



ORDINARY COUNCIL MEETING

MINUTES

M12 – 5 December 2017

Bright Council Chambers

7:00pm



The next **Ordinary Meeting** of the **Alpine Shire Council** was held in the Council Chambers, Great Alpine Road, Bright on **5 December 2017** and commenced at **7:00pm**.

PRESENT

COUNCILLORS

Cr Ron Janas - Mayor

Cr Sarah Nicolas – Deputy Mayor

Cr John Forsyth

Cr Tony Keeble

Cr Kitty Knappstein

Cr Peter Roper

Cr Daryl Pearce

OFFICERS

Mr Charlie Bird – Chief Executive Officer

Ms Nathalie Cooke – Director Corporate

Mr Will Jeremy – Director Assets



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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.

By speaking during question time, or at any time during the meeting, you consent to your voice and any comments you make being recorded.

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

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

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

2 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS, AND RECOGNITION OF ALL PEOPLE

The CEO read the following statement:

The Alpine Shire Council acknowledges the traditional owners of the land we are now on.

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

3 CONFIRMATION OF MINUTES

3.1 ORDINARY COUNCIL MEETING – M11

Cr Knappstein

Cr Keeble

That the minutes of Ordinary Council Meeting M11 held on 14 November 2017 as circulated be confirmed.

Carried

4 APOLOGIES

Nil

5 OBITUARIES / CONGRATULATIONS

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



6 DECLARATIONS BY COUNCILLORS OF CONFLICT OF INTEREST

Nil

7 PUBLIC QUESTIONS ON AGENDA ITEMS

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 Alpine Shire Council 2018 Schedule of Ordinary Council Meetings

File Number: 662.01

INTRODUCTION

This report seeks Council's endorsement of the proposed ordinary meeting schedule of Council for the 2018 calendar year. The time of the meetings will remain unchanged. The location of the meetings is as per the table below.

Cr Roper

Cr Pearce

That Council:

1. *Endorse the ordinary meeting schedule for the first Tuesday of each month in 2018 except January and November according to the following schedule:*

<i>DATE</i>	<i>TIME</i>	<i>LOCATION</i>
<i>January, NO MEETING</i>	<i>N/A</i>	<i>N/A</i>
<i>6 February 2018</i>	<i>7pm</i>	<i>Bright</i>
<i>6 March 2018</i>	<i>7pm</i>	<i>Myrtleford</i>
<i>3 April 2018</i>	<i>7pm</i>	<i>Bright</i>
<i>1 May 2018</i>	<i>7pm</i>	<i>Mount Beauty</i>
<i>5 June 2018</i>	<i>7pm</i>	<i>Bright</i>
<i>3 July 2018</i>	<i>7pm</i>	<i>Bright</i>
<i>7 August 2018</i>	<i>7pm</i>	<i>Bright</i>
<i>4 September 2018</i>	<i>7pm</i>	<i>Bright</i>
<i>2 October 2018</i>	<i>7pm</i>	<i>Bright</i>
<i>13 November 2018</i>	<i>7pm</i>	<i>Bright</i>
<i>4 December 2018</i>	<i>7pm</i>	<i>Bright</i>

2. *the November 2018 ordinary meeting of Council be held on the second Tuesday of November.*
3. *notice of Council's 2018 ordinary meeting schedule; be published on Council's website.*
4. *notice of any changes required to the 2018 ordinary meeting schedule be given at least two weeks prior to the revised date and published on Council's website and in a locally circulating newspaper.*

Carried



BACKGROUND

Section 83 of the *Local Government Act 1989* (the Act) provides for Council to hold 'ordinary meetings at which general business of the Council may be transacted'.

Council historically holds its ordinary meetings on the first Tuesday of the month (except public holidays) commencing at 7pm. Meetings are generally held Council Chambers in Bright unless by request from the community to be held elsewhere.

ISSUES

January meeting

Council has historically only scheduled and held 11 ordinary meetings throughout any given year with no ordinary meeting scheduled in January. It is proposed that this arrangement be continued in 2018 in order to accommodate councillor and staff leave over the Christmas, New Year and school holiday period.

Timing of November meeting

Council's regular ordinary meeting cycle is the first Tuesday of the month at 7pm. This schedule clashes with the Melbourne Cup public holiday, which falls on the first Tuesday of November. Since 2014, council has held the November meeting on the second Tuesday of November. It is proposed that the second Tuesday of the month be continued for the 2018 November ordinary meeting of Council.

This arrangement provides consistency for councillors and executive who traditionally meet on a Tuesday and it also provides for the many staff, and councillors, who take the opportunity of the shorter week, due to the Melbourne Cup Day public holiday, to take leave.

Alternative locations

Council has received a request from the Upper Kiewa Valley Community Association to host its meeting on an annual basis in Kiewa Valley. The group has requested that the May ordinary meeting be held in the Kiewa Valley. Council is happy to comply with the request to hold its meetings in alternative locations if this is what the community requires and provided that sufficient notice is given for Council to comply with its statutory requirements. It is also recommended that March ordinary meeting be held in Myrtleford.

Special meetings of Council

Section 84 of the *Local Government Act 1989* provides for either:

- the Mayor or at least three councillors by written notice; or
- the Council by resolution to call a special meeting of Council.

When calling for a special meeting of Council, the date and time of the meeting and the business to be transacted at the meeting must be specified. On this basis a schedule for special meetings of Council cannot be prepared.



