the Minister for Environment, Climate Change and Water:

- 1. approve and execute a lease of property identified as Crown Allotment CA 2E Section C2, to Kerrie Sinclair for use as a dance studio under the following terms:*
 - a. annual rental amount be set at \$6,750 + GST per annum,*
 - b. the lease term be set at 2 years, with a further option of a 3-year term available at the end of the initial term*
 - c. the rental amount to be indexed by CPI at the commencement of each year within each term,*
 - d. a market review of rental is undertaken at the completion of the initial term to determine rent for the further term*
- 2. sign and seal the lease document at the appropriate stage of the meeting; and*
- 3. send the lease to the Minister for Environment, Climate Change and Water for approval.*

Carried

BACKGROUND

The property is located in Elm Court Bright and was formerly the Bright Kindergarten. After the relocation of the Bright Kindergarten to the Alpine View Children's Centre the property was vacant from January 2013 until February 2016.

Following an Expressions of Interest process a lease was awarded to Kerrie Sinclair in February 2016 for a term of five (5) years for the use of the property as a dance studio.

This current lease expired on 10 February 2021.

Expressions of Interest have been invited for tenancy of the property after the end of the current lease term. The Invitation for Expressions of Interest was advertised in local papers and on Council's website.

Council only received one submission, being from the incumbent tenant.

PROPOSED LEASE

A lease document has been prepared and is ready for signature by both parties. The terms and conditions of the lease are the same as the current lease entered into with Kerrie Sinclair in 2016 other than for the length of terms and rental conditions.

As Council is the Committee of Management over this parcel of Crown Land the lease is issued under Section 17(D(4)(c) of the Crown Land (Reserves) Act 1978 as a Retail Lease.

The existing lease was prepared in conjunction with Department of Environment, Land, Water and Planning, Kerrie Sinclair and Maddocks Lawyers. There is no requirement to amend the terms and conditions of the existing lease, other than terms relating to rent, further terms and market review, therefore these terms and conditions have been used for the new lease.

POLICY IMPLICATIONS

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

- Highly utilised and well managed community facilities

FINANCIAL AND RESOURCE IMPLICATIONS

Commencement rent for the lease will be \$6,750 + GST. A market valuation has been received for the current rent that is within 2% of the proposed rental. A market review of rent will also be undertaken at the end of the initial two year term.

CONSULTATION

An invitation for the Expression of Interest for the tenancy of the property was advertised in local papers and on Council's website. The EOI was open for a 4-week period between 8 December 2020 and 4 January 2021. Council received one submission. Consultation with other Council Officers determined that there was no current or anticipated requirement for the use of the property for other purposes.

CONCLUSION

The Lease document:

1. represents good use of the property; and
2. the maximum length of the lease being five year term provides an opportunity to review future use of the property.

That Council execute the lease with Kerrie Sinclair and forward to the office of the Minister for Environment, Climate Change and Water for approval and signing.

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
- Manager Facilities

ATTACHMENT(S)

Nil

Cr Keeble re-entered Council Chambers at 6.35pm.

8.3.7 Contract No. CT21006 Collection, Transportation and Disposal of Waste from Myrtleford Transfer Station

Contract No CT21006

INTRODUCTION

The purpose of this report is to recommend the award of a contract for the Collection, Transportation and Disposal of Waste from Myrtleford Transfer Station. Council's approval is required due to the Chief Executive Officer's threshold of \$150,000 being exceeded.

Cr Janas
Cr Nicholas

That Council:

- 1. award Contract CT21006 Collection, Transportation and Disposal of Waste from Myrtleford Transfer Station to Veolia Environmental Services (Australia) Pty Ltd for a two (2) year term, plus one option to extend for a further one year. The cost of the tender for the first year (based on estimated volumes at per tonne cost) is \$471,886 + GST; and*
- 2. the contract be signed and sealed at a future meeting.*

Carried

BACKGROUND

Council's Myrtleford Transfer Station is the receiving point for Councils kerbside waste and acts as a transfer hub for waste coming from Porepunkah and Mount Beauty Transfer Stations.

Council's current contract for the Collection, Transportation and Disposal of Waste from Myrtleford Transfer Station is due to close on 26 April 2021 and as a result a new tender process was undertaken to procure the waste transfer services over the next three years.

The tender was released on 5 February 2021 and closed on 8 March 2021.

Advertisements were placed in local papers, the Border Morning Mail, Herald Sun and on tenders.net.

A number of landfill operators, waste contractors and transport companies were notified of the tender.

