



Alpine Shire

ORDINARY COUNCIL MEETING

AGENDA

M3 – 2 April 2019

Senior Citizens Centre, Smith Street Myrtleford

7:00pm



Notice is hereby given that the next **Ordinary Meeting** of the **Alpine Shire Council** will be held in the Senior Citizens Centre, Smith Street Myrtleford on **2 April 2019** commencing at **7:00pm**.

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1 RECORDING AND LIVESTREAMING OF COUNCIL MEETINGS

The CEO will read the following statement:

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

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

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

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

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

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

2 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS, AND RECOGNITION OF ALL PEOPLE

The CEO will read the following statement:

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

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

3 CONFIRMATION OF MINUTES

3.1 ORDINARY COUNCIL MEETING – M2

RECOMMENDATION

That the minutes of Ordinary Council Meeting M2 held of 5 March 2019 as circulated be confirmed

4 APOLOGIES

5 OBITUARIES / CONGRATULATIONS

6 DECLARATIONS BY COUNCILLORS OF CONFLICT OF INTEREST



7 PUBLIC QUESTIONS

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

Questions on Notice can be written or from the floor.

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



8 PRESENTATION OF REPORTS BY OFFICERS

8.1 CHIEF EXECUTIVE OFFICER – CHARLIE BIRD

8.1.1 Contracts approved by the CEO

RECOMMENDATION

That the Contracts approved by the CEO be noted.

Contract No:	CQ18092	Process:	Request for Quotation
Title:	Playground Equipment Renewal 2018/19 across four playgrounds within the Alpine Shire		
Tenderer:	Adventure Plus		
\$ (excl. GST):	\$61,250 for		
Playgrounds:	North Mount Beauty and Dederang Recreation Reserve		

Contract No:	CQ18092	Process:	Request for Quotation
Title:	Playground Equipment Renewal 2018/19 across four playgrounds within the Alpine Shire		
Tenderer:	Safeplay		
\$ (excl. GST):	\$49,903		
Playgrounds	Tavare Park Harrietville and Pioneer Memorial Park Tawonga		

Contract No:	CQ18109	Process:	Request for Quotation
Title:	Porepunkah Riverside Amenities Renewal		
Tenderer:	Owen Douglas Lewis		
\$ (excl. GST):	\$90,566		

Contract No:	CQ18081	Process:	Request for Quotation
Title:	Buckland Bridge Design		
Tenderer:	Chris O'Brien & Co.		
\$ (excl. GST):	\$56,500		



8.2 DIRECTOR ASSETS – WILLIAM JEREMY

8.2.1 Municipal Heatwave Plan

File Number: 508.02

INTRODUCTION

Council is required to prepare and maintain a Municipal Heatwave Plan as a sub-plan to the Municipal Emergency Management Plan (MEMP) to comply with the *Victorian Emergency Management Act 1986 and 2013*. Council's updated Heatwave Plan has been prepared in consultation with the Municipal Emergency Management Planning Committee, with their last opportunity for review being 2012.

The updated Heatwave Plan was adopted by the Municipal Emergency Management Planning Committee in February 2019 and has been recommended to Council for noting.

RECOMMENDATION

That Council:

- 1. Note the Alpine Shire Council Heatwave Plan Version 2.0 (2019) as adopted by the Alpine Municipal Emergency Management Planning Committee; and*
- 2. Authorise the Chief Executive Officer to endorse the Municipal Heatwave Plan on behalf of Council.*

BACKGROUND

Council is required to prepare and maintain a Municipal Heatwave Plan as a sub-plan to the Municipal Emergency Management Plan (MEMP) to comply with the *Victorian Emergency Management Act 1986 and 2013*.

Council's Municipal Heatwave Plan has been updated in consultation with the Municipal Emergency Management Planning Committee (MEMPC), and was adopted by the committee in February 2019.

The key changes made to the document are:

- Explanation of heatwave threshold, heatwave and heat health alert.
- Documenting a clear communication strategy to initiate alert, response and recovery phases of the plan.
- Inclusion of content relating to promoting community awareness and education.

ISSUES

Nil.

POLICY IMPLICATIONS

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

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



FINANCIAL AND RESOURCE IMPLICATIONS

Nil.

CONSULTATION

The Municipal Heatwave Plan has been updated with input from the Municipal Emergency Management Planning Committee and key Alpine Shire Council staff holding identified Emergency Management roles.

CONCLUSION

The updated Municipal Heatwave Plan has been adopted by the Alpine Municipal Emergency Planning Committee and is presented to Council for noting.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Asset Maintenance
- Emergency Management Coordinator

ATTACHMENT(S)

8.2.1 Municipal Heatwave Plan Version 2.0 (2019)



8.2.2 Myrtleford Recreation Reserve Fire Hydrant Services

File Number: 01546.01

INTRODUCTION

This report relates to the award of the Myrtleford Recreation Reserve Fire Hydrant Services works tender.

