

M(7) – 7 JULY 2020

# Ordinary Council Meeting

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Minutes

The **Ordinary Meeting** of the **Alpine Shire Council** was held in the Council Chambers, Great Alpine Road, Bright on **7 July 2020** commencing at **4:00pm**.

## **PRESENT**

### **COUNCILLORS**

Cr Sarah Nicholas – Deputy Mayor

Cr John Forsyth

Cr Tony Keeble

Cr Kitty Knappstein

Cr Ron Janas

Cr Daryl Pearce (arrived in Chambers at 4.10pm)

### **OFFICERS**

Will Jeremy – Acting Chief Executive Officer

Nathalie Cooke – Director Corporate

Michael Buckley – Acting Director Assets

### **APOLOGIES**

Cr Peter Roper - Mayor

Charlie Bird – Chief Executive Officer

## Agenda

1.	Recording and livestreaming of Council meetings.....	3
2.	Acknowledgement of traditional custodians, and recognition of all people.....	3
3.	Confirmation of minutes .....	3
	3.1 Ordinary Council Meeting – M(5) – (2 June 2020).....	3
	3.2 Special Council Meeting – M(6) – (16 June 2020) .....	4
4.	Apologies.....	4
5.	Obituaries / congratulations.....	4
6.	Declarations by Councillors of conflict of interest.....	4
7.	Public questions .....	4
8.	Presentation of reports by officers .....	5
	8.1 Acting Chief Executive Officer – Will Jeremy .....	5
	8.1.1 Contracts approved by the CEO .....	5
	8.2 Acting Director Assets – Michael Buckley.....	6
	8.2.1 Dinner Plain Village Detailed Designs .....	6
	8.3 Director Corporate – Nathalie Cooke.....	10
	8.3.1 Extension of Minister for Education Lease of Dinner Plain Community Centre	10
	8.3.2 Insurance Portfolio 2020/21 .....	13
	8.3.3 Audit Committee Meeting No.2019/20-5, 22 May 2020 .....	18
	8.3.4 Community Satisfaction Survey 2020.....	21
	8.3.5 Instrument of Delegation to CEO.....	26
	8.3.6 Governance Rules .....	29
	8.3.7 Governance Local Law .....	32
	8.3.8 Public Transparency Policy.....	35
	8.3.9 Planning Application 5.2019.161.1 - 2A Riverside Avenue, Bright.....	38
9.	Assembly of Councillors .....	58
10.	General business .....	59
11.	Motions for which notice has previously been given.....	59
12.	Reception and reading of petitions .....	59
13.	Documents for sealing .....	60
14.	Confidential Matter .....	61

## 1. Recording and livestreaming of Council meetings

*The Acting CEO read the following statement:*

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

Audio is captured from the entire room and video is focused on the Councillors and officers.

Question time will be held, however questions must be submitted in writing prior to the meeting. By submitting questions, you consent to your question being read aloud and 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 Acting CEO read the following statement:*

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

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

## 3. Confirmation of minutes

### 3.1 Ordinary Council Meeting – M(5) – 2 June 2020

***Cr Forsyth***

***Cr Knappstein***

***That the minutes of Ordinary Council Meeting M(5) held on 2 June 2020 as circulated be confirmed.***

***Carried***

### 3.2 Special Council Meeting – M(6) – 16 June 2020

**Cr Janas**

**Cr Keeble**

***That the minutes of Special Council Meeting M(6) held on 16 June May 2020 as circulated be confirmed.***

***Carried***

## 4. Apologies

Cr Peter Roper – Mayor

Mr Charlie Bird – Chief Executive Officer

## 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 conflict of interest with item 8.3.1 as he is employed by the Department of Education. Cr Keeble will not be present for the assessment of item 8.3.1 Extension of Minister of Education Lease of Dinner Plain Community Centre.

## 7. Public questions

Due to current social distancing requirements to address COVID-19, the meeting will be held entirely online. The gallery is closed to the public and community members re invited to view the meeting online.

Questions on Notice received by midday on the day of the Council Meeting will be responded to. Question must be submitted in writing to [info@alpineshire.vic.gov.au](mailto:info@alpineshire.vic.gov.au). Questions on Notice will be limited to two questions per person.

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. Presentation of reports by officers

### 8.1 Acting Chief Executive Officer – Will Jeremy

#### 8.1.1 Contracts approved by the CEO

*Cr Forsyth*

*Cr Knappstein*

*That the Contracts approved by the CEO be noted.*

<b>Contract No:</b>	<b>19099</b>	<b>Process:</b>	<b>Tender</b>
<b>Title:</b>	<b>Design and Construction of BMX &amp; Jump Tracks Pioneer Park Bright</b>		
<b>Tenderer:</b>	<b>Synergy Trails</b>		
<b>\$ (excl. GST):</b>	<b>\$80,000</b>		

<b>Contract No:</b>	<b>19100</b>	<b>Process:</b>	<b>Tender</b>
<b>Title:</b>	<b>Rotary Pines Preliminary Landscaping</b>		
<b>Tenderer:</b>	<b>McPherson's Earthmoving Contractors Pty Ltd</b>		
<b>\$ (excl. GST):</b>	<b>\$105,982</b>		

*Carried*

## 8.2 Acting Director Assets – Michael Buckley

### 8.2.1 Dinner Plain Village Detailed Designs

#### INTRODUCTION

The purpose of this report is to seek Council's adoption of the finalised Dinner Plain Village Detailed Designs.

*Cr Janas*

*Cr Pearce*

*That Council:*

- 1. adopts the finalised Dinner Plain Village Detailed Designs (DPVDD), July 2020;**
- 2. adopts the following priority order for implementing projects:**
  - a. Toboggan Run and MTB Trail Hub – FY 2020/21 to 2021/22**
  - b. Scrubbers Hut Hub – FY 2020/21 to 2021/22**
  - c. Exit bus stop – 2026 to 2033**
  - d. Recreation Reserve – 2026 to 2033**
  - e. Dinner Plain Snowmaking Extension to Peashooter (subject to support of East Gippsland Water) – 2026 to 2033**
  - f. Village Centre – After 2033**
  - g. Multi-Courts Upgrade – After 2033**
  - h. Water Tower Lookout – After 2033; and**
- 3. note that implementation of future projects will be subject to Council's annual budget setting process and to the availability of suitable external funding opportunities which align with the project objectives.**

*Carried*

#### BACKGROUND

Council commenced development of the Dinner Plain Village Detailed Designs (DPVDD) in the 2018/19 financial year in response to requests from the Dinner Plain community.

The development of the DPVDD followed a process of engagement which included four rounds of community consultation. Prior to completion of the detailed designs, Council secured funding through the State Government's Bushfire Tourism and Business Fund 2020 to enable the Scrubbers End Precinct works to be implemented.

Based on a further round of engagement with the community, the detailed designs have now been finalised and the priority for delivering the remaining components of the work has been established.

#### ISSUES

1. Feedback on the Final Plans

The community responses indicate broad support for the DPVDD and proposed priority for delivery of projects. The formal and informal feedback flagged several issues which

resulted in some minor changes being made to the final plans. Some comments relate to changes or specific details which can be addressed during documentation of the works and are therefore not critical to the adoption of the DPVDD at this time.

Feedback received on the finalised detailed designs focused on minor changes, summarised below:

Feedback	Response
<b>Vehicle and pedestrian movements</b>	
Turning circles for long vehicles with caravans is insufficient in some parking areas.	Accommodation of long vehicle movements will be further considered when documenting the works.
No planning for internal walkways and bike paths throughout village.	Extension of pathways was deemed unnecessary by the community during consultation. Low traffic volumes and the snow season traffic controls allow for pedestrian and car shared zones in busier areas.
Disabled parking spaces in Western carpark at Village Entry is not appropriately located.	Location of disabled parking bays has been changed on final plans.
Provide short term parking adjacent to businesses facing the Western carpark at the Village Centre	4 short term parking bays have been included in the Western carpark on the final plans.
<b>Signage and place names</b>	
Sign concept for the Village Entry makes Dinner Plain look like a gated community and may confuse potential visitors. Signage styling should be consistent with existing materials and architecture and be less modern.	Concept to be further explored prior to implementation of the Village Entry treatment.
VicRoads destination signs do not include Dinner Plain.	Council to raise this issue with Regional Roads Victoria.
The name 'Scrubbers End' is not attractive for visitors and should be changed to something more enticing.	Consideration will be given to including interpretive signage in the precinct to explain the origin of the name, as well as the European and Aboriginal cultural heritage of the area.
<b>Design feedback</b>	



Feedback	Response
The ski hut and bus stops will provide limited shelter to guests during winter.	Architectural details to be further developed prior to implementation to ensure greater protection from harsh weather is provided.
Ensure public furniture can be relocated or easily cleared around so that they do not become hazardous to snow clearing equipment or the public.	Design and location of furniture to be further explored prior to implementation.
<b>Project prioritisation</b>	
The tennis courts and tower lookout need to come forward into funded projects. Entrance signage and parking is a priority.	The costs and benefits of upgrading the entrance, courts and the tower lookout in comparison to other projects was a deciding factor for its order of priority previously set by community. Parking at Scrubbers End will be improved through the funded Dinner Plain Activation project.
Consider upgrading the existing amenities at Scrubbers Hut before implementing the new amenities at the toboggan run.	Completing the new amenities first will provide facilities for use whilst the Scrubbers Hut amenities are upgraded.

## 2. Dinner Plain Snowmaking Extension to Peashooters Run

This project is subject to the outcome of the Dinner Plain Snowmaking Options Analysis study which is nearing completion, as well as the support of East Gippsland Water. There is currently insufficient water to supply two additional snowmaking guns on the toboggan slope, therefore an additional source of water would be required before any additional snow making infrastructure is implemented. The estimated cost is only for the supply and installation of snowmaking infrastructure and does not include costs for the required additional water supply.

### **POLICY IMPLICATIONS**

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

- Incredible places for our community and visitors

### **FINANCIAL AND RESOURCE IMPLICATIONS**

The adoption of the finalised Dinner Plain Detailed Designs does not commit Council resources or funding. Implementation of future projects will be subject to Council's

annual budget setting process and to the availability of suitable external funding opportunities which align with the project objectives.

## **CONSULTATION**

The development of the DPVDD followed a thorough process of engagement. The Dinner Plain community has been involved in the development of the DPVDD during four rounds of consultation:

- December 2018/January 2019 - two workshop sessions were held.
- March 2019 - a further workshop session was held, and the community was invited to provide comment on the draft detailed designs and proposed project priority list.
- November 2019 - a survey was direct emailed to all Dinner Plain contacts, asking for feedback on whether to seek funding for the Scrubbers End Precinct works.
- June 2020 - the finalised plans and project priority list was direct emailed to Dinner Plain ratepayers for feedback.

