

M(10) – 31 OCTOBER 2023

# Ordinary Council Meeting

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Minutes

The **Ordinary Meeting** of the **Alpine Shire Council** was held in Council Chambers, Great Alpine Road, Bright on **31 October 2023** and commenced at **5:00pm**.

## **PRESENT**

### **COUNCILLORS**

Cr John Forsyth - Mayor

Cr Tony Keeble - Deputy Mayor

Cr Katarina Hughes

Cr Ron Janas

Cr Simon Kelley

Cr Sarah Nicholas

Cr Kelli Prime - (attendance via electronic means)

### **OFFICERS**

Will Jeremy - Chief Executive Officer

Alan Rees - Director Assets

Helen Havercroft - Director Customer and Community

### **APOLOGIES**

Nil

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## 1. Recording and livestreaming of Council meetings

*The CEO read the following statement:*

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

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

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

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

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

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

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

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

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

## 3. Confirmation of minutes

### 3.1 ORDINARY COUNCIL MEETING – M(9) – 26 SEPTEMBER 2023

*Cr Janas*

*Cr Keeble*

*That the minutes of Ordinary Council Meeting M(9) held on 26 September 2023 as circulated be confirmed.*

Carried Unanimously

## 4. Apologies

Nil

## 5. Obituaries / congratulations

Refer to Alpine Shire Council's website [www.alpineshire.vic.gov.au](http://www.alpineshire.vic.gov.au); for its YouTube live-streaming recording for responses to obituaries / congratulations.

## 6. Declarations by Councillors of conflict of interest

Cr Keeble declared a general conflict of interest with respect to item 9.1.4 Dinner Plain Snowmaking Factory and Snow Guns.

## 7. Public questions

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

Written Questions on Notice were tabled ahead of questions from the floor.

Refer to Alpine Shire Council's website [www.alpineshire.vic.gov.au](http://www.alpineshire.vic.gov.au); for its YouTube live-streaming recording for responses to questions.

## 8. Mayors Report

### 8.1.1 Alpine Shire Council Annual Report 2022/23

#### INTRODUCTION

The purpose of this report is to present Council's 2022/23 Annual Report.

*Cr Kelley*

*Cr Hughes*

*That Council:*

1. *In accordance with section 100 of the Local Government Act 2020, receives and notes the 2022/23 Annual Report.*
2. *Delegates to the Chief Executive Officer the authority to correct any errors including typographical in the report that do not materially alter the underlying message of the report.*

*Carried Unanimously*

#### BACKGROUND

Section 98 of the *Local Government Act 2020* (LGA 2020) requires Council to prepare an Annual Report for each financial year that contains a report on the operations of the Council, an audited performance statement and audited financial statements.

Council approved the in-principle Financial and Performance Statements at the Ordinary Council Meeting held on 26 September 2023.

Section 100 of the LGA 2020 requires the Mayor to report on the implementation of the Council Plan by presenting the Annual Report at a Council Meeting open to the public within four months of the end of financial year.

At the time of publication, Council has not received Audit clearance on the financial statement from the Victorian Auditor General Office (VAGO).

Once clearance has been obtained, they will be certified by two Councillors authorised by Council and contain the auditor's reports from the Victorian Auditor General.

The Annual Report contains all information required by the LGA 2020, and the *Local Government (Planning and Reporting) Regulations 2020*.

#### ISSUES

##### *Report of Operations*

This section of the Annual Report provides an overview of progress in delivering the Strategies contained in the Council Plan 2021-2025 and the Major Initiatives in the Budget 2022/23. A summary of key achievements during 2022/23 include:

**1. For those who live and visit**

- Active community engagement occurred throughout the year, including 17 pop-ups at community events and markets, increased posts and engagement on Council's Facebook page, and a number of surveys to help guide project direction and Council decisions.
- More than \$70,000 was awarded through Council's Community Grants program, allowing 21 community projects to proceed.
- Council's Reflect Reconciliation Action Plan (RRAP) was endorsed by Reconciliation Australia and noted at the Ordinary Council Meeting in January 2023.

**2. For a thriving economy**

- Council's Events team issued 94 permits for events during 2022/23, with an additional 48 regular markets occurring throughout the year.
- The Events Strategy Permitting and Funding Framework was implemented, and criteria applied to the 2022/23 Event Funding Program, which awarded \$132,000 in sponsorship and logistics support to 32 events, with a further \$102,000 to support events that were unable to proceed in previous years due to COVID-19 restrictions.

**3. For the bold protection of our future**

- Solar and battery installations at Council facilities were completed at the Mount Beauty Stadium, Porepunkah Transfer Station, Mount Beauty Visitor Information Centre, Myrtleford Library, and Myrtleford Supper Rooms.
- Two pilot 'no / low maintenance' gardens were planted in Mount Beauty and Bright, which will be used to evaluate whether the methodology is suitable for larger scale plantings.
- Preparation for the commencement of a Food Organics Garden Organics (FOGO) collection service on 1 July 2023 was a major focus for Council during 2022/23.

**4. For the enjoyment and opportunities of our lifestyle**

- Community engagement for the Land Development Strategy was undertaken, including community reference groups, a technical reference group, and more than 200 survey responses. The draft strategy will be presented to Council later in 2023 and be subject to community consultation prior to adopting a final strategy.
- Delivery of \$9.3 million of capital projects including the Dargo High Plains Road Upgrade, Mount Beauty Airport Upgrade, renewable energy upgrades on Council buildings and renovations to the Alpine View Children's Centre.

**5. For strong and informed leadership**

- A new organisational structure commenced operation on 9 January 2023 to ensure that the organisation was focussed on delivering a positive customer experience, a positive employee experience, and a sustainable future for the Alpine Shire.
- Council's new MyAlpine online customer portal was delivered, allowing a self-service option for customers to log requests to Council.

## ***Governance Report***

This section of the Annual Report contains required statutory information.

## ***Financial Statements***

The Financial Statements show Council's financial performance, financial position, and cash flows against the previous year.

In summary, Council ended the 2022/23 year with an operating surplus of \$6.301m, which was \$3.776m lower than the \$10.077m surplus in 2021/2022.

The 2022/23 Annual Budget (the Budget) projected a surplus of \$5.502m, \$0.799m lower than the actual result.

The higher than budgeted result was primarily due to the increase in other revenue associated with interest and rental returns on investments. Additionally, the entire 2023/24 Financial Assistance Grant was received in late June and is included in the 2022/23 results. In the prior year, only 75% of the 2022/23 Financial Assistance Grant was received in 2021/22.

The lower surplus result compared to the previous year is due to higher expenses for Landfills \$1.575m, Employee costs \$0.458m and Material and Services \$1.105m.

The total comprehensive result for the 2022/23 Financial year is a deficit of (\$1.450m), primarily driven by a net revaluation downwards of council assets of (\$7.751m).

### **1. Income**

Council received \$40.832m in income which was \$3.967m favourable to the Budget projection of \$36.865m. Key variances to budget were as follows:

#### ***1.1 Grants - operating***

Council received total operating grant income of \$9.478m which was \$5.324m favourable to budget (\$4.154m), primarily due to the receipt of 100% of the 2023/24 Federal Assistance Grants distributed by the Victorian Grants Commission.

#### ***1.2 Grants - capital***

Council received total capital grant income of \$3.116m which was \$4.956m less than the budget of \$8.782. This was due to the receipt of funds from grants that have been deemed as unearned revenue - recognised in the balance sheet as an increase in current liabilities.

#### ***1.3 Other Incomes***

Council received a total of other income of \$2.451m compared to a budget of \$0.868m, being \$1.583m higher. Interest on investments and rent were significantly higher than budget.



## 2. Expenses

Overall expenses were \$33.830m which was \$2.467m higher than Budget.

Significant expense variances included:

- Materials and services costs being \$15.343m against a budget of \$13.632m, due to expensing the Bogong High Plains Road blackspot project as the road is to be handed to DEECA in 2023/24. This project was fully funded from a Department of Transport grant;
- Landfill rehabilitation expense was significantly higher at \$2.276m against a budget of \$0.078m, due to additional provisions and an increase in the discount factor used in provision calculations. The Department of Treasury and Finance issues revised discount factors annually; and
- These costs are offset by employee costs, which were lower at \$10.417m compared to a budget of \$11.233m, due to the impact of vacant positions throughout the year.

### 2.1 Depreciation

Depreciation was \$5.090m which was \$0.459m favourable to Budget and reflects a net decrease on revaluations of Council assets.

### ***Performance Statement***

The Performance Statement provides an overview of Council progress against key performance indicators. The Local Government Performance Reporting Framework (LGPRF) provides the basis for these indicators to enable a uniform Performance Statement across all Victorian councils.