Through the tender process 12 companies uploaded tender documentation and three submissions were received. These tenders were evaluated against the criteria below.

EVALUATION

All three submissions to the tender were conforming and evaluated in accordance to the key selection criteria listed in the Invitation to Tender as follows:

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

Following the initial assessment of the submissions to the tender, clarification was sought from tenderers regarding their proposed methodology of waste collection and relevant pricing.

ISSUES

The tender provided the option for contractors to submit prices in separable portions as follows:

- a. The price per tonne to collect and transport and disposal (gate fees) of waste from Myrtleford to an Environmental Protection Authority (EPA) licenced landfill nominated by the contractor;
- b. The price per km or per hour to collect and transport waste from Myrtleford to an EPA licenced landfill nominated by Council; and
- c. The disposal (gate fees) and other charges for receipt of waste delivered from Myrtleford Transfer Station at an EPA licenced landfill.

This enabled Council to consider and assess options for disposal at different landfills across Victoria and have the potential to specify the landfill for waste disposal.

The three submissions received comprised of one waste transport contractor, one waste transport/landfill operator and one landfill operator. Two of the submissions provided pricing for an end to end service i.e. collection, transportation and disposal of waste, two submissions included collection and transportation pricing and two included landfill gate fee only pricing.

These submissions provided Council with various options for evaluation against the price and environmental criteria and provided.

The submissions to the tender included disposal options at three Victorian landfills including Patho Landfill (operated by Veolia), Bowser Landfill (operated by Rural City of Wangaratta) and the Hanson Landfill located in Wollert.

Given the variation in distances to the three landfills, consideration was given to assessing all options for the transport of waste to each landfill by each contractor. This included assessing and appropriately scoring the costs associated with the transport to each landfill and the associated greenhouse gas emissions.

Although the Patho Landfill incurs the greatest amount of kms travelled and Green House Gas emissions associated with the transport of waste, it is still the most economical option for Council. If Council were to choose the closest local Landfill at Bowser for waste disposal it would cost Council 41% more in contract costs.

Due to the Hanson Landfill in Wollert being located with Greater Metropolitan Melbourne it attracts the Metropolitan Municipal and Industrial Landfill Levy (MILL) which from 1 July 2021 will be \$105.90 per tonne or double the regional MILL that would apply at the other landfills provided as options.

All tenderers provided evidence of approved methodology and experience in undertaking the Collection, Transportation and Disposal of Waste from Myrtleford Transfer Station.

Following the final evaluation, it has been determined that the tender from Veolia Environmental Services (Australia) for the collection, transportation and disposal of waste at the Patho landfill best meets the selection criteria.

In reviewing the submissions and with consideration to the timing of future regional kerbside waste contracts and possible impacts of the Recycle Victoria program it is recommended Council enter into an initial contract term of two years with an option (to be exercised by Council) of a further one year. The decision to exercise this option would need to be made by January 2023.

POLICY IMPLICATIONS

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

- Highly utilised and well managed community facilities

FINANCIAL AND RESOURCE IMPLICATIONS

Services under this contract are estimated to cost \$471,886 (plus GST) for the first year of the contract (based on estimated volumes at a per tonne cost). The MILL has been included in this figure as these costs will be charged to Council by the receiving landfill under the contract. The contract will contain a mechanism to apply a CPI adjustment annually on the anniversary of the contract, up to the contract term for transportation and disposal charges.

A two year, plus one contract is estimated to cost Council \$1,464,750 (plus GST) with the exact contract amount varying due to actual waste volume.

The MILL will be recovered by the contractor under this contract but is to be represented separately on all invoices and is to reflect the MILL and or other statutory charges that may apply to the disposal of landfill materials at any given time. The Victorian Government has announced that the regional MILL will increase to \$52.95 on 1 July 2021 and \$62.95 on 1 July 2022. These increases have been provided for in the figures above.

CONSULTATION

Consultation was sought from the North East Waste and Resource Recovery Group (NEWRRG) to help inform the timing of a waste to landfill contract, to ensure Council would not miss an opportunity for any future collaboration projects across regional Victoria for waste collection, transportation and disposal of waste. Council also sought

advice through NEWRRG on the classification of landfill levies under the new *Environment Protection Act 1970* (the Act).

CONCLUSION

That based on the evaluation criteria, Veolia Environmental Services (Australia) offers the best value for the tendered services and that Council enter into a contract with Veolia Environmental Services (Australia) for the delivery of these services for a period of two years with one-year option to extend.

