

M(7) – 25 JULY 2023

Ordinary Council Meeting

Agenda

The **Ordinary Meeting** of the **Alpine Shire Council** will be held in Council Chambers, Great Alpine Road, Bright on **25 July 2023** and will commence at **5:00pm**.

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.

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

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

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

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

All to stand, the Mayor read the following statement:

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

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

3. Confirmation of minutes

3.1 ORDINARY COUNCIL MEETING – M(6) – 27 JUNE 2023

RECOMMENDATION

That the minutes of Ordinary Council Meeting M(6) held on 27 June 2023 as circulated be confirmed.

4. Apologies

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 Tony Keeble declared a conflict of interest with respect to item 8.2.1 Community Grants Funding in respect to Mount Beauty Tennis Club and their application for funding for the Tennis Club Lighting Upgrade and was not present on the panel while this item was considered.

Cr Katarina Hughes declared a conflict of interest with respect to item 8.2.2 Events Funding as she is a stallholder in "Make It, Bake It, Grow It Market. Cr Hughes is also a committee member of the Porepunkah Op Shop and their application for funding to the Porepunkah Xmas Party and was not present on the panel while both items considered.

7. Public questions

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

Written Questions on Notice will be tabled ahead of questions 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 DIRECTOR ASSETS – ALAN REES

8.1.1 Tawonga Memorial Hall Upgrade

INTRODUCTION

This report relates to the Tawonga Memorial Hall Upgrade project.

RECOMMENDATIONS

That Council:

- 1. Notes that the cost of delivering the original scope for the Tawonga Memorial Hall Upgrade project exceeds the project budget; and*
- 2. Endorses value engineering the scope to deliver the maximum value to the community within the project budget of \$850,000 Ex GST.*

BACKGROUND

The town of Tawonga has provided short stay accommodation for various youth groups, including schools and scouts among others, travelling to the Victorian High Country. Over the years travellers were initially accommodated at the Tawonga Caravan Park and later at the Tawonga Scout Hall. The Tawonga Scout Hall subsequently fell into disrepair and travellers were then accommodated at the Tawonga Memorial Hall.

In 2021 the Alpine Shire Council scoped, costed and applied for a grant from Bushfire Recovery Victoria (BRV) to upgrade the Tawonga Memorial Hall. In August 2021, Council successfully secured a grant of \$850,000 (GST exclusive) for upgrade works.

The scope of the project included the addition of amenities (showers and toilets) and wastewater infrastructure to enable the hall to meet building code requirements associated with the use of the hall for overnight accommodation.

Following extensive community engagement to finalise the design and user requirement statement, an invitation to tender was advertised in late 2022, in order to procure the services of suitably qualified suppliers to deliver the scope of the upgrade.

EVALUATION

The tender evaluation process resulted in a final tender cost of \$1.51 million (GST exclusive) compared to the original cost estimation and project budget of \$850,000, a variance of \$660,000 more than the project budget.

Council has experienced escalated construction costs across numerous major building upgrade projects with tender costs significantly higher than original budgets.

ISSUES

The National Construction Code for overnight accommodation requires installation of showers, an upgraded fire protection system and sewer system. As a result of the funding shortfall an initial value management exercise was undertaken to establish the scope of works that could be delivered within the available funding. This process identified that the scope associated with overnight accommodation contributed the largest proportion of the tendered total project cost. As a result, the delivery of the overnight accommodation requirements are not achievable within the existing funding envelope.

During the design development process there were additional issues identified in relation to the existing conditions of the building which need to be addressed as part of the project. These included defective stormwater, asbestos in the kitchen, a non-compliant main switch board with insufficient main power supply and the current access to the stage and disabled toilet facilities not meeting the *Disability Discrimination Act* (DDA) compliance standards.

The refined scope and value engineering will determine what can be achieved within the funding envelope. This includes:

Category	Scope
Remediation of existing building conditions	<ul style="list-style-type: none"> • Asbestos removal and new vinyl flooring in kitchen • Make existing toilets DDA compliant • Rectify stormwater • New electrical switchboard
Uplift works	<ul style="list-style-type: none"> • Uplift to existing toilets • Additional storage to hall and kitchen • New paint to hall and foyer • Provision of new heating and cooling • Meeting rooms to receive an uplift • Provision of a cleaner's store

POLICY IMPLICATIONS

The recommendations are in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 4.5 Assets for our current and future needs

FINANCIAL AND RESOURCE IMPLICATIONS

The total project budget is \$850,000, funded by Bushfire Recovery Victoria with no co-contribution required from Council.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Community expectations not able to be met within available funding	Almost certain	Moderate	Additional value management and communication with the community to ensure awareness and understanding to deliver the maximum value possible with the available funding.

CONSULTATION

Extensive community engagement was undertaken to finalise the design and user requirements statement during 2022.

Following endorsement of this report, the community will be informed of the financial situation and associated scope changes that will enable the delivery of the maximum benefit to the community.

CONCLUSION

Due to the current market conditions and the significant rise in construction costs, the intended project scope for the Tawonga Memorial Hall cannot be delivered within the available funding. The scope will need to be value engineered to include the essential infrastructure works and general uplift to the building. It is recommended that Council endorses value engineering the scope to deliver an upgrade to the existing hall that delivers the maximum value to the community from the available funding.

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 Engineering and Assets
- Project Officer

ATTACHMENT(S)

Nil

8.1.2 Myrtleford Memorial Hall

INTRODUCTION

This report relates to the Myrtleford Memorial Hall Upgrade project.

RECOMMENDATIONS

That Council:

- 1. Notes that the cost of delivering the original scope for the Myrtleford Memorial Hall Upgrade project exceeds the project budget; and**
- 2. Endorses the detailed design and delivery of Option1: Visitor Information Centre and external entry courtyard - in order to deliver the maximum value to the community within the project budget of \$1,048,000 Ex GST.**

BACKGROUND

The Myrtleford Memorial Hall was built in 1924 and served the as a cinema and dance hall for almost 100 years. The hall fell into disrepair after a major roof leak caused significant damage to the timber floor.

In 2018 a decision was made by Council to reactivate the hall. Subsequent successful funding applications resulted in a total project budget of \$1,048,000 (GST excl) being secured.

Extensive engagement with community stakeholders evolved the project scope to include additional work to revive the auditorium into the Myrtleford community creative hub alongside a new Visitor Information Centre.

ISSUES

The first stage of the project was scheduled to commence in early 2023, however, rising damp, evidenced by mould, caused by old and defective stormwater infrastructure was discovered and this delayed the project commencement. Whilst the investigation of the mould was undertaken the remaining design was completed, and a quantity survey was done to develop a detailed cost plan.

The cost plan of the total project scope was \$2,223,000, a variance of \$1,175,00 above project budget.

Council has experienced escalated construction costs across numerous major building upgrade projects with tender costs significantly higher than original budgets.

The project team investigated what project objectives could be achieved and delivered within the available budget in order to maximise the benefit to the community. This process resulted in the identification of two options:

- Option 1 - Visitor Information Centre and external entry courtyard; and
- Option 2 - Minor works to the Auditorium and external entry courtyard.

Option 1

Delivers a full solution for the Visitor Information Centre (VIC) to support and improve the VIC experience and is within the funding envelope.

Option 2

Delivers limited works to the auditorium, concessions include low quality entrance, minimum amenities, no heating or cooling of space and no additional spaces for community use. It does not deliver a full solution to meet the objectives associated with the revival of the auditorium to support a creative hub.

Both options allow for the rectification of the stormwater to address the rising damp.

POLICY IMPLICATIONS

The recommendations are in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 4.5 Assets for our current and future needs

FINANCIAL AND RESOURCE IMPLICATIONS

The approved total project budget is \$1,048,000 Ex GST, comprising five separate funding sources and agreements. There is sufficient funding to deliver Option 1 - Visitor Information Centre and external entry courtyard.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Original Project Scope is not affordable and associated reputational risk	Almost certain	Moderate	Communication with the community to ensure awareness and understanding of the opportunity to deliver the maximum value possible with the available funding.

CONSULTATION

Consultation with the community commenced in early 2022 to understand how the community would like to use the hall if it was revived. The following community groups have contributed to the development of the design outcomes for the project.

- Myrtleford Theatre Trope and Laughter Club
- La Fiera Festival
- Historical Society
- Theatre and Music Stakeholders
- Myrtleford Film Society
- VIC Volunteers
- Myrtleford Chamber of Commerce

- The Laughter Club
- Crackpots
- Neighbourhood Centre

Upon endorsement of this report these community groups will receive an update of the works that will be progressed and indicative timeframes.

CONCLUSION

Due to the current market conditions and the significant rise in construction costs, the intended project scope for the Myrtleford Memorial Hall cannot be delivered within the funding envelope. The project team has undertaken an assessment to ascertain the most comprehensive outcome against the project objectives within the available budget. This has resulted in a recommendation to include the upgrade to the VIC and external courtyard to deliver the maximum value to the community from the available funding of \$1,048,000 (GST excl).

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 Engineering and Assets
- Project Officer

ATTACHMENT(S)

Nil

8.1.3 Lease of Hangar at site 14 - Porepunkah Aerodrome

INTRODUCTION

This report relates to a new lease at the Porepunkah Aerodrome on Site 14 contained in Lot 1 of Plan of Subdivision PS612929, 266 Buckland Valley Road Porepunkah. A lease has been prepared for a hangar on these sites for a 10-year term with an option for an additional 10 years.