An overview of movement in results is provided below:

- Utilisation of aquatic facilities was impacted by wet weather experienced in October - December 2022, resulting in fewer visits than the previous year.
- Community satisfaction with Council decisions declined compared to the previous year, reflecting a decline across the Local Government sector.
- Kerbside waste diverted from landfill remains steady compared to previous years. It is expected that with the introduction of a Food Organics, Garden Organics service from 1 July 2023, diversion will increase in 2023/24.

Generally, the financial indicators show that Council is financially sustainable and that services are being delivered within expected parameters.

## **POLICY IMPLICATIONS**

The Annual Report must be presented to a Council meeting open to the public within four months of the end of financial year.

The Financial Statements and Performance Statement have been prepared and audited in accordance with the *Local Government Act 2020*.

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

- 5.2 A responsible, transparent and responsive organisation

## FINANCIAL AND RESOURCE IMPLICATIONS

At the time of publication, Council has not received Audit clearance on the financial statement from the Victorian Auditor General Office (VAGO).

Once clearance has been obtained, they will be certified by two Councillors authorised by Council and contain the auditor's reports from the Victorian Auditor General.

The draft Annual Report containing Financial Statements and Performance Statement for the year ended 30 June 2023 shows that Council remains financially sustainable.

## RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Inability to accurately plan and manage finances due to inaccurate financial data	Unlikely	Moderate	<ul style="list-style-type: none"> <li>• Financial Plan</li> <li>• Annual Budget</li> <li>• Regular reporting</li> <li>• Year-end controls and reconciliations</li> <li>• Audit processes</li> </ul>
Failure to address changes in accounting standards and legislation	Rare	Minor	<ul style="list-style-type: none"> <li>• Liaison with auditors</li> <li>• Industry updates</li> <li>• Staff Continuing Professional Development</li> </ul>

## CONSULTATION

The Audit and Risk Committee Charter states that the Committee is required to review the Annual Financial Report and consider whether it is complete, consistent with information known to Audit and Risk Committee members and reflects appropriate accounting principles.

The Audit and Risk Committee was presented with the in-principle Financial Statements and Performance Statement and received a briefing from Council's auditors following their review of these documents.

## **CONCLUSION**

Council ended the 2022/23 year with an operating surplus of \$6.301m, which is greater than that predicted in the 2022/23 Annual Budget.

## **DECLARATION OF CONFLICT OF INTEREST**

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

- Director Customer and Community
- Manager Corporate
- Financial Accountant
- Governance Officer

## **ATTACHMENT(S)**

8.1.1 Alpine Shire Council Annual Operations Report 2022/23

## 9. Presentation of reports by officers

### 9.1 DIRECTOR ASSETS – ALAN REES

#### 9.1.1 Draft Alpine Shire Land Development Strategy 2023

##### INTRODUCTION

The draft Alpine Shire Land Development Strategy 2023 (draft LDS) shows how growth will be accommodated in Alpine Shire for at least 15 years and up to 2041.

The draft LDS considers projected population growth, and future housing and employment needs. It particularly focuses on the four Service Towns (Bright, Mount Beauty-Tawonga South, Myrtleford and Porepunkah), which will accommodate the majority of the municipality's future growth. It acknowledges the constraints to growth including bushfire risk, flood prone land, and infrastructure and servicing needs. It also highlights the key trends that have shifted demand for housing and identifies key actions and objectives to deliver planning outcomes that are respectful of the unique character, landscape and natural landscape of Alpine Shire.

It has been informed by community consultation that was undertaken between October 2022 and February 2023.

Overall, the draft LDS:

1. demonstrates to the Department of Transport and Planning how Alpine Shire will accommodate future housing and employment land consistent with community values;
2. identifies the future role and function of the settlements to guide future decision-making for liveable places; and
3. provides the basis and scope for future structure planning in the four Service Towns to addresses neighbourhood character, encourage greater housing diversity and accommodate employment activities.

This report recommends that Council endorses the draft LDS for community consultation in late 2023. Once consultation is complete, Council will be asked to consider any feedback received ahead of adopting a final Alpine Shire Land Development Strategy and proceeding with a planning scheme amendment to implement the high-level policies, the settlement hierarchy and the Service Town framework plans that are included in the draft LDS.

*Cr Nicholas*

*Cr Kelley*

*That Council:*

1. *Notes the conclusion of the community engagement phase associated with the development of the draft Alpine Shire Land Development Strategy 2023 held from October 2022 to February 2023;*

2. *Receives and notes the Your Town, Your Future: Community Engagement Report, May 2023 summarising the community engagement process, all submissions received and Council officers' responses to submissions, as attached;*
3. *Endorses and releases for public exhibition the draft Alpine Shire Land Development Strategy 2023 for a period of six weeks commencing on 6 November 2023 and concluding on 15 December 2023, as attached; and*
4. *Notes that Council officers will report back to Council on any feedback, comments and submissions received during the consultation period.*

*Carried Unanimously*

## **BACKGROUND**

Council, as the planning authority for the Alpine Planning Scheme, is required to plan to accommodate the municipality's future projected population growth expected over at least a 15-year timeframe and provide clear direction on where this growth should go (Clause 11.02-1S Supply of urban land, Alpine Planning Scheme).

In March 2021, Council commenced the preparation of the Alpine Shire Land Development Strategy (LDS) to determine the level of growth expected and where it should go, considering state and regional planning policy guidance, environmental values and risks, development and infrastructure constraints, planning for future housing and employment needs, and the views of the community.

The draft LDS has been developed considering population forecasts, employment needs and trends by settlement, and outlines the further strategic work required to accommodate the expected future projected population and employment growth. The draft LDS, including its draft Implementation Plan, has been informed by the community engagement process held from October 2022 to February 2023.

## **FINDINGS**

### *High level findings*

The draft LDS projects that Alpine Shire will grow to 15,890 people by 2041, an increase of around 2,734 people in the 20 years from 2021. It is expected that there will be a need for an additional 2,167 houses across the Shire to 2041 to accommodate this growth (75 per cent of this demand is expected to flow to urban settlements (1,625 dwellings) and 25 per cent to rural areas (542 dwellings)).

The high-level assessment for the shire's urban settlements has established there is capacity for 1,266 (~77%) of the 1,625 homes needed by 2041 in areas already zoned for urban use (e.g., existing towns and settlements). Under the existing policy settings, there will be a shortfall of ~360 dwellings in existing settlements by 2041, with the largest housing demand projected in the Bright and Porepunkah townships. The draft LDS identifies investigation opportunities to accommodate this housing shortfall as well as opportunities to increase the amount of employment land across the municipality.

The future Alpine Shire Rural Land Strategy will seek to identify the preferred locations for the 542 dwellings anticipated to be developed in rural areas. Council will shortly commence this work and is expected to take 12-18 months to complete.

The draft LDS identifies about 22,000m<sup>2</sup> of additional commercial and industrial land in service towns by 2041 to accommodate future employment activity and attract new industry. This includes consideration for future growth in Myrtleford/Barwidgee to ensure there is some capacity for new industry or larger scale manufacturers in the future.