Mount Hotham Ski Company (now Vail Ski Resorts) and the Dinner Plain Residents and Business Operators Society have also been consulted individually on several occasions throughout development of the Plan.

The nature of the works in the DPVDD will necessitate continued liaison with stakeholders throughout the implementation phases.

## **CONCLUSION**

The Dinner Plain Village Detailed Design has undergone extensive community engagement in its development and strives to deliver for the Dinner Plain community upgraded infrastructure and improved amenity for both snow and green seasons.

## **DECLARATION OF CONFLICT OF INTEREST**

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

- Director Assets
- Manager Asset Development
- Project Manager

## **ATTACHMENT(S)**

8.2.1 Dinner Plain Village Detailed Design, July 2020

Cr Keeble left Council Chambers at 4.35p.m.

## 8.3 DIRECTOR CORPORATE – NATHALIE COOKE

### 8.3.1 Extension of Minister for Education Lease of Dinner Plain Community Centre

File Number: 113.00

#### INTRODUCTION

The purpose of this report is to recommend the extension of the existing lease between Alpine Shire Council and Minister for Education of land and buildings located at Muster Drive, Dinner Plain. The revised end date for lease under the extension is 3 October 2021.

***Cr Forsyth***

***Cr Pearce***

***That Council:***

- 1. agree to the extension of the existing lease held by Minister for Education of the land and buildings contained in Reserve No. 1 PS5273297Y being part of the land in Certificate of Title Volume 1011417 Folio 426. The new end date under the extension is 3 October 2021; and***
- 2. Sign the Lease amendment letter of agreement at the appropriate stage of the Council meeting.***

***Carried***

#### BACKGROUND

Leasing of Council land is governed by the *Local Government Act 1989* ("LGA 1989") and the *Local Government Act 2020* ("LGA 2020"). As there is currently transition occurring between these two acts, some provisions within *LGA 1989* are still in effect and are yet to be repealed and replaced by *LGA 2020*, and some provisions within *LGA 2020* have yet come into effect and the corresponding provisions in *LGA 1989* have been repealed. For the remainder of the paper reference is made to the *Act* which is in effect as relevant to the given provision.

Under Section 14 (d) of *LGA 2020* Council is able to acquire, hold deal with or dispose of the property (including land) for the purposes of performing its functions and exercising its powers.

Section 190 of the *LGA 1989* notes restrictions on Council's power to lease land. The Department of Education and Training is a public body and therefore the restrictions under Section 190 of the *LGA 1989* do not apply.

The Alpine Shire Council (Landlord) and Minister for Education (Tenant) entered into a lease of land and buildings contained in Reserve No.1 PS5273297Y being part of the land in Certificate of Title Volume 1011417 Folio 426, being the building and improvements known as Bright P-12 College Dinner Plain Annex, Muster Drive, Dinner Plain. The lease commenced on 1 July 2004 and terminated on 30 June 2019. The lease is currently operating under Holding Over provisions.

The parties wish to vary the lease to extend the lease to 3 October 2021 on the following terms:

1. The Lease is varied with effect from the date the Landlord signs this letter.
2. Item 6 of Schedule 1 of the Lease is deleted and replaced with 3 October 2021.
3. Subject only to the amendments set out in paragraph 2 above, the Lease remains in full force and effect.

A letter has been prepared whereby upon execution the parties acknowledge the binding nature of this letter and have agreed that the contract created by this letter may be executed in counterparts and that all counterparts together will be taken to constitute one instrument.

The extension of the lease aligns with the end date of a Licence held by Council with the Minister for Education for the use of the building for community use by Council under the terms and conditions defined in the Licence agreement.

### **ISSUES**

An amendment to the terms of the lease can occur by agreement between the parties to the lease. The Victorian School and Building Authority has provided a letter of agreement noting the extension of the term of the Lease to 3 October 2021. Council has agreed to the extension of the lease, subject to terms of this letter of agreement.

All other terms under the existing lease are not varied as a result of this extension.

### **POLICY IMPLICATIONS**

The process is in accordance with obligations under the *LGA 1989* and the *LGA 2020* with best endeavours made to assess each of the applicable clauses depending on their legal transitional timeline; as well as in this case the Local Government Best Practice Guidelines for the Sale, Exchange and Transfer of Land.

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

- Highly utilised and well managed community facilities

### **FINANCIAL AND RESOURCE IMPLICATIONS**

The rental income for the additional term resulting from the extension to the lease is \$90,000 plus GST. There are no other commitments under the new lease that would increase or decrease Councils costs or resources associate with the existing leases.

### **CONSULTATION**

Consultation has been undertaken between the affected parties.

## **CONCLUSION**

That Council execute the letter of agreement extending the lease held by the Minister for Education of the property known as Bright P12 College Dinner Plain Annex, Muster Drive Dinner Plain to 3 October 2021.

## **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

Cr Keeble re-entered Council Chambers 4.39p.m.

## 8.3.2 Insurance Portfolio 2020/21

File Number: SU0655

### INTRODUCTION

This report outlines Council's insurance portfolio for 2020/21 and seeks Council approval for the purchase of the recommended insurance policies.

***Cr Keeble***

***Cr Forsyth***

***That:***

- 1. The 2020/21 WorkCover insurance be procured through Xchanging Integrated Services Victoria Pty Ltd to the total estimated value of \$115,811.49 (plus GST).***
- 2. The 2020/21 Professional Indemnity and Public and Products Liability insurance be procured through the Liability Mutual Insurance (LMI) Scheme managed by MAV Insurance to the total value of \$247,970.00 (plus GST).***
- 3. The 2020/21 Commercial Crime insurance be procured through MAV Insurance to the total value of \$3,036.43 (plus GST).***
- 4. The balance of the 2020/21 insurance portfolio, including Community Public and Products Liability; Councillors and Officers Liability; Motor Vehicle; Major Airport Owners and Operators Liability; Personal Accident; Corporate Travel; Municipal Asset Protection; and brokerage service, be procured from Jardine Lloyd Thompson Pty Ltd to the total value of \$236,588.18 (plus GST), and including stamp duty and administration fees.***

***Carried***

### BACKGROUND

#### ***WorkCover insurance***

WorkCover insurance is regulated under the *Workplace Injury Rehabilitation and Compensation Act 2013*.

The Act requires:

- Council to register with WorkSafe as an employer
- WorkSafe to provide Council with statutory insurance to cover Council for the cost of workplace injuries suffered by its workers
- Council to pay the WorkCover insurance premium (s430).

WorkSafe appoints a panel of agents to provide its WorkCover insurance through a tender process and then allocates Council to an agent from the panel.

Council's WorkCover registration is allocated to Xchanging Integrated Services Victoria Pty Ltd.

The primary factors considered in the calculation of Council's WorkCover insurance premium are:

- Remuneration - the wages, salaries, superannuation and other benefits Council pays its workers.
- Industry classification rate - the claims experience for local government and other Council activities.
- Performance rating - Council's claims cost experience for the previous three years compared to the industry average.

Council's 2020/21 WorkCover insurance premium is estimated to be \$115,811.49 (plus GST).

### ***Professional indemnity and public and products liability insurance***

Sections 43 and 52 of the *Local Government Act 2020* (LGA 2020) require Council to indemnify and keep indemnified councillors, members of committees, the Chief Executive Officer and all staff against actions and claims arising in the performance of their duties and functions under the LGA 2020 and any other act, regulation or local law.

The repeal of section 76A of the *Local Government Act 1989* (LGA 1989) on 1 May 2020, now requires Council to engage in a public tender process under section 186 of the LGA 1989 for the procurement of its professional indemnity and public and products liability (PI and PPL) insurance due to the premium value exceeding \$150,000. However, the Minister for Local Government, pursuant to section 186(5) of the LGA 1989 has approved a state-wide exemption from section 186 of the LGA 1989 allowing councils to continue the previous practice of entering into a contract with the Municipal Association Victoria (MAV) for Liability Mutual Insurance (LMI) services provided between 30 June 2020 and 30 June 2021 (inclusive).

Council's 2020/21 PI and PPL insurance premium is \$247,970.00 (plus GST).

### ***Commercial crime insurance***

MAV Insurance procure commercial crime insurance on behalf of fund members to protect against any fraudulent or dishonest act committed by an employee or third-party including theft, forgery and computer fraud. The insurance is placed with insurers based on the best terms and conditions available in the market.

Council's 2020/21 Commercial Crime insurance premium is \$3,036.43 (plus GST).

### ***Brokerage services for other insurances***

Jardine Lloyd Thompson Pty Ltd (JLT) has been Council's insurance broker since the inception of the Council and provide continuity and a quality service. JLT, on behalf of Council, undertake market testing of all insurance policies other than: WorkCover; Professional Indemnity and Public and Products Liability; and Commercial Crime.

### ***Asset and property insurance***

JLT administer the Victorian councils owned mutual, Municipal Asset Protection Plan Discretionary Trust Arrangement, otherwise known as JMAPP. JMAPP is essentially a fund for property damage claims combining conventional property damage/business interruption insurance with a discretionary trust element that enables the trustees to

make discretionary payments that would not have been otherwise covered under traditional property and asset insurance policies.

In anticipation of the premium for the JMAPP policy exceeding \$150,000 in 2020/21, Council appointed JLT to undertake a public tender for this class of insurance in conformity with Section 186 of the *Local Government Act 1986*.

Two insurers responded to the initial advertised expression of interest and were able to comply with the conditions but to ensure the most competitive terms and conditions were achieved, an additional nine insurers were contacted to submit a tender. Two tenders were submitted and assessed by an evaluation panel and probity manager. The recommendation of the evaluation panel is to maintain insurance through JMAPP.

### ***Other classes of insurance***

Council's other classes of insurance include:

#### *Community Public and Products Liability*

Provides liability cover for injury and property damage for uninsured hirers of Council facilities.

#### *Councillors and Officers Liability*

Provides cover for councillors and officers against claims from 'Wrongful Acts' committed in their official capacity including: discrimination, sexual harassment, bullying and defamation allegations; breaches of various statutes; and mismanagement of assets/funds.

#### *Motor Vehicle*

Full comprehensive insurance for all road registered motor vehicles, plant and trailers owned, mortgaged under Hire Purchase Agreement, hired or leased by Council.