RECOMMENDATIONS

That Council:

- 1. Approves and executes a lease for Site 14 of Lot 1 PS612929, 266 Buckland Valley Road Porepunkah for an aircraft hangar; and***
- 2. Sign and seals the lease document at the appropriate stage of the meeting.***

BACKGROUND

The Porepunkah Aerodrome Master Plan was presented to Council at the Ordinary Council Meeting June 2006. A recommendation of the Master Plan was that Council negotiate with the adjoining landowner of the airfield with regard to acquisition of additional land for potential hangar relocation and new hangars.

At the Ordinary Council meeting July 2007 Council approved the Acting CEO be authorised to proceed with the acquisition of an adjoining strip of land at the Porepunkah Aerodrome.

The land was acquired in 2008 and is Site 14 contained in Lot 1 of Plan of Subdivision PS612929, 266 Buckland Valley Road Porepunkah. A new entrance to the airfield was created on this land with the remaining land set aside for hangars and taxi way.

Lease documentation has been developed for the purpose of entering into long term hangar leases on this land. The length of each lease is 10 years, plus an option for a further 10 years. Commencement rent for each of the attached leases will be \$1,249.20 (GST exclusive) per annum calculated based on the square meterage of the sites.

In September 2018 and in accordance with Section 190 of the *Local Government Act 1989* Council posted public notices notifying of proposed future leases at the airfield and invited submissions in accordance with Section 223 (Section 190(3b) & (4)) of the *Local Government Act 1989* against such future leases. No submissions were received.

This report sets out the proposals for issuing the proposed future leases for hangars consulted on in September 2018 with 10 (plus 10) year terms.

ISSUES

Under Section 115 of the *Local Government Act 2020* (the Act),

(1) A Council's power to lease any land to any person is limited to leases for a term of 50 years or less.

(2) Subject to any other Act, and except where section 116 applies, if a Council leases any land to any person subject to any exceptions, reservations, covenants and conditions, it must comply with this section.

(3) A Council must include any proposal to lease land in a financial year in the budget, where the lease is—

(a) for one year or more and -

- (i) the rent for any period of the lease is \$100 000 or more a year; or*
- (ii) the current market rental value of the land is \$100 000 or more a year; or*

(b) for 10 years or more.

(4) If a Council proposes to lease land that is subject to subsection (3) and that was not included as a proposal in the budget, the Council must undertake a community engagement process in accordance with the Council's community engagement policy in respect of the proposal before entering into the lease.

In September 2018 and in accordance with Section 190 of the *Local Government Act 1989* Council posted public notices notifying of proposed future leases at the airfield and invited submissions in accordance with Section 223 (Section 190(3b) & (4)) of the *Local Government Act 1989* against such future leases. No submissions were received.

The intent and terms of these leases have not changed (saved for Consumer Price Index (CPI) adjustments to annual rents). Council has therefore previously communicated its intention to enter into leases for aircraft hangars at the site and met its obligation under the *Local Government Act 1989* which applied at the time.

POLICY IMPLICATIONS

The process adopted by Council for the awarding of future leases at the Porepunkah Aerodrome was in accordance with obligations under the *Local Government Act 1989* and the Local Government Best Practice Guidelines for the Sale, Exchange and Transfer of Land at that time. This lease is to be awarded as a result of these processes.

The recommendations are in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 4.5 Assets for our current and future needs

FINANCIAL AND RESOURCE IMPLICATIONS

The commencement annual lease income for a lease will be \$1,249.20 (GST exclusive). Forward lease charges are indexed to CPI annually and subject to a market review after the first 10 years of the lease. Income collected from hangar rentals at the airfield is paid to the Porepunkah Aerodrome Association to assist it in fulfilling its responsibilities to operations and day to day maintenance of the airfield.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Non-Compliance of Lease requirements	Unlikely	Minor	<ul style="list-style-type: none"> Termination of Lease

CONSULTATION

In accordance with Section 190 of the *Local Government Act 1989*, public notices were posted in September 2018 notifying of proposed future leases at the site and inviting submissions in accordance with Section 223 (Section 190(3b) & (4)) of that Act. No submissions were received at that time.

Council has therefore previously communicated its intension to enter into leases for aircraft hangars at the site and met its obligation under the *Local Government Act 1989* which applied at that time. The current lease has been developed under the same terms (save for CPI adjustments to annual rent) and therefore it is not considered necessary to undertake further community engagement relating to such leases at the airfield.

The Porepukah Airfield Association have been consulted and are supportive of the issuing of the leases.

CONCLUSION

Having previously met Council’s obligations under the *Local Government Act 1989* Council in relation to issuing leases at the airfield that the lease subject to this report does not require further Community Engagement and is executed by Council under the terms of section 115 of the *Local Government Act 2020*.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Operations
- Property and Contracts Coordinator

ATTACHMENT(S)

Nil

8.2 DIRECTOR CUSTOMER AND COMMUNITY – HELEN HAVERCROFT

8.2.1 Community Grants Program 2023-24

INTRODUCTION

This report relates to the allocation of funding through Council's 2023-24 Community Grants Program.

RECOMMENDATIONS

That Council:

1. Allocates funding as follows:

<i>Name of Applicant</i>	<i>Project Title</i>	<i>Total Cost of Project</i>	<i>Grant Request</i>	<i>Grant Recommended</i>
<i>Location: Bright</i>				
<i>Bright Courthouse Committee of Management</i>	<i>Theatre Audio Visual System</i>	<i>\$47,265</i>	<i>\$35,448</i>	<i>\$12,000</i>
<i>Bright District U3A</i>	<i>Acoustic improvement to Senior Citizens Centre Hall</i>	<i>\$12,980</i>	<i>\$9,735</i>	<i>\$9,735</i>
<i>Bright RSL Sub Branch Inc.</i>	<i>Purchase PA System for Anzac Day ceremony</i>	<i>\$4,900</i>	<i>\$3,675</i>	<i>\$5,000</i>
<i>Location: Dederang</i>				
<i>Dederang Picnic Race Club</i>	<i>Drainage works</i>	<i>\$16,912</i>	<i>\$5,912</i>	<i>\$5,912</i>
<i>Dederang Recreation Reserve</i>	<i>Installation of Reverse Cycle</i>	<i>\$3,822</i>	<i>\$2,137</i>	<i>\$2,137</i>

<i>Name of Applicant</i>	<i>Project Title</i>	<i>Total cost of Project</i>	<i>Grant Request</i>	<i>Grant Recommended</i>
<i>Location: Kiewa Valley</i>				
<i>Kiewa Valley Community Radio Inc. trading as Alpine FM (formally Alpine Radio)</i>	<i>Data Storage and Programming Support Project</i>	<i>\$5,460</i>	<i>\$4,040</i>	<i>\$4,040</i>
<i>Tawonga & District Community Association</i>	<i>Portable BBQs</i>	<i>\$746</i>	<i>\$551</i>	<i>\$550</i>
<i>Location: Mount Beauty</i>				
<i>Mount Beauty Neighbourhood Centre</i>	<i>Indigenous Grow and Graze</i>	<i>\$11,850</i>	<i>\$7,650</i>	<i>\$5,000</i>
<i>Mount Beauty Golf Club</i>	<i>Grounds management and safety equipment</i>	<i>\$2,687</i>	<i>\$1,937</i>	<i>\$1,937</i>
<i>Location: Myrtleford</i>				
<i>Myrtleford Cemetery Trust</i>	<i>Installation of Plinths</i>	<i>\$12,760</i>	<i>\$8,910</i>	<i>\$6,500</i>
<i>Myrtleford and District Landcare and Sustainability Group Inc.</i>	<i>Ovens River and Happy Valley Creek Environmental Enhancement</i>	<i>\$8,495</i>	<i>\$6,000</i>	<i>\$6,000</i>
<i>Myrtleford RSL Sub-Branch Incorporated</i>	<i>Essential Portable Equipment</i>	<i>\$10,986</i>	<i>\$8,239</i>	<i>\$6,000</i>
<i>U3A Myrtleford and District Inc</i>	<i>Mosaics project depicting immigration to Myrtleford</i>	<i>\$25,832</i>	<i>\$7,000</i>	<i>\$5,000</i>
<i>Myrtleford Toy Library Incorporated</i>	<i>Myrtleford's Little Learners</i>	<i>\$8,250</i>	<i>\$6,185</i>	<i>\$4,000</i>

<i>Name of Applicant</i>	<i>Project Title</i>	<i>Total cost of Project</i>	<i>Grant Request</i>	<i>Grant Recommended</i>
<i>Myrtleford Golf Club Inc</i>	<i>Upgrade Power Switch Board</i>	<i>\$3,130</i>	<i>\$2,330</i>	<i>\$2,330</i>
<i>Myrtleford Football Netball Club</i>	<i>Mental Healthcare to support/equip MFNC Wellbeing Team</i>	<i>\$3,058</i>	<i>\$2,294</i>	<i>\$2,293</i>
<i>Myrtleford Chamber of Commerce & Industry Inc</i>	<i>Myrtleford Summer Series</i>	<i>\$10,973</i>	<i>\$6,670</i>	<i>\$1,670</i>
<i>Location: Ovens Valley</i>				
<i>Ovens Valley Canine Club</i>	<i>Master Plan 23/24</i>	<i>\$25,000</i>	<i>\$10,000</i>	<i>\$5,000</i>
<i>Ovens Valley United Cricket Club Inc</i>	<i>Bowling into the future</i>	<i>\$6,528</i>	<i>\$4,896</i>	<i>\$3,000</i>
<i>TOTAL</i>		<i>\$221,634</i>	<i>\$133,608</i>	<i>\$88,104</i>

- 2. Provides delegation to the Chief Executive Officer to distribute residual or unspent funds of \$2,896;***
- 3. Provides delegation to the Chief Executive Officer to distribute residual or unspent funds of \$39,000 from Revitalising Our Environment funding stream for community environmental projects; and***
- 4. Provides feedback and assistance to unsuccessful applicants in highlighting other potential funding opportunities that may be available for their projects.***

BACKGROUND

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

The 2023-24 Community Grants Program included a specific environmental funding stream 'Revitalising Our Environments' funded through Disaster Recovery Funding Arrangements in response to Alpine Community Recovery Committee priority for improved environmental protection and management.