POLICY IMPLICATION

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

- A high performing organisation.

CONCLUSION

Councillors and the community are familiar with the proposed meeting schedule and its adoption is recommended.

DECLARATION OF CONFLICT OF INTEREST

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

- Executive Assistant to CEO

ATTACHMENT(S)

- Nil



8.2 DIRECTOR ASSETS – WILLIAM JEREMY

8.2.1 Contract 1707201: Resealing Kiewa Valley (2017-18) - Sprayseal

File Number: CT17072

INTRODUCTION

This report relates to the award of the Alpine Shire Council's Resealing Kiewa Valley (2017-18) - Sprayseal Tender. Council undertakes road resealing each year as part of its local roads renewal program.

Cr Roper

Cr Pearce

That Council:

Awards Contract No. 1707201 for "Resealing Kiewa Valley (2017-18) - Sprayseal" to GW & BR Crameri Pty Ltd for the lump sum price of \$327,324.44 + GST.

Carried

BACKGROUND

The 2017-18 resealing program is based in the Kiewa Valley and resealing will be carried out in Mt Beauty, Tawonga South, Gundowring, Upper Gundowring, Dederang and Kancoona. A total road area of approximately 75,000 m² (11.8 km in length) is scheduled to be resealed this year.

The 2017-18 resealing program will be completed as two separate contracts; one for Sprayseal works and one for Asphalt Overlay works. This report relates only to the Sprayseal works.

The Invitation to Tender was advertised in the Herald Sun, the Border Mail, Tenders.Net and Alpine Shire Council websites on 18 October 2017.

The Tender documents were downloaded by 12 prospective tenderers and five submissions were received, four of which were conforming offers.

EVALUATION

The evaluation panel consisted of the Director Assets, Acting Manager Asset Development and the Project Engineer.

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

- Price
- Qualifications and Previous Performance
- Delivery
- Social



The evaluation panel assessed that the tender from GW & BR Crameri Pty Ltd best met the selection criteria and achieved the overall highest assessment score.

The contractor is known by the evaluation panel and has a track record of completing similar projects to an acceptable standard. The evaluation panel is confident that the contractor has the capability and experience to fulfil the requirements of this contract.

The Resealing Kiewa Valley Tender is a Lump Sum contract based on a reference seal design for the scheduled road reseals, with a Schedule of Rates component for the actual quantity of bitumen used. The bitumen application rate needs to be calculated for specific factors relevant to each road at the time of application, including up to date traffic counts, material properties of the sealing aggregate and surface condition of the road. Council officers will approve the final seal designs which will form a hold point in the contract. Hence, the amount payable under the contract will depend on the actual bitumen application rate nominated in the final seal designs and may be slightly less or more than the awarded contract price.

Reinstatement of line marking is included within the scope of works and will be completed by the contractor following resealing works. Line marking works will be completed based on a schedule of rates provided as part of the tender.

ISSUES

The works have been planned to avoid the busiest period of the summer holidays and to be completed prior to end March 2018 after which the risk of poor weather increases.

The works involve a large crew and intensive heavy vehicle and plant movements at multiple locations, therefore a high standard of traffic management and site safety is required by the Contractor.

POLICY IMPLICATIONS

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

This recommendation is in accordance with the following Strategic Objective of the Council Plan 2017-21:

- Incredible places for our community and visitors.

FINANCIAL AND RESOURCE IMPLICATIONS

The "Resealing Kiewa Valley (2017-18) - Sprayseal" contract is funded by Alpine Shire Council's Resealing Kiewa Valley (2017-18) project budget. There is sufficient budget to award this contract.

The contract value has been set at \$327,324.44 + GST which has been calculated based on the reference seal designs and rates provided by the recommended tenderer. This value is inclusive of an allowance for line marking works.



CONCLUSION

Acceptance of the tender from GW & BR Crameri Pty Ltd is considered to be the best value option for Council.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Acting Manager Asset Development
- Project Engineer

ATTACHMENT(S)

- Nil



8.2.2 Contract 1709501: Pavement Renewal Program 2017/18

File Number: CT17095

INTRODUCTION

This report relates to the award of the Alpine Shire Council's Pavement Renewal Program 2017/18 Tender. Council regularly undertakes pavement renewal works by a process of in-situ stabilisation and sealing to repair and prolong the life of the road network.

Cr Pearce

Cr Roper

That Council:

Awards Contract No. 1709501 for "Pavement Renewal Program 2017/18" to Country Wide Asphalt for the lump sum price of \$165,000 + GST.

Carried

BACKGROUND

Council conducts regular asset maintenance inspections across its road network. A range of road pavement defects were identified and prioritised during recent inspections under Council's asset management process. These defects require rehabilitation through stabilisation and emulsion primer-sealing.

A list and online map of identified defects was included in the tender documents which shows location and defect size information. The list contains Priority 1 (5,576m²) and Priority 2 (7,234m²) defects.

The Invitation to Tender was advertised in the Border Mail on 28 October 2017 and on Tenders.Net and the Alpine Shire Council websites.

The tender documents were downloaded by 11 prospective tenderers, however only one response was received by the closing date.

EVALUATION

The tender submission received from Country Wide Asphalt has been evaluated for compliance with the specification requirements. The tendered rate has been benchmarked against Council's in-house cost estimate which was prepared prior to issuing the Request for Tender, against previous rates awarded for similar work, and against recent road rehabilitation contract awards to other councils.