RECOMMENDATION

That Council:

- 1. Awards Contract No. 1900501 for Myrtleford Recreation Reserve Fire Hydrant Services to James Civil Group for the Lump Sum price of \$212,626 +GST; and*
- 2. Continues to pursue a funding contribution to the cost of the works through the Public Safety on Public Lands grant scheme administered by the Department of Environment, Land, Water and Planning.*

BACKGROUND

Prompted by the need to establish a compliant fire hydrant service at the Myrtleford Indoor Sport Stadium as part of the stadium expansion project, a review was carried out of Myrtleford Recreation Reserve's existing fire hydrant system. This review established that the existing fire hydrant system is non-compliant. A hydraulic engineering consultant was engaged to design a new fire hydrant system which is compliant with the relevant engineering standards, and this design has now been endorsed by the Country Fire Authority (CFA).

In February 2019, Council tendered for the engagement of suitable hydraulic and civil contractors to supply and install a new fire hydrant main, backflow and meter assembly, associated hydrants and infrastructure, pumping station, buffer tank and electrical supply.

The Invitation to Tender was advertised in the Border Mail on 6 February 2019 and on the tenders.net and the Alpine Shire Council websites on 1 February 2019. Tenders closed on Friday 22 February 2019.

The Tender documents were downloaded by 14 prospective tenderers and four tender submissions were received.

EVALUATION

The evaluation panel consisted of the Director Assets and the Project Manager.

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

- Price
- Delivery
- Qualification & Previous Performance



- Social

A review of the tender submission against the evaluation criteria determined that the James Civil Group offered the best value.

James Civil Group has considerable experience undertaking hydraulic works on North East Water infrastructure, has successfully delivered significant civil projects for Alpine Shire Council in the past, and offered the most competitive price for the proposed works.

ISSUES

In order to obtain a Certificate of Occupancy for the Myrtleford Indoor Sports Stadium on completion of the stadium expansion project, it is necessary to have in place a fire hydrant system which complies with the relevant engineering standards and is endorsed by the CFA. The existing fire hydrant system is non-compliant and cannot therefore be extended to provide coverage of the new stadium.

POLICY IMPLICATIONS

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

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

- Incredible places for our community and visitors.

FINANCIAL AND RESOURCE IMPLICATIONS

The works to be delivered under the proposed contract are unbudgeted. Council has sought funding assistance from the Department of Environment, Land, Water and Planning (DELWP) under the Public Safety on Public Land grant scheme. DELWP is assessing this application, but has not yet provided feedback.

CONSULTATION

Specialist hydraulic engineers were engaged to prepare the design of a new fire hydrant system.

Council officers consulted with reserve user groups through the Myrtleford Showgrounds Committee and the Myrtleford Recreation Reserve Committee. Approval for the proposed works has been obtained from the CFA, DELWP and North East Water.



CONCLUSION

Following a comprehensive assessment process, the submission from James Civil Group is considered to represent the best value.

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
- Project Manager

ATTACHMENT(S)

- Nil



8.3 DIRECTOR CORPORATE – NATHALIE COOKE

8.3.1 Alpine Shire Council Plan 2017-2021 (review 2019)

File Number: 600.03

INTRODUCTION

An annual review of the Council Plan is a requirement of the *Local Government Act 1989*. This report provides an outline of the 2019 review process and recommendations for changes to this document.

RECOMMENDATION

That Council note:

- 1. A review of the Alpine Shire Council Plan 2017-2021 (incorporating the Municipal Public Health and Wellbeing Plan) has been undertaken in accordance with s125(7) of the Local Government Act 1989 and s26(4) and s27(2)(b) of the Municipal Public Health and Wellbeing Act 2008.*
- 2. The review proposes the following changes to the Alpine Shire Council Plan 2017-2021:*
 - a. Update the Strategic Resource Plan to be consistent with the Long Term Financial Plan identified in the 2019/20 Budget (as adopted in June 2019); and*
 - b. No other changes are currently proposed to the document.*
- 3. Section 125(9) of the Local Government Act 1989 requires a Section 223 public submission process only where there are proposed adjustments in the Council Plan to the:*
 - a. Strategic objectives of the Council;*
 - b. Strategies for achieving the objectives; or*
 - c. Strategic indicators for monitoring the achievement of the objectives.*
- 4. No formal public submission process is required under Section 125(9) of the Local Government Act 1989 as there are no proposed adjustments to the strategic objectives, strategies or strategic indicators.*
- 5. The Alpine Shire Council Plan 2017-2021 (review 2019) will be presented for adoption in June 2019.*

BACKGROUND

The Council Plan is a key document required under Local Government legislation, and includes the strategic objectives of the Council; strategies for achieving the objectives; strategic indicators for monitoring achievement; a Strategic Resource Plan; and projects / services intended to span the lifetime of the Plan.

The 2017-2021 Alpine Shire Council Plan was developed following the 2016 Election, and was adopted in June 2017. This was the first time that Council elected to



incorporate the Municipal Public Health and Wellbeing Plan (MPHWP) as part of the Council Plan. This change means that Council must be mindful of both s125(7) of the *Local Government Act 1989* (LG Act) and s26(4) and s27(2)(b) of the *Public Health and Wellbeing Act 2008* (PHW Act) when undertaking any reviews of the Council Plan.

Conducting an annual review of these plans is a requirement of each Act. Council traditionally undertakes a review in the early part of the calendar year, and when required releases proposed adjustments for public comment, and adopts the final plan in June each year.

ISSUES

Council Plan

Proposed Changes

The Council Plan has been reviewed and there are no changes proposed to any content other than the Strategic Resource Plan (SRP) 2019-2022. The SRP will be updated to align to the annual Budget in line with legislative requirements.