The 2023-24 Community Grants Program was open for applications between 12 May and 25 June 2023. 26 applications were received, with a cumulative funding request of \$174,583.

The Applications were reviewed by an eight-member assessment panel comprising four community members, Director Customer and Community, Manager Community Development, Councillor Hughes and Councillor Keeble.

Community Development Coordinator was also present to observe the assessment panel.

Applications were assessed against the following criteria:

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

Applications were also assessed for their alignment to Council Plan and Municipal Public Health and Wellbeing Plan.

Of the 26 applications received the assessment panel has recommended that 19 applicants receive funding, with 10 to receive the full amount of funding requested and nine to receive funding at a reduced level.

Community Bank Bright have committed to contribute \$25,143.93 towards six projects submitted as part of the Alpine Shire Council Community Grants Program as follows:

Name of Applicant	Project Title	Bright Community Bank Contribution
Bright Courthouse Committee of Management	Theatre Audio Visual System	\$15,000
Ovens Valley Canine Club	Master Plan 23/24	\$5,000
U3A Myrtleford and District Inc	Mosaics project depicting immigration to Myrtleford	\$2,000
Myrtleford RSL Sub-Branch Incorporated	Essential Portable Equipment	\$1,283.93
Myrtleford Toy Library Incorporated	Myrtleford's Little Learners	\$1,185
Bright RSL Sub Branch Inc.	Purchase PA System for Anzac Day ceremony	\$675

ISSUES

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

Name of Applicant	Project Title	Grant Request	
Mount Beauty Tennis Club	Tennis Club Lighting Upgrade	\$26,365	Project is the subject of Council budget request
Bright Basketball Association Inc	Basketball towers installation at Pioneer Park	\$5,600	Project has been included in Council's 2023/24 budget
Mount Beauty & District Men's Shed Inc	CNC Router	\$5,000	Benefits to whole of community not sufficiently aligned
Mount Beauty Neighbourhood Centre	Resilience Picnic	\$1,500	Project to be funded through Recovery Program
Mount Beauty and District Chamber of Commerce	Mount Beauty Community Markets (entertainment at Mount Beauty Markets)	\$1,070	Project transferred to Events Funding Program
Mount Beauty Music Festival Inc	Youth Music Event	\$800	Project to be directed to Alpine Shire FReeZA Program
Tawonga & District Community Association	Pancake Dinner	\$700	Project to be funded through Recovery Program

POLICY IMPLICATIONS

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

- 1.1 A community that is active, connected and supported

FINANCIAL AND RESOURCE IMPLICATIONS

The budget for 2023-24 Community Grants Program is \$130,000 made up of \$80,000 to support community projects through the Community Grants Program and \$50,000 to support Revitalising Our Environments projects as an initiative of the Alpine Community Recovery Committee, funded through Disaster Recovery Funding Arrangements.

The recommended allocation of \$77,104 for Community Grants fits within the allocated budget.

The recommended allocation of \$11,000 for Revitalising Our Environments fits within the allocated budget.

RISK MANAGEMENT

Detail the key risks of the matter being addressed by the report and mitigation action / control.

Risk	Likelihood	Impact	Mitigation Action / Control
Money is spent outside the parameters of the Grant documentation	Unlikely	Moderate	<ul style="list-style-type: none"> Applicants must provide evidence of their progress before grant payments are made. Applicants will be required to repay any unused grant funds.

CONSULTATION

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

Applications were reviewed by an assessment panel comprising:

- Two members of the Kiewa Valley community;
- One member of the Myrtleford community;
- One member of the Bright community;
- Two Councillors;
- Director Customer and Community; and
- Manager Community Development.

Applications were reviewed by various Council departments for alignment or conflict with existing strategies and planned work.

CONCLUSION

The recommendations proposed by the assessment panel support strategic objectives of the Council Plan 2021-25 incorporating Municipal Public Health and Wellbeing Plan, community participation, contribute to the building of healthy and strong communities and represent a diversity of projects from across the Shire.

DECLARATION OF CONFLICT OF INTEREST

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 Customer and Community
- Manager Community Development
- Community Development Coordinator

Declarations of Conflict of Interest were made by assessment panel members. Panel members removed themselves from assessment of the relevant event funding applications and any panel discussions relevant to the applications.

Deputy Mayor, Tony Keeble declared a general conflict of interest to the Mount Beauty Tennis Club Funding Application for Tennis Club Lighting Upgrade.

ATTACHMENT(S)

Nil

8.2.2 Event Funding Program 2023-24

INTRODUCTION

This report relates to the allocation of the funding through Council's Event Funding Program 2023-24.

RECOMMENDATIONS

That Council:

1. Allocates funding to events as follows:

<i>Event Name</i>	<i>Applicant</i>	<i>Total Recommended</i>
<i>Location: Bright and Surrounds</i>		
<i>Alpe de Buffalo 2024</i>	<i>Alpine Cycling Club</i>	<i>\$2,000</i>
<i>Bright Alpine Climb "Four Peaks"</i>	<i>Thought Sports Pty Ltd</i>	<i>\$5,000</i>
<i>Buffalo Stampede Festival 2024</i>	<i>SingleTrack Events Pty Ltd</i>	<i>\$10,000</i>
<i>Bright Open 2024</i>	<i>Northeast Victoria Hang Gliding Club Inc.</i>	<i>\$2,000</i>
<i>Tour of Bright</i>	<i>Alpine Cycling Club</i>	<i>\$10,000</i>
<i>Location: Bright</i>		
<i>Alpine Cycling Club Gravity Enduro</i>	<i>Alpine Cycling Club</i>	<i>\$2,000</i>
<i>Bright Autumn Festival</i>	<i>Bright Autumn Festival - sub-committee of the</i>	<i>\$5,000</i>
<i>Bright Cabaret & Comedy Festival</i>	<i>Bright Cabaret & Comedy Festival Inc.</i>	<i>\$2,000</i>
<i>Bright Festival of Photography</i>	<i>BFOP Australia</i>	<i>\$5,000</i>
<i>Bright Fun Run - Trail Fest 2023</i>	<i>The Bright Fun Run - Bright P-12 College</i>	<i>\$5,000</i>
<i>Bright Make it Bake it Grow it Market</i>	<i>Bright and District Chamber of Commerce</i>	<i>\$2,000</i>

<i>Event Name</i>	<i>Applicant</i>	<i>Total Recommended</i>
<i>Bright Rotary Markets</i>	<i>The Rotary Club of Bright</i>	<i>\$2,000</i>
<i>Bright Running Festival 2023</i>	<i>Perseverance Events Pty Ltd</i>	<i>\$2,000</i>
<i>Brighter Days Festival</i>	<i>Brighter Days Foundation</i>	<i>\$5,000</i>
<i>Bright's Iconic Rod Run</i>	<i>Bright Rod & Kustom Club Inc</i>	<i>\$10,000</i>
<i>Darker Days 2024</i>	<i>Bright Brewery</i>	<i>\$2,000</i>
<i>Get A Grip of the Grind</i>	<i>Get A Grip of the Grind Pty Ltd</i>	<i>\$2,000</i>
<i>In Search of Stoke Women's Gravity Enduro **</i>	<i>Alpine Cycling Club</i>	<i>\$2,000</i>
<i>Location: Dederang</i>		
<i>Dederang Picnic Races</i>	<i>Dederang Picnic Races</i>	<i>\$5,000</i>
<i>Location: Myrtleford</i>		
<i>ARHA Ranch Event **</i>	<i>Alpine Regional Horseman's Association</i>	<i>\$2,000</i>
<i>Great Alpine Golf Classic 2024</i>	<i>Myrtleford Golf Club</i>	<i>\$2,000</i>
<i>La Fiera Italian Festival</i>	<i>The Myrtleford Chamber of Commerce & Industry Inc</i>	<i>\$10,000</i>
<i>Myrtleford 68th Golden Spurs Rodeo</i>	<i>Myrtleford Lions Golden Spurs Rodeo Committee</i>	<i>\$5,000</i>
<i>Myrtleford Farmers Market</i>	<i>The Tobacco & Associated Farmers' Co-operative Ltd</i>	<i>\$2,000</i>
<i>Myrtleford Show 2023</i>	<i>Myrtleford & District Agricultural & Pastoral</i>	<i>\$10,000</i>
<i>Myrtleford Lawn Tennis Club Easter Tournament</i>	<i>Myrtleford Lawn Tennis Club</i>	<i>\$5,000</i>