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 Commercial
- Manager Facilities
- Sustainability Coordinator

ATTACHMENT(S)

Nil

8.3.8 Contract No. CT21017 Working for Victoria Labour hire

File No: CT20117

INTRODUCTION

This report relates to the award of a contract for the provision of labour hire services to support the delivery of the Working for Victoria program.

Cr Nicholas

Cr Janas

That Council:

- 1. awards Contract No CT21017 for Working for Victoria Labour Hire to MomentumOne Shared Services Pty Ltd for an estimated service cost of \$1.23M+GST.*
- 2. sign and seal Contract CT21017 at the appropriate stage of this meeting.*

Carried

BACKGROUND

The \$500 million Working for Victoria Fund is designed to enable the delivery of critical community services to support the Government's coronavirus (COVID-19) response. Council was successful in obtaining a \$1.496m grant from the *Department of Jobs, Precincts and Regions* to recruit into 31 new and critical roles for the duration of the project. An opportunity was identified to improve internal efficiencies by engaging MomentumOne Shared Services Pty Ltd (MomentumOne) to provide labour hire services for the program.

The services provided under this contract include:

- Develop position descriptions and requirements of project roles using Alpine Shire Council templates and style guides (with the assistance and oversight of Council Management)
- Lead the recruitment into project roles from applicants already enrolled in the Sidekicker site who have expressed an interest in working with Alpine Shire
- Undertake pre-employment checks including criminal record checks, reference checks, working with children checks and qualification verification (where relevant)
- Onboard and induct all Working for Victoria project employees
- Undertake ongoing payrolling functions for the duration of the project, including associated superannuation and PAYG tax obligations
- Provide access to systems for the rostering and approval of timesheets for Working for Victoria project employees

ISSUES

Labour hire and payrolling can be undertaken under contract by registered labour hire firms in Victoria. The writing of position descriptions, induction and onboarding and

ongoing liaison with management through the engagement would not generally be a function undertaken by a labour hire company.

Council demonstrated through a benchmarking exercise that provision of these support services by MomentumOne provided best value for Council and Ministerial approval was obtained on the 1 September 2020 under section 186(5)(c) of the *Local Government Act 1989* to enter into the contract with MomentumOne for the provision of labour hire services to administer and implement the Working for Victoria program.

POLICY IMPLICATIONS

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

- A High Performing Organisation

FINANCIAL AND RESOURCE IMPLICATIONS

\$1.496M grant funding has been provided through the Working for Victoria Fund. The majority of this funding will be directly passed through the contracted supplier to pay Working for Victoria project employee wages and oncosts. Working for Victoria project employee payments will be in line with the Alpine Shire Council Enterprise Agreement (the Agreement) banded rates and Working for Victoria project employees are eligible for all allowances and payments payable under the Agreement.

MomentumOne has provided a detailed proposal detailing the governance arrangements to be used while undertaking the required services. Should all Working for Victoria approved roles be filled for the full program duration, the actual payment to MomentumOne for delivery under the contract would be \$127K (plus GST). Direct wages and oncosts (including superannuation and leave loading) are estimated at \$1.2M.

Other costs associated with delivery of the program that are not paid through MomentumOne include worksafe insurance premiums, vehicle, uniform, personal protective equipment purchasing and associated information technology costs totalling \$230K.

In addition, MomentumOne will invoice for services delivered against actual roles filled. Should the program not be fully subscribed to over the life of the grant agreement, then unfilled roles will not be invoiced or charged.

CONCLUSION

It is recommended that a contract be awarded to MomentumOne for the supply of labour hire services to support the delivery of the Working for Victoria program.

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
- Commercial Officer

It should also be noted that MomentumOne Shared Services Pty Ltd is a subsidiary company of Alpine Shire Council and Towong Shire Council. Alpine Shire Council and Towong Shire Council are joint shareholders and the Chief Executive Officers of Alpine Shire Council and Towong Shire Council are Directors of the company.

ATTACHMENT(S)