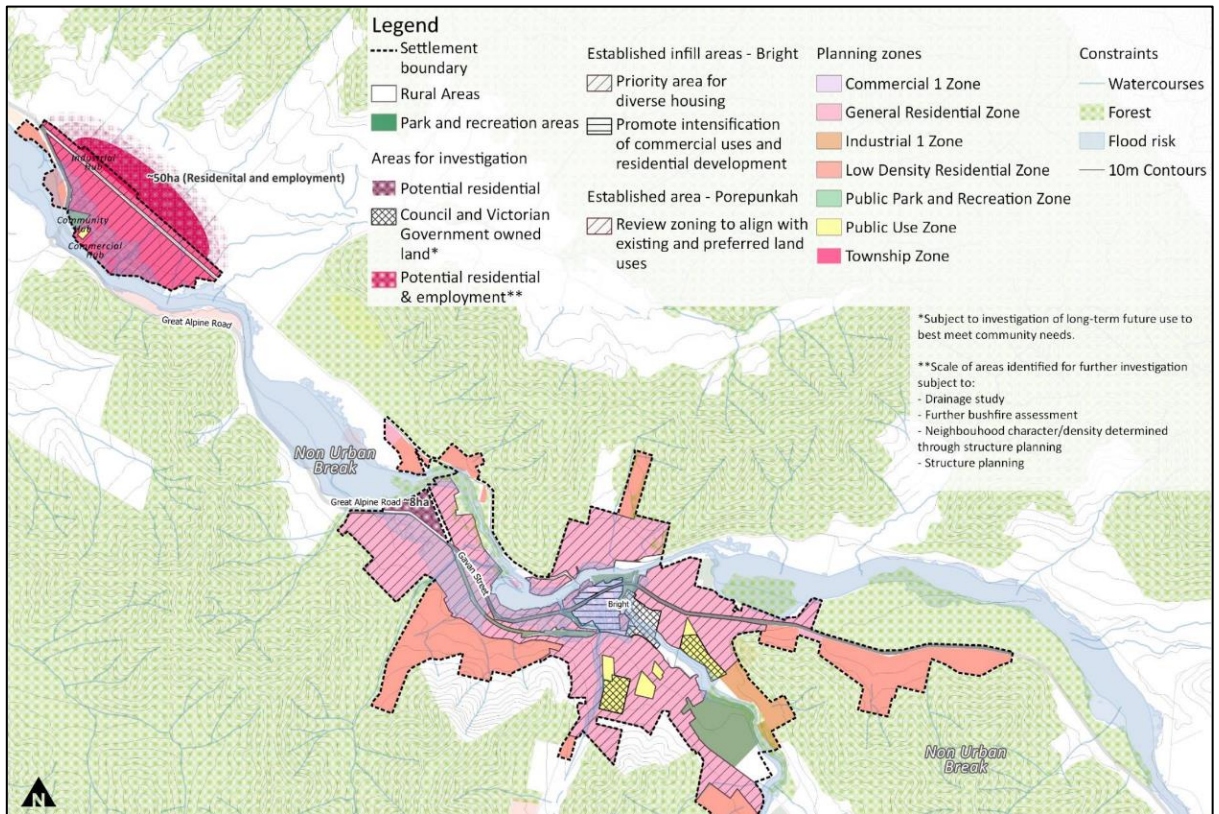
Other key findings also include:

- short term rental and vacant properties continue to put strain on long term housing outcomes for local residents;
- the Alpine Shire is significantly constrained by flooding, bushfire, topography and vegetation considerations with 92% of the Shire being public land;
- the need to consider preferred neighbourhood character and landscape treatment in Alpine Shire;
- servicing constraints including North East Water's capacity to provide potable water and accommodate wastewater treatment will continue to affect urban development; and
- housing diversity, particularly the need to construct single- and two-bedroom houses, significantly limit housing availability.

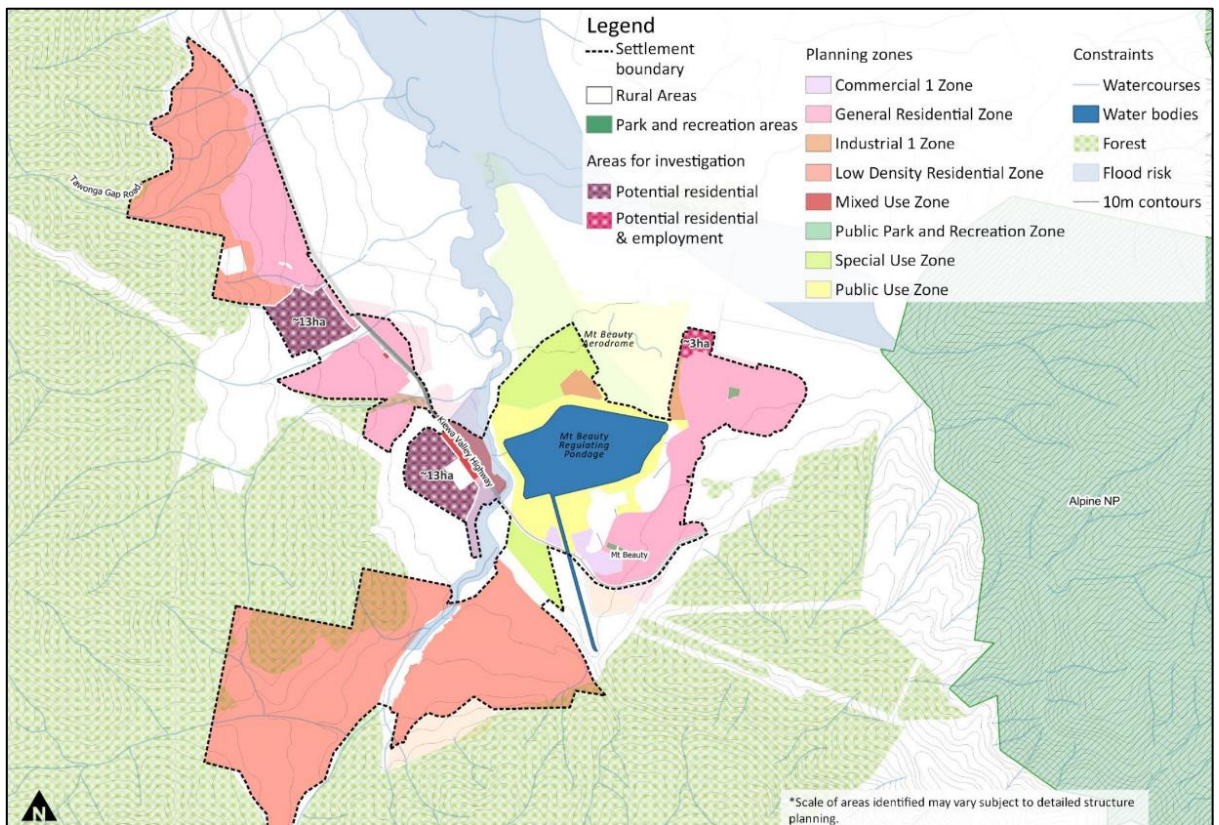
Updated framework plans have been prepared for the four Service Towns of Bright, Mount Beauty-Tawonga South, Myrtleford and Porepunkah. The mapping identifies:

- land that could serve a future urban function subject to investigation; and
- settlement boundaries within which urban development will be focused.



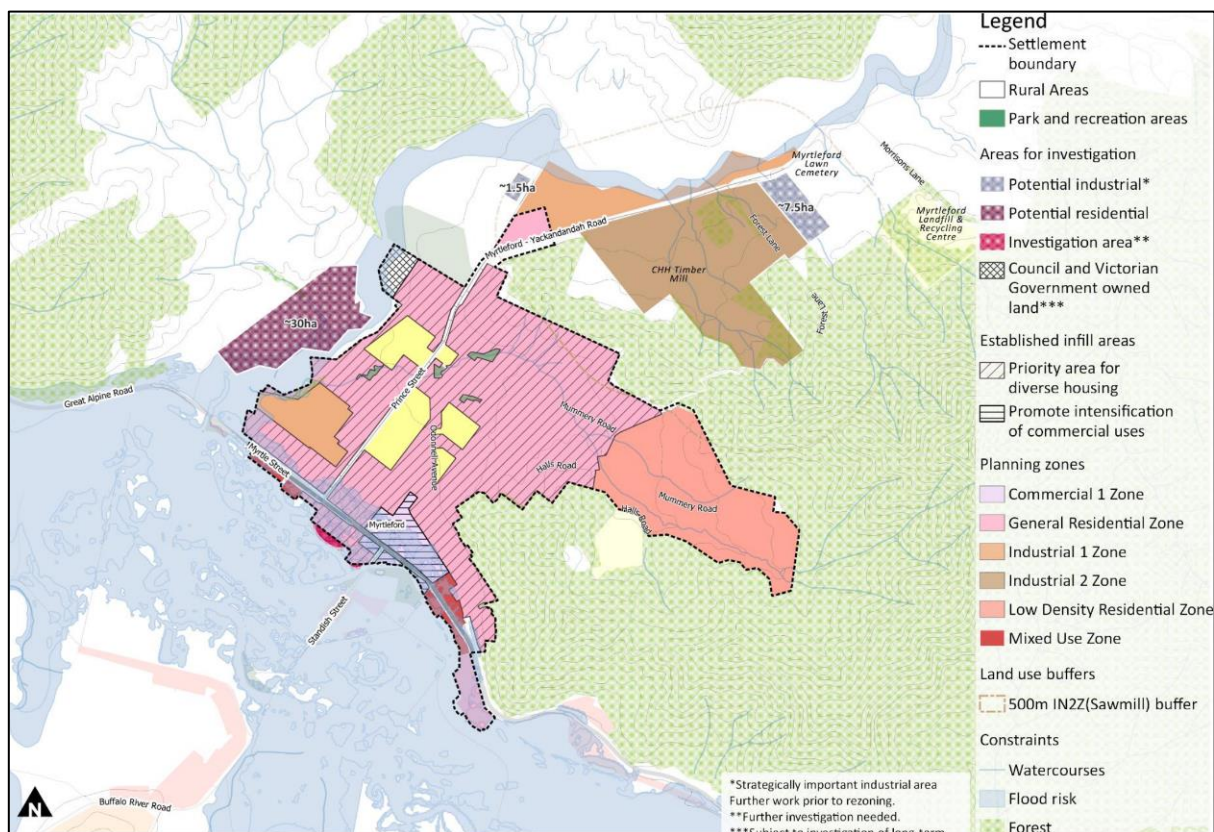


Draft Bright and Porepunkah Framework Plans.