<i>Event Name</i>	<i>Applicant</i>	<i>Total Recommended</i>
<i>Location: Harrietville</i>		
<i>Great Southern Endurance Run (GSER)</i>	<i>Ultra Endurance</i>	<i>\$2,000</i>
<i>Harrietville Bush Market</i>	<i>Harrietville Historical Society</i>	<i>\$2,000</i>
<i>Harrietville Half Marathon</i>	<i>Harrietville Primary School</i>	<i>\$5,000</i>
<i>Location: Mount Beauty</i>		
<i>International Women’s Day March 2024 **</i>	<i>Mount Beauty and District Chamber of Commerce</i>	<i>\$2,000</i>
<i>Mount Beauty Music Festival 2024</i>	<i>Mount Beauty Music Festival Inc</i>	<i>\$5,000</i>
<i>Mount Beauty Running Festival</i>	<i>Kangaroo Hoppet Inc.</i>	<i>\$5,000</i>
<i>Mount Beauty Writers Festival 2023</i>	<i>Upper Kiewa Valley Regional Arts</i>	<i>\$5,000</i>
<i>Location: Porepunkah</i>		
<i>Porepunkah Community Christmas Party 2023</i>	<i>CFA Porepunkah Fire Brigade</i>	<i>\$2,000</i>
<i>Location: Wandiligong</i>		
<i>Wandiligong Nut Festival</i>	<i>Wandiligong Nut Festival</i>	<i>\$10,000</i>
<i>Wandi Cross</i>	<i>Wandi Trail Runners Inc</i>	<i>\$5,000</i>
<i>TOTAL</i>		<i>\$159,000</i>

***** New events***

- 2. Council allocates funding to two Community Grant applications under the Event Funding Program as follows:***
 - a. Mount Beauty Community Markets, \$2,000***
 - b. Myrtleford Summer Series, \$5,000***

3. Council allocates funding to one Dinner Plain Event Funding application as follows:

c. Alpine Environment Workshop, \$5,000

4. Council delegates authority to the Chief Executive Officer to distribute residual or unspent roll over events funds totalling \$90,000; and

5. Notes a further Dinner Plain Events Funding round will open after Winter 2023.

BACKGROUND

Council adopted the Alpine Shire Events Strategy in November 2021, including the Events Permitting and Funding Framework. This framework came into effect on 1 July 2022, The Strategy identifies the needs and priorities of the community and provides a clear and realistic framework for Council.

The 2023-24 Events Funding Program included the first round of the Dinner Plain Events Funding.

The 2023-24 Events Funding Program was open for applications between 12 May and 25 June 2023. A total of 43 applications were received, 42 of which were eligible for funding, with a cumulative request of \$217,000 in sponsorship.

Council Event Officers carried out a preliminary assessment of each application against event eligibility criteria listed in the framework, including considerations of the anticipated social, environmental and economic impact of the event.

Guided by the preliminary assessment, the applications were then reviewed by an assessment panel comprising:

- A representative of the Bright and District Chamber of Commerce
- A representative of the Myrtleford Chamber of Commerce and Industry
- Two Councillors
- Director Customer and Community
- Manager Customer Experience
- Events Coordinator
- Development Officer (Event Operations)

The panel recommended that 38 applicants receive support through the Event Funding Program totalling \$169,000 in sponsorship. Four applicants were not recommended for funding, and one applicant was transferred to Community Grants. An additional two applicants were transferred from Community Grants to the Event Funding Program, totalling an additional \$7,000 in sponsorship.

The assessment panel recommended providing \$10,000 sponsorship to Alpine Classic, however the January 2024 has subsequently been cancelled.

This brings the total recommendation for funding from the Event Funding Program to \$166,000.

ISSUES

The applications in the table below have not been recommended for funding through the Event Funding Program:

Event Name	Applicant	Amount Requested	Reason
ARHA Cutting Event	Alpine Regional Horseman's Association	\$2,000	Event is self-sustainable. Funding request is for infrastructure and not eligible for event funding.
ARHA Mane Station Sorting	Alpine Regional Horseman's Association	\$2,000	Event is self-sustainable. Funding request is for infrastructure and not eligible for event funding.
ARHA Super Sorting	Alpine Regional Horseman's Association	\$2,000	Event is self-sustainable. Funding request is for infrastructure and not eligible for event funding.
Rod Run - Traffic and Safety	Alpine Shire Events Team	\$10,000	Council will manage this funding from an operational source rather than Event Funding.
Inside Out Ecstatic Dance**	Inside Out experience	\$2,000	Extension of Business, application lacks detail

POLICY IMPLICATIONS

A three-tier system has been implemented following the adoption of the Events Strategy. Funding amounts are no longer individualised for each applicant. Funding amounts are instead determined according to the funding tier:

- Tier 1 is \$10,000;
- Tier 2 is \$5,000 and
- Tier 3 is \$2,000.

Under the Strategy there is no deviation within this tier system.

In previous years Council has also offered funding in two streams: sponsorship (cash) and logistics (in-kind support). In 2023-24 Council will now only offer sponsorship and any Council costs will be on-charged to the event organiser. This change will primarily relate to charges for waste and amenity cleaning services provided to events, as other Council fees and charges are already on-charged.

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

- 2.1 Diverse reasons to visit

FINANCIAL AND RESOURCE IMPLICATIONS

Council's 2023-24 budget includes provision of \$200,000 to support the annual Event Funding Program.

Council 2023-24 Dinner Plain Special Rate includes provision of \$60,000 to support Dinner Plain Events.

Dinner Plain Event Funding will open for a second round of applications in September, after the snow season.

A total of \$171,000 is recommended to support the delivery of events through the 2023-24 Event Funding Program including one event from Dinner Plain Events Funding Program.

RISK MANAGEMENT

Detail the key risks of the matter being addressed by the report and mitigation action / control.

Risk	Likelihood	Impact	Mitigation Action / Control
Money is spent outside the parameters of the Grant documentation	Unlikely	Moderate	<ul style="list-style-type: none"> • Applicants must provide evidence of their progress before grant payments are made. • Applicants will be required to repay any unused grant funds.

CONSULTATION

The Event Funding Program was advertised in the local media, on Council's website and Facebook page, and details were emailed directly to all existing event organisers. Event organisers had the opportunity to engage with Council's events team for support and advice through the application period.

An assessment panel including two Councillors, one Director, two Council Officers and two representatives from the community assessed the applications, and provided the recommendations contained in the report.

Attempts were made to engage a community representative from the Kiewa Valley on the assessment panel, however, were unsuccessful.

CONCLUSION

Events are important to the Alpine Shire, providing an economic injection, cultural enrichment, and promoting community connection and well-being.

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

DECLARATION OF CONFLICT OF INTEREST

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

- Director Customer and Community
- Manager Customer Experience
- Events Coordinator
- Development Officer (Event Operations)

Declarations of Conflict of Interest were made by assessment panel members. Panel members removed themselves from assessment of the relevant event funding applications and any panel discussions relevant to the applications.

Cr Katarina Hughes declared a general conflict of interest in her relation to being a Committee Member for Porepunkah Op Shop.

Cr Katarina Hughes declared a material conflict of interest with relation to the Bright Make it Bake it Grow it Market.

8.2.3 Financial Hardship and Debtor Management Policy

INTRODUCTION

The purpose of this report is to respond to the 2020 Victorian Government Local Government Rating System Review that recommended councils provide increased and transparent support strategies aimed at assisting ratepayers experiencing financial hardship.

RECOMMENDATIONS

That Council:

- 1. Adopts Financial Hardship Policy V1.0 Policy No 127;***
- 2. Approves and adopts the updated Debtor Management Policy No. 102; and***
- 3. Notes the amendments to the Revenue and Rating Plan (updated 2023) to reflect references to the Financial Hardship Policy No. 127; and***
- 4. Sign and seals the Financial Hardship Policy and the Debtor Management Policy and the Revenue and Rating Plan (updated 2023) at the appropriate stage of this meeting.***

BACKGROUND

The 2020 Victorian Government Local Government Rating System Review recommended that councils provide increased and transparent support strategies aimed at assisting ratepayers experiencing financial hardship.

The Victorian Ombudsman "Investigation into how local councils respond to ratepayers in financial hardship" released in May 2021 recommended that councils be required to have a rates hardship policy.

To define and provide this support a policy is needed that is specific to ratepayers applying for Financial Assistance for rates and charges, on the basis of hardship.

Previously the Hardship Policy provisions for Rates and Charges were included in the Rates and Debtor Management Policy which now requires updating to remove relevant references.