#### *Major Airport owners and Operators Liability*

Provides liability cover for injury and property damage associated with the premises at and operation of the Council's airfields at Mount Beauty and Porepunkah.

#### *Personal Accident*

Provides accident cover for the Mayor, councillors, employees, directors and voluntary workers while engaged in business/work for Council.

#### *Corporate Travel*

Worldwide travel insurance for all councillors and employees while travelling for Council business.

### ***Procurement policy and cumulative spend***

JLT source a total of seven insurance policies on behalf of Council and while the policies are placed with various underwriters, JLT invoice Council for each policy with a resultant cumulative spend in excess of \$250,000 including GST. This total spend requires Council



approval as it is above the \$150,000 spend threshold delegated to the Chief Executive Officer in Council's Procurement Policy and the *Local Government Act 1989*.

The recommended insurers and premiums, excluding GST, for 2020/21 are:

<b>Class of Insurance</b>	<b>Insurer</b>	<b>Premium</b>
Community Public Liability	QBE Insurance (Aust) Ltd (through Key Underwriting CL)	\$2,563.19
Councillors and Officers Liability	XL Insurance Company SE	\$17,117.14
Motor Vehicle	AAI Ltd T/As Vero Insurance	\$47,537.10
Airport Owners and Operators Liability	QBE Aviation	\$4,362.50
Personal Accident	Chubb Insurance Australia Ltd (through Key Underwriting PA)	\$1,340.15
Corporate Travel	Chubb Insurance Australia Ltd (through Key Underwriting Travel)	\$336.80
JMAPP (Assets)	JLT Municipal Asset Protection Plan Discretionary Trust	\$143,331.30
Broker Fee	JLT	\$20,000
<b>Total Cost</b>		<b>\$236,588.18</b>

## **POLICY IMPLICATIONS**

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

- A responsible and sustainable organisation

## **FINANCIAL AND RESOURCE IMPLICATIONS**

Council has allocated funds in its 2020/21 budget to cover its insurance premiums.

## **CONCLUSION**

It is recommended that Council place its 2020/21 WorkCover Insurance with Xchanging Integrated Services Victoria Pty Ltd, Professional Indemnity and Public and Products Liability and Commercial Crime insurances with MAV Insurance and a suite of other insurances including motor vehicle and asset insurance through Jardine Lloyd Thompson Pty Ltd in line with the detail provided in this report.

## **DECLARATION OF CONFLICT OF INTEREST**

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

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

## **ATTACHMENT(S)**

- Nil

### 8.3.3 Audit Committee Meeting No.2019/20-5, 22 May 2020

File Number: 0900.06

#### **INTRODUCTION**

The purpose of the report is to present the minutes of the Audit Committee meeting held on 22 May 2020.

Key items presented to and considered by the Committee at this meeting included:

- Investment Policy review
- New *Local Government Act 2020* requirements including changes to audit and risk committees
- Climate change actions.

***Cr Keeble***

***Cr Pearce***

***That the minutes of Audit Committee Meeting No.2019/20-5 held 22 May 2020 be received and noted.***

***Carried***

#### **BACKGROUND**

Council's Audit Committee is established under section 139 of the *Local Government Act 1989*. The Committee's Charter requires it to report to Council its activities, issues and related recommendations. This report relates to Audit Committee Meeting No. 2019/20-5 held on 22 May 2020.

#### **ISSUES**

##### ***Investment Policy review***

Both the *Local Government Act 1989 (LGA 1989)* and the *Local Government Act 2020 (LGA 2020)* specify that Councils may invest any money in government securities, with Authorised Deposit-taking Institutions (ADIs), with any financial institution guaranteed by the Government of Victoria, on deposit with an eligible money market dealer within the meaning of the Corporations Act, and in any other manner approved by the Minister.

Within this legislative framework Council's Investment Policy governs the investment of surplus Council funds with the objective of maximising returns whilst respecting Council's risk appetite and liquidity requirements.

The Investment Policy was last reviewed in 2016 and the Committee was provided with an overview of the proposed updates to the policy including:

- allowable credit rating exposures
- limiting investments to term deposits with Australian ADI's
- responsible investment accreditation
- quarterly reporting.

***Local Government Act 2020***

The Committee was provided with a high-level overview of the requirements of the new *LGA 2020* including:

- the five primary principles to guide Council in the performance of their role:
  - Community engagement
  - Public transparency
  - Strategic planning
  - Financial management
  - Service performance
- The implementation timelines which are to be phased over the next 18 months;
- the first tranche of key deliverables required by 1 September 2020.

The Committee acknowledged that the implementation of LGA 2020 represents a significant focus area for Council over the coming months.

***Audit and risk committees***

The Committee was also briefed on the provisions of LGA 2020 relating to the expanded scope of council audit and risk committees. These include requirements relating to membership of the committee, its charter and work program, the need to undertake a self-assessment and the requirement to report to Council biannually.

An assessment of Council and the Committee's current practices and documentation indicate they are well placed to meet the requirements of sections 53 and 54 of LGA 2020 by 1 September 2020 with only minor changes necessary.

***Climate change action***

The Audit Committee is responsible for monitoring the review of Council's strategic risks, and for considering the adequacy of actions taken to ensure that strategic and major risks have been dealt with in a timely manner to mitigate exposures to Council.

Climate change has been identified as a strategic risk with potential impacts on Council's ability to achieve its objectives and the Committee were briefed on Council's Climate Action Plan and related projects.

***Standing matters***

The Committee also received reports on standing matters including quarterly reports and outstanding Committee actions.

**POLICY IMPLICATIONS**

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

- A responsible and sustainable organisation

## **CONCLUSION**

The Audit Committee, being satisfied with the detail provided in its agenda and the officer reports, submits the minutes of its 22 May 2020 Meeting No. 2019/20-5 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 Corporate
- Manager Corporate
- Health, Safety and Risk Officer

## **ATTACHMENT(S)**

8.3.3 Minutes of Audit Committee Meeting No 2019/20-5, 22 May 2020

### 8.3.4 Community Satisfaction Survey 2020

File Number: 800.03

#### **INTRODUCTION**

The annual Community Satisfaction Survey provides a means for Victorian councils to benchmark their community's satisfaction with council's services and capital projects undertaken. The purpose of this report is to review Council's results for this survey.

***Cr Keeble***

***Cr Janas***

***That Council note Alpine Shire Council's results for the 2020 Community Satisfaction Survey.***

***Carried***

#### **BACKGROUND**

The annual Community Satisfaction Survey is coordinated by Local Government Victoria (LGV) and conducted by JWS Research on LGV's behalf. Councils across Victoria may 'opt in' to the survey, noting that 3 of the measures in the survey are required under the Local Government Performance Reporting Framework (LGPRF). In 2020 62 of 79 Victorian councils participated, and 18 of 19 small rural councils participated.

The survey consists of a group of 'core' questions that are asked on behalf of every council that participates, plus a suite of 'optional' questions. Council elected to ask only the core questions, providing a sound basis for comparative data across councils whilst satisfying the needs of LGPRF.

The 2020 Alpine Shire survey consisted of phone interviews with 400 residents selected to match to the demographic profile of the Alpine Shire according to the most recently available Australian Bureau of Statistics estimates. Up to 40% of the survey calls were made to mobile phone numbers.

Surveys for most Councils were conducted during February and March 2020; Alpine Shire surveying commenced on 5 March, a small postponement due to the bushfires.

Results are summarised through an 'Index Score' which is a weighted average of how many respondents responded against each possible survey response to each question, including 'very good', 'good', 'average', 'poor' and 'very poor'. Survey responses of 'can't say' were excluded from the Index Score. A higher index score indicates a more positive weighted response.

**RESULTS**

Index Scores	Alpine 2020	Alpine 2019	Alpine 2018	Small Rural 2020	State-wide 2020
<b>OVERALL PERFORMANCE</b>	<b>60*</b>	60	62	56	58
<b>COMMUNITY CONSULTATION</b> (Community consultation and engagement)	<b>57*</b>	56	62	54	55
<b>ADVOCACY</b> (Lobbying on behalf of the community)	<b>55*</b>	56	57	52	53
<b>MAKING COMMUNITY DECISIONS</b> (Decisions made in the interest of the community)	<b>56+*</b>	59	60	53	53
<b>SEALED LOCAL ROADS</b> (Condition of sealed local roads)	<b>61+*</b>	64	60	51	54
<b>CUSTOMER SERVICE</b>	<b>65-</b>	69	70	70	70
<b>% respondents having contact with Council</b>	<b>62%</b>	59%	63%	66%	63%
<b>OVERALL COUNCIL DIRECTION</b>	<b>52</b>	54	59	50	51

+ *Alpine's result is significantly higher than State-wide Average*

\* *Alpine's result is significantly higher than Small Rural Average*

- *Alpine's result is significantly lower than State-wide Average and Small Rural Average*

**Top performing areas**

- Sealed local roads: Council's index score of 61 remains significantly higher than both the Small Rural and State-wide averages (51 and 54 respectively). This is despite a fall in Council's results compared to the previous year.
- Consultation and engagement: Council's index score of 57 remains significantly higher than the Small Rural average (54) and is the one result where Council has increased its performance compared to the previous year. Residents aged 18-34 rate Council's performance significantly higher (64) than average, with perceptions improving in this group eight points compared to the previous year.

**Lower performing areas**

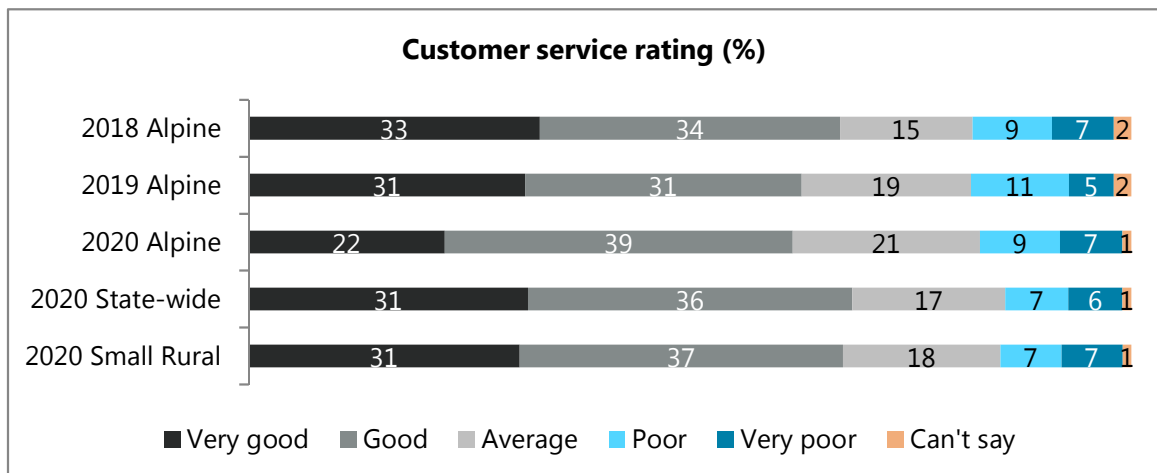
- Lobbying and community decisions: Council's index scores (55 and 56 respectively) remain significantly higher than the Small Rural average group (52 and 53 respectively) for these measures.