Council's previous experience with Country Wide Asphalt has been acceptable, and reference checks have returned consistently positive feedback.

Based on the rates submitted by the tenderer, Council will be in a position to address all of the Priority 1 defects and approximately 16% of Priority 2 defects. Priority 2 defects not addressed during the 2017/18 pavement renewal program will be carried forward to be addressed during 2018/19.



ISSUES

The Priority 1 defects coincide with the areas scheduled for resealing in this year's resealing program in the Kiewa Valley. It is critical that the Priority 1 defects are addressed ahead of the resealing program commencing. Country Wide Asphalt has confirmed their ability to complete the Priority 1 works by the end of January 2018, leaving sufficient time to undertake the resealing program before the risk of unsuitable weather increases.

POLICY IMPLICATIONS

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

This recommendation is in accordance with the following Strategic Objective of the Council Plan 2017-21:

- Incredible places for our community and visitors.

FINANCIAL AND RESOURCE IMPLICATIONS

The "Pavement Renewal Program 2017/18" contract will be funded by Alpine Shire Council's pavement renewal 2017/18 project budget. There is sufficient budget to award this contract.

CONCLUSION

Acceptance of the tender from Country Wide Asphalt for the 2017/18 pavement renewal works is considered to be the best value option for Council.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Acting Manager Asset Development
- Project Manager

ATTACHMENT(S)

- Nil



8.2.3 Dinner Plain Winter Bus Service 2018-2021

File Number: CT 17073

INTRODUCTION

This report relates to the award of a contract for the provision of a shuttle bus service between Dinner Plain and Mount Hotham for three seasons commencing in 2018.

Cr Pearce

Cr Nicholas

That Council:

Awards Contract No. 1707301 for "The Provision of a Seasonal Shuttle Bus Service between Dinner Plain and Mount Hotham" to Alpine Spirit Pty Ltd for a three (3) year term with the option of one three (3) year extension, a 2018 winter season price of \$153,500 + GST, and with the contract price to be adjusted annually for CPI.

Carried

BACKGROUND

The three year contract for the operation of a seasonal bus service between Dinner Plain and Mount Hotham came to conclusion at the end of the 2017 ski season.

Mount Hotham Resort Management Board (MHRMB) operates intra-village services for the Hotham village throughout winter.

With the aim of finding efficiencies across both services, Council and MHRMB jointly tendered the Hotham intra village services and the Dinner Plain to Hotham bus service.

The process commenced early in 2017, with a call for Expressions of Interest to operate both services. Five parties registered their interest and were invited to visit the sites to discuss the required services with Council and MHRMB representatives. Five of those interested parties submitted Expressions of Interest with four of these subsequently being invited to tender for the services, and to view both service operations over the 2017 winter period.

Tender documents were prepared and provided to the four interested parties. This process was run throughout September 2017.

While the joint tender process was underway, Council also undertook a tendering process for the Dinner Plain to Hotham bus service as a stand-alone service as there was a risk that MHRMB may resolve not to outsource the intra-village Hotham bus services if cost efficiencies could not be achieved by the service being outsourced.

The standalone tender was advertised in local and national newspapers, on Tenders.net and the Alpine Shire Council website. The tender documents were downloaded by nine potential tenderers.



The tendering processes provided the following results:

- Three tenders were received to operate the Hotham intra village bus services and the Dinner Plain to Hotham bus services; and
- Four tenders were received to operate the Dinner Plain to Hotham services only.

EVALUATION

Evaluation of the joint tenders was undertaken by representatives from MHRMB and Council to determine whether the joint tendering process would progress to a recommendation to MHRMB to resolve to outsource their services. Council representatives in this evaluation process were the Manager Economic and Community Development and Director Assets.

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

- Price
- Experience and capacity
- Methodology and innovation
- Risk

Tenders received to operate both services offered better value for Council than tenders received to provide standalone delivery of the Dinner Plain to Mount Hotham service.

Both parties agreed that Alpine Spirit Pty Ltd best met the selection criteria.

ISSUES

MHRMB charges Council a gate entry fee for visitors who travel into Mount Hotham using the Dinner Plain to Mount Hotham bus service. MHRMB increased the gate entry fee to \$72,000 in 2017 and has advised that this fee will increase to \$80,000 for 2018 onwards, assuming the same patronage numbers as 2017.

A three-year agreement has been reached with the Mount Hotham Skiing Company to pay \$80,000 per year for the use of the Dinner Plain to Mount Hotham bus service. This payment has been increased from \$60,000, and from 2018 will be payable directly to Council rather than to the bus operator.

Continued receipt of a \$25,000 subsidy for the bus service from the Department of Training and Education (DET) has not yet been confirmed.

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:

- A thriving and connected community.



FINANCIAL AND RESOURCE IMPLICATIONS

The net cost of delivering the Dinner Plain to Mount Hotham bus service for the 2017 winter season was \$202,000, comprising a contract cost of \$120,000, gate entry fees of \$72,000 paid under a separate agreement to the MHRMB, plus additional promotional and bus branding costs. Under the previous contract, which concluded at the end of the 2017 winter season, the bus contractor sought payment directly from stakeholders to assist with the operation of the service.