Requirement for Public Submissions

Section 125(9) of the Act only requires a public submission process to occur where there are proposed changes to the strategic objectives, strategies or strategic indicators within the Council Plan.

As there are no proposed changes to these items, the Council Plan will not need to be re-released for public submissions this year.

Although the SRP will be updated, it is open to submissions as part of the Budget process, and does not need to be additionally open to public submissions as part of the Council Plan review process. The resolution to adopt the Council Plan in June will contain a resolution to insert the SRP as adopted with the Budget.

Municipal Public Health and Wellbeing Plan

The MPHWP has been reviewed and there have not been any significant changes to the 'health' measures of the community which would require Council to change the strategic direction of the plan.

POLICY IMPLICATIONS

The Council Plan is a key strategic document, required under Section 125 of the *Local Government Act 1989*.

The MPHWP (as part of the Council Plan) is required under Sections 26 and 27 of the *Public Health and Wellbeing Act 2008*.

FINANCIAL AND RESOURCE IMPLICATIONS

A small cost will be required to update the Strategic Resource Plan and the front page of the designed Council Plan document, which has been budgeted for.



CONSULTATION

Consultation has occurred with Council officers and councillors. No consultation with the community is required, as there are no intended modifications to the strategic objectives, strategies or strategic indicators within the Council Plan.

CONCLUSION

Council should note that public exhibition is not required for the proposed updates to the Council Plan. A report will be presented in June to adopt the 2019 review of the Council Plan, and incorporate the updated Strategic Resource Plan in line with the adopted Budget.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate
- Manager Corporate
- Governance Officer

ATTACHMENT(S)

- Nil



8.3.2 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 change in staffing for staff with planning responsibilities.

RECOMMENDATION

That Council exercise the powers conferred by Section 224 of the Local Government Act 1989, and by Section 147 of the Planning and Environment Act 1987, so that:

- 1. The following members of Council staff referred to in attachments 8.3.2(a)-(b) "S11A – Instrument s of Appointment and Authorisation – Planning & Environment Act 1987" (the instruments) be appointed and authorised as set out in the instruments;*
 - a. Strategic Planner*
 - b. Development Engineer*
- 2. The instruments come into force immediately the common seal of Council is affixed to the instruments, and remain in force until Council determines to vary or revoke them;*
- 3. On the coming into force of the instruments the previous "S11A – Instrument of Appointment and Authorisation – Planning and Environment Act 1987" for the Planning Officer signed on 1 May 2018 be revoked; and*
- 4. The instruments be signed and sealed at the appropriate stage of this meeting.*

BACKGROUND

Authorised Officers

Section 224(1) of the *Local Government Act 1989* (the Act) provides that "a Council may, appoint any person other than a Councillor to be an authorised officer for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of Council". Legislation other than the *Local Government Act 1989* also empowers a Council to delegate certain powers, duties or functions, and appoint 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.

ISSUES

Council staff involved in planning roles require current and accurate authorisations to fulfil their duties. A change in staffing means that the Instruments of Appointment and Authorisation (IoAA) must be updated, with new staff added, and staff no longer needing authorisation being revoked.

POLICY IMPLICATIONS

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

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

- A well planned and safe community.

FINANCIAL AND RESOURCE IMPLICATIONS

Council has an annual subscription to the Maddocks delegation and authorisation service that is allowed 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.

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

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

- Director Corporate
- Manager Corporate
- Governance Officer

ATTACHMENT(S)

8.3.2 (a) S11A - Instrument of Appointment and Authorisation (*Planning & Environment Act 1987*) - Strategic Planner

8.3.2 (b) S11A - Instrument of Appointment and Authorisation (*Planning & Environment Act 1987*) - Development Engineer



8.3.3 Draft 2019/20 Budget Report

INTRODUCTION

The purpose of this report is to present the draft 2019/20 Budget Report for the Alpine Shire Council, for Council's consideration and exhibition.

RECOMMENDATION

That:

1. *The proposed Alpine Shire Council 2019/20 Budget Report annexed to this resolution and featuring a 2.5% rate increase, be the draft budget prepared by the Alpine Shire Council for the purposes of Section 127(1) of the local Government Act 1989.*
2. *The Chief Executive Officer be authorised to:*
 - a. *Give public notice of the preparation of the Alpine Shire Council 2019/20 Budget Report in accordance with Section 129(1) of the Local Government Act 1989; and*
 - b. *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, 9 May 2019.*
4. *A committee is formed according to Section 223 (1)(b) of the Local Government Act 1989, if required, consisting of Councillors for the purpose of hearing submissions in relation to the Alpine Shire Council 2019/20 Budget Report.*
5. *A recommendation to adopt the 2019/20 Budget Report be presented to a Special Meeting of Council on 18 June 2019.*

ISSUES

Based on ongoing community consultation, Council has prepared a draft Annual Budget for 2019/20 which is aligned to the vision in the Council Plan 2017-21. The Budget continues to deliver on Council's commitment to prudently manage costs while delivering the projects and services that support our community's resilience and vibrancy.