The Ombudsman report outlines what a good approach to financial hardship looks like, as follows:

- having a rates hardship policy that sets out hardship relief options, eligibility for those options and how to apply
- making the policy easily accessible online and in hard copy on request
- publishing a plain English explanation of the policy online and in hard copy on request
- providing the summary in accessible formats appropriate to the community eg community languages, audio or video versions or Easy English or Easy Read versions.
- having a communication strategy for reaching ratepayers in hardship eg prominent information on rates notices, use of local media and social media, offering information through local support services

- using customer-focused, effective language in communication
- ensuring council officers dealing with ratepayers are familiar with the rates hardship policy

As part of the 2020 Local Government Act reform in Victoria and the integrated Strategic Planning and Reporting Framework (ISPRF), councils are required to prepare and adopt a Revenue and Rating Plan (s. 93).

Council adopted a Revenue and Rating Plan 2021 which establishes the framework within which Council proposes to work.

The former Rates and Debtor Management Policy combined both rates and charges and debtors and formed part of the Plan.

Required changes to the Revenue and Rating Plan will be undertaken when a full review of the Revenue and Rating Plan is undertaken.

ISSUES

It is acknowledged that various ratepayers may experience financial hardship for a whole range of reasons and that meeting rate obligations may constitute one element of several difficulties being faced.

The Financial Hardship Policy provides a formal framework for ratepayers to seek assistance from Council if they are experiencing financial hardship.

The options for providing hardship relief include:

- a payment plan or arrangement based on the ratepayer's capacity to pay
- a short term deferral
- a long term or indefinite deferral, under which the debt accrues as a charge on the land and is recovered when the land is sold or transferred
- a rate waiver under the Local Government Act
- an interest waiver under the Local Government Act
- referral to a financial counselling or other support organisation.

POLICY IMPLICATIONS

The Revenue and Rating Plan 2021 will be updated in due course to remove hardship references as it has a stand-alone Policy.

The recommendations are in accordance with the following Strategic Objective of the Council Plan 2021-2025:

5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

The policy allows for interest free payment plans (maximum 12 months), deferrals and waivers of rates and charges.

The Victorian Government has indicated that it will be making changes to the way interest is calculated and has indicated a likely reduction in the interest rate. At the time of writing this report no further details have been provided to Councils.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Budgeted interest income amount may not be achieved.	Possible	Minor	<ul style="list-style-type: none"> Monitor interest income at quarterly budget reviews
The required changes to the <i>Local Government Act 1989</i> and <i>Local Government Act 2020</i> are yet to be finalised to reflect the interest rate.	Possible	Minor	<ul style="list-style-type: none"> Maintain officer level involvement in the Rates working groups so abreast of any unexpected changes.

CONSULTATION

Substantive amendments to the Revenue and Rating Plan are subject to the Community Engagement Policy. The small changes to the Plan will be undertaken when a more substantive review is undertaken.

Details of the Financial Hardship Policy and Debtor Management Policy will be available on Council's website and form part of the Revenue and Rating Plan.

Hard copies will be available from Council's Customer Service Centres.

CONCLUSION

Alpine Shire Council supports the recommended changes from both the Local Government Rating System Review and the Ombudsman’s ‘Investigation into how local councils respond to ratepayers in financial hardship’ report, to provide greater support for ratepayers in financial hardship.

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 Customer and Community
- Rates Officer

Attachment(s)

- 8.2.3a. Financial Hardship Policy No.127
- 8.2.3b. Debtor Management Policy No. 102
- 8.2.3c. Revenue and Rating Plan (updated 2023)

8.2.4 Planning Application P.2022.094 – Informal Outdoor recreation (Skateboard Ramp) - Camping Park Road, Harrietville

Application number:	<i>P.2022.94</i>
Proposal:	<i>Construct a building or construct or carry out works for informal outdoor recreation (skateboard ramp)</i>
Applicant's name:	<i>Harrietville Boardriders Incorporated</i>
Owner's name:	<i>Crown Land, Department of Energy, Environment and Climate Action (DEECA)</i>
Address:	<i>Camping Park Road, Harrietville (Allot. 9A Sec. E Township of Harrietville)</i>
Land size:	<i>Approx. 5.38ha</i>
Current use and development:	<i>Harrietville Recreation Reserve (part)</i>
Site features:	<i>The Harrietville Recreation Reserve is located at the southern end of the village, south of Camping Park Road, west of the Great Alpine Road / Mill Road and east of the Ovens River. The Recreation Reserve is developed with a range of existing recreation facilities including a cricket oval, picnic tables, a mountain bike terrain park, BBQ facilities, water, public toilets and car parking. The Charlie Miley walk passes through the reserve.</i>
Why is a permit required?	<i>PPRZ Clause 36.02-2 - Construct a building or construct or carry out works. BMO Clause 44.06-2 - construct a building or construct or carry out works associated with a leisure and recreation use.</i>
Zoning:	<i>Public Park and Recreation Zone (PPRZ)</i>
Overlays:	<i>Bushfire Management Overlay (BMO)</i>
Restrictive covenants on the title?	<i>Reservation MI265833L 06/08/2016 (temporary public recreation gp576)</i>
Date received:	<i>1/07/2022</i>
Planner:	<i>Contract Planner</i>

RECOMMENDATIONS

That a Notice of Decision to grant a planning permit be issued for the construction of a building and the construction and carrying out of works for informal outdoor recreation (skateboard ramp) at Camping Park Road, Harrietville in accordance with the conditions outlined in Appendix 8.2.4.

PROPOSAL

The application seeks approval to construct a building or construct or carry out works for informal outdoor recreation (skateboard ramp).

The proposed skateboard ramp was previously located within the Harrietville Recreation Reserve approximately 20 years ago. The skateboard ramp was moved to Falls Creek and the current proposal seeks to re-instate it within the Reserve.

The proposed skateboard ramp is 6 metres wide, 16.60 metres long and 1.6 metres high, and would sit on a concrete slab. The concrete slab has already been constructed.

The skateboard ramp is proposed to be located to the south of the existing cricket oval, approximately 110m from the Reserves southern boundary and approximately 83m from the closest adjoining property (2 Mill Road, Harrietville).

A site plan, floor plan and elevations of the proposed skateboard ramp are contained within Figures 1 to 3 below:

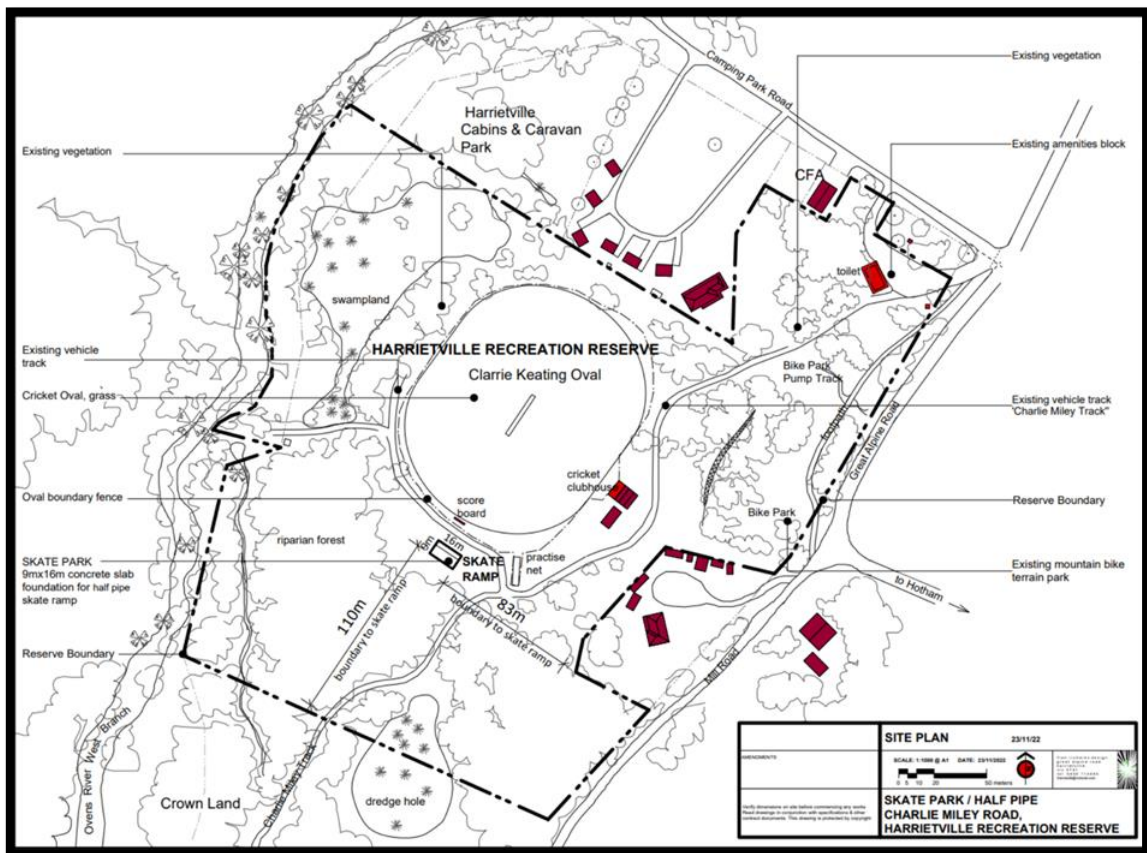


Figure 1: Site Plan

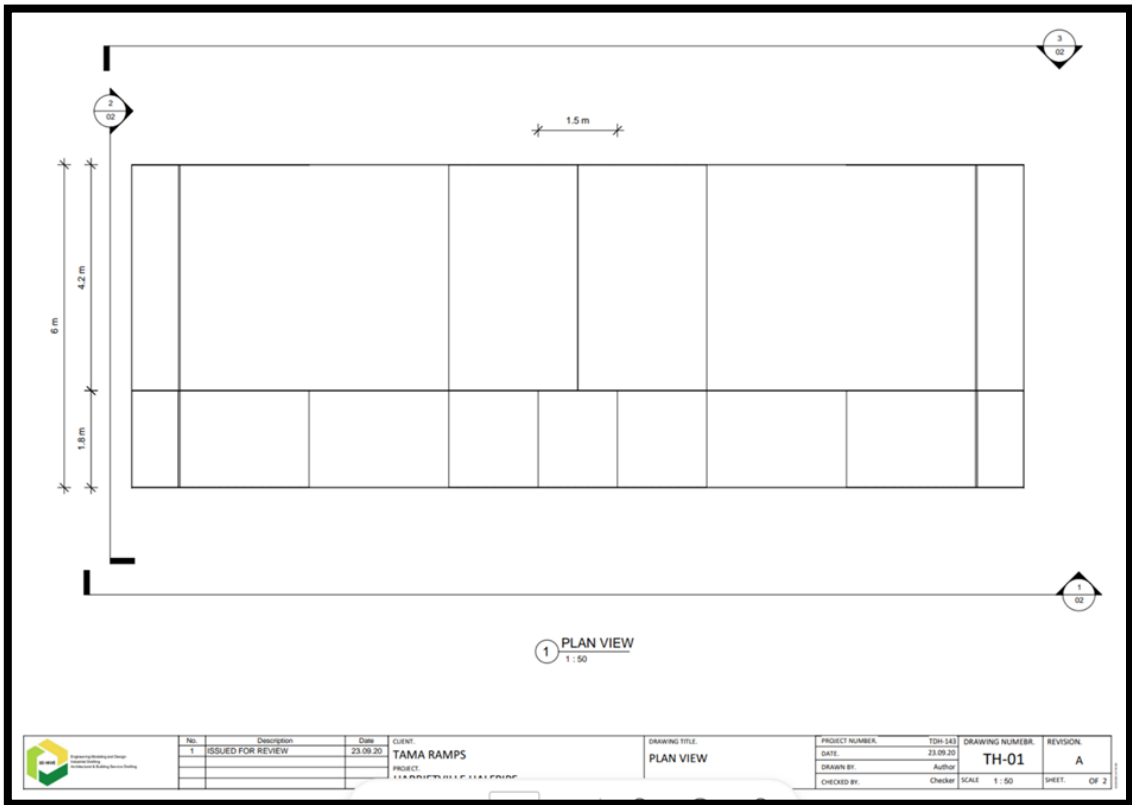


Figure 2: Plan view of ramp

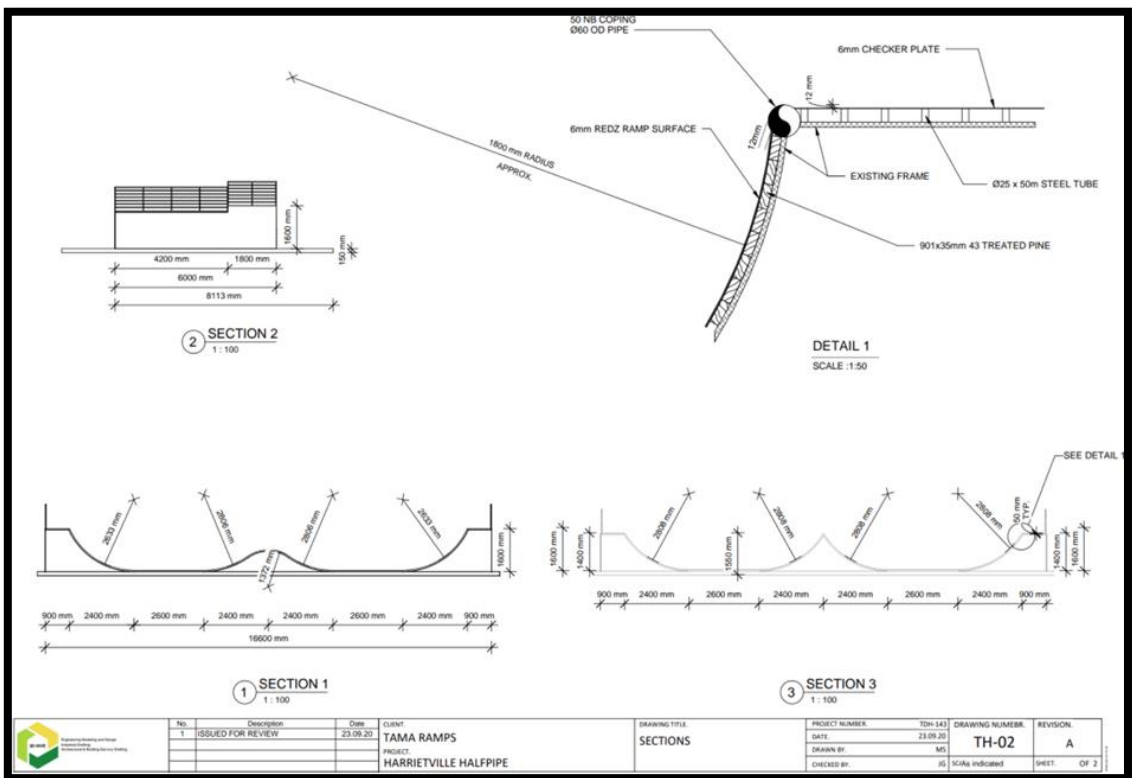


Figure 3: Section view of ramp

SUBJECT LAND AND SURROUNDS

The subject site is an irregular allotment forming part of the Harrietville Recreation Reserve.

The Harrietville Recreation Reserve is located at the southern end of the village, south of Camping Park Road, west of the Great Alpine Road / Mill Road and east of the Ovens River. The Recreation Reserve is developed with a range of existing recreation facilities including a cricket oval, picnic tables, a mountain bike terrain park, BBQ facilities, water, public toilets, and car parking. The Charlie Miley walk passes through the reserve.

The Harrietville Recreation Reserve is reserved for the purposes of recreation and is managed by the Harrietville Recreation Reserve Committee of Management.

The site and surrounding area are highlighted in Figure 4 below.



Figure 4: Subject land

PUBLIC NOTIFICATION

The application was advertised in accordance with Section 52 of *the Planning and Environment Act 1987*. Notice of the application was sent to surrounding land owners and occupiers, and a sign was displayed on the subject land. Five objections and two supporting submissions were received. A Planning Forum meeting was held on 1 March 2023 with the applicant, objectors and councillors in attendance.

Supporting submissions included a letter from the Harrietville Recreation Reserve Committee and a submission identifying:

- The positive impact that skateboarding can have on young people's mental and physical health.
- The provision of a safe and supportive environment for young people to engage in a physical activity that is inclusive of all ages, races, sexuality, and background.
- The provision of an additional sport and recreation option for young people.
- The contribution of the proposal to the growth and development of Harrietville as a tourist destination.

The objections are summarised in the table below alongside the Planners response to the issues raised:

Summary of Concerns	Planning Officer Comment
<p>Amenity impacts, specifically:</p> <ul style="list-style-type: none"> • Noise • Anti-social behaviour • Litter 	<p>All objections submitted in relation to the current application have raised concerns in relation to the potential amenity impacts associated with the use of the proposed informal outdoor recreation (skateboard ramp), in particular noise.</p> <p>The use of land for informal outdoor recreation (skateboard ramp) is as-of-right within the Public Park and Recreation Zone. The current application does not trigger a planning permit for use under the Alpine Planning Scheme.</p> <p>For this reason, Council does not have any discretion to impose Conditions that would act to limit the use of the proposed skateboard ramp (for example, to specific hours of the day or days of the week) to address potential amenity impacts. It is a long-established principle of VCAT case law that Conditions must fairly and reasonably relate to the permitted development. This means that there must be a connection between the approval granted (in this case buildings and works) and the limitations placed upon it via Conditions.</p> <p>For this reason, any Conditions that seek to limit the use of the proposed skateboard ramp (for example, to specific hours or days) would be invalid because they would not relate to the specific planning permission being sought (i.e., buildings and works).</p> <p>Given this context and the issues raised in submissions, it is recommended that, should Council approve the current application, conditions be included on any permit granted requiring the buildings and works approved to include:</p> <ol style="list-style-type: none"> 1. Provision of a bin 2. A 'code of conduct' sign addressing: <ol style="list-style-type: none"> a. The minimisation of amenity impacts to neighbours and other park users b. Littering c. Alcohol and drug use d. Amplified music e. Graffiti

Summary of Concerns	Planning Officer Comment
Public liability	<p>Objections submitted in relation to the current application have raised public liability concerns associated with the proposed skateboard ramp.</p> <p>This is not a relevant planning consideration. However, should Council approve the current application it would be the responsibility of Harrieville Boardriders Incorporated, Harrieville Recreation Reserve Committee of Management and ultimately the Department of Energy, Environment and Climate Action to ensure they each have appropriate public liability insurance in place.</p>

