



Alpine Shire

ORDINARY COUNCIL MEETING

AGENDA

M4 – 5 May 2015

Council Chamber

7.00 pm



Notice is hereby given that the next **Ordinary Meeting** of the **Alpine Shire Council** will be held in the Council Chamber, Bright, on **5 May 2015** commencing at **7.00 pm**.

AGENDA

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1 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS, RECOGNITION OF ALL PEOPLE AND OPENING PRAYER

The Chief Executive Officer will read the acknowledgement of the traditional custodians, recognition of all people and opening prayer.

2 CONFIRMATION OF MINUTES

2.1 ORDINARY COUNCIL MEETING – M3

RECOMMENDATION

That the minutes of Ordinary Council Meeting No 3 held on 7 April 2015 as circulated be confirmed.

3 APOLOGIES

4 OBITUARIES / CONGRATULATIONS

5 DECLARATIONS BY COUNCILLORS OF CONFLICT OF INTEREST

6 QUESTION TIME



7 PRESENTATION OF REPORTS BY OFFICERS

7.1 CHIEF EXECUTIVE OFFICER – DAVE BARRY

7.1.1 Contracts approved by the CEO

RECOMMENDATION

That the Contract approved by the CEO be noted.

Contract No:	CQ1500601	Process:	Full Quote Process B
Title:	Gapsted Hall Upgrade		
Tenderer	FNG Group		
\$ (excl. GST)	\$82,646.40		
Funding:	RDV – Putting Locals First Program - \$86,500 Into Our Hands Community Foundation - \$10,000 Alpine Shire - \$17,330		



7.1.2 Alpine Shire Council Plan 2013-2017 (review 2015)

File Number: 600.03

INTRODUCTION

Section 125(7) of the *Local Government Act 1989* specifies that “at least once in each financial year, a council must consider whether the current council plan requires any adjustment in respect of the remaining period of the council plan”. This report details proposed adjustments to the Alpine Shire Council Plan 2013-2017.

RECOMMENDATIONS

That:

- 1. The proposed adjustments made to the Alpine Shire Council Plan 2013-2017 (review 2015), including the strategic resource plan (Attachment 7.1.2), be endorsed for the purpose of placing it on public exhibition.***
- 2. Public notice of the preparation of the amendments made to the Alpine Shire Council Plan 2013-2017 (review 2015) be given, inviting submissions to be considered in accordance with section 223 of the Local Government Act 1989.***
- 3. A committee be formed according to section 223(1)(b) of the Local Government Act 1989, if required, consisting of Councillors, CEO and Directors for the purpose of hearing submissions in relation to the proposed Alpine Shire Council Plan 2013-2017 (review 2015).***

BACKGROUND

The Alpine Shire Council Plan 2013-2017 was adopted in June 2013, to cover the four-year term of the Councillors elected in 2012. It was intended to be a more strategic document than in previous years, identifying the key strategic objectives, strategies and indicators, but not identifying individual actions in a specific year. This meant that the plan was much more likely to ‘stand the test of time’ over the four years of Council’s term, without the need for constant modification.

The council plan is supported by an annual action plan, which is an appendix to the council plan. This ensures that the activities committed to each year are easily identifiable from those that were promised over the life of the council plan.

ISSUES

Alpine Shire Council Plan 2013-2017 (2015 review)

This review provides the first opportunity to include reference to the Council resolution made on 3 June 2014: “that the Chief Executive Officer be directed to save an annualised amount of \$1 million to \$1.5 million within the recurring



operating budget by 31 December 2014 and that the savings be used to ensure Councils future financial sustainability to help minimise future rate rises and build, maintain and enhance the community infrastructure”.

Features of the 2015 revision include:

- Further focus on improving efficiency and productivity;
- Improved customer service;
- Development of a 10-year strategic projects pipeline (maximising external funding and featuring a catalogue of ‘shovel ready’ projects, equitable prioritisation across the municipality, and clarity for the community);
- Delivery of the capital works program on time and on budget; and
- Improved internal and external communication.

Summary of changes

New messages from the Mayor and the CEO are included.

Minor updates have been made to the “Council’s direction for the term of the council plan”, to recognise those initiatives that have already been achieved, and also to recognise the new directions required since Council’s resolution.

The indicators in the council plan are largely linked to the Local Government Performance Reporting Framework, and these remain as per the council plan adopted in 2014. The remainder that are specific to Council have been reviewed to ensure they remain relevant for the remaining two years of the plan.

The four year SRP has been reviewed and prepared as part of Council’s 10-year Long Term Financial Plan, and forms part of the 2015 review of the council plan. (Council is required to review its Strategic Resource Plan (SRP) during the preparation of the council plan each year – in accordance with section 126(3)(a) of the *Local Government Act 1989*).

The ‘annual action plan’ has been updated to reflect activities that will occur in 2015/16, matched against the relevant strategic objective and strategy. Each of these will be identified in the 2015/16 budget as ‘major initiatives’, and will be reported on in the corresponding annual report.

POLICY IMPLICATIONS

The *Local Government Act 1989* (the Act) requires councils to review the council plan annually, and allows them to make any necessary adjustments. Section 125(9) of the Act specifies that if any of the adjustments relate to changes to the strategic objectives, strategies or indicators within the plan, then there is a requirement to comply with a section 223 public consultation period.

In the 2015 review of the council plan, there have not been any changes to the structure of the plan itself – in that there are no changes to the strategic objectives,



strategies or indicators. However, Council considers it appropriate for the community to be invited to provide feedback around the plan, particularly those activities committed to as part of the annual action plan. These activities also form part of the 2015/16 budget, and any feedback through the budget process will also be fed through into the annual action plan.

FINANCIAL AND RESOURCE IMPLICATIONS

In many cases, the activities identified are not the large capital works or new initiatives that are identified in the budget. They instead include Council-funded programs and activities, commitments to deliver part of previously adopted strategies and plans, or processes that are important to undertake within the organisation to ensure that Council is complying with legislation and best practice. These are all funded through Council's budget process.