Nil

8.3.9 Planning Application P.2020.158

<i>Application number:</i>	<i>P.2020.158</i>
<i>Proposal:</i>	<i>Use and Buildings and Works for the Construction of a Dwelling</i>
<i>Applicant's name:</i>	<i>Peter O'Dwyer (EDM Group)</i>
<i>Owner's name:</i>	<i>Richard and Gail Turner</i>
<i>Address:</i>	<i>90 Clemens Lane, Myrtleford (Land in PC351629D)</i>
<i>Land size:</i>	<i>17.46 hectares</i>
<i>Current use and development:</i>	<i>Vacant site with native vegetation and a shipping container</i>
<i>Site features:</i>	<i>The subject land is of an irregular battle axe shape with frontage to Clemens Lane and Buffalo Creek. The site contains substantial area of native vegetation (approx. 14.89 hectares), a long vehicle access and a shipping container. The site slopes down from the east to the west by approximately 100 metres with an average slope of 27.38%.</i>
<i>Why is a permit required?</i>	<i>Clause 35.07-1 Use (FZ) Clause 35.07-4 Buildings and Works (FZ) Clause 44.04-2 Buildings and Works (LSIO) Clause 44.06-2 Buildings and Works (BMO)</i>
<i>Zoning:</i>	<i>Farming Zone (FZ) and Rural Living Zone (RLZ) (access handle only)</i>
<i>Overlays:</i>	<i>Land Subject to Inundation Overlay (LSIO) (western portion) Bushfire Management Overlay (BMO) (majority of the site)</i>
<i>Restrictive covenants on the title?</i>	<i>None</i>
<i>Date received:</i>	<i>10 December 2020 (Amended Plans)</i>
<i>Statutory days:</i>	<i>70 days at 4 March 2021</i>
<i>Planner:</i>	<i>James Trimble</i>

Cr Nicholas
Cr Prime

That a Notice of Decision to refuse to grant a permit be issued for the proposed Use and Buildings and Works for the Construction of a Dwelling at land contained in PC351629D, 90 Clemens Lane Myrtleford for the reasons identified in appendix 8.3.9(a) and on the following summarised grounds:

- 1. the proposal does not meet the relevant planning permit framework of the Alpine Planning Scheme including relevant State and Local Policies, and the purposes and decision guidelines of the Farming Zone.*
- 2. the proposal does not provide for the orderly planning of the area.*

Carried

PROPOSAL

The use and construction of a new single storey dwelling. The proposed dwelling has a double garage, three (3) bedrooms, two (2) bathrooms, separate laundry, and an open plan family/kitchen/meals. A verandah surrounds the dwelling on three (3) sides.

The minimum setbacks include 174.4 metres to the northern (front) lot boundary (excluding the access leg), 79.5 metres to a southern (rear) lot boundary, and 32.6 metres to the western (side) lot boundary. The maximum building height proposed is 6.24 metres. An associated onsite wastewater disposal area has been indicated to the north of the proposed dwelling.

The plans also indicate a proposed 20 metre by 10 metre shed sited to the south of the proposed dwelling. Minimal information was provided on this proposed shed. The submitted planning application form does not state that this shed forms part of the proposal.



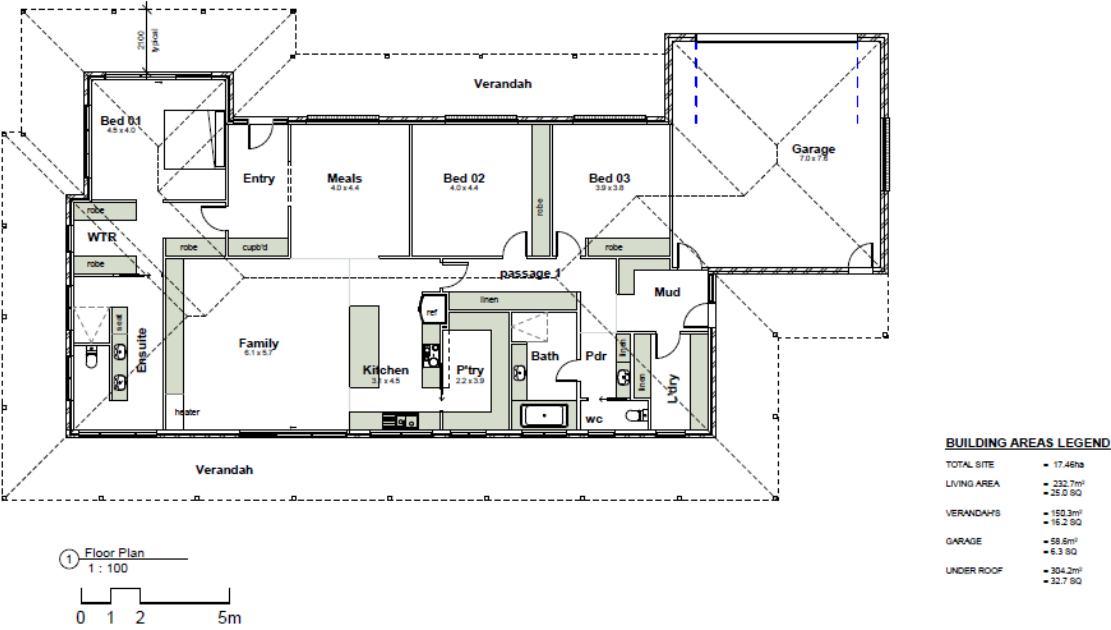




Figure 1: Shows the development layout on site.