This Budget projects a surplus of \$3.5m which is influenced by:

- a) A Rate increase of 2.5%, in line with the Fair Go Rates System which caps Victorian Council rate increases in line with inflation;
- b) A capital works program totalling \$6.3m in FY19/20, reflecting a steady pipeline of asset renewal and development activity following FY18/19's exceptionally strong program which is forecast to complete at \$13.6m;



- c) A flat materials and services budget, due to continued diligent cost management and strong procurement practises which obtain the best supplier deals for our ratepayers;
- d) A wage increase at the greater of the Wages Price Index and the Consumer Price Index, as committed in Council's Enterprise Agreement three following consecutive years of wage freeze.

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

In addition a full review of Council fees has been conducted. Selected fees are proposed to be waived including library overdue fees for junior items; e-waste and battery disposal charges; and Dinner Plain dog permit fees. The majority of other fees are proposed to increase in line with inflation.

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

The annexed report represents the 'proposed' budget as prepared in accordance with the *Local Government Act 1989* and it is submitted to Council for approval 'in principle'. Following this, Council seeks feedback from the community through the formal submission process.

POLICY IMPLICATIONS

The draft Annual Budget is prepared in accordance with the *Local Government Act 1989* and the *Local Government (Planning and Reporting) Regulations 2014*.

FINANCIAL AND RESOURCE IMPLICATIONS

Council prepares its draft Budgets with the objective of balancing long term financial sustainability and prioritised delivery against community needs. The 2019/20 draft Annual Budget forecasts an operating surplus of \$3.5 million dollars, a working capital ratio of 3.6 with no reduction in the volume or standard of services delivered to the Alpine Shire.

Materials and services expenditure has remained flat. Departmental budgets have largely been managed to remain flat or reduced, offsetting increased waste processing costs and investments in technology to enable continual improvement to customer service.

CONSULTATION

Council is required to give public notice that it intends to adopt the Budget Report. It must give 28 days' notice of its intention to adopt the proposed Budget Report and make the Budget Report available for inspection at its offices and on its website.

Under Section 223 of the *Local Government Act 1989* a person has a right to make a submission on any proposal contained in the budget and any submission must be considered before adoption of the budget by Council. Council must allow a minimum 28 days after the public notice to receive submissions.



A person has the right to have their submission heard at a committee be formed according to Section 223 (1)(b) of the *Local Government Act 1989*, if required, consisting of Councillors for the purpose of hearing submissions.

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 30 June and a copy submitted to the Minister for Local Government within 28 days of adoption.

CONCLUSION

The draft Annual Budget has been prepared in accordance with Alpine Shire Council's Council Plan 2017-21 strategic objectives and the *Local Government Act 1989*. The draft Budget Report is presented for Council's 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
- Director Assets
- Manager Corporate
- Accountant

ATTACHMENT(S)

8.3.3 Alpine Shire Council draft Budget Report 2019/20



8.3.4 Dinner Plain Special Rate (2019/20) Public Notice of Proposed Declaration

INTRODUCTION

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

The purpose of this report is to recommend that public notice is given of a proposed declaration of a Special Rate for the Dinner Plain village applicable to Commercial/ Industrial land only in 2019/20.

RECOMMENDATION

That Council:

- 1. Give public notice in accordance with s163 of the Local Government Act 1989 of the intention to declare a special rate for the period 1 July 2019 to 30 June 2020 as follows:*
 - a. A special rate (the Dinner Plain Special Rate) be declared for the purpose of defraying any expenses in relation to the provision of services of special benefit to the owners of Commercial / Industrial land within the Dinner Plain village;*
 - b. The total cost of the performance of this function is estimated to be \$581,000 over one year, based on inclusion of the following services:*
 - i. The Dinner Plain to Hotham winter bus service*
 - ii. Roadways snow clearing*
 - iii. Cross country snow grooming*
 - iv. Marketing and events support specific to Dinner Plain*
 - v. Cable Television Maintenance;*
 - c. The Dinner Plain Special Rate will apply to Commercial / Industrial land within the Dinner Plain village as defined in the attached map;*
 - d. The definition of Commercial / Industrial land is the definition provided in the Alpine Shire Council draft Budget Report 2019/20;*
 - e. The amount of the Dinner Plain Special Rate to be levied is determined as 43% of the general rate as provided in the Alpine Shire Council draft Budget Report 2019/20;*
 - f. The amount of the Dinner Plain Special Rate to be levied is estimated to be \$175,774 over one year, or such other amount as is lawfully raised as a consequence of this Resolution;*
 - g. The amount of the Special Rate will be the amount shown as due and payable in any notice sent to a person required to pay the Dinner Plain Special Rate; and*



- h. Each person liable to pay the Dinner Plain Special Rate is to pay by instalments in line with Council's general rate payment requirements each year.*
- 2. Invite public submissions in relation to the proposed declaration of the Dinner Plain Special Rate in accordance with s163A and s223 of the Local Government Act 1989.*
- 3. Form a committee according to Section 223 (1)(b) of the Local Government Act 1989, if required, consisting of Councillors for the purpose of hearing submissions in relation to the proposed declaration of the Dinner Plain Special Rate.*
- 4. Consider the Dinner Plain Special Rate for 2019/20 declaration at a Special Council Meeting on 18 June 2019.*

BACKGROUND

The Dinner Plain village has for some time been subject to a Special Rate to defray the expenses associated with services of special benefit to Dinner Plain ratepayers. Within Alpine Shire Council's draft Council Budget Report 2019/20, this includes the Dinner Plain to Hotham winter bus service (\$162,000, an increase from \$129,000 based on increased demand in 2018/19); roadways snow clearing (\$160,000); cross country snow grooming (\$66,000); marketing and events support specific to Dinner Plain (\$191,000); and Cable Television Maintenance (\$2,000).