Draft Mount Beauty-Tawonga South Framework Plan.





Draft Myrtleford Framework Plan.

The principles that are applied to determine what land was included inside and outside the township boundaries are land that is:

- currently shown as investigation areas in the Alpine Planning Scheme that are not constrained by bushfire or flooding are included within the settlement boundaries as investigation areas;
- currently shown as investigation areas in the Alpine Planning Scheme that are constrained by bushfire and flooding have been excluded as investigation areas and removed from the settlement boundaries; and
- not currently identified in the Alpine Planning Scheme that has emerged as investigation areas through the draft LDS are outside the settlement boundaries pending structure planning.

As structure planning is undertaken over the next five years, settlement boundaries may change subject to the resolution of investigation areas.

The draft LDS recommends that while structure planning work is undertaken, any growth should be accommodated through support of infill development in existing urban zoned areas and not through rezoning of land.

**Further strategic work**

Once the LDS is finalised and adopted by Council, the high-level directions for growth, the updated settlement hierarchy and the four Service Town Framework Plans will be



included in the Alpine Planning Scheme through a planning scheme amendment. The remaining work program will follow later.

Although structure planning for the four Service Towns is important, to provide greater surety for future urban growth, this work should be complemented with a review of areas of landscape significance and the preparation of stage two of the Rural Land Strategy. The Rural Land Strategy will resolve the very complex planning challenges in Dinner Plain, Freeburgh, Ovens and Wandiligong, review other townships and settlements, and establish the directions for the future use of rural land in considering changing economics and climate, and the significant landscape values of the Shire.

Recommendations from all this further work may lead to further planning scheme amendments in the future seeking to amend planning controls to accommodate growth, implement structure plans, etc.

Although future structure planning work is specific to each Service Town, at a minimum the following background reports are likely to be required to inform the structure planning process in each place:

- Aboriginal cultural heritage assessment;
- preliminary soil contamination assessment;
- ecological assessment;
- integrated water management plan;
- bushfire assessment;
- traffic impact assessment;
- community infrastructure needs assessment;
- neighbourhood character assessment;
- review of places of heritage significance;
- retail needs assessment; and
- utilities impact assessment.

The preparation of structure plans for the four Service Towns is expected to take five years to complete requiring significant funding over several financial years.

The specific outcomes and actions for each settlement are highlighted in the draft Implementation Plan of the draft LDS.

## ISSUES

### *Rezoning*

A key concern for the community during the initial consultation was the scale and timeframes for any future rezoning of land. The draft LDS does not propose to rezone any land, but has identified areas for investigation based on promoting growth in areas with higher population forecasts (Porepunkah and Bright) and the constraints associated with future infrastructure provision. Structure planning is the next step to better understand development constraints prior to progressing any planning scheme amendments seeking to amend the planning controls on land. Supporting infill development (areas already zoned General Residential Zone or Low Density Residential

Zone that are considered to be underutilised) is the major way in which Council will accommodate growth over the next five years, rather than supporting rezonings before structure planning is complete.

Any planning scheme amendments seeking to amend planning controls on land to accommodate urban growth, will be 'proponent-led', which means they will need to be requested and funded by proponents/landowners, with Council providing support and management of the process. Such amendments can only be progressed when the relevant structure plan and all technical investigations of the land are complete.

### ***North East Water***

North East Water has recently notified Council that it is unable to support subdivisions of four lots or more in Bright due to current water and sewerage capacity issues.

This greatly impacts Council's ability to deliver or seek the delivery of diverse housing outcomes, which is a key strategic direction in the draft LDS and is a critical constraint on the planning for future development. It highlights why it is so important that Council's strategic planning is up to date.

Council and North East Water recognise the importance of working together, with the Victorian government, as a priority, to identify solutions to the current water servicing constraints, and how additional capacity that future growth will require in the longer term will be delivered.

### ***Country Fire Authority***

As required by Clause 13.02-1S of the Alpine Planning Scheme, Bushfire Attack Mapping to a level of BAL 12.5 has been prepared and preferred locations for future urban growth identified considering bushfire risk. This mapping was informed by a review of historical fires, the extent and direction of fire runs, and overall bushfire risk.

The CFA has provided a referral response to the draft LDS. It does not support growth in Alpine Shire given the high bushfire risk of each area and the need for further bushfire planning work before any structure planning work can occur. Council will shortly commence the preparation of a municipal bushfire risk assessment that will seek to address this concern and inform the final LDS.

Due to the conflict between policies in the Alpine Planning Scheme regarding the need to manage growth and the need to manage the preservation of human life, further work has also been highlighted in the draft Implementation Plan to address this important issue.

## **POLICY IMPLICATIONS**

The draft LDS highlights key policy guidance on managing future housing and employment needs over the long term. It allows a focus and prioritisation of work based on expected locations of population growth.

The draft LDS contains seven key strategic directions, with the starting point being managing risk and protecting the environment:

1. Avoid development in areas of environmental and landscape significance and at risk of natural hazards.
2. Direct future population and housing development in accordance with defined future roles of towns, settlement and rural localities.
3. Prioritise the creation of compact towns and settlements to enable more efficient use of land and infrastructure.
4. Improve diversity of housing to provide greater choice for residents throughout all stages of life.
5. Support diversification, prosperity, sustainability and innovation on employment land
6. Support new development that contributes to the unique character of towns and settlements.
7. Deliver appropriate utility, transport and community infrastructure when and where it is needed to support growth.

These underpin the draft Implementation Plan including which includes objectives, strategies and further strategic work required to implement each Strategic Direction.

The draft LDS establishes a settlement hierarchy for Alpine Shire, which will guide the distribution of development across the municipality.

Settlement type	Settlements	Direction	Future planning
Service Towns	Bright, Mount Beauty-Tawonga South, Myrtleford, Porepunkah (emerging)	Primary locations for growth.	Structure planning for each town
Rural Towns	Dederang, Harrietville, Tawonga, Wandiligong Dinner Plain (seasonal tourist town)	Incremental growth within existing urban zoned areas. (Dinner Plain and Wandiligong zoning requires review).	Rural Land Strategy
Small Settlements	Freeburgh, Ovens	Avoid further growth or subdivision.	Rural Land Strategy
Rural Localities	Barwidgee Creek, Buckland Valley, Buffalo River, Eurobin, Gapsted, Rosewhite, Smoko	Avoid growth not associated with agricultural use of land.	Rural Land Strategy

## FINANCIAL AND RESOURCE IMPLICATIONS

### *Endorsement of a draft Alpine Land Development Strategy*

The recommendation to undertake consultation on the draft LDS will result in minor financial and resource implications for Council, which have been budgeted for.

### *Adoption of a final Alpine Shire Land Development Strategy*

The implications of Council adopting the final Alpine Shire Land Development Strategy accompanied by a detailed Implementation Plan will be commitment to a significant strategic planning work program including:

- preparing a planning scheme amendment to include the strategic directions, objectives and strategies, settlement hierarchy and Service Town framework plans in the Alpine Planning Scheme. The estimated cost is \$50,000 plus officer time;
- structure plans for each Service Town (and background work) at an estimated \$500,000 per town, plus officer time; and
- the Rural Land Strategy (and background work) at an estimated \$500,000, plus officer time, including the resolution of planning controls for Dinner Plain, Freeburgh, Ovens and Wandiligong.

These projects have already been identified in the recently adopted Alpine Planning Scheme Review 2023.

The scale of this future strategic work required in each Service Town, and the development of the Rural Land Strategy will take at least five years and will require two additional full-time employees in the Strategic Planning Team. This will allow for adequate support to undertake the community engagement, technical analysis and stakeholder engagement required to inform the strategic planning program and subsequent planning scheme amendment processes required to implement the recommendations of this work. These two new strategic planning positions have been included in the 2023/2024 financial year budget.

**RISK MANAGEMENT**

There are no inherent risks with the recommendations of this report. There is a minor risk of community opposition of some aspects of the draft LDS, and the community engagement process will provide an opportunity to identify and discuss these issues as they arise, and report back to Council prior to finalising the LDS.