The net cost of delivering the Dinner Plain to Mount Hotham bus service for the 2018 winter season is anticipated to be \$128,500 under the proposed contract award to Alpine Spirit Pty Ltd. This figure comprises a contract cost of \$153,500 in addition to gate entry fees to MHRMB estimated to be \$80,000 based on 2017 patronage. This expenditure will be offset by payment from the Mount Hotham Skiing Company (\$80,000) and from the Department of Education and Training (\$25,000). The payment from the Department of Education and Training has not yet been confirmed.

CONSULTATION

Consultation with major stakeholders, rate payers, business owners and residents has been ongoing, including the Mount Hotham Skiing Company, Bright P12 College and the MHRMB.

CONCLUSION

Following a comprehensive Tender evaluation assessment and reference checks, the Tender from Alpine Spirit Pty Ltd is considered to present the best value option for Council.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Economic and Community Development

ATTACHMENT(S)

- Nil



8.2.4 Provision of Contracted Snow Clearing Services at Dinner Plain Village

File Number: 01821.00

INTRODUCTION

This report relates to the award of Contract 1707402 for the provision of snow clearing services at Dinner Plain Village.

Cr Nicholas

Cr Pearce

That Council:

- 1. Awards Contract No. 1707402 'Provision of Contracted Services at Dinner Plain Village' to GF & AM Peterson for snow clearing services for a five (5) year term with the option of one five (5) year extension, and a year 1 price of \$149,500 + GST, with the contract price to be adjusted for CPI annually on the anniversary of the Contract.*
- 2. Sells Council's snow blower to GF & AM Peterson for the one-off lump sum price of \$8,000 + GST.*

Carried

BACKGROUND

At the October 2007 Council meeting, Council awarded Contract 0702801 for the 'provision of maintenance, waste and recycling services at Dinner Plain' to GF & AM Peterson. The contract was awarded for an initial five-year term through to 30 November 2012 with an option for a five-year extension. The scope of maintenance under this contract included snow clearing.

At Council meetings in September 2012 and November 2015 the contract term was subject to two extensions totalling five years, through to the current expiry date of 30 November 2017.

In August 2017 Council advertised a tender for 'The Provision of Contracted Services at Dinner Plain Village.'

The scope of the services to be provided under the contract includes:

- Village maintenance works (including grass maintenance, stormwater drain maintenance, roads and carpark maintenance, signs and street lighting maintenance and street furniture maintenance);
- Waste management (collection, transfer and disposal of general and recyclable materials);
- Grooming of Nordic Trails and the Pea Shooter toboggan slope; and
- Snow clearing of roads and car parks.



The invitation to tender was advertised in the Border Mail on 19 August, Alpine Observer/Myrtleford Times and Herald Sun on Wednesday 23 August and on the Tenders.net and Alpine Shire Council websites.

Following a public tender process, at the October 2017 Council meeting a Contract was awarded to GF & AM Peterson for maintenance, waste management and snow grooming services in Dinner Plain. A recommendation carried in this Council meeting is that Council:

"Continues to work with the shortlisted tenderers to establish a cost-effective model for delivery of snow clearing services, and presents a recommendation to award a Contract for this service to the December 2017 Ordinary Council Meeting."

EVALUATION

Through a series of tender clarification meetings held subsequent to the October 2017 Council meeting, alternative scenarios have been explored for ownership of Council's snow blower, and for the use of different snow blade technology.

The shortlisted tenderers were requested to submit revised tenders for the snow clearing service based on the following scenarios:

1. Continuing to provide the service as delivered during the 2017 winter season; Council continues to own the snow blower and lease it to the contractor, and snow clearing is carried out with a fixed solid blade.
2. Ownership of the snow blower is transferred to the contractor, and the contractor delivers the snow clearing service with a hydraulically operated blade with wings and 'breakaway edges'. 'Soft-edged' blades are not mandatory.

Following the assessment by the evaluation panel it was determined that for the provision of snow clearing services, the non-conforming tender from GF & AM Peterson which corresponds to scenario 2 above best met the selection criteria and could be demonstrated to offer the best value option for Council.

ISSUES

Snow Blower

Council's snow blower is 15 years old and nearing the end of its service life. Under the current contract, the snow blower is leased to the contractor, with maintenance costs paid by Council. Maintenance costs are variable, and over the last season was \$15,000. Council is also responsible for the replacement of the snow blower when it reaches the end of its service life, and the estimated cost of replacement is \$200,000.

In their tender, GF & AM Peterson has proposed to purchase Council's snow blower for a lump sum price of \$8,000, and to take on responsibility for maintenance of the equipment and for replacement, should this become necessary during the term of the contract.

Council has evaluated this proposal, including seeking alternative proposals for the sale of the snow blower, and considers that this proposal presents best value for Council.



Snow clearing blade

The snow clearing service has been delivered under the current contract with a fixed steel blade. The Request for Tender specified that 'snow clearing equipment must be "soft-edged" to minimise the potential to damage roadways and road furniture.'

Soft-edged blade technology has been assessed, and based on the extent of concrete surfaces which require clearing in Dinner Plain; very high rates of blade wear are anticipated. As a result, the use of soft-edges blades is not considered to be economical for delivering this service.

Hydraulically operated wing blades with 'breakaway edges' are currently in use for snow clearing in both Falls Creek and Mount Hotham. This technology has been evaluated, and it is considered it will improve the way in which the snow clearing service can be delivered in Dinner Plain.