ISSUES

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

It is proposed that this approach is maintained for the declaration of a Special Rate in 2019/20.

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

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

this is allocated to a reserve, namely the 'Dinner Plain Reserve'. This is inclusive of all relevant income and costs, including, for example, the general rates paid by Dinner Plain ratepayers; an apportionment of general Council grants; an apportionment of Council services relevant to Dinner Plain; an apportionment of Council overheads; all Special Rate costs; and all capital works expenditure in Dinner Plain. Based on current forecasts, Dinner Plain expenditure will continue to exceed income as it has in 2018/19.



It is noted that in line with the 2018/19 Dinner Plain Special Rate declaration, Council is committed to delivery of a pipeline of \$1.5m new and upgrade capital works within Dinner Plain by 2027. It is anticipated that by the end of 2018/19, \$439,000 of this pipeline will have been delivered net of grant funding, including:

2017/18 Works

- Toboggan Run Access Improvements - \$19,000
- Dinner Plain Mountain Bike Trails - \$187,000
- Dinner Plain Village Green - \$32,000 (concept design and scoping)

2018/19 Works

- Toboggan and Ski Run Safety Improvements - \$44,000 (design and approval)
- Dinner Plain Mountain Bike Trails Stage 2 - \$200,000, of which \$130,000 is grant funded
- Dinner Plain Tracks and Trails Signage - \$38,000
- Dinner Plain Village Detailed Designs - \$50,000

POLICY IMPLICATIONS

The preparation of the Dinner Plain Village Rate 2019/20 strategy is in accordance with the:

- Special Rates and Charges, Ministerial Guidelines, September 2004
- *Local Government Act 1989*
- Alpine Shire Rating Strategy
- Council Plan 2017-2021 objective to provide a Responsible and Sustainable Organisation

FINANCIAL AND RESOURCE IMPLICATIONS

Based on current property valuations across the Alpine Shire, the Dinner Plain Special Rate for 2019/20 is proposing to raise an estimated \$175,774 over the 12 month period. This is significantly less revenue than the cost of the Special Rate services which are estimated to cost \$581,000 over the same period.

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

The Dinner Plain reserve is forecast to be \$835,000 as at 30 June 2018.

CONSULTATION

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



copies of the proposed declaration are available for inspection at the Customer Service Centres for at least 28 days after the publication of the notice.

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

Under Section 223 of the *Local Government Act 1989* a person has a right to make a submission on the proposed Dinner Plain Special Rate for 2019/20 and any submission must be considered before adoption of the budget by Council. Council must allow a minimum 28 days after the public notice to receive submissions. A person has the right to have their submission heard at a committee be formed according to Section 223 (1)(b) of the *Local Government Act 1989*, if required, consisting of Councillors for the purpose of hearing submissions.

CONCLUSION

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

Council is giving public notice of the intent to declare a Dinner Plain Special Rate of 43% of the general rate for the period 1 July 2019 to 30 June 2020 in accordance with Section 163 of the *Local Government Act 1989*. It is proposed to declare the Dinner Plain Special Rate at a Special Council Meeting on 18 June 2019.

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
- Director Assets
- Manager Corporate
- Rates Coordinator

ATTACHMENT(S)

8.3.4 Dinner Plain Village Rate Map



8.3.5 Community Local Law 2019

INTRODUCTION

This report provides for the making of the Community Local Law 2019.

RECOMMENDATION

That Council resolves to:

- 1. Make the Community Local Law 2019 (Attachment 1), to come into operation on 1 July 2019;*
- 2. Sign and seal the Community Local Law at the appropriate stage of the Council meeting;*
- 3. Publish public notices of the making of the Community Local Law 2019 in the Victorian Government Gazette, the Alpine Observer / Myrtleford Times newspapers, and on Council's website.*
- 4. Send a copy of the local law to the Minister for Local Government;*
- 5. Declare the Alcohol Restriction Areas (Attachment 3) to come into operation on 1 July 2019; and*
- 6. Notify in writing each person who has made a submission, of this decision and the reasons for the decision.*

BACKGROUND

A Local Law is a subordinate instrument created under the authority of the *Local Government Act 1989*. Local Laws must not be inconsistent with other acts or regulations.

Council currently has seven Local Laws, which are:

- Local Law 1: Council Administration
- Local Law 2: Municipal Places
- Local Law 3: Dinner Plain
- Local Law 4: Livestock
- Local Law 5: Amenity
- Local Law 6: Streets and Roads
- Local Law 7: Murray to Mountains Rail Trail

Council has committed to the development of a Community Local Law 2019, which will replace the existing Local Laws 2-7. Council has undertaken a two stage process of consultation with the community and key stakeholders in preparing the Law:

- Initial stakeholder consultation to assist in identifying issues and solutions to help draft the new Local Law, and
- Statutory consultation as required under Section 223 of the *Local Government Act 1989*.



This consultation is detailed further in the report below.

Following the statutory consultation and hearing of submissions, Council has now updated the draft Local Law to reflect the submissions. A summary of submissions received and changes is provided in the report below.