The table below outlines some of the risks that any adoption of a final LDS may result in and ways to mitigate these risks.

Risk	Likelihood	Impact	Mitigation Action / Control
Lack of coordinated infrastructure and township planning	High	Medium	<ul style="list-style-type: none"> <li>• Work closely with infrastructure agencies.</li> <li>• Advocate to the Victorian government to get more funding for infrastructure (e.g., through the Windfall Gains Tax).</li> <li>• Progress and effectively resource the Strategic Planning Work Program to ensure all planning considerations are known prior to supporting any future rezonings</li> </ul>

Risk	Likelihood	Impact	Mitigation Action / Control
Out-of-date planning controls and policy, and continued land use conflicts	High	High	<ul style="list-style-type: none"> <li>• Once adopted, high level strategic directions, objectives and strategies, the settlement hierarchy and Service Town framework plans will be inserted into the planning scheme to bring it up-to-date.</li> <li>• Adoption of a final Land Development Strategy provides strategic justification to then commence structure planning for the main townships.</li> <li>• Proceed with structure planning for the main townships to identify preferred zoning for employment, character, density, infrastructure requirements, etc.</li> <li>• Proceed with the Rual Land Strategy.</li> </ul>
Requests for land rezonings prior to the finalisation of structure planning.	High	Low	<ul style="list-style-type: none"> <li>• The draft LDS specifies that rezonings will not be considered until structure planning is complete.</li> </ul>
No land supply to support future housing need	Low	High	<ul style="list-style-type: none"> <li>• The draft LDS identifies significant opportunity for infill development in Porepunkah, Bright and Myrtleford.</li> <li>• The Bright Valley development will provide a significant supply of housing until such time as structure planning is completed.</li> <li>• Glenbourn Drive in Mount Beauty will provide a significant supply of housing until such time as structure planning is complete.</li> </ul>

Risk	Likelihood	Impact	Mitigation Action / Control
Lack of guidance and policy on development contributions to support growth	High	High	<ul style="list-style-type: none"> <li>Progress infrastructure planning and structure planning to understand what infrastructure is required to support future development and to identify an appropriate nexus to ensure future development equitably contributes to infrastructure provision</li> </ul>

## CONSULTATION

### *Internal Engagement*

The draft LDS was informed by comments and feedback received from Councillors and internal departments like: Economic Development, Engineering and Assets, Statutory Planning and Sustainability.

### *Referral Agencies Engagement*

Ongoing engagement throughout the development of the draft LDS was undertaken with Agriculture Victoria, the Country Fire Authority, North East Water, North East Catchment Management Authority, and the Department of Transport and Planning. All relevant referral agencies and authorities will be invited to comment on the draft LDS.

The LDS has also informed the North East Water Growth Plan and Council's Kindergarten Infrastructure and Services Plans.

### *Stakeholder Engagement*

A Technical Reference Group including local planning professionals, local real estate professionals, and engineers provided discussion, input and consideration to the draft Alpine Shire Land Development Strategy 2023.

### *Community Engagement*

The pre-draft community engagement process that informed the draft LDS was robust and flexible with specific key issues highlighted by township. The key concerns of the community are highlighted in the Your Town, Your Future: Community Engagement Report, May 2023 and include:

- Infrastructure challenges;
- Services and amenity keeping up with growth;
- Scale and timing of any future rezonings;
- Protection of natural places;
- Protection of neighbourhood character and landscapes;
- Sustainable infrastructure and planning; and

- Specific feedback by township is noted in the Your Town, Your Future: Community Engagement Report, May 2023.

This report is proposing the second stage of community engagement on the draft LDS prior to finalisation.

Once finalised, the community will have an opportunity to comment on the LDS and make submissions on the proposed changes to the planning scheme (strategic directions, strategies and objectives, settlement hierarchy and Service Town framework plans) during the formal exhibition process associated with the planning scheme amendment.

## **CONCLUSION**

The draft LDS reflects key strategic directions, actions and advocacy for the future planning of Alpine Shire. The document gives clear guidance to the community, Council, referral agencies and authorities, and the Victorian Government on how to accommodate growth up to 2041.

## **DECLARATION OF CONFLICT OF INTEREST**

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

- Director Assets
- Manager Growth and Future
- Strategic Planning Coordinator

## **ATTACHMENT(S)**

- 9.1.1.a. Your Town, Your Future: Community Engagement Report, May 2023
- 9.1.1.b. Draft Alpine Shire Land Development Strategy 2023



## 9.1.2 Bright River Pool

### INTRODUCTION

This report relates to the aquatic risk assessment and safety management at the Bright River Pool.

*Cr Janas*

*Cr Kelley*

*That Council:*

- 1. Notes the implementation of all recommendations from the 2021 Lifesaving Victoria, at the Bright River Pool;*
- 2. Notes the safety incident statistics from the 2022/23 summer season;*
- 3. Acknowledges the risk created by the dredging of the river pool to ensure a compliant water depth at the jumping board;*
- 4. Eliminates this risk by removing the jumping board and ceases dredging;*
- 5. Notes the outcomes of the investigations for an alternative river slide;*
- 6. Acknowledges the risk of replacing the slide;*
- 7. Nominates a Master Planning project to be added to the Project Pipeline for Howitt and Centenary Parks that would create a contemporary, high-value community precinct; and*
- 8. Informs the community through appropriate communication channels. Gathers, monitors and assesses safety and incident statistics in the area around the jumping board and dredged riverbed over the 2023/2024 summer to inform a Council decision after the conclusion of the summer season;*

*Motion Lost*

*A Division was called for by Cr Janas*

*For: Crs Janas and Keeble*

*Against: Crs Forsyth, Hughes, Nicholas, Prime, Kelley*

The Officers recommendation motion was lost.

The Mayor called for an alternative recommendation motion.

Cr Hughes put forward an alternative motion.

*Cr Hughes*

*Cr Kelley*

*That Council:*

- 1. Notes the implementation of all risk management recommendations from the 2021 Lifesaving Victoria, at the Bright River Pool,*
- 2. Notes the safety incident statistics from the 2022/23 summer season,*
- 3. Gathers, monitors and assesses safety and incident statistics in the area around the jumping board and dredged riverbed over the 2023/2024 summer to inform a Council decision after the conclusion of the summer season,*
- 4. Nominates a master planning project to be added to the Project Pipeline for Howitt & Centenary Parks that would create a contemporary, high-value community precinct, and*
- 5. Considers replacement of the slide as an option through the masterplanning process.*

Cr Nicholas put forward an amendment to the alternative motion proposed by Cr Hughes.

*Cr Nicholas*

*Cr Hughes*

- 6. Council continues to seek ways to mitigate the risk from the diving platform and dredging over the 2023/24 summer season.*

*Motion Lost*

Cr Kelley put forward a reworded iteration of the amendment to the alternative motion proposed by Cr Hughes.

*Cr Kelley*

*Cr Keeble*

- 6. Council continues to seek ways to mitigate the risk of drowning in the river pool this 2023/24 summer season.*

*Carried*

*A Division was called for by Cr Nicholas*

*For: Crs Forsyth, Keeble, Hughes, Nicholas, Prime and Kelley*

*Against: Cr Janas*

The final resolution passed by Council was:

*Cr Hughes*

*Cr Kelley*

*That Council:*

- 1. Notes the implementation of all risk management recommendations from the 2021 Lifesaving Victoria, at the Bright River Pool,*
- 2. Notes the safety incident statistics from the 2022/23 summer season,*
- 3. Gathers, monitors and assesses safety and incident statistics in the area around the jumping board and dredged riverbed over the 2023/2024 summer to inform a Council decision after the conclusion of the summer season,*
- 4. Nominates a master planning project to be added to the Project Pipeline for Howitt & Centenary Parks that would create a contemporary, high-value community precinct, and*
- 5. Considers replacement of the slide as an option through the masterplanning process.*
- 6. Council continues to seek ways to mitigate the risk of drowning in the river pool this 2023/24 summer season.*

*Carried*

*A Division was called for by Cr Janas*

*For: Crs Kelley, Nicholas, Prime, Forsyth, Keeble & Hughes*

*Against: Cr Janas*

## **BACKGROUND**

The Bright River Pool (BRP) is strategically situated on the Ovens River, directly behind the main thoroughfare of the Bright township. Adjacent to the Bright Splash Park and downstream from the Rotary Waterslide, the site encompasses a spacious riverbank that opens into the river itself. Additional amenities include a children's playground and public toilet facilities nearby.