Summary of Concerns	Planning Officer Comment
Proposed method of construction (noise impacts)	<p>Objections raised concerns that the proposed method of construction of the skateboard ramp (above-ground, on a concrete slab) is likely to result in greater amenity impacts (noise) than an in-ground concrete skateboard ramp / facility.</p> <p>In relation to this suggestion, it is the role of the decision maker to assess and determine the proposal as submitted, rather than to assess and determine alternate or suggested designs which do not form part of the submitted application and which may or may not produce better outcomes.</p> <p>With reference to the decision guidelines of the Public Park and Recreation Zone, the appropriateness or otherwise of the design of the proposed skateboard ramp as submitted is a legitimate planning consideration.</p> <p>The skateboard ramp is an existing piece of recreational infrastructure being relocated from Falls Creek and is understood to be actively utilised for recreational activities. It is proposed to site the skateboard ramp on a concrete slab that has been certified as complying with the <i>Building Act 1993</i>.</p> <p>In this context, it is understood that the skateboard ramp has been appropriately designed to facilitate its' intended use and is 'fit-for-purpose' (i.e., it is of a design suitable to accommodate the needs of skateboarders).</p> <p>As noted above, the use of the skateboard ramp is as-of-right within the Public Park and Recreation Zone. Council does not have any discretion to impose Conditions that would act to limit the use of the proposed skateboard ramp (for example, to specific hours or days) to address potential amenity impacts. However, Council does have discretion to impose conditions pertaining to the construction of the proposed skateboard ramp (i.e., buildings and works) to address those potential amenity impacts.</p> <p>Given this context it is recommended that, should Council determine to approve the current application, a condition of permit be included to incorporate a suite of noise dampening measures into the design of the proposed skateboard ramp to ensure its' potential noise impacts are reduced.</p>

Summary of Concerns	Planning Officer Comment
Visual impact	<p>Objections raised concerns that the proposed skateboard ramp was incompatible with the reserves’ bushland setting.</p> <p>The location of the proposed skateboard ramp is not a visually prominent part of the Recreation Reserve. Given its proposed location, the presence of established surrounding vegetation and with a maximum elevation of 1.60 metres, the proposed skateboard ramp would not be a visually prominent feature within the landscape and is assessed as being unlikely to detract from the Shire’s significant valley and alpine landscapes. Additionally, a proposed skateboard ramp is assessed as being an appropriate piece of recreational infrastructure within an established recreation reserve and would not detract from the reserves’ established landscape character.</p>
Dumping of waste concrete and resultant fire hazard	<p>Objections raised concerns that excess concrete associated with the concrete slab (already constructed) was dumped nearby rendering part of the reserve unable to be mowed and therefore a fire hazard.</p> <p>It is recommended that, should Council determine to approve the current application, a condition of permit be included to require all excess concrete to be removed to enable bushfire risk to be appropriately managed.</p>

REFERRALS

Referrals / Notice	Advice / Response / Conditions
Section 55 referrals:	<p>CFA – No objection, no Conditions GMW – Conditional consent</p>

PLANNING ASSESSMENT

It is important to highlight at the outset that, while the current application triggers a planning permit requirement to construct a building or construct or carry out works under both the Public Park and Recreation Zone and the Bushfire Management Overlay, the proposed use of land for informal outdoor recreation (skateboard ramp) does not trigger a planning permit under the provisions of either the Public Park and Recreation Zone or the Bushfire Management Overlay.

In other words, the use of the proposed skateboard ramp does not require planning permission. Council’s assessment of this application is therefore limited to the appropriateness or otherwise of the buildings and works that are required to facilitate the proposed skateboard ramp, not its use.

For this reason, it is important to be aware that, should Council decide to approve the current application, Council could only reasonably impose Conditions upon any permit granted that relate to buildings and works; any Conditions that seek to regulate the use of the proposed skateboard ramp would be in contravention of the basic principles regarding the validity of permit Conditions established under VCAT case law.

Municipal Planning Strategy and Planning Policy Framework

The policies of the Municipal Planning Strategy and Planning Policy Framework provide support to the proposal as follows:

Policy	Planning Officer Comment
<p>Settlement</p> <ul style="list-style-type: none"> • Clause 02.03-1 Settlement • Clause 11.01-1L-01 – Settlement • Clause 11.01-1L-05 - Harrietville 	<p>These clauses seek to locate growth within defined settlement boundaries and in appropriate areas taking into account environmental constraints, natural hazards, and servicing limitations.</p> <p>The subject site is within the Harrietville Township boundary and identified as Crown Land on the Harrietville Structure Plan to Clause 11.01-1L-05. Policy identifies that Harrietville is valued by residents and visitors for (amongst other matters) its proximity to outdoor activities.</p> <p>The subject site is suitably zoned to accommodate recreation facilities and is not subject to environmental constraints or natural hazards that would otherwise militate against the proposal.</p> <p>The proposal is assessed as acceptably responding to these Clauses.</p>

Policy	Planning Officer Comment
<p>Environmental risks</p> <ul style="list-style-type: none"> • 02.03-3 Environmental risks and amenity • 13.02-1S - Bushfire planning • 13.02-1L Bushfire planning • 14.02-1S - Catchment planning and management • 14.02-1L Catchment management and planning 	<p>These clauses seek to ensure that relevant environmental risks are appropriately identified and mitigated.</p> <p>The subject site is within the Bushfire Management Overlay. The application was referred to the Country Fire Authority (CFA) which did not object to the grant of a permit and did not impose any Conditions, subject to confirmation that Council waives the application requirements of Clause 44.06-3. The CFA advised that it would support Council waiving those application requirements, given the type of works being proposed and the site of the proposed skateboard ramp being managed in the Harrietville Recreation Reserve.</p> <p>As part of the officer assessment of the application and considering the CFA’s advice, it was assessed as acceptable to waive the application requirements of Clause 44.06-3 in this instance.</p> <p>The site is within a Designated Water Supply Catchment Area. The application was referred to Goulburn-Murray Water (GMW) which consented to the application, subject to Conditions.</p> <p>The consent of the relevant referral authorities indicates that applicable environmental risks do not militate against the proposal.</p>
<p>Significant vegetation</p> <ul style="list-style-type: none"> • 02.03-2 Environmental and landscape values • 12.01-2S - Native vegetation management 	<p>These clauses seek to ensure that significant vegetation is protected and that there is no net loss to biodiversity because of the removal of native vegetation, where such removal is unavoidable.</p> <p>The skateboard ramp is proposed to be located upon an already cleared part of the Recreation Reserve (and upon an existing concrete foundation) and does not necessitate the removal of any native vegetation.</p> <p>The proposal has therefore acceptably demonstrated compliance with the 3-step approach and will not result in a net loss of biodiversity.</p>

Policy	Planning Officer Comment
<p>Landscapes</p> <ul style="list-style-type: none"> • 02.03-2 – Environmental and landscape values • 12.05-2S- Landscapes • 12.05-2L Landscapes 	<p>These clauses seek to ensure that development minimises visual impacts upon the Shire’s significant valley and alpine landscapes.</p> <p>The location of the proposed skateboard ramp is not a visually prominent part of the Recreation Reserve. Given its proposed location, the presence of established surrounding vegetation and with a maximum elevation of 1.60 metres, the proposed skateboard ramp would not be a visually prominent feature within the landscape and is assessed as being unlikely to detract from Shire’s significant valley and alpine landscapes.</p>
<p>Recreation facilities</p> <ul style="list-style-type: none"> • Clause 19.02-3S – Cultural facilities • Clause 19.02-6S – Open space 	<p>Amongst other matters these policies seek to increase access to recreation facilities and to ensure that public open space networks meet the needs of the community.</p> <p>The current proposal would broaden the range of recreation facilities within the Harrietville Recreation Reserve that the local community has access to and would meet the specific needs of a section of the local community.</p> <p>As such, the proposal is assessed as acceptably responding to these Clauses.</p>

Zoning

The subject site is zoned Public Park and Recreation Zone. The key purposes of this zone are:

- *To recognise areas for public recreation and open space.*
- *To protect and conserve areas of significance where appropriate.*
- *To provide for commercial uses where appropriate.*

Clause 36.02-1 – The proposed use (informal outdoor recreation) is a Section 1, as of right use i.e., a planning permit is not required for the use.

Clause 36.02-2 – A planning permit is required to construct a building or construct or carry out works.

Clause 36.02-3 – An application for a permit by a person other than the relevant public land manager must be accompanied by the written consent of the public land manager, indicating that the public land manager consents generally or conditionally either to the application for permit being made or to the application for permit being made and to the proposed use or development. The Department of Energy, Environment and Climate Action has provided written advice, confirming that the Minister for Environment (as the relevant public land manager) conditionally consents to the application for permit being made and to the proposed development.

The application has been assessed against the purposes and decision guidelines of the Public Park and Recreation Zone and can be supported for the following reasons:

- The proposal generally supports and implements the Municipal Planning Strategy and the Planning Policy Framework.
- The public land manager has conditionally consented to the proposal.
- The proposed skateboard ramp is assessed as being appropriately located within the Harrietville Recreation Reserve; its location will not impact upon any other recreation activities or facilities within the reserve and will not impact upon any established native vegetation.
- The submitted plans indicate that the proposed skateboard ramp has been appropriately designed to facilitate its intended use.