ISSUES

Submissions

A total of 121 submissions were received through the consultation process, including three late submissions. These were from a wide range of community members, community organisations (such as Chambers of Commerce and other groups), as well as government organisations. Many submissions covered a number of topics, and the key issues raised in the submissions are discussed below.

A summary of submission heard by Council and its response to those submissions has been prepared and is as per Attachment 2.

Changes to consumption of alcohol restrictions.

Approximately 80 submissions were opposed to the proposed changes to restrictions on alcohol consumption, with 11 in support.

A significant number of the opposing submissions referred to the impact of the proposed changes on picnics or social events, particularly in Council's parks and riverside areas. A significant number were simply opposed to any change to Council's current restrictions on the consumption of alcohol.

The submissions in support of the proposed changes included concerns about behaviour, particularly during events, as well as the effects of normalising alcohol consumption and the link to harm caused by alcohol in the community.

Dog on and off lead areas

Nine submissions were received relating to dog on / off lead areas, including a focus on Dinner Plain, the Mount Beauty pondage and Pebble Beach, and the Murray to Mountains Rail Trail. Three submissions noted the lack of designated off lead areas in various locations, and two submissions supported the ability for owners to walk their dogs off lead if they were kept under effective control.

Camping

Six submissions were received on camping restrictions in the draft Local Law. Most were opposed to restrictions on camping on private land, while one supported restrictions on commercial camping in competition with licensed caravan parks.

Scareguns

Three submissions were received relating to scareguns. Two opposed the removal of specific conditions on the use of scareguns. These generally noted that the existing policy and Local Law on scareguns was a significant policy achievement at the time of its adoption in 2005, and that this policy had been effective in mitigating conflict arising from the use of scareguns. One submission called for a total ban on scareguns.



Fires in the open

Two submissions requested that exemptions be made for fires used for cooking or warmth.

Council submission

Council officers made a submission to the draft Local Law to request improvements to clarity on a number of matters, including changes to definitions, updates to the Waste Services Policy and noting that scareguns may require continued explicit regulation.

Other submissions

A range of other submissions were received on other topics, such as recreational vehicles, council owned airfields, scavenging at waste transfer stations, signage and roadside trading.

Changes to the Local Law following submissions

The following changes have been made to the document through consideration of submissions made:

1. Definitions: recreational vehicle definition has been expanded to include tracked vehicles and vehicles with all types of motors.
2. Part 2 of the Local Law has been amended to refer to Council land instead of Municipal places (which excludes Council roads).
3. Clause 2.2 Consumption of liquor on Council land has been amended as follows:
 - Council has retained the existing restrictions on the consumption of alcohol between 10pm - 7am in designated areas, and the 24 hour restriction for Dinner Plain (as shown on maps included at Attachment 3).
 - The Law notes Council's power to impose additional restrictions on Council land if required to manage risks associated with public drinking, for example risks associated with large scale events. This allows Council to work effectively with Victoria Police and others (such as event organisers) to manage identified risks.
 - Where restrictions are in force, Council retains the ability to issue a permit to vary or waive the restrictions.
4. Clause 3.2.2 Fires in the open air or in an incinerator has been updated to allow fires for cooking or warmth, and to note that fires must not be lit during the declared fire danger period.
5. Clause 3.4 Snowmobiles: updated to clarify that snowmobiles can be operated on public roads without a permit (subject to being registered).
6. Clause 3.5.2 Camping: updated to prohibit camping on private land in exchange for payment, unless a permit has been obtained.



7. Clause 3.1.1 Animals: Legal advice has been provided that clarifies that the 'dog on lead' areas will not be included in the Local Law, but will be made by a separate Order of Council under s. 25 of the *Domestic Animals Act 1994*. The proposed dog on lead areas are included for information at Attachment 4.
8. Clause 3.12 Waste Collection: minor updates to reflect Council's internal submission.
9. Clause 3.19 Scareguns: A Scaregun Policy has been included as an Incorporated Document, keeping all key aspects of the current policy.
10. Clause 3.20 Council Owned Airfields: Proposed permit requirements will be communicated via signage at the various airfields, if required.
11. Clause 4.8 Advertising signs: minor wording change to policy to reflect submissions received.
12. Clause 5.3.1 Fencing of Land: updated to refer to "any Council land" rather than "municipal place".

Policies, permit conditions and incorporated documents

A list of policies and permit conditions are provided in Attachment 5.

There are three documents incorporated into the Local Law, provided at Attachment 6:

- Scaregun Policy
- Waste Services Policy
- Register of Penalties for Infringement Notices

POLICY IMPLICATIONS

The making of Local Laws is in accordance with the *Local Government Act 1989*.

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

- A well planned and safe community.

FINANCIAL AND RESOURCE IMPLICATIONS

It is anticipated that the simplification of the existing Laws may result in improved efficiency in the operation of the Local Laws area of Council. There are no material financial or resource implications forecast.



CONSULTATION

Section 119 of the *Local Government Act* sets out the procedure required when making a local law. This includes giving public notice in the locally circulating newspaper and in the Government Gazette. As part of this process, a Section 223 Public Consultation process must be followed, giving the public 28 days to comment on the proposed Local Law.

Following the period of public consultation, and adoption by Council, a further public notice must be made to advise of the formal adoption of the Local Law, and its application. A copy must also be sent to the Minister for Local Government.