The BRP aquatic area can be accessed from multiple points along the foreshore, featuring wooden jetty platforms and a jumping board. Water depth in the area varies, reaching depths in excess of four (4) metres at its deepest. Routine dredging is conducted at the base of the jumping board to maintain an appropriate and safe water depth, thereby mitigating the risk of impact injuries for users.

Life Saving Victoria (LSV) has been contracted on various occasions to undertake safety and consultancy reviews for both the Bright River Pool and the neighbouring Porepunkah River Pool.

Previous engagements include:

- Bright River Pool Safety Consultancy (July/August 2021)
- Porepunkah River Pool Safety Consultancy (September 2021)
- Bright and Porepunkah River Pool Signage Assessment (October 2021)
- Bright River Pool Slide Design Assessment (October 2021)

- Ovens River Proposed Fishway Safety Consultancy (January 2022)

Subsequent to the Slide Design Assessment in 2021, the slide was removed and has yet to be replaced.

In September 2023, LSV was re-engaged by Alpine Shire Council in response to reports that more than 50 rescues were carried out during the 2022/23 season.

According to documents provided by Belgravia Leisure, the Bright River Pool received 12,262 visits over a span of 37 days between December 2022 and January 2023. Despite staffing hours being limited to 1pm–6pm, a total of 32 rescue incidents involving 50 individuals were reported. The single-day record for rescues stood at ten. A significant 46% of the rescues were conducted at the jumping board area, while another 42% took place in deep water, particularly towards the river's right-hand side.

Belgravia responded to an increase in visitation and rescue prevalence, and according to their risk assessment immediately implemented the use of a river rescue board for quick intervention and educational interactions with patrons.

Despite Belgravia Leisure having implemented this additional safety measure in response to swimmer behaviour, safety incidents continued to occur.

Removal of the slide in 2021 has resulted in a reduced number of Lifeguard rescues on the Northern side of the river with only 2% of rescues occurring there in the 2022/23 Season.

## ISSUES

Council has identified the jumping board at the Bright River Pool as a notable point of concern for aquatic safety. Data from recent seasons indicates that 46% of all rescues originated from activities associated with the jumping board. The removal of the jumping board will result in a meaningful reduction in the number of high-impact injuries and aquatic emergencies.

The absence of the jumping board will lower the risk profile of the river pool and mitigate the burden on lifeguard staff, allowing for more effective surveillance and response across other areas of the pool.

Removing the jumping board will offer a multi-faceted improvement in aquatic safety:

- Firstly, its absence is expected to reduce the potential of high-impact injuries and rescues, which may occur due to misjudgements in jumping.
- Secondly, by eliminating this high-risk area, the lifeguard team could redistribute their focus across the entire pool more efficiently.

This would likely result in quicker response times and improved surveillance, enhancing the overall safety of patrons.

However, removal of the jumping board is a significant change that may not be universally welcomed by the community. The aim is to strike a balance between preserving the recreational appeal of the Bright River Pool and ensuring an acceptable level safety for all users.

Removal of the jumping board will change the overall amenity at the Bright River Pool precinct, which has strong historical and cultural significance to community and visitors.

Council has identified the depth of the water, particularly in areas exceeding 4m, as a significant safety concern at the Bright River Pool. Safety reports from the 2022/23 period show that 42% of rescues were related to deep water, and a further 46% were associated with the jumping board located in these deeper sections. This issue particularly affects less experienced swimmers.

Deep water complicates rescue efforts and increases the risk of swimmer fatigue, both of which elevate the likelihood of water-related incidents.

These changes aim to minimise high-risk behaviours like diving and make it easier for lifeguards to perform rescues.

### **POLICY IMPLICATIONS**

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

- 4.5 Assets for our current and future needs

### **FINANCIAL AND RESOURCE IMPLICATIONS**

Associated costs that result from the removal of the jumping board will be funded from existing operational budgets.

A masterplan for Howitt and Centenary Park Precinct be considered, planned, and budgeted through the annual budget process.

**RISK MANAGEMENT**

Risk	Likelihood	Impact	Mitigation Action / Control
Injury	Almost certain	Major	Remove jumping board and cease dredging the river. Do not replace the slide.
Drowning fatality due to lack of swimmer ability	Very Likely	Extreme	Remove jumping board and cease dredging the river pool. Do not replace the slide.
Environmental impact due to machinery in water (Diesel spill)	Possible	Major	Long reach excavator to perform works to eliminate machinery in waterway.
Community and visitor expectations not met	Unlikely	Minor	Future implementation of masterplan to create a contemporary, high-value community precinct.

LSV recommends the following actions based on the data and risk assessments presented:

1. Recommend removal of the jumping board based on current risk likelihood and consequence.
2. Update existing signs to reflect any changes in pool features or safety guidelines.
3. Implement new signs that address previously unhighlighted risks, such as swift water conditions, if the pool's depth is altered.
4. Use clear and universally understood symbols and languages to ensure that the message is accessible to a broad audience, including international visitors and those who may have literacy challenges.
5. Continually review and update signage as part of a broader, ongoing risk management strategy.

**CONSULTATION**

Industry experts, LSV and experienced operator Belgravia Leisure were engaged to assess the river pool, along with officers from across Council's operations. Due to the risk associated with the jumping board, dredging of the river and replacement of the slide, it is recommended that Council removes the jumping board at Bright River Pool prior to the 2023/24 summer season, ceases dredging and does not replace the slide.

Following endorsement of this report, the community will be informed of the decision to remove the jumping board and not to replace the slide.

An extensive engagement process will be undertaken to develop a precinct masterplan for Howitt and Centenary Parks.

## **CONCLUSION**

Following the hierarchy of control, all actions to manage the risk have been unsuccessful. Due to the risk associated with the jumping board, dredging of the river and replacement of the slide, it is recommended that Council removes the jumping board at Bright River Pool prior to the 2023/24 summer season, ceases dredging and does not replace the slide.

## **DECLARATION OF CONFLICT OF INTEREST**

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

- Director Assets
- Manager Operations
- Property and Contracts Coordinator

## **ATTACHMENT(S)**

Nil

### 9.1.3 Community Climate Action Plan Roadmap

#### INTRODUCTION

The Community Climate Action Plan Roadmap 2023 (Roadmap) provides a roadmap for the development of a future community climate action plan. It is not an action plan in itself.

The Roadmap will assist in developing a clear pathway to preparing a community climate action plan, and will support and empower the local community to reduce its emissions and adapt to a changing climate.

*Cr Keeble*

*Cr Nicholas*

*That Council:*

- 1. Endorses the Community Climate Action Plan Roadmap and makes it available on its website as a community resource;*
- 2. Notes that Council officers will undertake a detailed assessment of the community's Greenhouse Gas emissions profile; and*
- 3. Notes that Council officers will conduct community education on climate mitigation and adaptation measures.*

*Carried Unanimously*

#### BACKGROUND

In November 2021, Council declared a Climate Emergency and noted the resource and cost implications of developing a community climate action plan. The development of a Community Climate Action Plan Roadmap is the first formal step in empowering community climate action.

The Roadmap develops strategic climate response goals and identifies opportunity areas that reflect the community and other stakeholders' understanding and priorities.

Council's ability to prioritise and support impactful community climate action initiatives stems from the development of a detailed and locally accurate community emissions profile and ongoing broader community engagement and education.

#### ISSUES

The declaration of a Climate Emergency in November 2021 enabled Council to work within its legislative, financial and leadership capacity to facilitate and activate climate change mitigation strategies across the municipality.



Through Council's Climate Action Plan 2021-2024 Council committed to a net zero GHG emissions target from corporate operations by 2023, Council has significantly reduced its GHG emissions since the baseline year and has committed to offsetting the residual GHG emissions for the 2022/2023 financial year. Council has control over its own emissions and the steps taken to mitigate and offset those emissions; Council can advocate to others in the Alpine Shire but does not have direct control over the emissions of residents, businesses, industry, and visitors.

Certain emissions and abatement options may be particularly difficult and time consuming to accurately measure and track.

## **POLICY IMPLICATIONS**

The recommendations are consistent with section 9(2)(c) of the *Local Government Act 2020*:

- councils are required to promote the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks.

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

- 3.1 Decisive leadership to address the impacts and causes of climate change

## **FINANCIAL AND RESOURCE IMPLICATIONS**

The development of the Community Climate Action Plan Roadmap was funded by the Australian and Victorian governments under the Commonwealth-State Disaster Recovery Funding Agreements (DRFA).

The development of a detailed assessment of the community GHG emissions profile is estimated to cost \$35,000 and has been budgeted for delivery in the current financial year.

Ongoing community education and engagement on climate action can be resourced within Council's existing sustainability and communications and engagement teams' capacity.