POLICY IMPLICATIONS

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

The recommendations are in accordance with the following Strategic Objective of the Council Plan 2017-2021:

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

FINANCIAL AND RESOURCE IMPLICATIONS

The 2017 cost for the delivery of snow clearing under the current contract is \$123,574. In addition to this amount, Council has paid \$15,000 for maintenance of the snow blower, and received lease income of \$2,491. The net cost to Council of this service was therefore \$136, 083.

The 2018 cost under the recommended contract will be \$149,500, with the contractor responsible for maintenance and no lease income accruing to Council. This represents an increase in the annual net cost to Council of \$13,417.

Council will also receive a lump sum payment of \$8,000 for sale of the snow blower to the contractor.

There is sufficient allocation within the applicable 2017/18 budgets for Dinner Plain snow clearing services to deliver the planned scope through award of this contract.

The contract will incorporate a CPI adjustment to be applied annually on the anniversary of the contract.

CONSULTATION

The standards of service to be delivered through this contract have been established taking into account feedback received from the Dinner Plain community throughout the period in which the current contracted services have been delivered.



Extensive engagement has taken place with the existing provider of these services in Dinner Plain, in order to ensure that the current method of delivering these services is understood, and that opportunities to either improve service delivery or reduce the cost of the service have been explored and captured appropriately within the Tender documentation.

Consultation with internal staff was undertaken to collect and analyse data arising from delivery of the current services under the existing contract, to determine the capabilities of potential alternative service providers, and to evaluate the risks associated with different contracting arrangements for delivery of the required services.

The delivery of this service was benchmarked against industry standards for snow clearing within Victoria. This assessment considered various service delivery options.

CONCLUSION

Following a comprehensive tender evaluation, the tender from GF & AM Peterson is considered to present the best value option for Council for the provision of snow clearing services in Dinner Plain Village.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Asset Maintenance
- Manager Economic and Community Development
- Project Manager

ATTACHMENT(S)

- Nil



8.3 DIRECTOR CORPORATE – NATHALIE COOKE

8.3.1 Appointment of Councillors to represent Council on Committees and Boards

File Number: 615.00

INTRODUCTION

Council operates and participates on a range of special, advisory and external committees and groups. Council's appointment of councillors to the various committees and groups will enable good governance and decision making for following year.

Cr Roper

Cr Nicholas

That:

- 1. Councillors be appointed as Council's delegate on the following groups and committees (non-executive):*

<i>Committee</i>	<i>2016/17 representative</i>	<i>2017/18 representative</i>
<i>Municipal Association of Victoria</i>	Mayor (Deputy Mayor as substitute)	Mayor (Deputy Mayor as substitute)
<i>Hume Region Local Government Network</i>	Mayor (Deputy Mayor as substitute)	Mayor (Deputy Mayor as substitute)
<i>Alpine Shire Council – Audit Committee</i>	Cr Nicholas and Cr Knappstein	Cr Nicholas and Cr Knappstein
<i>Alpine Shire Council – Finance Committee</i>	Cr Nicholas and Cr Knappstein	Cr Nicholas and Cr Knappstein
<i>Alpine Shire Council – Municipal Emergency Management Planning Committee</i>	Cr Knappstein	Cr Knappstein



<i>Alpine Shire Council – Community Resilience Committee</i>	Cr Knappstein	Cr Knappstein
<i>Alpine Children's Services Inc.</i>	Cr Keeble	Cr Keeble
<i>Alpine Alliance (between Council and Alpine Health)</i>	Cr Knappstein	Cr Knappstein

2. Council consider whether to appoint a Council delegate to the following groups (non-executive):

<i>Committee</i>	<i>2016/17 representative</i>	<i>2017/18 representative</i>
<i>North East Waste and Resource Recovery Group (Forum)</i>	No appointment in 2016 (Cr Janas was previously on the NEWRRG Board)	Cr Nicholas
<i>Lake Buffalo Land and On Water Management Plan Implementation Group</i>	Cr Nicholas	Cr Nicholas
<i>National Timber Councils Association</i>	No appointment in 2016	Cr Pearce



3. Council note the following Councillor appointments made by external organisations

<i>Committee</i>	<i>Appointee</i>
<i>Municipal Association of Victoria – Board (Executive)</i>	Cr Janas <i>(term expires March 2019) – elected by NE Victorian Councils</i>
<i>Mount Buffalo Destination Advisory Group (Non-Executive)</i>	Cr Janas
<i>MAV Emergency Management Reference Group</i>	Cr Janas, Cr Knappstein
<i>MAV Environment Committee</i>	Cr Nicholas

Carried

BACKGROUND

Council Representation

Councillor representation on committees is required for Council's own committees / groups, as well as other external committees.

In addition to discretionary appointments, Council's Mayor holds executive positions on committees / boards / groups as the regional representative. These are non-discretionary appointments, and are discussed later in this report.

Appointments

Delegate and committee appointments are focussed on councillors' experience and areas of interest and in some cases appointments may be made on the basis of maintaining consistency.

ISSUES

Roles and Responsibilities

The roles and responsibilities of councillors will vary depending on the position they are appointed to and it is important that this is understood.

External Legal Entities

Where a councillor or an officer is nominated to the board or executive of a separate legal entity, the nominee may take on fiduciary responsibilities in accordance with the *Corporations (Victoria) Act 1990*, and they are required to act in the best interests of that company or entity.



Council Advisory Committees

There is no formal decision making that can be made in an advisory capacity on behalf of Council, but rather, recommendations arising from the deliberations of the committee may be presented to Council for consideration, deliberation and final adoption.