In addition to these requirements, Council conducted consultation to provide insight into the issues facing our community and the performance of our current Local Laws.

A series of targeted stakeholder consultations were undertaken during September and October 2018 to test possible solutions to the known issues and check if there were other underlying issues.

Council officers consulted with:

- A total of 59 Representatives of 12 different community organisations from Myrtleford, Mount Beauty and Bright representing event-organisers, agriculture, service and business groups.
- Agency stakeholder groups including, Victoria Police, Alpine health, EPA Victoria and Mount Hotham Alpine Resort Board.
- Staff and contractors of Alpine Shire Council including CEO, Directors, Managers and operational staff.
- Alpine Shire Councillors.

The draft Local Law was gazetted for public exhibition under Section 223 of the *Local Government Act 1989* on 22 November 2018, with consultation initially proposed to continue until 21 December 2018. However, due to significant public interest, the consultation period was extended to 25 January 2019. A total of 121 written submissions were received, including three late submissions received after 25 January.

A Committee of Council also heard submissions from seven submitters on Tuesday 19 February 2019, with a further submitter heard on 26 February 2019.



CONCLUSION

The Community Local Law 2019 reflects a significant change from the previous Local Law structure that removes a significant amount of duplication and redundant content. The new law will bring the Alpine Shire into line with current best practice, and make the law more accessible, relevant and adaptable to serve our community over the life of the law.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate
- Manager Building and Amenity

ATTACHMENT(S)

- 8.3.5 (1) Community Local Law 2019.
- 8.3.5 (2) Summary of submissions report.
- 8.3.5 (3) Maps of alcohol restriction areas.
- 8.3.5 (4) Maps of dog on lead areas.
- 8.3.5 (5) Local Law Policies, Permit Conditions.
- 8.3.5 (6) Incorporated Documents.



8.3.6 Contract Bulk Waste and Comingled Recyclables Transport and disposal / acceptance

File number: CQ19011 and CQ19012

INTRODUCTION

This report relates to the awarding of two contracts. One for the collection, transportation and disposal of waste from Council's transfer stations in Mount Beauty and Porepunkah, depots in Bright and Myrtleford, and the Dederang Recreation Reserve (CQ19011). The other being for the collection, transportation and acceptance of comingled recyclables and cardboard from Council's transfer stations in Mount Beauty, Porepunkah and Myrtleford (CQ19012).

RECOMMENDATION

That Council:

- 1. Award Contract No. CQ19011 to Veolia Environmental Services (Australia) Pty Ltd. for the Collection, Transportation and Disposal of Waste from Mount Beauty Transfer Station, Porepunkah Transfer Station, Myrtleford Depot, Bright Depot and Dederang Recreation Reserve for an initial period of three (3) years (plus an option of a further term of one year). The cost of the tender for the first year (based upon current volumes, proposed disposal process and collection schedules) is \$185,000 (+GST).*
- 2. Award Contract No. CQ19012 to Veolia Environmental Services (Australia) Pty Ltd. for the Collection, Transportation and Acceptance of Comingled Recyclables and Cardboard from Mount Beauty, Porepunkah and Myrtleford Transfer Stations for an initial period of three (3) years (plus an option of one further term of one year). The cost of the tender for the first year (based upon current volumes, proposed disposal process and collection schedules) is \$37,000 (+ GST).*

BACKGROUND

In 2017 Council awarded contracts for the collection, transport and disposal of waste from Porepunkah Transfer Station, the collection, transport and disposal of waste from Mount Beauty Transfer Station, Bright and Myrtleford Depot and Dederang Recreation Reserve and the collection, transportation and acceptance of comingled recyclables and cardboard from Mount Beauty, Porepunkah and Myrtleford Transfer Stations. The current contracts end 30 April 2019. Tenders have now been conducted for the provision of these services, with the option to award contracts for separable parts of each tender.

The tender was advertised in the Alpine Observer, Myrtleford Times and in the Border Mail on and appeared on the Alpine Shire Council website and tenders.net from 18 February through to the closing date of 18 March 2019.

The tender was downloaded by 12 prospective companies and four submissions were received by the closing date.



EVALUATION

The evaluation panel consisted of the Director Corporate and Manager Facilities. The Tenders were evaluation according to the key selection criteria listed in the Invitation to Tender:

- Price
- Qualifications and Previous Performance
- Delivery
- Social

A review of the tender submission against the evaluation criteria determined that the Following an assessment process it has been determined that Veolia Environmental Services (Australia) Pty Ltd. best met the selection criteria for both tenders and offered best value.

ISSUES

Veolia Environmental Services (Australia) Pty Ltd. currently holds the contracts to deliver the services tendered. They have held these contracts for two (2) years and have delivered a high quality, reliable service in line with the pricing and service guidelines under the contract.

In evaluation, Veolia Environmental Services (Australia) Pty Ltd. offered the best value proposition for Council from a cost perspective and through the continuation of effective site operational procedures, consistent with that proposed by Council. This will enable a seamless transition into the new contracts.

POLICY IMPLICATIONS

The Tender was advertised and evaluation in accordance with Councils' Procurement Policy.

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

- Highly utilised and well managed community facilities.

FINANCIAL AND RESOURCE IMPLICATIONS

Services under these contracts are estimated to cost in excess of \$220,000 (+GST) per annum with the exact contract amount varying due to actual waste, comingled and cardboard volumes collected. The contracts will contain a mechanism to apply a CPI adjustment annually on the anniversary of the contract up to the contract term.