## **RISK MANAGEMENT**

The key risks identified in relation to the Community Climate Action Plan Roadmap and mitigation actions are outlined in the below table.

Risk	Likelihood	Impact	Mitigation Action / Control
Extreme weather events cause damage to assets and health of residents, industry and the natural environment	Very likely	Major	<ul style="list-style-type: none"> <li>• Support the community to adapt to climate change threats</li> <li>• Enhance resilience of residents, industry and the natural environment</li> </ul>
Reputation - Council's Climate Emergency Declaration appears meaningless and tokenistic	Almost certain	Moderate	<ul style="list-style-type: none"> <li>• Approve the Community Climate Action Plan Roadmap and progress the recommended next steps</li> <li>• Provide leadership and support to residents in Climate Action</li> </ul>

## CONSULTATION

Development of this Community Climate Action Plan Roadmap involved community engagement which, as expected, received the majority of input from community members and groups already engaged in the climate action space. Engagement undertaken included publicly accessible and advertised pop-up sessions at Mount Beauty, Myrtleford and Bright and a public online survey. Various targeted evening sessions were conducted with community groups, organisations, Council staff and Councillors.

The consultation informed the priority opportunity areas identified in the Community Climate Action Plan Roadmap. Community awareness and understanding of climate change risks and opportunities were identified as opportunity areas. Ongoing education of the broader community by Council officers, in the areas of climate mitigation and adaptation, will seek to ensure that Council continues to support shire-wide community climate action.

## CONCLUSION

In order to support the community to mitigate and adapt to climate change, it is recommended that Council approves the Community Climate Action Plan Roadmap. Council officers will undertake a detailed assessment of the community's Greenhouse Gas (GHG) emissions, which will inform the future development of a community climate action plan and undertake further community education on climate mitigation and adaptation.

## DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Growth and Future
- Sustainability Coordinator
- Sustainability Officer

## ATTACHMENT(S)

9.1.3 Community Climate Action Plan Roadmap Alpine Shire Council

Cr Keeble declared a conflict of interest with respect to item 9.1.4 and vacated Council Chambers at 7.35pm.

## 9.1.4 Dinner Plain Snowmaking Factory and Snow Guns

File Number: CT23051

### INTRODUCTION

This report relates to the award of a contract for the supply and commissioning of a snowmaking factory and snow guns at the Peashooter toboggan slope at Dinner Plain.

*Cr Kelley*

*Cr Nicholas*

*That Council:*

- 1. Awards Contract No. CT23051 for 'The Supply and Commissioning of a Snowmaking Factory and Snow Guns' to TechnoAlpin for the lump sum price of \$922,735 (Ex GST); and*
- 2. Delegates authority to the Chief Executive Officer to sign the Contract.*

*Carried Unanimously*

### BACKGROUND

This project is fully funded by the State Government through the Regional Infrastructure Fund to assist the growth of rural Victoria by providing grants for infrastructure projects. The project will provide upgraded and improved snowmaking infrastructure to provide a reliable snow season from mid-June to late-September, each year at Dinner Plain, resulting in economic and social benefits for the Dinner Plain community and businesses.

The contract scope includes manufacturing, supplying, installing and commissioning two snow guns and a snowmaking factory at the Peashooter toboggan slope at Dinner Plain.

### EVALUATION

Extensive engagement with the snow making teams from Vail Resorts at Mount Hotham and Mount Buller Resorts was undertaken to ensure the appropriate specifications and performance criteria were identified.

The tender was posted on 2 August 2023 on tenders.net in accordance with Council's Procurement Policy.

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

1. Price
2. Qualifications and previous performance
3. Delivery
4. Social
5. Environmental Sustainability

Following the assessment of the tenders, it was determined that the tender from TechnoAlpin best met the selection criteria.

## ISSUES

The possibility of a time delay caused by shipping or customs poses a risk to the snowmaking equipment being commissioned by June 2024 for the start of the snow season. The preferred tenderer has confirmed that they are able to meet this requirement in their project plan and have included an additional one month's time contingency for this risk.

The ongoing operating model is being developed and will be subject to Council's expression of interest process that will enable the appointment of a suitably qualified operator.

The maintenance requirements of the snow factory and two snow guns will be included in the annual budget process from 2024/2025 financial year onwards. These costs are estimated to range from \$160k to \$340k depending on the final ongoing operating model.

## POLICY IMPLICATIONS

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

- 4.5 Assets for our current and future needs

## FINANCIAL AND RESOURCE IMPLICATIONS

The total available budget for the Dinner Plain Snowmaking Project is \$3,000,000. This project is fully funded by the Victorian State Government through the Regional Infrastructure Fund. There are sufficient funds within the project budget to award this contract for the manufacture, supply and commission the snowmaking factory and two snow guns.

## RISK MANAGEMENT

Key risks of the project are as follows:

Risk	Likelihood	Impact	Mitigation Action / Control
Delayed installation	Possible	Moderate	<ul style="list-style-type: none"> <li>• Project management plan includes one month's contingency in the project program</li> </ul>

## CONSULTATION

Engagement has been carried out with the following organisations and groups:

- Vail Resorts Mount Hotham
- Mount Buller Resort

- Dinner Plain Community - extensively engaged in the development of the snowmaking project through an online survey, design workshops and public consultation.

## **CONCLUSION**

Following a tender evaluation assessment and site visits, the tender from TechnoAlpin is considered the best value for Council due to their price, experience, and knowledge of snowmaking equipment, and it is recommended that the contract be awarded to TechnoAlpin.

## **DECLARATION OF CONFLICT OF INTEREST**

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

- Director Assets
- Manager Engineering and Assets
- Project Officer

## **ATTACHMENT(S)**

Nil

Cr Keeble re-entered Council Chambers at 7.51pm.

## 9.2 DIRECTOR CUSTOMER AND COMMUNITY – HELEN HAVERCROFT

### 9.2.1 Child Safe Policy

#### INTRODUCTION

This report relates to changes in Child Safe legislation and the consequential revisions to Council's Child Safe Policy.

*Cr Janas*

*Cr Hughes*

*That Council:*

- 1. Endorses the revised Child Safe Policy for the purposes of placing it on public exhibition, with submissions closing on 21 November 2023; and*
- 2. Reviews and considers submissions to the revised Child Safe Policy and presents the final version for adoption at the Ordinary Council Meeting on 19 December 2023.*

*Carried Unanimously*

#### BACKGROUND

Victoria's Child Safe Standards (Standards) were put in place in 2016 to protect children and young people from harm and abuse. In July 2022 eleven new Standards were introduced to replace the existing seven Standards. Changes made to the Standards will increase protection for children and young people and provide clarity for Council and other organisations that must comply with the Standards (Schedule 1 of the Child Wellbeing and Safety Act 2005).

Council's first Child Safe Policy was adopted in 2017 and a reviewed Child Safe Policy was adopted in 2020.

This revised Child Safe Policy has been developed with publicly available information and in consultation with key internal stakeholders and engagement with other Victorian Council's and ensures that protecting children's safety and wellbeing is embedded in the culture and the everyday thinking and practices of all Councillors, employees, contractors and volunteers of Council.

#### ISSUES

Council is legislatively required to develop a Child Safe Policy which reflects the updated Child Safe Standards effective 1 January 2023. This work has been undertaken internally.

The protection of children and young people is more than just drafting a policy. An operational action plan will be developed to embed the activities that Council will undertake to meet the commitment of this policy.

## POLICY IMPLICATIONS

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

- 5.2 A responsible, transparent and responsive organisation

This Policy also relates to:

- *Child Wellbeing and Safety Act 2005* (Vic)
- *Working With Children Act 2005* (Vic)
- Victorian Reportable Conduct Scheme

## FINANCIAL AND RESOURCE IMPLICATIONS

The drafting of the action plan related to the operational delivery of this policy is not yet completed. There will be identified existing resources within Council who will have responsibility for specific actions. There is no indication at this stage that a financial cost will be associated with this. No additional resource is being considered.

## RISK MANAGEMENT

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

Risk	Likelihood	Impact	Mitigation Action / Control
Failure to comply with legislation and mandatory reporting	Possible	Moderate	<ul style="list-style-type: none"> <li>• Ensure regular review of the Child Safe Policy and implementation of the action plan.</li> </ul>

## CONSULTATION

This revised Child Safe Policy has been developed with publicly available information and in consultation with key internal stakeholders and using information from other Victorian Council's.

## CONCLUSION

It is recommended that Council endorses the revised Child Safe Policy for public exhibition. Feedback from the public exhibition period will be considered and the revised policy will be presented to the December Council meeting.