**Overall performance**

- Council's overall performance score remains unchanged from 2019 (60). The result is significantly higher than both the Small Rural group (56), and slightly higher but not significantly different to the State-wide results (58).
- More than three times as many residents rate Council's overall performance as 'very good' or 'good' (51%), as those that rate it as 'very poor' or 'poor' (15%).

**Customer Service**

- Respondents that had contact with Council in 2020 increased slightly compared to 2019, to 62%. Residents aged 35-64 years had the most contact with Council, with residents aged over 65 having the least contact.
- Council's customer service index score of 65 is a four-point decrease compared to 2019, and is now significantly lower than both the Small Rural and State-wide averages (both 70).
- Within the age groups that had the most amount of contact with Council during the past 12 months, residents aged 35-49 years rated customer service significantly better (71) than Council's average. Conversely, residents aged 50-64 years rated customer service much lower (57, not significant) than Council's average.
- 61% of all residents surveyed rate Alpine's customer service as 'very good' or 'good', compared to 68% for Small Rural Councils and 67% State-wide. See chart over the page for more details.





**Areas for focus**

- The report identifies that customer service is an area that may warrant some extra attention in the coming 12 months.
- Communication with residents aged 50 to 64 years old should also be considered, as this age group are consistently the most critical of Council's performance.

**Full report**

- Council's full report and more in-depth analysis of results can be found in Attachment 8.3.4 State-wide comparative results can be found at: <https://www.localgovernment.vic.gov.au/our-programs/council-community-satisfaction-survey>

**POLICY IMPLICATIONS**

While undertaking the Community Satisfaction Survey is not mandatory, the linkage between results for "Community Consultation", "Making Community Decisions" and "Sealed Local Roads" with the Local Government Performance Reporting Framework (LGPRF) has meant that undertaking it not only gives Council an insight as to how the community thinks it is performing, but means that Council is able to meet its annual reporting requirements.

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

- A high performing organisation

**FINANCIAL AND RESOURCE IMPLICATIONS**

The annual cost to Council for the 'core' questions in the Community Satisfaction Survey was \$8,159 +GST. This is a slight increase compared to the previous year.

**CONSULTATION**

400 residents were surveyed by JWS Research (on behalf of Local Government Victoria and Council) to gather the data for this survey. All interviews were conducted by phone.

**CONCLUSION**

While Council's performance has declined slightly compared to the previous year, it continues to perform as well or significantly higher than the State-wide and Small Rural council averages against all service areas except for customer service. Council is implementing new customer facing systems in the coming year and has recently implemented a new website. We will continue to engage with our community and focus on improving our customer service over the coming 12 months.

## **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)**

8.3.4 2020 Local Government Community Satisfaction Survey - Alpine Shire Council.

### 8.3.5 Instrument of Delegation to CEO

File Number: Delegations Register

#### INTRODUCTION

The purpose of this report is to update Council's Instrument of Delegation to the Chief Executive Officer (CEO) to align to the *Local Government Act 2020* (LGA 2020). The previous instrument of delegation to the CEO was approved under the *Local Government Act 1989* (LGA 1989).

***Cr Janas***

***Cr Keeble***

- 1. Council exercise the powers conferred by section 11(1)(b) of the Local Government Act 2020, so that:***
  - a. There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in attachment 8.3.5 "S5 - Instrument of Delegation to the Chief Executive Officer" (instrument S5), subject to the conditions and limitations specified in that instrument;***
  - b. Instrument S5 be signed and sealed at the appropriate stage of this meeting;***
  - c. Instrument S5 comes into force immediately the common seal of Council is affixed to the instrument;***
  - d. On the coming into force of instrument S5, all previous delegations to the Chief Executive Officer are revoked;***
  - e. The duties and functions set out in instrument S5 must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.***

***Carried***

#### BACKGROUND

Both LGA 1989 and LGA 2020 allow Council by instrument of delegation to delegate any of its powers, duties and functions under any Act to the Chief Executive Officer (CEO), except for those powers, duties and functions specified under the relevant Local Government Act.

Many Acts provide Council with a powers, duties or functions specific to those Acts. To enable Council as an organisation to run smoothly, many of these powers, duties and functions are delegated to the Chief Executive Officer, who can then further sub-delegate these duties to staff. This ensures that decisions are made on a timely basis, without the need for every decision made under legislation to be presented to Council.

Council's Instrument of Delegation to the CEO passes on these powers, duties and functions 'by exception' - where decisions relating to those exceptions must be

presented to Council. This includes the requirement for contracts valued at more than \$150,000 (including GST) to be presented to Council for determination.

## **ISSUES**

### ***Transition to the Local Government Act 2020***

On 1 May 2020, the power to delegate Council powers, duties and functions moved from the LGA 1989 to the LGA 2020. This means that Council must now re-issue an Instrument of Delegation to the CEO under s11(1)(b) of the LGA 2020, to enable the powers, duties and functions of that Act.

Instruments of Delegation under the LGA 1989 remain current until 1 September 2020, unless revoked earlier. The recommendations in this report will revoke the previous instrument.

Once the CEO is delegated under the LGA 2020, then the CEO can sub-delegate powers, duties and functions directly to staff under that Act.

### ***Removal of additional powers relating to the COVID-19 pandemic***

Council most recently updated the Instrument of Delegation to the Chief Executive Officer (CEO) on 7 April 2020, at the beginning of the State of Emergency relating to the COVID-19 pandemic. The delegation gave the CEO additional powers to ensure that Council could continue to operate if a quorum could not be attained for an 'in person' Council meeting.

On 24 April 2020, the LGA 2020 was amended by the *COVID-19 Omnibus (Emergency Measures) Act 2020*. This allows Councils to hold Council and committee meetings via electronic means between 1 May 2020 and 1 November 2020, reducing the potential need for additional powers for the CEO during the State of Emergency.

The proposed update to the Instrument of Delegation has therefore removed these additional powers.

### ***Future updates***

Council subscribes to Maddocks delegations and authorisations subscription service. New updates are due during July, to incorporate further amendments resulting from legislative change, including the LGA 2020. Officers will bring any instruments requiring amendment back to Council for updates as they become available.

## **POLICY IMPLICATIONS**

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

- A high performing organisation

## **FINANCIAL AND RESOURCE IMPLICATIONS**

Council has an annual subscription for Maddocks delegations and authorisations service that is allowed for in Council's annual budget.

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

### **CONSULTATION**

No external consultation is required. Council to CEO delegations have been discussed with the relevant Manager, Director and CEO.

### **CONCLUSION**

The Instrument of Delegation to the CEO allows for appropriate delegation of Council's powers, duties and functions directly to the CEO. The CEO can then further sub-delegate these duties to members of Council staff. The Instrument comes into force immediately the common seal of Council is affixed and will remain in force until Council determines to vary or revoke it.

### **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)**

8.3.5 S5 - Instrument of Delegation to the Chief Executive Officer

### 8.3.6 Governance Rules

File Number: Vital Documents register

#### INTRODUCTION

Council is required to develop Governance Rules before 1 September 2020 in accordance with the requirements of section 60 of the *Local Government Act 2020* (LGA 2020).

The Governance Rules must be made in respect to the conduct of Council meetings, the election of the Mayor and Deputy Mayor, the appointment of an Acting Mayor, the procedures for disclosure of conflicts of interest, and must include an election period policy in accordance with section 69 of the LGA 2020. The Governance Rules will replace the existing *Local Law No.1 Council Administration (2016)* and Election Period Policy made under the *Local Government Act 1989* (LGA 1989).

***Cr Forsyth***

***Cr Keeble***

***That Council:***

- 1. Endorse the draft Governance Rules;***
- 2. Release the draft Governance Rules for a period of public consultation, with submissions closing on 14 August 2020; and***
- 3. Present the Governance Rules and the results of any submissions to Council for adoption at a Special Council Meeting on 25 August 2020.***

***Carried***

#### BACKGROUND

Council's *Local Law No.1 Council Administration (2016)* currently determines the conduct of Council Meetings and special committee meetings. The Local Law was required under section 91 of LGA 1989, and also includes procedures for the use of Council's Common Seal, and offences for persons behaving in contravention of the Local Law.

Under section 60 of the LGA 2020, Councils must now develop Governance Rules to determine not only the conduct of Council meetings, but many other processes including the Election of Mayor and Deputy Mayor, declarations of conflict of interest, and an election period policy. The Governance Rules must also provide for making decisions fairly and on the basis of merit, while ensuring that any person whose rights will be affected are entitled to communicate their views.

#### ISSUES

##### ***Development of Governance Rules***

The proposed Rules have been developed with reference to Local Government Victoria (LGV) and Maddocks' templates, as well as draft Rules shared by other Councils.

The existing Local Law has been applied as much as possible to govern the meeting procedure for Council Meetings, and has been supplemented to:

- provide additional context and guidance;
- ensure that the requirements of the LGA 2020 are captured and understood;
- document current meeting practises that are not currently captured in the Local Law and that are suitable for formalisation;
- document important meeting practises that would benefit from further clarification; and
- document a selected number of additional meeting practices that boost current governance practices.

Council's existing procedure for the Election of the Mayor has been incorporated into the Governance Rules, as has the Election Period Policy, with small adaptations to ensure correct reference to the requirements of LGA 2020.

### **POLICY IMPLICATIONS**

Once the Governance Rules are adopted, they will provide guidance for the conduct of Council meetings. This means the relevant provisions of *the Local Law No.1 Council Administration (2016)* must then be revoked to ensure that there is no confusion between the requirements of the documents. A subsequent report in this agenda deals with the proposed revocation, and introduction of a new Local Law.

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

- A high performing organisation

### **FINANCIAL AND RESOURCE IMPLICATIONS**

Council purchased the Maddocks template for the Governance Rules, and a significant amount of staff time has been dedicated to the development of the draft Governance Rules attached to this report. Expenditure associated with this has been allowed for in Council's budget.