Major initiatives, and large capital works will be identified in the 2015/16 budget.

CONSULTATION

The adjustments made in the 2015 review of the council plan will be subject to a section 223 submission process. This requires a 28 day exhibition period, and the ability for the community to provide written feedback on any aspects of the plan, and to address Council in support of their submission if requested.

For the document made available for public consultation, any modifications to the plan are shown in red to make them easily identifiable. These changes are also summarised in appendix 2 – "Amendments made as part of the review of the Alpine Shire Council Plan 2013-2017 (review 2015)".

The council plan is scheduled to be adopted at a Special Council Meeting on 23 June.

CONCLUSION

Proposed amendments to the Alpine Shire Council Plan 2013-2017 (review 2015) are in line with legislative requirements, and now need to be released for public comment, prior to being adopted in June.



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 Performance
- Governance Officer

ATTACHMENT(S)

- 7.1.2 Alpine Shire Council Plan 2013-2017 (review 2015)



7.2 DIRECTOR CORPORATE PERFORMANCE – TREVOR BRITTEN

7.2.1 Finance Report - Quarter 3 Budget Review 2014/15

File Number:

INTRODUCTION

The purpose of this report is to provide a summary of how Council has performed during the quarter against budget.

Council has made significant savings on employee costs and materials and services year to date. This has been an area of focus during the year. Year to date the operating result is \$3.8 million ahead of budget. Whilst Council does not expect its year end result to be this favourable, it does forecast a result favourable to budget.

Capital works delivery is picking up and whilst resources are still down in this department, projects are tracking as expected. It does anticipate approximately \$2.3 million in capital works to be carried forward.

RECOMMENDATION

That the Finance Report Budget Review for the quarter ending 31 March 2015 be adopted.

BACKGROUND

The Finance Report provides an income statement, balance sheet, cash balances, current investments, borrowings and supporting graphs as at the end of the quarter.

Included in the Finance Report is a breakdown of each department's performance for the quarter. The summary also provides explanations for variances which are greater than \$10,000 or 10%.

KEY IMPLICATIONS

Legislative Issues

The *Local Government Act (the Act)* 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 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".



Risk Management

Identified Risk	Risk Likelihood (H,M,L)	Impact of Risk (H,M,L)	Strategy to Manage Risk
Budget variances being greater than anticipated.	H	M	Quarterly review process requires Managers to present to the Executive on budget variances and explain variances greater than \$10,000 or 10%.
Accuracy of forecasting.	H	M	Managers are required to forecast their income and expenditure for the remainder of the year. This is based on their knowledge of the budget area, timing of projects, and past trends.

COUNCIL PLAN AND KEY STRATEGIC PLAN LINKS

2013-2017 Council Plan	
Strategic Objective 5.2	To manage resources well to ensure sustainability
2013/14 Budget	
Strategic Objective 2.5	Performance focused organisation

CONCLUSION

Year to date, Council is tracking favourably to budget, particularly in the areas of:

- Grant income (\$888k favourable variance); predominantly due to receiving the Victorian Grants Commission grant in July this year instead of June;
- Employee costs (\$709k favourable variance); mainly due to the HR Review (which has been conducted over the last 12 months and has seen a reduction in staff costs which are now being realised); and



- Materials and services (\$1.4M favourable variance); this is due to an emphasis on reducing costs across Council, which has also seen materials and services decrease (however expenditure in this area also fluctuates during the year and is expected to increase in the remainder of the year).

Overall, changes being implemented are having a positive result on Council's financial performance.

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 Performance
- Manager Corporate Services

ATTACHMENT(S)

- 7.2.1 Finance Report - Quarter 3 Budget Review 2014/15



7.2.2 Draft Budget 2015/16

File Number:

INTRODUCTION

The purpose of this report is to receive the Alpine Shire Council 2015/16 draft Budget (featuring a 2.9% rate rise), and to place it on public exhibition inviting submissions.

RECOMMENDATIONS

That:

- 1. The proposed 2015/16 budget annexed to this resolution be the draft budget prepared by Alpine Shire Council for the purposes of section 127(1) of the Local Government Act.***
- 2. The Chief Executive Officer be authorised to:***
 - Give public notice of the preparation of the Alpine Shire Council 2015/16 Budget in accordance with section 129(1) of the Local Government Act 1989; and***
 - Make available for public inspection the information required to be made available in accordance with the Local Government (Planning and Reporting) Regulations 2014.***
- 3. Consideration be given to any submission on any proposal contained in the budget made under sections 129 and 223 of the Act, with submissions closing 3pm, 10 June 2015; and***
- 4. A recommendation to adopt the budget at a Special Meeting of Council on 23 June 2015.***

BACKGROUND

Legislative requirement

According to the *Local Government Act*, Council is required to prepare and adopt an annual budget each financial year. The budget is required to include information about the rates and charges Council intends to levy as well as a range of other information required by the *Local Government (Planning and Reporting) Regulations* which support the Act.

Financially responsible

The pillars of this budget include responsible financial management, the long term financial viability of the Council, and the provision of the services and infrastructure that our community needs to thrive.



Following last year's commitment to find savings across our operations to the tune of between \$1M and \$1.5M, it is gratifying to see the impact of this on the budget for the coming year.

Importantly, the budget proposes just a 2.9% rate rise; last year's rate rise was 5%. 2.9% is likely to be one of the lowest rate increases in the state.

This very low increase has been achieved through a range of cost savings, including reducing:

- full time equivalent (FTE) employee numbers from 80 to 59 (whilst employing more customer facing staff than ever before);
- the motor vehicle fleet from 22 to 8; and
- subscriptions and memberships (\$110,000).

This draft budget also foreshadows Council paying out its loan borrowings in full, which at nearly \$1M is a significant achievement.