## **DECLARATION OF CONFLICT OF INTEREST**

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

- Director Customer and Community
- Manager Community Development

## **ATTACHMENT(S)**

9.2.1 Revised Child Safe Policy

## 9.2.2 Instruments of Appointment and Authorisation - *Planning and Environment Act 1987*

File Number: Delegations register

### INTRODUCTION

Instruments of appointment and authorisation are an important means of Council ensuring that its officers are appropriately authorised under the relevant Acts that Council administers. This report provides for a newly appointed position in Council's Planning department.

*Cr Janas*

*Cr Keeble*

*That Council exercises the powers conferred by section 147(4) of the Planning and Environment Act 1987, so that:*

1. *The following member of Council staff referred to in attachment 9.2.2"SI1A – Instrument of Appointment and Authorisation – Planning & Environment Act 1987" (the instrument) be appointed and authorised as set out in the instrument;*
  - a. *Planning Officer*
2. *The instrument comes into force immediately the common seal of Council is affixed to the instrument;*
3. *The instrument be signed and sealed at the appropriate stage of this meeting.*

*Carried Unanimously*

### BACKGROUND

Council staff involved in planning roles require current and accurate authorisations to fulfil their duties. Council has appointed a Planning Officer, who requires authorisation under the *Planning and Environment Act 1987*.

### ISSUES

#### *Authorised Officers*

Authorised officers have statutory powers under relevant legislation. In the case of Council's staff in the Planning department, the attached Instruments of Appointment and Authorisation under the *Planning and Environment Act 1987* mean that they are authorised officers for the purposes of that Act.

While Council may delegate its powers, duties or functions to staff, so that a delegate acts on behalf of the Council, staff appointed as authorised officers have their own statutory powers under the relevant Act.

***Planning and Environment Act 1987***

Section 188(1)(b) of the *Planning and Environment Act 1987* specifies that “a planning authority ... may by instrument delegate any of its powers, discretions or functions under this Act to an officer of the authority”. However Section 188(2)(c) specifically prevents an officer from further sub-delegating any duty, function or power. Therefore, as the responsible authority, Council must authorise staff directly using the “S11A – Instrument of Appointment and Authorisation – Planning and Environment Act 1987”, rather than via the Chief Executive Officer.

***Maddocks Delegations and Authorisations Service***

Council utilises the delegations and authorisations service provided by law firm Maddocks. This is a template system used by many councils and provides a detailed way of ensuring that appropriate delegations and authorisations are given to Council staff. All of the relevant legislation affecting local government, including Acts and regulations and the sections that relate to the powers, duties and functions of Council are outlined within the template and the relevant officer is allocated accordingly.

**POLICY IMPLICATIONS**

Ensuring authorisations are kept up to date ensures that Council's planning staff can undertake their statutory roles.

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

- 5.2 A responsible, transparent and responsive organisation

**FINANCIAL AND RESOURCE IMPLICATIONS**

Council has an annual subscription to the Maddocks delegation and authorisation service that is provided for in Council's annual budget. There are no other financial implications associated with these instruments of appointment and authorisation.

Appropriate authorisations allow Council and Council staff to operate effectively and within legislative frameworks.

**RISK MANAGEMENT**

Risk	Likelihood	Impact	Mitigation Action / Control
Authorisations are not in place or are out of date	Possible	Moderate	<ul style="list-style-type: none"> <li>• Ensure that all Council officers have up-to-date authorisations to ensure that they can undertake their duties.</li> </ul>

## CONSULTATION

The relevant staff and Director have been consulted during the preparation of the IoAAs. There is no requirement to consult the community in the preparation of these instruments.

## CONCLUSION

The appropriate appointment of authorised officers to enforce the *Planning and Environment Act 1987* is required to ensure that Council officers can undertake their statutory roles.

## DECLARATION OF CONFLICT OF INTEREST

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

- Director Customer and Community
- Manager Corporate
- Governance Officer

## ATTACHMENT(S)

- 9.2.2 S11A – Instrument of Appointment and Authorisation – *Planning & Environment Act 1987* – Planning Officer

### 9.2.3 Audit and Risk Committee Meeting Minutes

#### INTRODUCTION

The purpose of the report is to present the minutes of the Audit and Risk Committee meeting No.2023/24-2 held on 15 September 2023.

The only item presented to and considered by the Audit and Risk Committee (Committee) at this meeting was the draft Annual Financial Statements and the Annual Performance Statements for endorsement.

*Cr Janas*

*Cr Kelley*

*That Council receives and notes the unconfirmed minutes of the Audit and Risk Committee meeting No.2023/24-02 held on Friday 15 September 2023.*

*Carried Unanimously*

#### REPORT

##### *DRAFT Annual Financial and Performance Statements*

The Committee received and discussed the draft Annual Financial and Performance statements for endorsement to council.

Council needs to approve the Annual Report by 31 October 2023. The Annual Report will contain the approved version of the Annual Financial and Performance Statement's.

At the time of the meeting Council had not received a report from the external auditors (RSD), or the Victorian Auditor General's Office (VAGO) Closing report and Final Management Letter.

#### POLICY IMPLICATIONS

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

- 5.2 A responsible, transparent and responsive organisation

#### RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Failure to meet reporting requirements of <i>Local Government Act 2020</i> and Committee Charter	Unlikely	Minor	<ul style="list-style-type: none"> <li>• Standing items on Committee agenda</li> <li>• Documented annual Committee meeting program</li> </ul>

## CONCLUSION

The Committee, being satisfied with the detail provided in its agenda and the officer reports, submits the unconfirmed minutes of its meeting No.2023/24-02 held on 15 September 2023 to Council for noting.

## DECLARATION OF CONFLICT OF INTEREST

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

- Director Customer and Community
- Manager Corporate

## ATTACHMENT(S)

- 9.2.3 Minutes (unconfirmed) of Audit and Risk Committee Meeting No.2023/24-02, 15 September 2023

## 10. Informal meetings of Councillors

### Introduction

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

- is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- is attended by at least one member of Council staff; and
- is not a Council meeting, Delegated Committee meeting, or Community Asset Committee meeting.

The Chief Executive Officer must ensure that a summary of the matters discussed at the meeting are tabled at the next convenient Council meeting and are recorded in the minutes of that Council meeting.

*Cr Keeble*

*Cr Hughes*

*That the summary of informal meetings of Councillors for September / October 2023 be received.*

*Carried Unanimously*

### Background

The written records of the informal meetings of Councillors held during the previous month are summarised below. Detailed records can be found in Attachment 10.0 to this report.

Date	Meeting
26 September	Briefing Session
10 October	Briefing Session
17 October	Briefing Session

### Attachment(s)

- 10.0 Informal meetings of Councillors – September / October 2023.

## 11. Presentation of reports by delegates

Refer to Alpine Shire Council's website [www.alpineshire.vic.gov.au](http://www.alpineshire.vic.gov.au); for its YouTube live-streaming recording for responses to presentation of reports by delegates.

## 12. General business

Refer to Alpine Shire Council's website [www.alpineshire.vic.gov.au](http://www.alpineshire.vic.gov.au); for its YouTube live-streaming recording for responses to general business.

## 13. Motions for which notice has previously been given

Nil

## 14. Reception and reading of petitions

Nil



## 15. Documents for sealing

*Cr Nicholas*

*Cr Janas*

*That the following documents be signed and sealed.*

**1. S173 Agreement - Bord Power Pty Ltd**

*This Section 173 Agreement is required by conditions 2 and 19 of Planning Permit P.2022.126 for a three (3) lot subdivision at 21 Power Street, Myrtleford being the land referred to in Certificate of Titles Volume 8489 Folio 580 and Volume 8674 Folio 388 and described as Lot 1 PS061563 and Lot 1 PS74792 respectively.*

*The Agreement provides for bushfire management protection measures, including incorporating a Bushfire Management Plan, and exempts proposed Lots 2 and 3 from the planning permit requirement of clause 44.06-2 of the Alpine Planning Scheme.*

**2. Section 173 Agreement - SL Andronaco and JM Shields**

*This Section 173 Agreement is required by conditions 14 and 19 of Planning Permit P.2021.169 for the construction of two (2) dwellings and a two (2) lot subdivision at 25 Mountain Mist Drive, Bright being the land referred to in Certificate of Title Volume 11365 Folio 269 and described as Lot 40 PS616760S.*

*The Agreement has been prepared for the purpose of an exemption from a planning permit under clause 44.06-2 of the Alpine Planning Scheme and provides for bushfire management protection measures, including incorporating a Bushfire Management Plan.*

**3. S11A – IOAA - Planning Officer.**

*Carried Unanimously*

There being no further business the Chairperson declared the meeting closed at 8.07pm.

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Chairperson