### **CONSULTATION**

Officers have consulted within the organisation in the development of the draft Governance Rules. Councillors have also been briefed to ensure that any new provisions are understood.

Section 60(4) of the LGA 2020 requires that Council must ensure that a process of community engagement is followed in developing or amending the Governance Rules. By placing the document on public exhibition, the public will be invited to make submissions regarding the document. Submissions made will be considered prior to the adoption of the Governance Rules at a Special Council Meeting on 25 August 2020.

### **CONCLUSION**

Development of the Governance Rules is a requirement of the *Local Government Act 2020*. The clarification of processes provides additional structure for Councillors and for members of Staff who support Council meetings. It also provides clarification for the

public with regard to council meeting processes and requirements regarding conduct of Council during the Election Period.

### **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)**

8.3.6 Draft Alpine Shire Council Governance Rules (2020)



### 8.3.7 Governance Local Law

File Number: Vital Documents register

#### INTRODUCTION

The commencement of section 60 of the *Local Government Act 2020* (LGA 2020) requires Council to develop Governance Rules regarding the conduct of Council meetings. This means that Council's existing Local Law No.1 Council Administration (2016) must now be revoked, and new provisions must be made for use of Council's Common Seal, and any offences relating to the Governance Rules.

***Cr Forsyth***

***Cr Janas***

***That Council:***

- 1. Endorse the proposed Governance Local Law (2020) for the purpose of seeking public submissions in accordance with s119 and s223 of the Local Government Act 1989;***
- 2. Endorse the Community Impact Statement to accompany the proposed Governance Local Law (2020), for the purposes of community consultation;***
- 3. Provide public notice of its intention to make the Governance Local Law (2020), inviting public submissions, with submissions closing on 14 August 2020;***
- 4. Form a committee consisting of Councillors according to s223(1)(b) of the Local Government Act 1989, if required, for the purpose of hearing submissions in relation to the Governance Local Law (2020);***
- 5. Present the Governance Local Law (2020) and the results of any submissions to Council for adoption at a Special Council Meeting on 25 August 2020.***

***Carried***

#### BACKGROUND

Council's current *Local Law No.1 Council Administration (2016)* was made in accordance with the requirements of the *Local Government Act 1989* (LGA 1989) and encompasses the conduct of Council meetings and special committee meetings, procedures for the use of Council's Common Seal, and offences for persons behaving in contravention of the Local Law.

Under section 60 of the LGA 2020 Councils are now required to develop Governance Rules to determine the conduct of Council meetings. A draft of these Rules is presented for consideration in a previous report in this agenda.

#### ISSUES

The introduction of Governance Rules regarding conduct of Council meetings means that the previous requirements of the *Local Law No.1 Council Administration (2016)* now needs to be revoked to ensure that there is no confusion as to which document is guiding the conduct of Council meetings.

Council is still required to have a Local Law to govern the use of its Common Seal, and also to enforce any offences relating to Council meetings. To this end a new *Governance Local Law (2020)* is proposed to encompass these requirements.

The only proposed change in processes relates to the use of the Common Seal, which may now also be utilised subject to the Instrument of Delegation from Council to the Chief Executive Officer. No additional offences have been added in relation to Council meetings.

A Community Impact Statement has been drafted to outline how the Local Law impacts on the municipality.

The creation of a Local Law is a statutory process in accordance with Part 5 of the LGA 1989 and the revocation of the previous Local Law is planned to be undertaken at the same time as adoption of the new Local Law.

### **POLICY IMPLICATIONS**

While the requirement for preparation of the Governance Rules is a requirement of the LGA 2020, the provisions relating to the making of Local Laws remain in the LGA 1989 and have not yet transitioned to LGA 2020. Hence the proposed *Governance Local Law (2020)* has been devised in accordance with LGA 1989. The LGA 2020 allows for local laws made under LGA 1989 to remain in force until they sunset in accordance with that Act or until amended or revoked by a local law made under LGA 2020.

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

- A high performing organisation

### **FINANCIAL AND RESOURCE IMPLICATIONS**

Council has sought legal advice regarding the use of the Common Seal under LGA 2020. Costs are covered in Council's budget.

### **CONSULTATION**

Section 119(2)(c) of the *Local Government Act 1989* stipulates that any person affected by a proposed Local Law may make a submission in accordance with s223 of the Act. There is a statutory 28 day public submission period and submitters have the right to be heard in support of their submission before a committee of Councillors. Should any submitters request to be heard in support of their submission, Council will make arrangements for the hearing to take place, before a summary of the submissions and the final document are brought back to Council for adoption on 25 August.

### **CONCLUSION**

The *Local Law No.1 Council Administration (2016)* is no longer required to govern the conduct of Council meetings. However, Council is still required to have a Local Law governing the use of its Common Seal, and offences relating to behaviour in a Council

meeting. This report outlines the required processes to revoke the 2016 Local Law and presents the draft *Governance Local Law (2020)* for public submissions.

### **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)**

- 8.3.7a Draft Governance Local Law (2020)
- 8.3.7b Community Impact Statement

### 8.3.8 Public Transparency Policy

File Number: Policy Register

#### **INTRODUCTION**

Council is required to develop a Public Transparency policy before 1 September 2020 in accordance with the requirements of section 57 of the *Local Government Act 2020* (LGA 2020). The purpose of this report is to present a draft Public Transparency policy to Council prior to a period of public consultation.

***Cr Keeble***

***Cr Forsyth***

***That Council:***

- 1. Endorse the draft Public Transparency policy;***
- 2. Release the draft Public Transparency policy for a period of public consultation, with submissions closing on 14 August 2020; and***
- 3. Present the Public Transparency policy and the results of any submissions to Council for adoption at a Special Council Meeting on 25 August 2020.***

***Carried***

#### **BACKGROUND**

Section 57 of the LGA 2020 requires that Council adopt and maintain a Public Transparency policy which gives effect to the Public Transparency principles (as described by section 58 of the LGA 2020), which describes the ways in which Council information is to be made publicly available and specifies what Council information must be publicly available.

The *Local Government Act 2020* (LGA 1989) included prescriptive content regarding which documents to make available, this prescription has largely been removed under LGA 2020. The prescription has been replaced by principles and a more explicit stipulation of what information is to remain confidential. Any information which is not deemed confidential must be accessible to the public.

#### **ISSUES**

##### ***Development of the Public Transparency Policy***

The proposed policy has been developed with reference to Local Government Victoria (LGV) template.

The policy recognises Council's commitment to sound democratic governance and recognises the importance of providing transparency as a foundation for community confidence, community engagement and accountability.

The policy clarifies what information, at minimum, will be published and what information will be made available to the public upon request and outlines the mechanism for making a request. It also stipulates what information has been classed as

confidential under relevant legislation. Finally, it describes how transparency is applied to Council's decision making processes.

## **POLICY IMPLICATIONS**

The proposed policy is in accordance with the Public Transparency principles of the LGA 2020 and has also been developed with reference to the *Freedom of Information Act 1982 [Vic]*, the *Privacy and Data Protection Act 2014 [Vic]*, and the *Public Records Act 1973 [Vic]*.

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

- A high performing organisation

## **FINANCIAL AND RESOURCE IMPLICATIONS**

Staff time will be required to ensure that the information specified in the Public Transparency policy is made available via the website, at Council Offices or in other formats as appropriate to the information type. In some cases, third party consultation will be required, in accordance with the *Freedom of Information Act 1982 [Vic]* which has internal resource implications. Information will be provided free of charge or at low cost commensurate to the effort to provide it, or in accordance with any relevant legislation.

Council maintains skills across select authorised staff to ensure requests are handled in accordance with the *Freedom of Information Act 1982 [Vic]* and other related Acts, from time to time may seek legal advice to ensure the appropriate treatment of potentially confidential information.

## **CONSULTATION**

Officers have consulted within the organisation in the development of the draft Public Transparency policy.

In accordance with the Public Transparency principles, Council will undertake a process of community engagement in developing the Public Transparency policy. By placing the document on public exhibition, the public will be invited to make submissions.

Submissions will be considered prior to the adoption of the Public Transparency policy at a Special Council Meeting on 25 August 2020.

## **CONCLUSION**

Development of the Public Transparency policy is a requirement of the *Local Government Act 2020*. The policy recognises the importance of transparency as a foundation for community engagement and accountability. It clarifies the information that will be provided to the community and the application of transparency principles across Council's decision-making practices.

## **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
- Health, Safety and Risk Officer

## **ATTACHMENT(S)**

8.3.8 Draft Alpine Shire Council Public Transparency Policy (2020)

### 8.3.9 Planning Application 5.2019.161.1 - 2A Riverside Avenue, Bright

Application number:	5.2019.161.1
Proposal:	Buildings and Works for the Construction of three dwellings on a lot
Applicant's name:	Vince Coleiro (Aim, Design & Construct)
Owner's name:	Rizzo Constructions Pty Ltd
Address:	2A Riverside Avenue
Land size:	603 square metres
Current use and development:	Vacant
Site features:	A small shed exists on site storing construction materials and tools. No further development of the site exists.
Why is a permit required?	Clause 32.08-6 - A permit is required to construct two or more dwellings on a lot in the GRZ Clause 44.06-2 - A permit is required to construct a building or carry out works associated with Accommodation in the BMO.
Zoning:	General Residential Zone (GRZ)
Overlays:	Bushfire Management Overlay (BMO)
Restrictive covenants on the title?	Nil
Date received:	29 November 2019
Statutory days:	69 days
Planner:	Alex Duncan

***Cr Forsyth***

***Cr Janas***

***That a Notice of Decision to grant a planning permit be issued for 'Building and Works for the Construction of three dwellings on a lot in accordance with the conditions outlined in Attachment A' and for the following reasons:***

- 1. The proposal is generally in accordance with the relevant considerations of the Alpine Planning Scheme, including:***
  - a. The Planning Policy Framework***
  - b. The purpose and decision guidelines of the General Residential Zone***
  - c. The provisions of the Bushfire Management Overlay***

- d. Clause 55, which specifies detailed design requirements for proposals of two or more dwellings on a lot.***
- 2. The grounds of objection to the application that are relevant to a planning scheme context can largely be addressed through the application of appropriate planning permit conditions.***
- 3. The site is identified as a suitable location for medium density development within the Bright Structure Plan and is considered to be an appropriate design outcome for the site, resulting in net community benefit.***

*In accordance with Council's Local Law No.1 Council Administration (2016), where there is an equal division of votes on a matter, the chairperson is entitled to a casting vote. As chairperson of the meeting, Cr Nicholas utilised the casting vote to vote in favour of the recommendation motion.*

***Carried***

*Cr Janas called for a division*

*For: Cr Nicholas, Cr Janas, Cr Pearce*

*Against: Cr Forsyth, Cr Knappstein and Cr Keeble*

*Chairperson casting vote (Cr Nicholas): For the motion*

**PROPOSAL**

The proposal is for the development of three double-storey, 3-bedroom townhouses with a communal underground car-parking area. The townhouses are proposed to be oriented north-south within the lot, with access attained from a shared accessway along the eastern boundary of the site, connecting to Riverside Avenue to the north.