Capital projects

While delivering all this, the budget also includes \$8.5M for capital projects; \$4M of which will be used to renew existing assets and complete capital projects already underway, before embarking on any new projects. We will focus on strengthening the capital projects team to deliver these on time, on budget and with good community engagement.

The main capital projects this year include the:

- design phase of the Alpine Better Places project;
- Mount Beauty CBD and Foreshore redevelopment projects;
- Mount Beauty library renovation; and
- Myrtleford Skate Park upgrade.

Tangible community benefits

It is also pleasing that while being fiscally responsible, we are also able to offer our residents and ratepayers new and improved benefits which will contribute to overall health and wellbeing. We have reduced fees to access Council's pools and halls. As an example, next year residents will be able to buy an early bird family season's pass to our seasonal pools for just \$99. Our belief is that the reduced rate will mean more users, helping us maximise patronage. Likewise, our halls have in the past had a complicated fee structure for people wanting to hire them both commercially and for community purposes. Next year the hire rate will be \$15 per hour up to a maximum of \$150, regardless of use.

We will also introduce a 360 litre recycle bin for the same price as the current 240 litre bin, in order to encourage greater recycling.



Our focus is on increasing productivity through the simplification and automation of processes and replacing unnecessarily complex systems with more modern, nimble solutions. More efficient systems will significantly contribute to Council's sustainability, and the community will noticeably benefit with less red-tape, better service, and improved response times.

Context

Council has prepared a Budget for the 2015/16 financial year which seeks to balance the demand for services and infrastructure with the community's capacity to pay. Key budget information is provided in the Draft Budget about the rate increase, operating result, services, cash and investments, capital works, financial position, financial sustainability and strategic objectives of the Council.

In advance of preparing the budget, Officers firstly review and update Council's long term financial projections. Financial projections for at least four years are ultimately included in Council's Strategic Resource Plan, which is the key medium-term financial plan produced by Council on a rolling basis. The preparation of the budget, within this broader context, begins with Officers preparing the operating and capital components of the annual budget during January and February. A draft consolidated budget is then prepared and various iterations are considered by Council at informal briefings during March and April. A 'proposed' budget is prepared in accordance with the Act and submitted to Council for approval 'in principle'.

POLICY IMPLICATIONS

The Draft Budget is prepared in accordance with the *Local Government Act 1989* and the *Local Government (Planning and Reporting) Regulations 2014*. The following requirements are set out below:

Local Government Act 1989

Section 127 - Council must prepare a budget

1. A Council must prepare a budget for each financial year.
2. The Council must ensure that the budget contains -
 - (a) financial statements in the form and containing the information required by the regulations;
 - (b) a description of the services and initiatives to be funded in the budget;
 - (c) a statement as to how the services and initiatives described under paragraph (b) will contribute to achieving the strategic objectives specified in the Council Plan;
 - (d) major initiatives, being initiatives identified by the Council as priorities, to be undertaken during the financial year;



- (da) for services to be funded in the budget, the prescribed indicators of service performance that are required to be reported against in the performance statement under section 131;
 - (db) the prescribed measures relating to those indicators;
 - (e) any other information required by the regulations.
3. The Council must ensure that the budget also contains -
- (a) the information the Council is required to declare under section 158(1);
 - (b) if the Council intends to declare a differential rate under section 161, the information listed in section 161(2);
 - (c) if the Council intends to declare a differential rate under section 161A, the information listed in section 161(2).

Section 129 - Public notice

1. As soon as practicable after a Council has prepared a proposed budget or revised budget, the Council must give public notice.
2. A person has a right to make a submission under section 223 on any proposal contained in the proposed budget or revised budget.
3. In addition to any other requirements specified by this Act, the notice referred to in subsection (1) must -
 - (a) contain any information required by the regulations; and
 - (b) advise that copies of the proposed budget or revised budget are available for inspection for at least 28 days after the publication of the notice at -
 - (i) the Council office and any district offices; and
 - (ii) any other place required by the regulations; and
 - (c) advise that the proposed budget or revised budget is published on the Council's Internet website for at least 28 days after the publication of the notice.
4. A copy of the proposed budget or revised budget must be available and published as set out in subsection (3) (b) and (c).

Section 130 - Adoption of budget

1. A Council may adopt a budget or revised budget if it has complied with all of the relevant requirements of this Act relating to budgets and revised budgets.
2. The Council must give public notice of its decision under subsection (1).
3. The Council must adopt the budget by 30 June each year.



4. The Council must submit a copy of the budget or revised budget to the Minister within 28 days after adopting the budget under subsection (3) or adopting the revised budget under subsection (1).
5. The Minister may extend the period within which a Council must comply with subsection (4).
6. If a Council fails to submit a copy of the budget or revised budget to the Minister within the time allowed, the Secretary must ensure that details of the failure are published in the annual report of the Department.
7. A Council must give the Minister any information concerning its budget or revised budget that the Minister requests.
8. A Council must comply with subsection (7)—
 - (a) within 14 days of receiving a request in writing for the information from the Minister; or
 - (b) within any longer period specified by the Minister in the request.
9. A copy of the budget or revised budget must be available for inspection by the public at—
 - (a) the Council office and any district offices; and
 - (b) any other place required by the regulations.

Section 126 - Strategic resource plan

Strategic Resource Plan

1. The Strategic Resource Plan is a resource plan of the resources required to achieve the strategic objectives.
2. The Strategic Resource Plan must include in respect of at least the next 4 financial years -
 - (a) financial statements describing the required financial resources in the form and containing the information required by the regulations;
 - (b) statements describing the required non-financial resources, including human resources, in the form and containing the information required by the regulations.
- 2A. Without limiting subsection (1), the Strategic Resource Plan must take into account services and initiatives contained in any plan adopted by the Council (so far as the plan relates to the period covered by the Strategic Resource Plan).
- 2B. A Council that proposes to adopt a plan to provide services or take initiatives must ensure that the resources required for the plan are consistent with the Strategic Resource Plan (so far as the plan relates to the period covered by the Strategic Resource Plan).