Responsibilities

Regardless of the type of appointment, councillors are bound by their Code of Conduct and must comply with requirements relating to:

- Declaring conflicts of interest.
- Maintaining confidentiality of information.
- Recognising and abiding by their extent of authority i.e. not making decisions on behalf of Council.

Non-discretionary appointments

Council's representative on the Municipal Association of Victoria and the Hume Region Local Government Network is the Mayor. These appointments are not discretionary and the tenure is dependent on the length of term of Mayor.

POLICY IMPLICATIONS

The proposed councillor committee representation is consistent with the following Strategic Objective in the Council Plan 2017-2021:

- A high performing organisation.

FINANCIAL AND RESOURCE IMPLICATIONS

Councillors are paid an annual allowance and do not receive additional payments for their involvement on council-appointed committees, with the exception of the MAV Board. Resourcing of councillors attending meetings and participating in the activities of these committees is supported by Council's annual budget.

CONSULTATION

Once Council has appointed its representatives, appropriate communication actions will be undertaken.



CONCLUSION

Appointment of councillors as Council's representative on its own advisory committees and project / working groups as well as external entities, associations, advisory and advocacy groups committees must now be made.

DECLARATION OF CONFLICT OF INTEREST

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

- Governance Officer

ATTACHMENT(S)

- Nil



8.3.2 Finance Report Quarterly Review

INTRODUCTION

The purpose of this report is to note the Finance Report Quarterly Review for the period ending 30 September 2017.

Cr Keeble

Cr Roper

That Council:

Notes the Finance Report Quarterly Review for the period ending 30 September 2017.

Carried

ISSUES

Background

The purpose of the Finance Report Quarterly Review is to provide a summary of how Council is tracking to its full year 2017/18 budget as at the end of the quarter.

Contents include:

- Income Statement
- Balance Sheet
- Cash Balance
- Departmental Income / Expenditure Summary.

Explanations are provided for variances greater than \$100,000.

The report has been prepared as required under section 138 of the *Local Government Act 1989* and has not been audited. The report is presented to the Finance Committee, and also to the Audit Committee for noting.

Highlights

Council is forecasting a full year surplus of \$4.2m, which is \$1.5m higher than budget of \$2.7m. The primary drivers of this increased forecast include:

- Higher than expected grant income by \$0.9m, due to a) the Financial Assistance Grant and the Roads to Recovery Grant exceeding expectations, and b) grant income for a new project, the Eurobin Flood Bypass project; and
- Lower than expected employee costs by \$0.7m, largely due to the impact of vacant positions. This forecasted lower employee costs is not anticipated to continue throughout the financial year as vacant positions from quarter one are in the process of being filled through recruitment.



POLICY IMPLICATIONS

The *Local Government Act 1989* requires the following relating to financial management:

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

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

- A responsible and sustainable organisation.

FINANCIAL AND RESOURCE IMPLICATIONS

Financial performance to date indicates a higher-than-expected surplus for the end of year. This is due to higher than expected grants, and ongoing position vacancies, vacant positions are in the process of being filled through recruitment and therefore it is anticipated that the current forecast surplus will reduce in future reports.

CONSULTATION

The report is prepared based on a process which includes:

- Each department reviewing their budget and providing explanations for variances at the master account level.
- Departments submitting their quarterly budget explanations to the Finance department for review and further analysis.
- Departmental managers presenting to the Executive on their departmental performance for the quarter.
- Presentation of the report to the Finance Committee, Audit Committee and subsequently Council.



CONCLUSION

The Finance Report Quarterly Review For the period ending 30 September 2017 is presented for noting.

DECLARATION OF CONFLICT OF INTEREST

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

- Chief Executive Officer
- Director Corporate
- Manager Corporate
- Accountant

ATTACHMENT(S)

- 8.3.2The Finance Report Quarterly Review For the period ending 30 September 2017.



8.3.3 Proposed Sale of Land and Buildings Contained in Lot 2 Plan of Subdivision PS344761E known as “Lyndhurst”

File Number: 1600.48

INTRODUCTION

This report relates to the proposed sale of the land and buildings fronting Hawthorn Lane and forming part of 16 Churchill Avenue Bright contained in Lot 2 Plan of Subdivision PS344761E known as Lyndhurst, currently occupied under a lease by Alpine Fitness Centre and Sports Camp. Council is the owner of the land and has received a submission under Section 223 of the *Local Government Act 1989* for the purchase of the property and buildings. A draft Contract of Sale has been agreed by the proposed purchaser. If Council intends to proceed with the process of the sale to this proposed purchaser approval is required to invite public submissions regarding the proposed sale to this purchaser and terms of the Contract of Sale.

Cr Pearce

Cr Roper

That Council:

- 1. Endorses the Contract for Sale of the land and buildings forming part of 16 Churchill Avenue Bright in Lot 2 Plan of Subdivision PS344761E known as “Lyndhurst”;*
- 2. Invites submissions under Section 223 of the Local Government Act 1989 to the proposed sale under the terms of the Contract of Sale (attachment 8.3.3(a)); and*
- 3. A committee be formed according to Section 223(1)(b) of the Local Government Act 1989, if required, consisting of Councillors for the purpose of hearing submissions in relation to the proposed sale of land and buildings forming part of 16 Churchill Avenue, Bright, under the terms of the Contract of Sale.*

Carried

BACKGROUND

At the Ordinary Council Meeting June 2017 (File Number 1600.48) Council approved the Invitation for Submissions under Section 223 of the *Local Government Act 1989* to the proposed sale of the land and buildings forming part of 16 Churchill Avenue Bright in Lot 2 Plan of Subdivision PS344761E known as Lyndhurst.