The works proposed can be considered a higher density development, with 46% of the site to be occupied by the proposed buildings, and a further 27% of impermeable surfaces, leaving 27% of the site as permeable. Private Open Space areas are to be located on the south side of the development.

The northern facades of the dwellings, which are the only aspects of the dwellings to front public land, are to be largely clad in weatherboard and brickwork, with rendered concrete features and skillion roofing.

The ground floor of each unit contains the master bedroom and en-suite, laundry, kitchen/meals/living area, plus a porch at the front of each unit. The first floor contains 2 bedrooms and bathroom. A balcony is provided at the front of each unit on this floor overlooking the Ovens River.



Figures 1-4 below shows the proposed layout and appearance of the development.



Figure 1: Proposed northern (front) facade

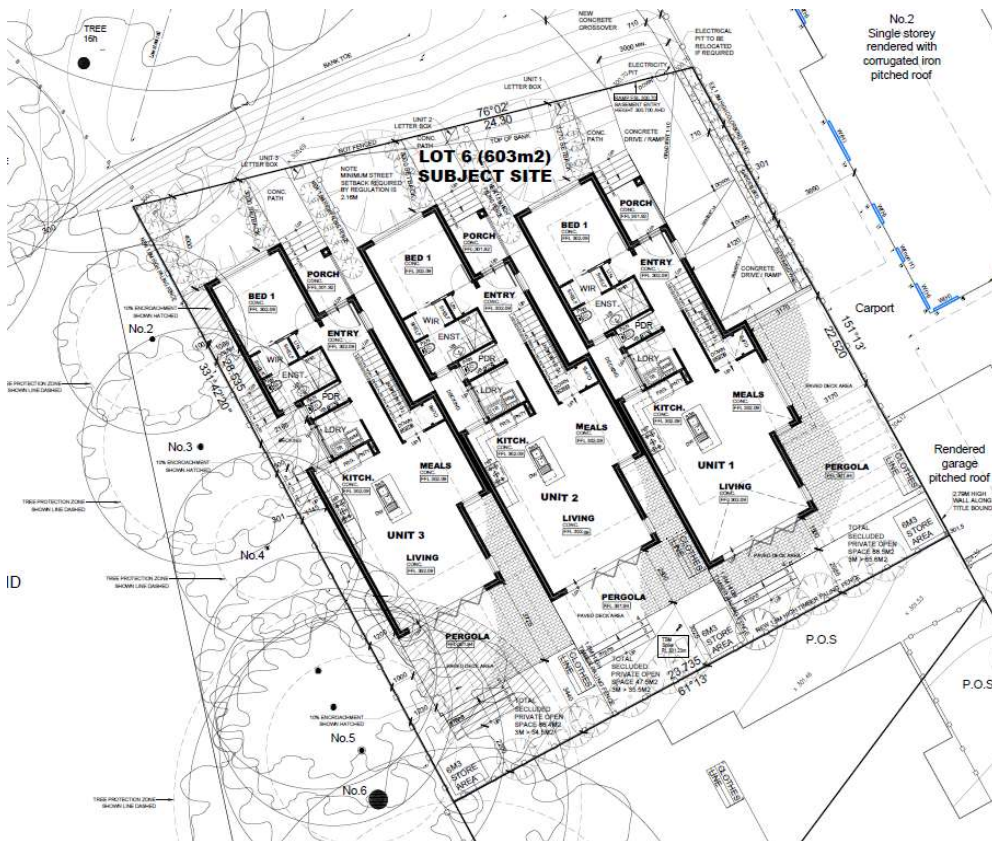


Figure 2: Proposed ground floor layouts

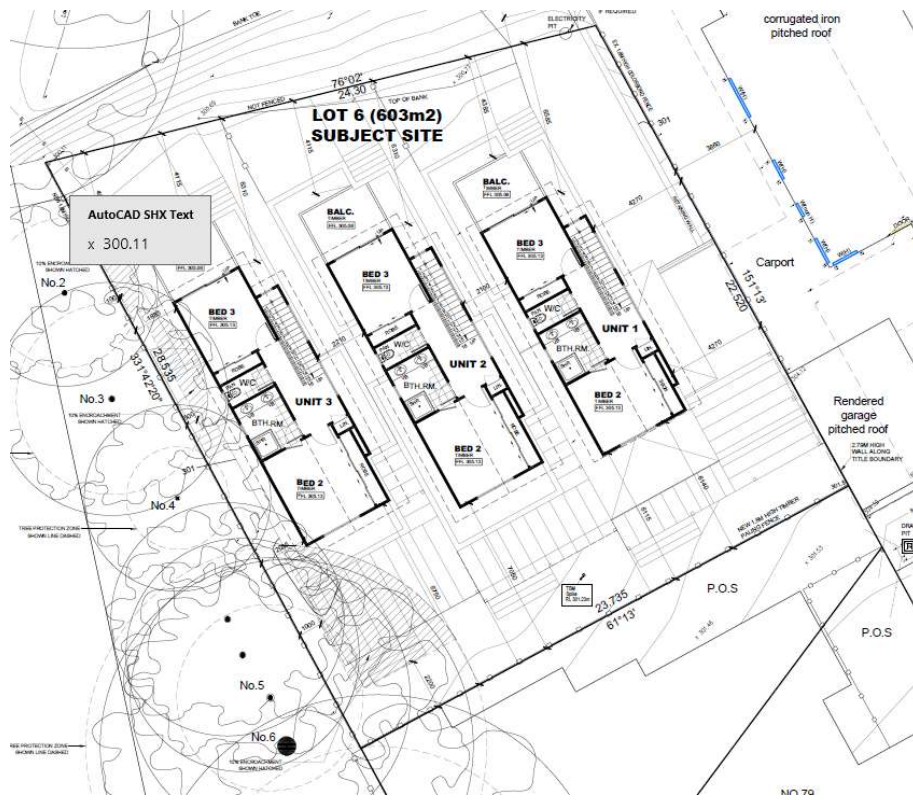


Figure 3: Proposed upper floor

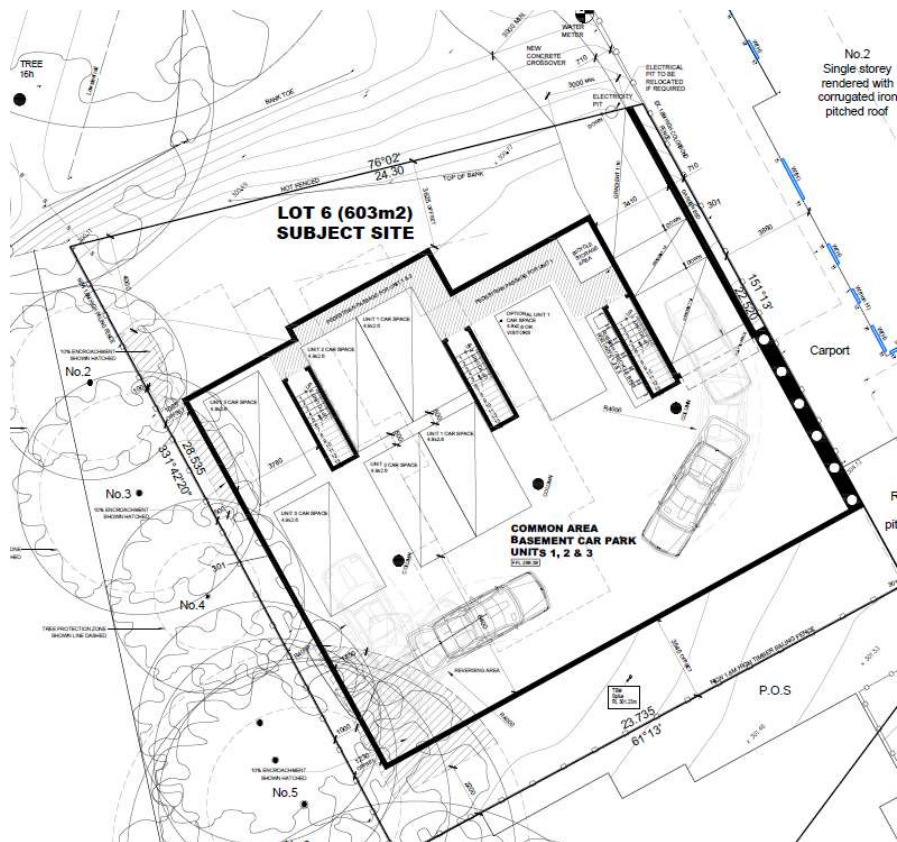


Figure 4: Proposed basement carparking

## Development Measurements:

	Unit 1	Unit 2	Unit 3
Ground floor area	88.8sqm	88.8sqm	87.2sqm
First Floor area	45.6sqm	49.7sqm	49.7sqm
Total Dwelling area	134.4sqm	138.5sqm	136.9sqm
Porch area	7.8sqm	7.8sqm	7.8sqm
Balcony area	3.8sqm	3.8sqm	3.8sqm
Total building area	146sqm	150.1sqm	148.5sqm
Secluded Open space	68.5sqm Total 65.6sqm >3m	47.5sqm Total 35.5sqm >3m	86.4sqm Total 54.5sqm >3m
No. of Car spaces	2	2	2

**SUBJECT LAND AND SURROUNDS**

The subject site is 602 square metres and irregular in shape, with an offset front boundary facing Riverside Avenue and the Ovens River to the north (see Figure 5 below).

The land has a slight decline in elevation from south to north and is devoid of vegetation. A small outbuilding exists towards the western boundary of the site, which is proposed to be removed to facilitate the development.

Land to the immediate south at 79 Gavan Street is currently being developed, with a 5 unit development nearing completion. The subject site formed part of the subject land for this adjoining development and a minor boundary realignment is in the process of being completed as part of the planning permit granted for that development and subdivision of dwellings, see figure 5 below which still shows both the subject land and soon to be former title boundary with 79 Gavan Street.

Land to the east is characterised by a mixture of residential developments, with single detached dwellings and multi-unit developments developed on a variety of lot sizes. A carport and shed have been constructed on the boundary of number 2 Riverside Avenue, to the immediate east of the site.