3. A Council must—
 - (a) review the Strategic Resource Plan during the preparation of the Council Plan; and
 - (b) adopt the Strategic Resource Plan not later than 30 June each year.
4. A copy of the current Strategic Resource Plan must be available for inspection by the public at -
 - (a) the Council office and any district offices; and
 - (b) any other place required by the regulations.

Local Government (Planning and Reporting) Regulations 2014

Regulation 9 - The financial statements

For the purposes of section 127(2) (a) of the Act, the financial statements included in a budget or revised budget must -

- (a) contain a statement of capital works for the financial years to which the financial statements relate; and
- (b) be in the form set out in the Local Government Model Financial Report.

Regulation 10 - Other information to be included

1. For the purposes of sections 127(2)(e) and 128(3) of the Act, a budget or revised budget must contain the following information in relation to the financial year to which the budget or revised budget relates—
 - (a) a detailed list of capital works expenditure—
 - (i) in relation to non-current assets classified in accordance with the model statement of capital works in the Local Government Model Financial Report; and
 - (ii) set out according to asset expenditure type;
 - (b) a summary of funding sources in relation to the capital works expenditure referred to in paragraph (a), classified separately as—
 - (i) grants; and
 - (ii) contributions; and
 - (iii) Council cash; and
 - (iv) borrowings;
 - (c) a statement of human resources;
 - (d) a summary of expenditure in relation to the human resources referred to in the statement of human resources, categorised according to the organisational structure of the Council and classified separately as—
 - (i) permanent full time; or
 - (ii) permanent part time;



- (e) a summary of the number of full time equivalent Council staff referred to in the statement of human resources, categorised according to the organisational structure of the Council and classified separately as—
 - (i) permanent full time; and
 - (ii) permanent part time;
 - (f) a list of grants by type and source, classified as—
 - (i) recurrent grants to be used to fund operating expenditure; or
 - (ii) recurrent grants to be used to fund capital expenditure; or
 - (iii) non-recurrent grants to be used to fund operating expenditure; or
 - (iv) non-recurrent grants to be used to fund capital expenditure;
 - (g) the total amount borrowed as at 30 June of the financial year compared with the previous financial year;
 - (h) the following information in relation to borrowings (other than borrowings to refinance existing loans)—
 - (i) in a budget that has not been revised, the total amount to be borrowed during the financial year compared with the previous financial year; or
 - (ii) in a revised budget, any additional amount to be borrowed compared with the budget or the most recent revised budget (as applicable);
 - (iii) the total amount projected to be redeemed during the financial year compared with the previous financial year.
2. For the purposes of sections 127(2)(e) and 128(3) of the Act, a budget or revised budget must contain the following information in relation to the financial year to which the budget or revised budget relates—
- (a) if Council declares general rates under section 158 of the Act, the rate in the dollar to be levied for each type or class of land;
 - (b) the percentage change in the rate in the dollar to be levied for each type or class of land compared with the previous financial year;
 - (c) the estimated amount to be raised by general rates in relation to each type or class of land compared with the previous financial year;
 - (d) the estimated amount to be raised by general rates compared with the previous financial year;
 - (e) the number of assessments in relation to each type or class of land compared with the previous financial year;
 - (f) the number of assessments compared with the previous financial year;
 - (g) the basis of valuation to be used under section 157 of the Act;
 - (h) the estimated value of each type or class of land compared with the previous financial year;
 - (i) the estimated total value of land rated under section 158 of the Act compared with the previous financial year;



- (j) the municipal charge under section 159 of the Act compared with the previous financial year;
 - (k) the percentage change in the municipal charge compared with the previous financial year;
 - (l) the estimated amount to be raised by municipal charges compared with the previous financial year;
 - (m) the rate or unit amount to be levied for each type of service rate or charge under section 162 of the Act compared with the previous financial year;
 - (n) the percentage change for each type of service rate or charge compared with the previous financial year;
 - (o) the estimated amount to be raised by each type of service rate or charge compared with the previous financial year;
 - (p) the estimated total amount to be raised by service rates and charges compared with the previous financial year;
 - (q) the estimated total amount to be raised by all rates and charges compared with the previous financial year;
 - (r) any significant changes that may affect the estimated amounts referred to in this sub-regulation to be raised.
3. Sub-regulation (2) applies to a revised budget as if a reference in that sub-regulation to the previous financial year were a reference to the budget initially adopted under section 130 of the Act in the current financial year or the most recent revised budget (as applicable).

Regulation 11 - Public notice of proposed budget or revised budget

For the purposes of section 129(3) (a) of the Act, a public notice under section 129(1) of the Act must contain the following information—

- (a) the date on which Council will meet to adopt its budget or revised budget;
- (b) in the case of a revised budget, a summary of reasons for the preparation of the revised budget.

FINANCIAL AND RESOURCE IMPLICATIONS

The 2015/16 Budget sets out a detailed analysis of the financial and resources implications to Council for the next financial year.

CONSULTATION

Council is required to give 'public notice' that it intends to 'adopt' the budget. It must give 28 days' notice of its intention to adopt the proposed budget and make the budget available for inspection at its offices and on its internet web site. A person has a right to make a submission on any proposal contained in the budget and any submission must be considered before adoption of the budget by Council.

Council officers undertake community engagement processes throughout the year to assist with the development of the budget. The final step is for Council to adopt



the budget after receiving and considering any submissions from interested parties. The budget is required to be adopted by 31 August and a copy submitted to the Minister within 28 days after adoption.

CONCLUSION

The Draft Budget has been prepared in accordance with Alpine Shire Council's Council Plan, Strategic themes and the *Local Government Act*. The Draft Budget is presented for Councils consideration and public exhibition.