SUBJECT LAND AND SURROUNDS

The subject land is of an irregular battle axe shape with frontage to Clemens Lane and Buffalo Creek. The site contains substantial area of native vegetation (approx. 14.89 hectares), a long vehicle access and a shipping container. Approximately 2.57 hectares of the land is cleared land. The site slopes down from the east to the west by approximately 100 metres with an average slope of 27.38%. The site has post and wire boundary fencing.

Surrounding land is zoned Farming Zone and Rural Living Zone.

Surrounding land zoned Rural Living Zone is sited to north, north-east, and north-west of the site. Surrounding land zoned Rural Living Zone is predominantly developed with single dwellings, on lot sizes ranging from approximately 4822sqm to 24.85 hectares.

The site abuts 124 Clemens Lane to the east. 124 Clemens Lane has dual zoning with approximately the front half being Rural Living Zone and the remainder being Farming Zone. The Farming Zone portion of 124 Clemens Lane is predominantly native vegetation.

Land on the opposite side of Buffalo Creek is zoned Farming Zone and consists of predominantly vacant sites, with lot sizes ranging from approximately 14.08 hectares to 63.43 hectares.

The site abuts Lot 2 PS 741934 Clemens Lane, Myrtleford (Lot 2) to the north-west. Lot 2 has dual zoning, with a small north-eastern portion being Rural Living Zone and the remainder Farming Zone. Lot 2 is used for farming (wholesale perennial plant propagation) purposes. It is unprotected cropping. There is an existing endorsed farm

plan for Lot 2 which identifies existing and proposed production expansion areas, sited an approximate minimum distance of 4 metres from the common lot boundary.

Buffalo Creek abuts the site the rear and there is native vegetation along this creek.



Figure 2: 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 surrounding landholders and occupiers. A sign was displayed on the subject land. No objections were received.

REFERRALS

Referrals / Notice	Advice / Response / Conditions
Section 55 referrals	Country Fire Authority - No objection, subject to conditions. Goulburn Murray Water - No objection, subject to conditions. North East Catchment Management Authority - No objection.
Section 52 referrals	Department of Environment, Land, Water and Planning - No objection.
Internal referrals:	Alpine Shire Health Department - No objection, subject to inclusion of a condition. Alpine Shire Engineering Department - No objection, subject to conditions.

PLANNING ASSESSMENT

All applicable policy and decision guidelines can be found in Appendix 8.3.9(b).

State Planning Policy Framework

The following State Planning Policy Framework (SPPF) does not give support to the proposal.

Clause 14.01-1S Protection of Agricultural Land as the proposal does not:

- Prevent inappropriately dispersed urban activities in rural areas.
- Limit new housing in rural areas.
- Limit impacts on the continuation of primary production on adjacent land, with regard to land values and the viability of infrastructure for such production.

Clause 16.01-1S Housing Supply as it does not facilitate well located housing, as it does not reduce the share of new dwellings in greenfield, fringe and dispersed development areas.

Clause 16.01-3S Rural Residential Development as the proposal encourages inappropriate rural residential development.

Local Planning Policy Framework

The following Local Planning Policy Framework (LPPF) does not give support to the proposal.

Clause 21.03-3 Rural lifestyle, subdivision and dwellings as the proposal does not ensure that rural lifestyle use and development is directed to existing areas zoned for rural lifestyle and it has not been demonstrated that the development meets the policy guidelines for rural lifestyle development, ensure that rural dwellings are linked to and required for an agricultural, associated rural activity or rural tourism purpose, and protect rural land from inappropriate development, as:

- It does not limit rural lifestyle use and development to defined rural residential settlements or zoned areas in proximity to urban areas where potential adverse impacts on agricultural and other rural based uses are minimised.
- It does not retain the potential for large scale, broad acre based farming enterprises.
- It does not discourage the proliferation of dwellings not associated with agriculture.
- It has not been demonstrated that the dwelling is required to support a legitimate, established agricultural or rural activity.
- The land has an area of more than 4 hectares and is able to be consolidated with adjoining land used for agriculture.

Clause 21.05-3 Agriculture as the proposal does not recognise the agricultural importance of the highly productive valley floors and protect such land from inappropriate development and land use especially residential expansion, as it does not:

- Reinforce agricultural production as the primary purpose of the Farming Zone.
- Support and encourage the expansion of the horticultural industry.