As the use currently exists on the site the application has only needed to be made for the development aspect, no use aspect is relevant in this assessment.

Overlays

The subject site is included in the Bushfire Management Overlay (BMO). The key purposes of this overlay are:

- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

Clause 44.06-2 - a permit is required to construct a building or construct or carry out works associated with a leisure and recreation use in the BMO.

The application has been assessed against the purposes and decision guidelines of the Bushfire Management Overlay and can be supported for the following reasons:

- The proposal generally supports and implements the Municipal Planning Strategy and the Planning Policy Framework.
- The application was referred to the Country Fire Authority (CFA) which consented to the application with no conditions.

Particular Provisions

None applicable

Decision guidelines

For all planning permit applications made under the Alpine Planning Scheme, consideration must be given, as appropriate, to the decision guidelines at Clause 65.01. An assessment against the relevant decision guidelines of Clause 65.01 is provided in the following table:

Decision Guideline	Planning Officer Comment
<p>The matters set out in Section 60 of the Act.</p>	<p>The proposal is appropriate considering the matters set out in Section 60 of the <i>Planning and Environment Act 1987</i>. Namely, the proposal satisfies the relevant provisions of the Alpine Planning Scheme, notification and referrals were undertaken and the proposed buildings and works are assessed as unlikely to result in any unreasonable negative environmental, social, or economic effects. Five objections were received which have been addressed in this report.</p>
<p>The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies</p>	<p>As discussed in this report, the proposal supports the Municipal Planning Strategy and the Planning Policy Framework and is assessed as being consistent with the purposes of the Public Park and Recreation Zone and the Bushfire Management Overlay.</p>
<p>The purpose of the zone, overlay or other provision.</p>	
<p>Any matter required to be considered in the zone, overlay or other provision.</p>	
<p>The orderly planning of the area.</p>	<p>The siting and design of the proposed informal outdoor recreation (skateboard ramp) is functional and unlikely to detrimentally impact upon the use of other recreational facilities and activities within the Harrietville Recreation Reserve. Buildings and works to facilitate informal outdoor recreation within an established recreation reserve is considered to be generally consistent with the applicable directions of policy. For these reasons the proposed buildings and works are considered to represent an orderly planning outcome.</p>

Decision Guideline	Planning Officer Comment
<p>The effect on the environment, human health, and amenity of the area</p>	<p>The proposed buildings and works are considered unlikely to have any unreasonable negative effects on the environment, human health, or amenity of the area.</p> <p>It is acknowledged that objections to the proposal have raised concerns regarding potential impacts to amenity associated with the use of the proposed informal outdoor recreation (skateboard ramp). The use of land for informal outdoor recreation is as-of- right within the Public Park and Recreation Zone and does not trigger a planning permit under the Alpine Planning Scheme.</p> <p>For this reason, any approval granted cannot impose conditions limiting the use of land for informal outdoor recreation (skateboard ramp), because any such conditions would be invalid because they would not relate to the planning permission being granted (buildings and works).</p>
<p>The proximity of the land to any public land</p>	<p>The subject site is public land within which public recreation is supported. The proposal is considered to be consistent with the purposes of the Public Park and Recreation Zone and unlikely to detrimentally impact upon the current and future use and development of the Reserve.</p>
<p>Factors likely to cause or contribute to land degradation, salinity or reduce water quality</p>	<p>The site of the proposed skateboard ramp is generally flat and not subject to know land degradation or salinity risks. The imposition of appropriate conditions pertaining to construction will ensure the proposal will not contribute to land degradation, salinity, or reduced water quality</p>

Decision Guideline	Planning Officer Comment
Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.	Not applicable
The extent and character of native vegetation and the likelihood of its destruction.	The skateboard ramp is proposed to be located upon an already cleared part of the Recreation Reserve (and upon an existing concrete foundation) and does not necessitate the removal of any native vegetation
Whether native vegetation is to be or can be protected, planted, or allowed to regenerate.	
The degree of flood, erosion or fire hazard associated with the location of the land and the use, development, or management of the land to minimise any such hazard.	The area of proposed buildings and works is not known to be subject to flooding or have erosion issues. The application was referred to the CFA which did not object to the proposal (no conditions).
The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts	Not applicable
The impact the use or development will have on the current and future development and operation of the transport system	The scale of the proposal is unlikely to have an impact on the current and future operation of the transport system

CONCLUSION

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

- The application is consistent with the Alpine Planning Scheme.
- The application is consistent with the objectives of planning in Victoria.
- There are no Covenants or Section 173 Agreements applicable to the land that act to prevent or militate against the proposal.
- The concerns of objectors (as relevant and applicable to the specific planning permissions being sought) have been reasonably addressed.

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 Customer and Community
- Manager Statutory Planning, Compliance and Local Laws
- Consultant Planner

APPENDICIES

8.2.4 Conditions

Appendix 8.2.4 CONDITIONS

Amended Plans

Before the use and/or development start(s), amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- a. The incorporation of noise-dampening measures into the design and construction of the skateboard ramp, including:
 - i. The covering / sealing of all openings in the skateboard ramp including the ends and side walls of the ramp.
 - ii. The provision of noise-dampening foam within the enclosed space underneath the skateboard ramp.
 - iii. The filling of the skateboard ramps' metal coping with insulation foam.
- b. The provision of a bin.
- c. The provision of a 'Code of Conduct' sign (including proposed wording), addressing:
 - i. The minimisation of amenity impacts to neighbours and other park users.
 - ii. Littering.
 - iii. Alcohol and drug use.
 - iv. Amplified music.
 - v. Graffiti.

Layout not altered

The layout of the site and the size of the proposed buildings and works must be generally in accordance with the endorsed plan/s which form part of this permit. The endorsed plan/s must not be altered or modified (whether or not to comply with any statute statutory rule or local law or for any other reason) without the consent of the responsible authority.

Removal of excess concrete

Before the development starts, all excess concrete is to be removed from the Reserve and the affected area is to be re-instated / rehabilitated to the satisfaction of the responsible authority.

DEECA Conditions

Protection of native vegetation to be retained

Before works start, a native vegetation protection fence must be erected around all native vegetation to be retained within 15 metres of the works area. This fence must be erected at:

- a. A radius of 12 times the diameter of the tree trunk at a height of 1.4 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree; and
- b. Around the patch(es) of native vegetation at a minimum distance of 2 metres from retained native vegetation.

The fence must be constructed of star pickets and paraweb or similar to the satisfaction of the responsible authority and the Department of Energy, Environment, and Climate Action. The protection fence must remain in place until all works are completed to the satisfaction of the department.

Except with the written consent of the department, within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:

- a. vehicular or pedestrian access
- b. trenching or soil excavation
- c. storage or dumping of any soils, materials, equipment, vehicles, machinery, or waste products
- d. construction of entry and exit pits for underground services; or
- e. any other actions or activities that may result in adverse impacts to retained native vegetation

Note: In the event that any protected flora is to be removed as part of the permitted removal of native vegetation, before any native vegetation is removed or impacted on the public land, a permit to take protected flora under the Flora and Fauna Guarantee Amendment (FFG) Act 2019 is required. To obtain a permit to take protected flora or for further information, please contact a Natural Environment Program officer at a Hume regional office of the Department of Energy, Environment and Climate Action.

GMW Conditions

All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).

Mandatory Clause 44.06 Condition

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

Construction Phase Conditions

Construction Management Plan

Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Alpine Shire Council. Issues such as mud on roads, dust generation and erosion and sediment control will be managed, on site,

during the construction phase. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise.

No Mud on Roads

Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land to the satisfaction of the Alpine Shire Council.

Expiry

This permit will expire if one of the following circumstances applies:

- i. If the development is not started within two (2) years of the date of this permit.
- ii. If the development is not completed within four (4) years of the date of this permit.

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

- End of Conditions -

Planning Notes:

1. This permit does not authorize the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.
2. This permit does not grant approval for any fencing on the site.

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.

RECOMMENDATION

That the summary of informal meetings of Councillors for June / July 2023 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
27 June	Briefing Session
4 July	Panel assessments - Events and Community Grants 2023-24
11 July	Briefing Session
18 July	Briefing Session

Attachment(s)

- 9.0 Informal meetings of Councillors – June / July 2023

10. Presentation of reports by delegates

11. General business

12. Motions for which notice has previously been given

13. Reception and reading of petitions

14. Documents for sealing

RECOMMENDATIONS

That the following documents be signed and sealed.

- 1. Contract No CT23016 in favour of Rendine Constructions Pty Ltd.*
- 2. Lease Site 14 - Porepukah Aerodrome.*
- 3. Financial Hardship Policy No. 127.*
- 4. Debtor Management Policy No 102.*
- 5. Revenue and Rating Plan (updated 2023).*
- 6. Contract No CT23018 in favour of Mesh Livable Urban Communities Pty Ltd.*

15. Confidential Report

RECOMMENDATION

That, in accordance with the provisions of s66(2)(a) of the Local Government Act 2020, the meeting be closed to the public for consideration of two confidential reports due to the information defined by s3 of the Local Government Act 2020, as:

- a. Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.*

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

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Chairperson