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 Performance
- Manager Corporate Services

ATTACHMENT(S)

- 7.2.2 Draft Budget 2015/16



7.2.3 Bright Holiday Park Lease Assignment

File Number: 1640.05

INTRODUCTION

The Bright Holiday Park was leased to Australian Tourist Park Management Property Pty Ltd (ATPM) in 2011, for a 21 year term.

ATPM has now agreed to sell the business conducted on the Premises by contract, to Atrium Investment Management Pty Ltd (Atrium).

Formal consent to assign the lease must be received from Council and the Minister.

RECOMMENDATION

That the 'Deed of Covenant, Assignment and Variation', assigning all of the title, rights, interest and obligations of the Bright Holiday Park lease from Australian Tourist Park Management Property Pty Ltd (ATPM) to Atrium Investment Management Pty Ltd (Atrium), be adopted, signed and sealed.

BACKGROUND

ATPM commenced their lease of the Bright Holiday Park on 1 July 2011 (following a competitive process).

Since then, ATPM have successfully managed and operated the Park and satisfactorily honoured their obligations to the lease, including annual rent (currently \$263,000 pa), customer service, general maintenance and capital improvements (\$1.6M spent to date, \$0.5M scheduled to be spent in 2015/16).

ATPM has agreed to sell the business conducted on the Premises to Atrium by contract, dated 11 December 2014.

The Lease contains provisions prohibiting the Assignor (ATPM) from assigning the Lease without the consent of the Landlord (Council) and the Minister.

Council is under general obligation at common law to act reasonably in considering a request for consent to an assignment of the lease.

DUE DILIGENCE

The following matters have been investigated and considered regarding ATPM's request to assign the lease to Atrium:

Financial Capacity and Risk

Council commissioned a 'Veda Advantage' financial report investigating Atrium, which has been analysed by Maddocks Lawyers and Council Officers.

Veda financial reports provide a concise financial assessment of the subject and in this case found that Atrium has:



- an 'overall satisfactory' rating;
- a very low 'probability of failure';
- no outstanding debts; and
- the financial capacity to meet the tenant's obligations of the lease.

Expertise to successfully manage and operate the park

Atrium has contracted ATPM to continue to manage and operate the Park on their behalf. A 7-year Management Agreement is in place between Atrium and ATPM (including 1 x 7 year renewal option), formalising the arrangement. The Management Agreement requires ATPM to manage the park according to the requirements of the lease agreement.

In addition, Council has conducted a successful business reference check with FNX Finance, and received a satisfactory ASIC report, providing the confidence that Atrium has the necessary experience and credentials to meet the lease obligations and for Council to do business with.

Further safeguard is provided by the inclusion of a clause in the 'Deed of Covenant, Assignment and Variation', requiring Atrium to seek and receive Council's approval before new management appointments can be made. This variation will form part of the lease if assignment is approved.

Performance audit

Council has reviewed ATPM's obligations according to the lease agreement, and found that ATPM:

- are up to date with their rental payments to Council; and
- have satisfactorily completed their capital improvement obligations.

Furthermore, responsibility for remedying outstanding issues (defects, claims, etc.) associated with the lease, will transfer to Atrium.

Performance guarantee

The original lease with ATPM identified the two Directors as guarantors to the agreement and required a 12 month rental bond.

Atrium is an investment fund, and Maddocks advise that a 12 month rental bond and Atrium's fund assets provide sufficient performance guarantee.

FINANCIAL AND RESOURCE IMPLICATIONS

Council's legal costs associated with the Assignment of the Lease are being borne by ATPM.



Ministerial Approval

Formal consent to assign the lease must be received from the Minister for Environment, Climate Change and Water. A letter has been prepared and will be forwarded to the Minister (with a copy of the Deed signed by all Parties), for signature.

CONCLUSION

In conclusion, it is recommended that Council consent to the assignment of the Bright Holiday Park lease from ATPM to Atrium Investment Management Pty Ltd by signing the 'Deed of Covenant, Assignment and Variation'.

A thorough due diligence process has been conducted and determined that:

- Atrium are a sound organisation able to meet the financial requirements of lease; and
- The Deed and the attendant park agreement involving ATPM will ensure that the Bright Holiday Park will continue to be well managed in the future.

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 Performance
- Manager Council Facilities
- Facilities Officer (VICs and Holiday Parks)

ATTACHMENT(S)

Nil.



7.3 DIRECTOR ASSETS – CHARLIE BIRD

7.3.1 Alpine Better Places - Township Priorities

File Number: 1780.78

INTRODUCTION

The Alpine Better Places project will deliver detailed concept designs for 2 – 3 priority projects in each of the town centres of Porepukah, Bright and Myrtleford with a collective value of \$4-6 million over 3 - 5 years.

Following community engagement conducted in March 2015, seven projects across the three townships have been identified for detailed design development and cost estimation.

RECOMMENDATION

That Council endorses the following projects for detailed concept design and detailed cost estimation as part of the Alpine Better Places project:

POREPUNKAH – indicative cost estimate: \$1.8 m

Nicholson Street and Riverside Linkages - Reduce area of road pavement; define pedestrian crossings and vehicular areas. Create clear visual and physical connections from the town centre to the riverside

Porepukah Gateway - Improve entrance and signage at Great Alpine Road.

BRIGHT – indicative cost estimate: \$2.15 Mafeking Square - Improved pedestrian access, streetscape amenity and character

Gavan Street - Define pedestrian crossing locations, directional signage to Mafeking Square/town centre and enhance street furniture

Barnard Street - Improved pedestrian and cyclist connectivity, streetscape furniture and character.

MYRTLEFORD – indicative cost estimate: \$2.3 m Myrtle Street - Upgrades and conversion to single lane in each direction, improving pedestrian crossing points and aesthetics whilst maintaining parking and access for all road users

Happy Valley Creek - Improve the interface and environmental value of the waterway as an attractive town asset.