- Ensure that agricultural land is maintained for the production of agricultural food and raw materials.
- Ensure that rural land is used and developed in a way that will support agricultural production.

Clause 21.06-1 Infrastructure as the proposal does not reduce the loss of agricultural land for the purposes of urban/residential development.

Clause 21.07-11 Rural Precincts as the proposed use and development is not generally consistent with the relevant recommendations of the Alpine Rural Land Strategy (2015). Dwellings in rural areas must protect and complement the agricultural land resource and maintain productive agriculture. The land must be retained for agricultural production.

Clause 22.03-2 Agriculture as the proposal does not prevent land use conflicts and adverse impacts between agricultural and sensitive uses, as the proposal:

- Results in conversion of the land to a non-soil based use and development without a clear associated public benefit which compliments the agricultural production base of the Shire.
- Proposes a use and development which alienates agricultural resources, is sensitive to off-site effects, lessens the capacity of essential infrastructure and may prejudice agricultural resources and agricultural production.

Zoning

The majority of the land including where the proposed dwelling is sited is zoned Farming Zone. This is indicated in green in Figure 3 below. The access handle on the land is zoned Rural Living Zone. This is indicated in brown in Figure 3 below.

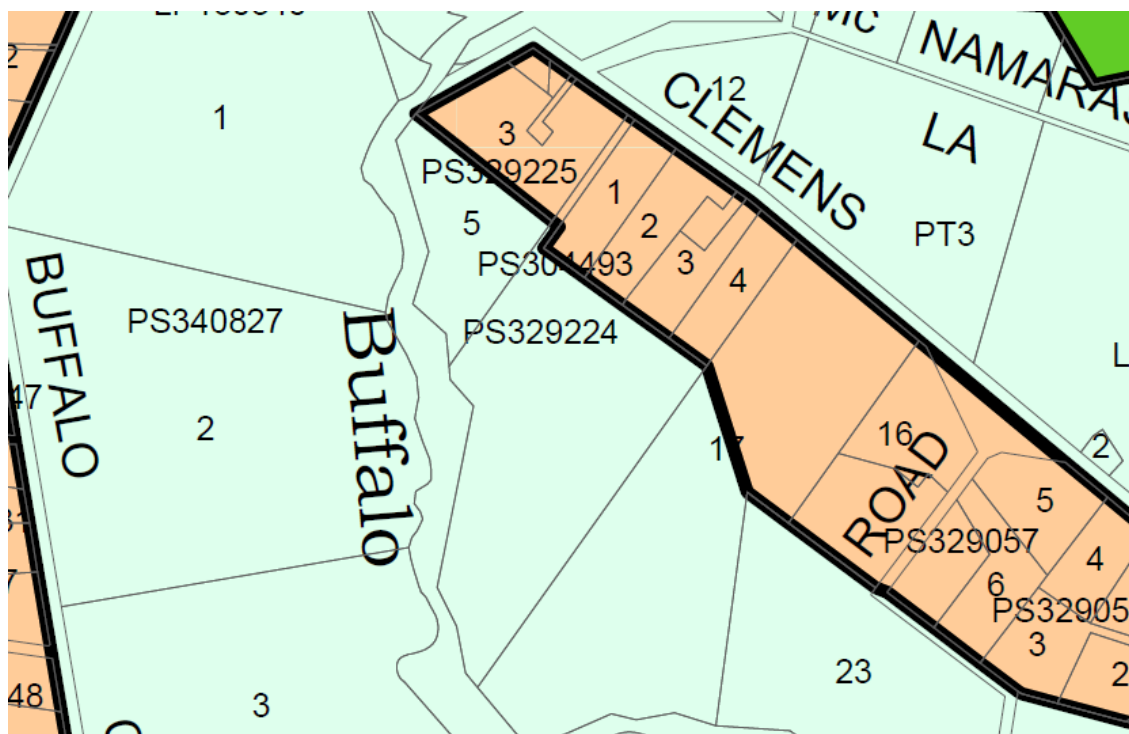


Figure 3: Zoning

Farming Zone

The proposal is inconsistent with the purposes and decision guidelines of the Farming Zone for the following reasons:

- It does not implement the relevant Planning Policy Framework.
- It does not provide for the use of land for agriculture.
- It does not encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- It has not been suitably demonstrated how the proposal relates to sustainable land management.
- The proposal does not support and enhance agricultural production.
- There is potential for the proposal to limit the operation and expansion of adjoining and nearby agricultural uses.