Land to the immediate west is a wedge-shaped, heavily vegetated property with a single detached dwelling, with Crown Land associated with Bakers Gully Creek beyond this property.

Access to the land is attained from the north by Riverside Avenue.





Figure 5: Subject site and surrounds

**PUBLIC NOTIFICATION**

The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987*. Notice of the application was sent to the landholders and occupiers of 15 surrounding parcels of land. A sign was also displayed on the subject land.

A single objection was received to the proposal. The details of this objection can be found within the 'planning assessment' component of this report, along with Assessing Officer commentary on the issues raised.

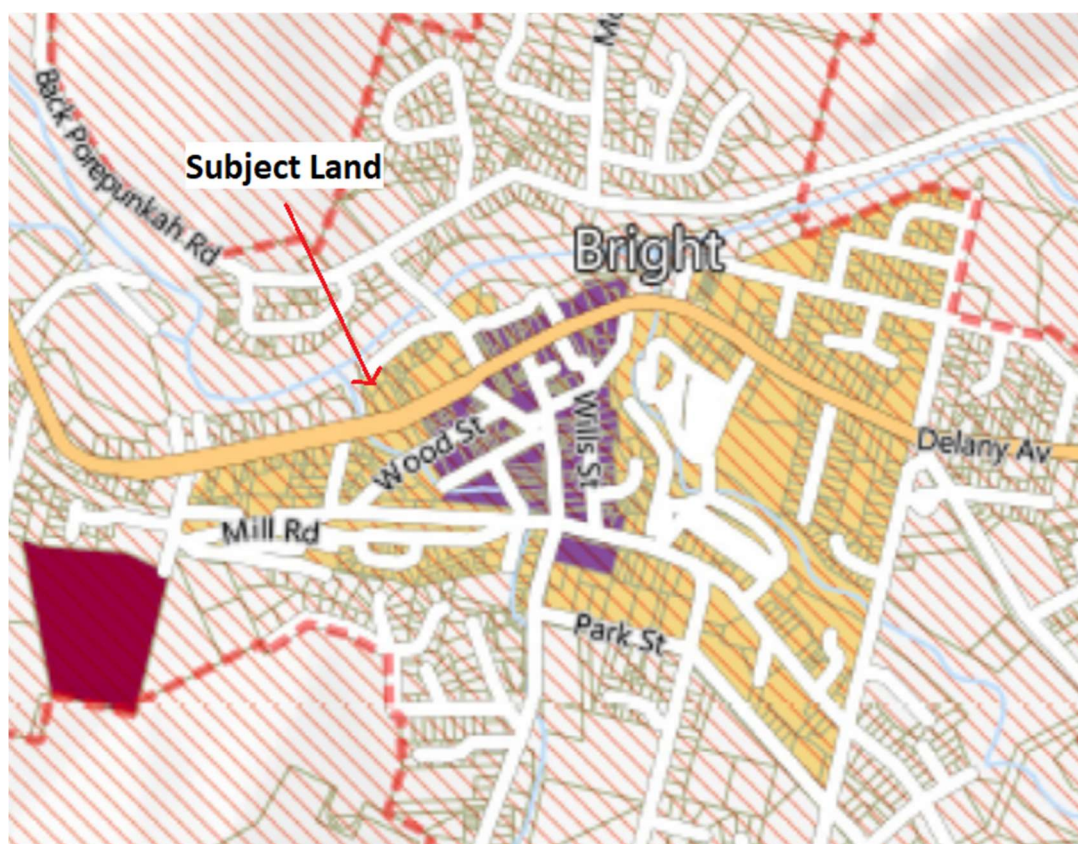
**REFERRALS**

Referrals / Notice	Advice / Response / Conditions
Section 55 referrals:	Country Fire Authority (Conditional Consent) Goulburn-Murray Water (Conditional Consent)
Internal / external referrals:	Engineering Arboriculture (Alpine Shire Council Outdoor Team) North-East Catchment Management Authority (Section 52) North-East Water (Section 52)

## PLANNING ASSESSMENT AND RESPONSE TO GROUNDS OF OBJECTION

Applicable policy and decision guidelines can be found in *Attachment B - Planning Policy Framework*

The Planning Policy Framework (PPF) on balance provides support for the proposal. Of particular relevance is Clause 21.07-1 (Bright), which gives reference and implementation of the Bright Structure Plan. The Bright Structure Plan identifies the subject land as an opportunity site for medium density residential development as it is within close proximity to commercial areas of Bright and is connected to key infrastructure, including transport networks. An excerpt from the structure plan, highlighting the identified medium density residential opportunity areas in Bright, is shown in Figure 6 below.



■ Medium Density Residential Opportunity

Figure 6: Clause 21.07-1 Bright Structure Plan as relevant to the site

### Zoning and land use

The subject land is zoned 'General Residential Zone (GRZ)'. The development is consistent with the purpose and decision guidelines of the zone for the following reasons:

- The proposal respects the neighbourhood character of the area, being a mixture of medium density unit developments amongst single detached dwellings.
- The proposal encourages a diversity of housing types and housing growth within a location offering good access to services and transport.
- The proposal is compliant with the detailed design considerations of Clause 55.

## Engineering Considerations

Council's Engineering Department has reviewed the development and granted consent for the proposal subject to standard conditions. Minor amendments to the drainage plans submitted are required to be provided to formalise the design detail of the proposed drainage design solution. This will form part of any plans endorsed as part of an approval. The proposed traffic movements within the site are considered satisfactory.

## Noise Assessment

Traffic movement to and from the site will generate the majority of noise relating to this development. Post construction, the residential developments on the site are unlikely to create noise impacts on the surrounding land users beyond that which can be expected from residential land-use.

## Waste Considerations

The Application has been referred to North East Water, who provided consent for the proposal with no nominated conditions. Due to the wide cul-de-sac at the south-western end of Riverside Avenue, it is expected that there will be enough room for waste vehicles to navigate the site. A condition requiring the consent of Council's waste officer will be applied to ensure that sufficient space is available onsite and in the road verge for collection.

## Cultural Heritage

The construction of three or more dwellings on a lot (or allotment) is an exempt activity within the *Aboriginal Heritage Regulations (2018)* if the lot or allotment is:

- (a) not within 200 metres of the coastal waters of Victoria, any sea within the limits of Victoria or the Murray River; and
- (b) less than 0.11 hectares

This proposed development meets that criteria and as such, no CHMP is required for the proposal.

## Objections received

An objection was received to the application from the owners of land adjacent to the site at number 77 Gavan Street, Bright.

The objection raised, as relates to the proposed development, is summarised as follows:

1. The proposed development will have irreversible impact on the mature trees along the boundary of 77 Gavan Street that provide significant aesthetic qualities, biodiversity and ecological value.
2. The applicant's arborist report raises concerns for the future of these trees without further investigation. (Note that this has now been addressed through an additional Request for Information)



3. Not all land close to the town needs to be developed with in-fill housing. There needs to be also open space areas.
4. The increased emphasis on development does not reflect the will of ratepayers and is pricing locals out of the housing market.
5. Concern about storm water damage to the objector's property by increased run off from the development of the site.
6. The arborist report submitted with the application has not been vetted by an independent arborist particularly in relation to underground impacts. (Note that this has now been addressed)
7. Loss of quiet enjoyment of the objectors property due to the scale of the development, overshadowing, and the location of outdoor living areas.
8. A 1 metre setback along the western boundary of the proposed development is not sufficient; especially considering the location of mature trees along this boundary

### **Assessing Officer Response to Grounds of Objection**

- In response to the objection the applicant submitted additional information on potential development impact to the trees within the objector's land. This was presented to Council in a 'Development Impact Report' prepared by Oldmeadow Arboriculture. The report acknowledged that the proposed development was likely to encroach into the 'Tree Protection Zones' (TPZ) of the vegetation in question, with one of these encroachments being considered 'major'. It was nominated in the recommendations of the report that the damage to these trees could be minimised and the development proposed could proceed on the basis of the following measures:
  - i. Tree 1: Erect TPZ fencing surrounding this tree at the full extent of the radius provided to protect from development related impacts.
  - ii. Trees 2-6: Erect TPZ fencing along western and southern side of subject site as per site plans.
  - iii. Tree 3: Supervision by a suitably qualified arborist during the drilling of post holes for the adjacent staircase and decking.
  - iv. Canopy pruning: Any canopy pruning required to facilitate construction should be to the minimum extent required and undertaken by a suitably qualified arborist in accordance with AS 4373 2007 Pruning of amenity trees.
- Council's Team Leader Tree Crew performed a review of this arborists report and a site inspection, concluding that the findings of the report were accurate, and the concerns raised could be sufficiently addressed through the implementation of the recommendations provided in the report. The objectors have sought that Council indemnify them for any future failure of the trees that may result from the development if approved. This is not considered to be a reasonable expectation of the planning permit conditions and is not agreed to.

- The objector's concerns regarding the need to leave open space within the Bright Township is not supported by the Alpine Planning Scheme. The land is zoned appropriately for the proposal and has previously been identified as land suitable to be considered for medium-density development.
- The provision of additional housing is not expected to have a detrimental impact on housing affordability within the Bright Township. The Alpine Planning Scheme is designed to consider the will of the ratepayer, among various other considerations. The Alpine Planning Scheme identifies the site as an appropriate location for the proposal.
- The application, including drainage calculations relating to the underground basement carpark, has been reviewed by Council's Engineering Department. Whilst further detail has been requested through the provision of amended plans, the drainage measures initially proposed have been deemed satisfactory to the point of consent being granted for the proposal by this department. The land currently drains naturally to the north towards the Ovens River. The proposed development will formalise this through the installation of appropriate stormwater drainage infrastructure.
- Clause 55 of the Alpine Planning Scheme sets out the objectives and standards for multi-dwelling developments, including setback requirements, building height and massing, location of outdoor areas and overshadowing. A full assessment of these standards has been carried out and the proposal meets all necessary objectives. Minor variations to the standards are required, most notably the placement of the private open space being on the southern side of the development and not having full solar access, however this is considered unavoidable given the need to avoid the overshadowing of land to the south by bringing the buildings closer to the northern boundary and having the development present to the public land to the north.

## **CONCLUSION**

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

- The proposal is well supported by the Planning Policy Framework.
- The proposal is consistent with the purpose of the General Residential Zone and meets all necessary requirements of the Bushfire Management Overlay provisions.
- The proposal will result in an aesthetically pleasing development that will provide additional and varied accommodation options within close proximity to the Bright Central Business District.