BACKGROUND

Community consultation sessions were held in Porepukah, Bright and Myrtleford on 24, 25 and 26 of March, 2015 respectively, to seek the community's preference of transformative projects.

The sessions were facilitated by the project consultants, MDG Landscape Architects and Jan Bruce and Associates. The results of the sessions are compiled in the



consultant team's report, 'Our Town' Community Consultation Report 7.3.1(a). All comments received at the sessions and feedback lodged with Council before 7 April, 2015 are compiled in the report appendices 7.3.1(b).

93 people attended the sessions generating solid and positive interest particularly with retailers, older people and students from the three high schools in Myrtleford and Bright. Sessions for families with young children were not successful in attracting residents to attend except in Porepunkah.

ISSUES

The community consultation sessions provided clarity for the priority of projects for each township. However there are differing community opinions in regards to some projects for Council to consider.

Common themes expressed in all three townships were:

- Define pedestrian crossing locations along Nicholson Street, Gavan Street and Myrtle Street
- Desire for more vehicle parking
- Maintain the rural/village feel
- Strengthen connection between the waterways and town centres.

Community feedback across all of the township sessions clearly indicates that Council should consider developing complementary programs such as a parking strategy for buses/caravans and clear signage denoting town centres and parking locations.

The selection of projects recommended for detailed design and detailed cost estimation has been determined considering community feedback, indicative cost of works, benefit to the community and deliverability over the next five years.

POLICY IMPLICATIONS

The priority projects identified by Alpine Better Places are consistent with the following approved strategic plans:

- Bright Future Urban Design Framework 2003
- Bright Framework Plan 2009
- Porepunkah Town Framework Plan 2009
- Myrtleford Framework Plan 2010
- Myrtleford Masterplan Study

FINANCIAL AND RESOURCE IMPLICATIONS

The Alpine Better Places project will develop detailed designs for 2 - 3 projects in each township of Bright, Porepunkah and Myrtleford with a total construction value of \$4 - 6 million delivered over the next 5 years.



Delivery of the recommended projects will be subject to Council's allocation of priority, subsequent allocation of budget and availability of external funding.

CONSULTATION

Following Council endorsement of the recommended projects, preliminary design concepts will be prepared and presented to the community at 16 'Day of Design' sessions scheduled for Porepunkah, Bright and Myrtleford respectively on 16, 17 and 18 of June, 2015.

CONCLUSION

The recommended projects have been identified as the highest priorities by the respective communities through the Alpine Better Places consultation. Advancing these projects to detailed concept design and detailed cost estimation is the critical next step to delivering improvements to the townships of Bright, Porepunkah and Myrtleford.

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

Under Section 77A of the Local Government Act 1989, the following contractors declare a direct interest in providing this report:

- Alpine Better Places Project Manager – as a retail business owner / operator in Myrtleford

ATTACHMENT(S)

- 7.3.1(a) Alpine Better Places - 'Our Town' Community Consultation Report (20 April 2015)
- 7.3.1(b) Alpine Better Places - 'Our Town' Community Consultation Report Appendices (20 April 2015)



7.3.2 Petition - Retain the Mop Top Trees in the Mount Beauty Central Business Area

File Number: 1780.73

INTRODUCTION

This report is to inform Council and provide response to petitions tabled at the April 2015 Council meeting relating to the mop top trees in the Mount Beauty central business area.

RECOMMENDATION

That Council note the two petitions from the community and the decision to retain the mop top trees in the redevelopment of the Mount Beauty central business area.

BACKGROUND

Two petitions were tabled at the April 2015 Council meeting in relation to retaining the mop top trees (*Robinia pseudoacacia inermis*) in the Mount Beauty central business area.

The first petition with 206 signatures was received 23 March 2015 with the wording:

Please sign this to keep the Mop top Trees in the Mt Beauty Business Area.

The second petition with 509 online signatures and comments was received 27 March 2015 with the wording:

Save Mount Beauty's 'Mop Top' trees in the main street.

The Mount Beauty central business area redevelopment project is being implemented in response to a priority action identified in the Mount Beauty Framework Plan (2009); *investigate the reconfiguration of the Mount Beauty commercial area and immediate surrounds to provide a cohesive, pedestrian friendly activity area*. The project is funded by the Victorian Government (\$300,000), Alpine Health (\$15,000) and Alpine Shire Council (\$31,000).

Draft detailed design plans, which showed the replacement of the mop top trees with an alternative tree species in a more appropriate location, were placed on exhibition from 5 June 2013 through to 28 June 2013 and were made available for viewing at the Mount Beauty Library, Discovery Centre, Alpine Shire offices as well as Council's website. Presentations were also provided to the Mount Beauty Chamber of Commerce and the Upper Kiewa Valley Community Association during this exhibition period.

Following an update to the Upper Kiewa Valley Community Association on the Mount Beauty major projects (13 November 2014), Council received written feedback from the community, including two petitions, calling for the mop top trees to be retained. The two petitions were tabled at the April 2015 Council meeting.



In response to this feedback, Council undertook further investigations into the issues raised and commissioned an independent arborist's report, which concluded that the trees still have a useful life of about 20 years and the issues raised could be managed with better tree pruning, maintenance and timely leaf litter removal.

The decision to retain the mop trees was communicated to the Mount Beauty community in mid-April via email, phone calls, Facebook and newspapers.

ISSUES

The existing mop top trees provide amenity and aesthetic benefits to the Mount Beauty central business area, and have a remaining useful life of about 20 years.

The draft detailed design plans for the redevelopment showed the replacement of the mop top trees with a more suitable deciduous tree species in a more appropriate location, between car parking bays and further away from buildings.

Council received community feedback that the mop top trees in the central business area cause several issues, including leaf litter blocking roof gutters and drains, tree roots impacting stormwater drains and leaf litter on the pavement and nearby shops.