Rural Living Zone

Only vehicle access is proposed within the portion of the land zoned Rural Living Zone. There is no planning permit trigger for the construction of vehicle access within the Rural Living Zone.

Land Subject to Inundation Overlay

A western portion of the land, including where the proposed dwelling is sited is covered by the Land Subject to Inundation Overlay. There is a planning permit trigger for the proposal at clause 44.04-2. The application was referred to the North East Catchment Management Authority (NECMA) for comment. Consent was provided. The application is considered to meet the relevant requirements of the Land Subject to Inundation Overlay.

Bushfire Management Overlay

The majority of the land, including where the proposed dwelling is sited is covered by the Bushfire Management Overlay. There is a planning permit trigger for the proposal at clause 44.06-2. The application was referred to the Country Fire Association (CFA) for comment. Consent was provided. The application is considered to meet the relevant requirements of the Bushfire Management Overlay.

Particular Provisions

Clause 53.02 – Bushfire Planning

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

General Provisions

Clause 65.01 of the Alpine Planning Scheme provides the general decision guidelines that must be considered before deciding on an application. A detailed assessment of the

proposal against the provisions of Clause 65.01 is contained on the planning file – reference no. P.2020.158. The proposal does not provide for the orderly planning of the area.

CONCLUSION

The application is not consistent with the Alpine Planning Scheme and should be refused for the following summarised reasons:

- The proposal does not comply with the relevant State and Local Planning Policy Framework.
- The proposal is inconsistent with the purposes and decision guidelines of the Farming Zone.
- The proposal does not provide for the orderly planning of the area.

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
- Planning Coordinator
- Planning Officer

APPENDICIES

8.3.9(a) Reasons for Refusal

8.3.9(b) Policy and decision guidelines

Appendix 8.3.9(a)

Reasons for Refusal

1. The proposal does not comply with Policy 14.01.1S – Protection of Agricultural Land, as it does not:
 - a. Prevent inappropriately dispersed urban activities in rural areas.
 - b. Limit new housing in rural areas.
 - c. Limit impacts on the continuation of primary production on adjacent land, with regard to land values and the viability of infrastructure for such production.
2. The proposal does not comply the objective of Policy 16.01.1S – Housing Supply, as it does not facilitate well located housing, as it does not reduce the share of new dwellings in greenfield, fringe and dispersed development areas.
3. The proposal does not comply with the objective of Policy 16.01-3S – Rural Residential Development as it encourages inappropriate rural residential development.
4. The proposal does not comply with the objectives of Policy 21.03-3 – Rural lifestyle, subdivision and dwellings as it does not ensure that rural lifestyle use and development is directed to existing areas zoned for rural lifestyle and it has not been demonstrated that the development meets the policy guidelines for rural lifestyle development, ensure that rural dwellings are linked to and required for an agricultural, associated rural activity or rural tourism purpose, and protect rural land from inappropriate development, as:
 - a. It does not limit rural lifestyle use and development to defined rural residential settlements or zoned areas in proximity to urban areas where potential adverse impacts on agricultural and other rural based uses are minimised.
 - b. It does not retain the potential for large scale, broad acre based farming enterprises.
 - c. It does not discourage the proliferation of dwellings not associated with agriculture.
 - d. It has not been demonstrated that the dwelling is required to support a legitimate, established agricultural or rural activity.
 - e. The land has an area of more than 4 hectares and is able to be consolidated with adjoining land used for agriculture.
5. The proposal does not comply with the objectives of Policy 21.05-3 – Agriculture as it does not recognise the agricultural importance of the highly productive valley floors and protect such land from inappropriate development and land use especially residential expansion, as it does not:
 - a. Reinforce agricultural production as the primary purpose of the Farming Zone.
 - b. Support and encourage the expansion of the horticultural industry.
 - c. Ensure that agricultural land is maintained for the production of agricultural food and raw materials.