Council ran a public notice in local newspapers on May 14 2017 inviting submissions on the potential sale.

Council received one submission to purchase the land and buildings. The submission included an offer price that is consistent with an independent valuation of the property by Opteon Property Group undertaken in May 2017.



A draft Contract of Sale and Vendors Statement have been drawn up by Council. The proposed purchaser has agreed to the terms of the Contract of Sale proposed by Council. This includes a sale price of \$450,000 excluding GST and the special condition that the contract is subject to registration of the Plan of Subdivision. Such subdivision is to be achieved within 24 months of entering into the Contract of Sale.

Section 5(2)(d) of the *Local Government Act 1989* (the Act) allows Council to sell the land and property, with obligations as to the sale of land covered by Sections 189, 190 and 223.

In addition to fulfilling these obligations, subdivision of the land would need to occur subject to the proposed sale. Therefore sale of the property would be subject to the lease and the obligations under that lease, and subject to registration of a plan of subdivision, which records the part of the land to be subdivided for sale.

ISSUES

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

Prior to entering into a Contract of Sale, Section 189 of the Act requires Council to:

- To give at least 4 weeks public notice of an intension to sell or exchange land for selling by exchanging this land (Section 189 (2)(a));
- Obtain evaluation of the land which is made not more than 6 months prior to the sale or exchange from an appropriately qualified person (Section 189(2)(b); and
- Allow interested persons to make submissions under Section 223 on the proposed sale or exchange (Section 189(3)).

Council has obtained an independent valuation of the property by Opteon Property Group, dated May 25, 2017.

If Council endorses the Contract for Sale the next step is to advertise a public notice of the intent to sell the property and invite submissions Under Section 223 of the Act. Council would consider any submissions made to the intention to sell the property as required under Section 223 of the Act.

If at the end of this process Council proceeds to the completion of the Contract of Sale, Council would then commence the formal process of subdivision of the land subject to the sale.

POLICY IMPLICATIONS

This process is in accordance with obligations under the *Local Government Act 1989* and Council's Procurement Policy; the Local Government Best Practice Guidelines for the Sale, Exchange and Transfer of Land has also been referred to.

This 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

The current annual lease for the property is \$25,000 p.a. which is indexed annually to CPI with market reviews at the end of terms 1 and 2. Council has current obligations under the lease relating to major maintenance. The current lease has been in place for 16 month and has 20 months remaining on the first term and a further two terms of 3 years each.

CONSULTATION

A public notice would be advertised to advise of Council's intent to sell the property. Interested persons are invited to make submissions under Section 223 on the proposed sale or exchange (Section 189(3)).

At the end of the public notice period, Council would consider any submissions made to the intention as required under Section 223 of the Act.

CONCLUSION

After considerations of submissions made on the proposed sale or exchange (Section 189(3); any sale documentation would be presented to Council for final approval.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate
- Manager Facilities

ATTACHMENT(S)

- 8.3.3(a) - Proposed draft Contract of Sale of Real Estate of the land and buildings fronting Hawthorn Lane and forming part of 16 Churchill Avenue Bright contained in Lot 2 Plan of Subdivision PS344761E.
- 8.3.3(b) - Vendors Statement



8.3.4 Health and Safety Policy

File Number: Policy Register

INTRODUCTION

The purpose of this report is to present to Council the 2017 review of the Health and Safety Policy and seek Council's adoption of the revised policy.

Cr Pearce

Cr Roper

That Council:

- 1. Note that the 2017 review of the Health and Safety Policy has been completed with the following modifications:*
 - a. replacing approval of the policy by the Chief Executive Officer with adoption by Council;*
 - b. simplifying the policy review period to every two years;*
 - c. replacing reference to the Occupational Health and Safety Regulations 2007 with the new regulations Occupational Health and Safety Regulations 2017;*
 - d. a clear statement of the policy objectives;*
 - e. recognition of the need to develop and embed a health and safety culture, monitoring program and training for employees;*
- 2. Adopt Health and Safety Policy No.052 version 4; and*
- 3. Sign and seal Health and Safety Policy No.052 version 4 at the appropriate time of the meeting.*

Carried

BACKGROUND

The current Health and Safety Policy was last reviewed and approved in April 2015. Section 8 of the policy establishes a regular review of the policy within two years of its approval and then every three years from the first review date. The policy was due to be reviewed in April this year.

In accordance with section 8 of the current policy, the Health, Safety and Risk Officer, in consultation with the Health and Safety Committee, has reviewed the policy.

ISSUES

Council approval

The current policy was approved by the Chief Executive Officer. Policies prior to 2015 were adopted by Council.



Given the critical importance of health and safety and the obligations of Council as the employer under the *Health and Safety Act 2004* it is considered appropriate that Council adopt the Health and Safety Policy.

Council adoption of the policy will require the following changes:

- Removal of reference to “Organisational Policy” throughout document.
- Replacing the current approval clause with the common seal of Council.

Review Timeframe

Section 8 of the policy establishes a regular review of the policy. The current review schedule is within two years of its approval and then every three years from the first review date. It is recommended that the timing of reviews is simplified to every two years.