Council has received two petitions, with over 700 signatures, calling for the mop top trees to be retained.

POLICY IMPLICATIONS

Nil.

FINANCIAL AND RESOURCE IMPLICATIONS

The decision to retain the mop top trees will not impact the project to be delivered within the budget. The development is scheduled to be completed by 30 June 2016.

CONSULTATION

Council sought community feedback on the draft detailed design plans for the redevelopment of the central business area in mid-2013 and has listened to concerns raised by the community in recent months.

Council will seek community feedback on the revised draft detailed design for the redevelopment of the central business area in the coming months.

CONCLUSION

Council has listened to the community and taken an evidence based approach to make a determination. Whilst the investigation has raised questions about the suitability of the Mop Top trees in a retail precinct, Council believes these trees should be retained given they have a remaining useful life of 20 years and issues can generally be addressed with appropriate and routine management.



It would be prudent to consider a more suitable replacement tree, in a more suitable location at the end of their useful life.

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

ATTACHMENT(S)

- 7.3.2 (a) Petition received on 23 March 2015 – Retain the Mop Top Trees
- 7.3.2 (a) Petition received on 27 March 2015 – Retain the Mop Top Trees



7.4 DIRECTOR SUSTAINABLE DEVELOPMENT – HEATHER GREEN

7.4.1 Dinner Plain Advisory Committee

File Number: 110.02

INTRODUCTION

The Dinner Plain Advisory Committee ("DPAC") meets on a quarterly basis to provide advice to Council on any matter pertaining to the management of the village. The Committee also provides an avenue to gauge the residents and ratepayers views of issues prior to Council making a decision. Minutes are attached from the recent meeting of 23 April 2015 – where recommendations are made on a number of matters.

RECOMMENDATIONS

That:

1. the minutes of the DPAC be noted and that the following recommendations of the committee be adopted -

- ***seasonal one way traffic flow arrangements on Big Muster Drive from Horseshoe Circle to Halter Lane Dinner Plain be installed for the 2015 ski season;***
- ***improvements to inform visitors of the one way traffic flow be investigated and implemented;***
- ***an application be made to Vic Roads for the section of Big Muster Drive from Horseshoe Circle to Halter Lane Dinner Plain become a "Shared Zone" with a reduced speed limit of 20km/h to further minimise risk of incidents.***

2. That Council adopt the Dinner Plain Master Plan as amended.

BACKGROUND

DPAC has been formed for 16 months and in that time has met nine times. Most items raised at these meetings have been matters that can be dealt with operationally and therefore Council has rarely required Council to make a decision – (minutes of these meetings are located on Council's website). At DPAC's most recent meeting – 23 April 2015 the following items were discussed:

- New member as endorsed by Council - Gary Battershill;
- DPTV contract expiration;
- Removal of real estate signage to de-clutter Dinner Plain and in accordance with Local Law requirements;
- Big Muster Drive (seasonal traffic flow);
- Tour Operators (winter 2015);



- Dinner Plain branded vehicle and location at Bright in the pool of vehicles for use;
- Introduction to the new Dinner Plain Coordinator;
- Snow Victoria campaign for 2015 and Dinner Plain inclusion with assistance of Mount Hotham Skiing Company;
- Marketing Strategy framework presentation for Dinner Plain;
- Opening Weekend event;
- Projects: Capital works projects of "gravity park" and "adventure park" nearing completion with some ancillary items to be finalised. Funding acquittals being completed and submitted for TIRF and RDV funding received.

ISSUES

The following matters were also discussed and require Council endorsement:

Dinner Plain Night Bus Service:

A night service connecting Dinner Plain to Hotham has not been available to the public since 2011. DPAC has recommended that a service be investigated for the 2015 season to: Encourage patronage to the ski slope with the new infrastructure improvements that allow for night skiing and tubing; encourage patronage from Hotham visitors to the restaurants of Dinner Plain. Dinner Plain Transit Services – the company that is contracted by Council to operate the day service will operate a night service.

The service will be user pays; however, Dinner Plain Transit Services requires an underwriting for any shortfall of the expense to run the service should the user pay system not meet with the total cost. DPAC recommend that Council agree to underwrite the service to a capped amount. Mount Hotham Skiing Company has agreed to share (50% each) the cost of any shortfall with Council. The contribution from Council for any shortfall is capped at \$5,000. The \$5,000 capped shortfall amount has been budgeted for in the Special Rate – Bus Subsidy budget line item (FY 2015/2016).

Appropriate agreements with the bus operator and Mount Hotham Skiing Company will be put in place should Council agree to the underwriting. Monitoring of the service will also occur to determine the appropriate cost to Council (if any).

Big Muster Drive (seasonal traffic flow):

The seasonal one way traffic flow arrangement for Big Muster Drive (between Halter Lane and Horseshoe Circle) was introduced by Council in response to a recommendation from the Dinner Plain Management Committee in 2009 as a result of heightened concern for the safety of pedestrians in a two way traffic/pedestrian shared zone. The recommendation was endorsed by Council with a review to occur



at the end of that season. The review did not occur and the one way traffic flow arrangement has occurred each season ever since.

In 2014 and as a result of a business operator concern, a review was requested. A consultant was engaged to undertake the review. This review included: VicRoads, Councils Contractors and Council Officers. Ratepayer feedback was also encouraged through the process. The Consultant has recommended that the one way traffic flow arrangements continue for the 2015 ski season with a review prior to the 2016 ski season. Rate payer feedback received also supports the one way traffic flow arrangements. The report along with rate payer feedback was presented to the April DPAC meeting resulting in the recommendation from DPAC to Council that the one way traffic flow continue and that Council introduce improved mechanisms as suggested in the report to better identify the one way arrangements to drivers to minimise risk of drivers going the wrong way. Additionally DPAC recommends that Council apply to VicRoads for the section of road to become a year round "Shared Zone" with a speed limit restriction of 20km/h (also recommended in the report).