- d. Ensure that rural land is used and developed in a way that will support agricultural production.
6. The proposal does not comply with the objectives of Policy 21.06-1 Infrastructure as it does not limit the need for new infrastructure and reduce the loss of agricultural land for the purposes of urban/residential development.
7. The proposal does not comply with Policy 21.07-11 Rural Precincts as the proposed use and development is not generally consistent with the relevant recommendations of the Alpine Rural Land Strategy (2015). Dwellings in rural areas must protect and complement the agricultural land resource and maintain productive agriculture. The land must be retained for agricultural production.
8. The proposal does not comply with the objectives of Policy 22.03-2 – Agriculture as it does not prevent land use conflicts and adverse impacts between agricultural and sensitive uses.
9. The proposal does not comply with the policy provisions of Policy 22.03-2 - Agriculture as it
 - a. Results in conversion of the land to a non-soil based use and development without a clear associated public benefit which compliments the agricultural production base of the Shire.
 - b. Proposes a use and development which alienates agricultural resources, is sensitive to off-site effects, lessens the capacity of essential infrastructure and may prejudice agricultural resources and agricultural production.
10. The proposal does not meet the purposes of the Farming Zone as it does not:
 - a. Provide for the use of land for agriculture.
 - b. Encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
11. The proposal does not comply with the decision guidelines at Clause 35.07-6 within the Farming Zone for the following reasons:
 - a. It has not been suitably demonstrated how the proposal relates to sustainable land management.
 - b. The proposal does not support and enhance agricultural production.
 - c. The proposal has the potential to limit the operation and expansion of adjoining agricultural uses.
12. The proposal does not provide for the orderly planning of the area.

Appendix 8.3.9(b)**POLICY AND DECISION GUIDELINES**

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

State Planning Policy Framework

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

- 12.03-1S River corridors, waterways, lakes and wetlands
- 13.01-1S Natural hazards and climate change
- 13.02-1S Bushfire planning
- 13.03-1S Floodplain management
- 14.01-1S Protection of agricultural land
- 14.02-1S Catchment planning and management
- 15.01-2S Building design
- 15.01-6S Design for rural areas
- 16.01-1S Housing Supply
- 16.01-3S Rural residential development

Local Planning Policy Framework

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

- 21.03-1 Townships and villages
- 21.03-2 Rural residential living
- 21.03-3 Rural lifestyle, subdivision and dwellings
- 21.04-1 Native vegetation, biodiversity and environmental values
- 21.04-4 Environmental risk
- 21.04-6 Catchments and waterways
- 21.05-3 Agriculture
- 21.06-1 Infrastructure
- 21.07-11 Rural Precincts
- 22.02-1 Native vegetation and biodiversity
- 22.03-2 Agriculture

Zone

The land is zoned Farming Zone and Rural Living Zone (access handle only)

Overlays

A western portion of the land is covered by the Land Subject to Inundation Overlay.

The majority of the land is covered by the Bushfire Management Overlay.

Particular Provisions

53.02 Bushfire Planning

General Provisions

Clause 65.01 within the Alpine Planning Scheme provides the general decision guidelines.

9. Informal meetings of Councillors

Introduction

In accordance with Chapter 8, section A1 of Council's Governance Rules, if there is a meeting of 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 Nicholas

Cr Prime

That the summary of informal meetings of Councillors for February / March 2021 be received.

Carried

Background

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

Date	Meeting
23 February	Briefing Session
2 March	Briefing Session
16 March	Briefing Session
23 March	Councillor Induction Session
23 March	Briefing Session

Attachment(s)

9.0 Informal meetings of Councillors – February / March 2021

10. General business

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

11. Motions for which notice has previously been given

Nil

12. Reception and reading of petitions

Cr Nicholas

Cr Prime

Council has received a petition containing 171 signatures from Tawonga residents in relation to the community feedback sessions held by the project consultant MDG Landscape Architecture in relation to the draft detailed concept plans for Alpine Better Places Tawonga.

A report will be tabled at the next Ordinary Council Meeting in May 2021.

Carried

13. Documents for sealing

Cr Prime

Cr Nicholas

That the following documents be signed and sealed.

- 1. Section 173 Agreement – Ross McNeil Grant
Lot 2 on Plan of Subdivision 306629U Volume 10048 Folio 529
Condition 12 of Planning Permit 2019.168 for a two lot subdivision and
construction of a single dwelling at 5 Porcellatos Lane, Bright.
The Agreement provides for the implementation of Bushfire Protection
measures, set out in the plan incorporated into the Agreement.*
- 2. Contract No 2009501 in favour of Enervest Pty Ltd for the Design and
Installation of Solar Technology for Council Assets be signed and sealed.*
- 3. Sign and seal Contract CT20117 in favour of MomentumOne Shared Services for
labour hire under the Work for Victoria Program.*
- 4. Councillor Gift Policy (Policy 118, version 1)*
- 5. Sign and seal the Harrietville Greenwaste Lease*
- 6. Sign and seal the Lease in relation to 5 Elm Court, Bright SEC: C2 CA:2E Psh:
Bright (T).*

Carried

There being no further business the Chairperson declared the meeting closed at 7.10p.m.

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Chairperson