The financial impact of awarding this contract is to maintain service provision at current levels but adjusted to cater for future movements in CPI. The estimated contract value for 2018/19 also includes the Landfill Levy for waste disposal to landfill at current rates. The draft budget for 2019/20 has been prepared on the basis of these services being provided, and will be adjusted annually in accordance with the relevant clause in the contract.



CONSULTATION

All tenders were reviewed and discussed with the submitting tenderers including assessment of alternate methods of holding, transporting and disposing of different materials.

CONCLUSION

Following a comprehensive assessment process, the submission from Veolia Environmental Services (Australia) Pty Ltd. is considered to represent the best value.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate
- Manager Facilities

ATTACHMENT(S)

- Nil



8.3.7 Airport Services Lease of Hangar at Porepukah Aerodrome

File Number: 1500.01

INTRODUCTION

A lease has been prepared for the hangar on land contained in Lot 1 Plan of Subdivision PS612929, 266 Buckland Valley Road Porepukah for 10 year terms, with a second 10 year option. The purpose of this report is to seek approval to execute the lease at the Porepukah Aerodrome for the purpose of erecting an aircraft hangar.

RECOMMENDATION

That Council:

- 1. Approve and execute the lease forming part of Lot 1 PS612929, 266 Buckland Valley Road Porepukah for Aircraft Hangar; and*
- 2. Sign and Seal the lease document at the appropriate stage of the Council meeting.*

BACKGROUND

The Porepukah Aerodrome Master Plan was presented to Council at the Ordinary Council Meeting June 2006. One of the recommendations of the Master Plan was that Council negotiate with the airfields adjoining land owner with regard to acquisition of additional land for potential hangar relocation and new hangars.

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

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

Lease documentation has been developed for the purpose of entering into long term hangar leases on this land. The length of the leases is 10 years, plus a 10 year option, lease charges for the attached lease is approximately \$900 (plus GST) per annum calculated based on the square meterage of each site.

ISSUES

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

Prior to entering into a Lease of 10 years or more, Section 190 of the Act requires Council to:

- At least 4 weeks before the lease is made, publish a public notice of the proposed lease (Section 190(3b)).
- Allow interested persons to make submissions under Section 223 on the proposed sale or exchange (Section 190(4)).



Council has met the requirements under Section 190 and Section 223 of the Act.

POLICY IMPLICATIONS

This process is in accordance with obligations under the *Local Government Act 1989* and the *Local Government Best Practice Guidelines for the Sale, Exchange and Transfer of Land*.

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

- Highly utilised and well managed community facilities.

FINANCIAL AND RESOURCE IMPLICATIONS

The commencement annual lease income for the hangar will be approximately \$900 (plus GST). Forward lease charges are indexed to CPI annually and subject to a market review after the first 10 years of the lease. Income collected from hangar rentals at the airfield is paid to the Porepunkah Aerodrome Association to assist it in fulfilling its responsibilities to operations and day to day maintenance of the airfield.

CONSULTATION

In accordance with Section 190 of the Act public notices were posted in September 2018 notifying of the proposed leases and inviting submissions in accordance with Section 223 (Section 190(3b)&(4)). No submissions were received regarding the proposed lease.

CONCLUSION

Having met Council's obligations under the *Local Government Act 1989* Council may enter into the lease of the land by executing the lease document at the appropriate stage of the Council meeting.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate
- Manager Facilities

ATTACHMENT(S)

- Nil



9 ASSEMBLY OF COUNCILLORS

INTRODUCTION

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

RECOMMENDATION

That the summary of the Assemblies of Councillor for February / March 2019 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 9.0 to this report.

Date	Meeting
26 February	Briefing Session
5 March	Briefing Session
18 March	Planning Forum
19 March	Briefing Session
20 March	Planning Forum

ATTACHMENT(S)

- 9.0 Assemblies of Councillors – February / March 2019



10 GENERAL BUSINESS

11 MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN

12 RECEPTION AND READING OF PETITIONS



13 DOCUMENTS FOR SEALING

RECOMMENDATION

That the following documents be signed and sealed.

1. *Contract no 18082 in favour of Commonwealth Bank of Australia for the provision of banking and bill payment services.*
2. *Contract No 1805301 in favour of Downer EDI Works for the Resealing (2018-19) Sprayseal.*
3. *Instrument of Appointment and Authorisation – Development Engineer.*
4. *Instrument of Appointment and Authorisation – Strategic Planner.*
5. *Contract No 1809501 in favour of Stadelmann Enterprises Pty Ltd for Road Reconstruction works 2018-19.*
6. *Lease of Hangar at 266 Buckland Valley Road, Porepunkah being the land contained in Lot 1 on PS 612929.*
7. *Community Local Law 2019.*

14 CONFIDENTIAL REPORT

The following item was deemed by the Chief Executive Officer to be suitable for consideration in closed session in accordance with Section 89(2)(e) of the *Local Government Act 1989*.

In accordance with the Act, Council may resolve to consider these issues in open or closed session.

RECOMMENDATION

That, in accordance with the provision of Section 89(2)(e) of the Local Government Act 1989, the meeting be closed to members of the public for consideration of a confidential item.

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

.....
Chairperson