Dinner Plain Master Plan

Council received State Government funding for the development of a master plan for Dinner Plain also incorporating amendments to the Alpine Planning Scheme.

The development of the master plan occurred in 2014 with significant community input through a variety of means. Council has been updated on two occasions about the progress of the plan. The plan provides a vision for the future development of the village as well as a portfolio of possible projects to pursue over the next ten years.

The Plan notes that it is important that Dinner Plain build on its existing strengths and assets in order to achieve the positive outcomes the Village needs. Areas that have been identified include:

- Nature based tourism and Cultural Heritage;
- Education visitation or 'edu-tourism'; and
- High level fitness training and conference or group visitation.

Building on these key performance areas will require on the ground infrastructure and amenities to support a growth of activity and ultimately a desired growth in economic return. The following areas are recommended to be pursued:

- Urban renewal of the village centre;
- Broadening the economic base of the Village; and
- Expanding the recreational opportunities to provide a diversity of attractions.

The success of the plan will depend on the commitment of the local stakeholders in establishing Dinner Plain as a tourist village. The village will need to be appropriately marketed to ensure Dinner Plain prospers, in turn providing a community that will reach beyond the current land owners and holiday makers.



The projects identified include:

- Additional tracks and trails
- Relocation of the CFA building incorporating a multi-purpose facility
- The DP entry area including the DP Plaza – improvements for pedestrians and visual entry
- School extension
- Village green development
- Camping and other accommodation varieties
- Activity development – e.g. ice-skating, horse riding
- Depot upgrade

A number of longer term and bigger picture projects have also been identified.

Most projects require cooperation between the public and private sector. To determine the priorities for the community an additional process will be undertaken over the next two months – the opening weekend will provide visitors and ratepayer the opportunity to view the priorities and give their opinion.

The draft master plan was exhibited for 5 weeks and three submissions have been received. Generally the submissions offer support for the plan and make minor suggestions that have been incorporated into the document and suggestions about how to proceed with the plan. A summary of the submissions is at attachment 7.4.1.

A copy of the amended Master Plan is at attachment 7.4.2.

POLICY IMPLICATIONS

The master plan will become the guiding document for the future planning and capital expenditure at Dinner Plain.

FINANCIAL AND RESOURCE IMPLICATIONS

Night time Bus – a maximum of \$5000 will be committed to underwrite the service. The budget allocation for the running of the day bus service can accommodate this amount.

Big Muster Drive – Application to Vic Roads for the “Shared Zone” arrangement - \$1,200 and other spending on improvements to better identify the one way arrangement to drivers – approx. \$5,000.

Master Plan – Prioritising setting by the community will involve officer time and approx. \$500

CONSULTATION

Consultation has occurred through DPAC, the Dinner Plain Newsletter and through other informal discussions with business operators and rate payers.



CONCLUSION

The recommendations of DPAC are sensible and provide a clear pathway for Council.

- Council has reviewed the one way traffic flow as a result of a business operator complaint. The results of the report produced by an independent consultant supports recommendation of continuing the existing arrangements.
- The operation of a night bus service is endorsed by DPAC and can be accommodated in the bus budget and its underwriting should be approved
- The Master Plan for Dinner Plain provides a clear plan for the future of the village as well as a suite of projects that can be developed to be “shovel ready” for the next 5 to ten years.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Sustainable Development
- Manager Economic and Community Development

ATTACHMENT(S)

- 7.4.1 Dinner Plain Master Plan submissions
- 7.4.1 Dinner Plain Master Plan
- 7.4.1 Dinner Plain Action Log
- 7.4.1 Dinner Plain Master Plan



8 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.

RECOMMENDATION

That the summary of the Assemblies of Councillors for April 2015 be received.

BACKGROUND

The written records of the assemblies held during the previous month are summarised below. Detailed assembly records can be found in Attachment 8.0 to this report.

Date	Meeting
7 April 2015	Briefing Session
21 April 2015	Briefing Session

ATTACHMENT(S)

- 8.0 Assemblies of Councillors – April 2015



9 PRESENTATION OF REPORTS BY DELEGATES

INTRODUCTION

Councillor portfolios include representation on various committees where Council has an interest. Delegate reports contain information about meetings attended, and the outcomes from those meetings that affect Council.

RECOMMENDATION

That summary of the presentation of reports by delegates for March/April 2015 be received.

BACKGROUND

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

Date	Meeting	Councillor
20 March 2015	MAV Emergency Management	Cr Ron Janas
15 April 2015	North East Local Government Waste Forum	Cr Ron Janas
15-17 April 2015	Rural Councils Summit	Cr Jan Vonarx

ATTACHMENT(S)

- 9.0 Presentation of Reports by Delegates – March/April 2015



10 GENERAL BUSINESS

11 MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN

12 RECEPTION AND READING OF PETITIONS

1. A petition has been received for the removal of the newly erected 80kph speed limit at Freeburgh.

RECOMMENDATION

That the petition for the removal of the newly erected 80kph speed limit at Freeburgh be received, but referred to VicRoads as the matter is not under Council's jurisdiction.

2. A petition has been received pertaining to a planning permit at 795 Morses Creek Road, Wandiligong seeking the operation of the facility (primary produce sales) be limited to the currently approved planning conditions.

Also under separate cover was a petition in the same format, as above, but was in support of the planning permit.



13 DOCUMENTS FOR SEALING

RECOMMENDATION

That the following documents be signed and sealed:

- 1. Deed of Covenant, Assignment and Variation relating to transfer of the Bright Holiday Park lease from Australian Tourist Park Management Property Pty Ltd (ATPM) to Atrium Investment Management Pty Ltd.***

There being no further business the Chairperson declared the meeting closed atpm.

Confirmed,

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Chairperson