New Regulations:

New *Occupational Health and Safety Regulations 2017* commenced on 18 June 2017 and replace the Occupational Health and Safety Regulations 2007. The policy has been updated to reference to the new 2017 regulations throughout the policy.

Objectives

The current policy does not articulate the objectives of the policy. Three policy objectives have been proposed in the revised policy:

1. To create a culture within the organisation that embraces health and safety;
2. To equip the organisation with the skills and tools to identify, assess and mitigate health and safety risks to an acceptable level; and
3. To improve compliance with health and safety legislative requirements

Policy Details

Health and safety culture

To address the first proposed objective, the revised policy commits Council to building a culture of health and safety awareness and proactive reporting and embedding an integrated approach to health and safety management into Council’s services, activities, and projects.

Health and safety management system

The current policy requires the development and implementation of a health and safety management system. The revised policy maintains this requirement and establishes the key components of that system.



Monitoring and reporting

The revised policy establishes a requirement for health and safety matters to be monitored every six months by Council, the Audit Committee, the Health and Safety Committee and the management team.

Training and awareness

A critical component of ensuring that Council's health and safety policy and procedures are understood and implemented is appropriate employee training. The revised policy commits Council to regular employee training in health and safety in addition to mandatory training and induction programs.

POLICY IMPLICATIONS

This report is consistent with the following strategic objective of the Council Plan 2017-2021:

- A responsible and sustainable organisation.

FINANCIAL AND RESOURCE IMPLICATIONS

The Health and Safety Policy establishes Council's commitment to health and safety. Council allocates resources through its annual budget to implement health and safety initiatives and training.

CONSULTATION

Council's Health and Safety Committee were consulted on the proposed changes to the Health and Safety Policy. The Committee endorsed the changes at its meeting on 26 October 2017. Management has reviewed the proposed changes and provided feedback that has been incorporated into the revised policy.

CONCLUSION

The required 2017 review of the Health and Safety Policy has been completed. The significant changes as a result of the review are:

- The adoption of the policy by Council rather than approval by the Chief Executive Officer.
- The establishment of policy objectives.
- The inclusion of policy content to address the objectives including culture, defining elements of a health and safety management system, monitoring and reporting and training.

Other minor changes are required as result of the introduction of the *Occupational Health and Safety Regulations 2017*.



DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate
- Manager Corporate
- Health, Safety and Risk Officer

ATTACHMENT(S)

- Alpine Shire Council Health and Safety Policy No.052, Version 4



9 ASSEMBLY OF COUNCILLORS

INTRODUCTION

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

Cr Roper

Cr Pearce

That the summary of the Assemblies of Councillor for November 2017 be received.

Carried

BACKGROUND

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

Date	Meeting
14 November	Briefing Session
21 November	Briefing Session

ATTACHMENT(S)

- 9.0 Assemblies of Councillors – November 2017



10 GENERAL BUSINESS

11 MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN



12 RECEPTION AND READING OF PETITIONS

12.1 PETITION – CHRISTMAS DECORATIONS FOR BRIGHT

Cr Forsyth
Cr Nicholas

- 1. That the petition requesting that Christmas decorations for the Township of Bright be received and considered at this Council Meeting;*
- 2. That the equal financial contribution made in 2014 to the Mount Beauty, Myrtleford and Bright communities for the purpose of purchasing Christmas decorations is noted; and*
- 3. That Council directs community groups interested in implementing Christmas decorations in 2018 towards Council's Community Grants program.*

Carried



13 DOCUMENTS FOR SEALING

Cr Pearce

Cr Knappstein

That the following documents be signed and sealed.

1. Section 173 Agreement – Stephen John Grogan and Frances Mary Bentley

Lot 1 on Plan of Subdivision PS715306P Volume 11521 Folio 875 condition 21 of Planning Permit 2015.111 for a two lot subdivision at 6 Howmans Lane, Harrietville.

The Agreement states that any future development on the land adheres to wastewater management requirements, including the design, installation and maintenance of the wastewater management system, and the size and location of the wastewater disposal field.

2. Section 173 Agreement – Susan Maree Jones

Lot 3 on Plan of Subdivision 407495B Volume 10349 Folio 445

Condition 4 of Planning Permit 2016.61.1 for use and development of a dwelling in Black Flats Road, Mudgegonga.

The Agreement indicates that a whole farm plan be fully implemented and that the dwelling be decommissioned or demolished at the cessation of the whole farm plan unless an alternative agricultural use is proposed.

3. Section 173 Agreement – Helen Elizabeth Vey

Lot 2 on Plan of Subdivision 520015 Volume 10856 Folio 999

Conditions 18, 19 and 20 of Planning Permit 2016.111.1 for a two lot subdivision at 1 Hargreaves Road, Bright.

The Agreement requires bushfire mitigation measures to be implemented. Agreement No. AD420405H to be removed from title.

4. Contract No 1707401 in favour of GF and AM Peterson for the provision of Contracted Services at Dinner Plain Village.

5. Contract No 1707801 in favour of North East Civil Constructions Pty Ltd for the Alpine Better Places: Myrtleford Stage 1 – Standish Street Roundabout.

6. Alpine Shire Council Policy No 052 Version 4 – Health and Safety

Carried

There being no further business the Chairperson declared the meeting closed at ____pm

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Chairperson