## **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
- Planning Coordinator
- Planning Officer

## **APPENDICIES**

8.3.9.a Conditions

8.3.9.b Policy and decision guidelines

### **8.3.9.A CONDITIONS**

#### ***GENERAL CONDITIONS***

#### **Amended plans required**

1. Before the development starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a. An accurate building setback distance from the Ovens River that accords with the setback required by Goulburn-Murray Water.
  - b. An amended north elevation showing the apex of the entrance to the carparking area compliant with Condition 32 of this permit.
  - c. The landscaping plan as required by condition 7 of this permit.
  - d. The drainage discharge plan as required by condition 25 of this permit.
  - e. An amended north elevation showing the inclusion of natural feature stonework.
2. The layout of the site and the size of the proposed buildings and works must be generally in accordance with the endorsed plans which form part of this permit. The endorsed plans must not be altered or modified (whether or not to comply with any statute statutory rule or local law or for any other reason) without the consent of the responsible authority.
3. The external materials of the dwellings must be constructed of materials of muted colours to enhance the aesthetic amenity of the area. No materials having a highly reflective surface shall be used. For the purpose of this clause "highly reflective" shall include unpainted aluminium, zinc or similar materials.
4. An area for the storage of construction materials must be designated prior to the arrival of equipment and materials onsite. Wherever possible, disturbed areas should be used rather than areas of good quality indigenous vegetation and significant stands of trees. At the completion of construction all excess materials must be removed and the site should be regenerated to the satisfaction of the Alpine Shire.
5. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - a. Transport of materials, goods or commodities to or from the land;
  - b. Appearance of any building, works or materials;
  - c. Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - d. Presence of vermin.
6. Prior to the issue of a building permit by a licence Building Surveyor for the buildings hereby approved, a waste management plan must be submitted to the Responsible

Authority for approval. Such plan must provide details of garbage storage area/enclosure capable of meeting the applicable bin unit requirements forecast for use in the Alpine Shire Council.

### **Landscape Plan Required**

7. Before the development starts, a landscape plan must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions. The plan must show:
  - a. A survey (including botanical names) of all existing vegetation to be retained and/or removed.
  - b. Buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary.
  - c. Details of surface finishes of pathways and driveways.
  - d. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
  - e. Landscaping and planting within all open areas of the site, including:
    - f. 3 canopy trees (minimum two metres tall when planted) in the front (northern) setback of the development.
    - g. Vegetation screening (minimum two metres tall when planted) along the rear (South-eastern) boundary of the land
    - h. The means of watering/irrigation proposed to be used.
    - i. All species selected must be to the satisfaction of the responsible authority.

### **Ongoing Landscaping Maintenance**

8. Before the occupation of the dwellings commence or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.
9. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

### **Arboriculture requirements:**

10. All recommendations within the submitted 'Development Impact Report', prepared by Oldmeadow Arboriculture as approved by the Responsible Authority must be implemented and maintained at all times during construction works occurring on the site.
11. All boundary and internal fences as shown on the endorsed plans must be 1.8m high paling fences.

12. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the responsible authority.
13. All approved stonework used must be natural stone block laid (not veneer) to the satisfaction of the responsible authority.

### ***ENGINEERING CONDITIONS***

#### **Tree Protection during Construction**

14. Prior to commencement of construction, a tree protection fence must be erected around crown land vegetation as required in the vicinity of the works as required to define a 'Tree Protection zone' in accordance with AS4970-2009 Protection of trees on development sites. The fence must be constructed of star pickets and hazard mesh or similar to the satisfaction of the responsible authority. The tree protection fence must remain in place until construction is completed.

#### **Vehicle Crossings**

15. Prior to occupancy of the buildings vehicular crossings shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the Alpine Shire Council, and shall comply with the following:
  - a. standard vehicular crossing shall be constructed at right angles to the road to suit the proposed driveway, and any existing redundant crossing shall be removed and replaced with concrete kerb and channel to match into the surrounding profile. The vehicle crossing must be constructed of plain grey concrete.
  - b. All crossing works must be within Riverside road reserve and not encroach on crown land.
  - c. Any proposed vehicular crossing shall have satisfactory clearance to any side-entry pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense;
  - d. The crossing shall be constructed of concrete and be generally in accordance with IDM drawing SD240.

#### **Driveway Construction Requirements**

16. Prior to occupancy of the buildings the common driveway as shown on the endorsed plans must be:
  - a. constructed of concrete;
  - b. drained in accordance with an approved drainage plan;
  - c. be to the satisfaction of the responsibility authority.

17. The driveway must be constructed and drained to prevent diversion of flood or drainage waters and maintained in a continuously useable condition to the satisfaction of the responsible authority.

### **Prior to Commencement of Construction**

18. Before any driveway/drainage works associated with the development start, the following items must be satisfied:
  - a. Approval of the construction plan
  - b. An on-site meeting with officers of the municipality, the contractor and the developer or the developer's consultant to discuss matters such as roadside management, construction techniques, sedimentation controls, vegetation clearing controls and vegetated areas to be barricaded off prior to and during construction

### **Defect identification - Council's Assets**

19. Prior to commencement of construction, the owner or developer must submit to the Alpine Shire Council a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb and channel, footpath, seal, street lights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to Alpine Shire Council's assets/public infrastructure caused as a result of the development or use permitted by this permit.

### **Construction Management**

20. Prior to the issue of a Building Permit a Site Construction Management Plan must be submitted to the satisfaction of the responsible authority.
21. Soil erosion, sediment movement, mud/debris on roads and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the Alpine Shire Council.
22. Prior to commencement of construction, details of a contact person/site manger must be provided, so that this person can be easily contacted should any issues arise.

### **No Mud on Roads**

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

### **Urban Drainage Works**

24. Prior to occupancy of the buildings, all stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge by underground pipe to the satisfaction of the Alpine Shire Council. No effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system or nearby waterways

### **Drainage Discharge Plan**

25. Prior to commencement of construction, a properly prepared drainage discharge plan with computations must be submitted to, and approved by, Alpine Shire Council. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The information submitted must be generally as per Saliba Drawing 059-19 C-01, show the details listed in Council's Infrastructure Design Manual and be designed in accordance with the requirements of that manual. The information and plan must include:
- a. details of a flowpath to manage runoff from rainfall up to the 1%AEP event across the property to ensure there is not a detrimental impact on neighbouring land. Capacity is to include site runoff and any runoff which will be generated external to the site.
  - b. details of how the works on the land are to be drained and retarded.
  - c. a maximum discharge rate from the site is to be determined by computation to the satisfaction of the relevant authorities
  - d. connection points for drainage for each unit
  - e. underground pipe drains conveying stormwater to the legal point of discharge, the Grated pit in 4A Riverside Ave beside driveway
  - f. measures to enhance stormwater discharge quality from the site and protect downstream waterways. Including the expected discharge quality emanating from the development and design calculation summaries of the treatment elements, in accordance with "Urban Stormwater Best Practice Environmental Management Guidelines" 1999.;
  - g. Prior to occupancy of the buildings, all works constructed or carried out must be in accordance with the endorsed plans - to the satisfaction of Alpine Shire Council

### ***COUNTRY FIRE AUTHORITY CONDITIONS***

#### **Bushfire Management Plan endorsed**

26. The Bushfire Management Plan (Reference S8845, version 2, prepared by Oxley and Co. dated 07/02/2020) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

**Mandatory condition**

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

***GOULBURN-MURRAY WATER CONDITIONS***

28. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
29. No buildings are to be constructed within 40m of the Ovens River.

***NORTH EAST CATCHMENT MANAGEMENT AUTHORITY CONDITIONS***

30. Finished floor levels for all units shall be set a minimum of 300 mm above finished surface level on the south-eastern elevation of the unit footprints to provide 300 mm freeboard above potential surface flows through the site.
31. Plans shall be amended to the satisfaction of Alpine Shire Council to provide an overland flow path through the site that conveys surface flows from the south-eastern corner to the northern side of the site.
32. The basement entry must be designed so that the apex/highest point of any entry ramp is a minimum of 300 mm above the estimated flood level (RL 300.4 m AHD).
33. Any basement drainage system must be designed such that stormwater is unable to penetrate the basement. Details of the drainage system must be submitted to the Authority and the Alpine Shire prior to works commencing.
34. Any earthworks within the site shall be designed and constructed to minimise the likely effects of flooding and not divert or impede the flow of floodwater to the detriment of adjoining land.

**EXPIRY CONDITION**

35. This permit will expire if one of the following circumstances applies:
- a. The development is not commenced within two years of the date of this planning permit.
  - b. The development is not completed within four years of the date of this planning permit.

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

development has lawfully commenced, a request may be made in writing up to twelve (12) months after the expiration of the planning permit.

***End Of Conditions***

**Planning Notes:**

***Road Opening/Non-Utility Minor Works on Municipal Road Reserve/Consent for Works on Road Reserves Permit Required***

36. A road opening/crossing permit must be obtained from the Alpine Shire Council prior to working in or occupying the road reserve with construction equipment or materials. Applications may be accessed via the following link, or from the Alpine Shire Council website.

***Building Approval Required***

37. This permit does not authorize the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

***North East Water Note:***

38. The applicant should be aware of sewer infrastructure in the north western corner of the lot



### 8.3.9.b POLICY AND DECISION GUIDELINES

#### Planning Policy Framework:

The following policies within the Alpine Planning Scheme are relevant to the application.

Details of the objectives of each of these clauses can be found by accessing the Planning Scheme at <https://planning-schemes.delwp.vic.gov.au/schemes/alpine>

Clause 13.01-1S Natural hazards and climate change

Clause 13.02-1S – Bushfire Planning

Clause 15.01-2S – Building Design

Clause 15.01-5S – Neighbourhood Character

Clause 16.01-2S - Location of residential development

Clause 16.01-3S - Housing diversity

Clause 21.03-1 - Townships and villages

Clause 21.07-1 - Bright

Clause 21.04-4 Environmental Risk

#### Zone:

The subject land is zoned General Residential Zone pursuant to the Alpine Planning Scheme. The purpose of the zone and applicable decision guidelines can be found at the following link:

[https://planning-schemes.delwp.vic.gov.au/schemes/vpps/32\\_08.pdf](https://planning-schemes.delwp.vic.gov.au/schemes/vpps/32_08.pdf)

#### Overlays:

The subject land is covered by the Bushfire Management Overlay (BMO). A permit is required to construct a building associated with accommodation within the Bushfire Management Overlay. A link to the provisions of the Clause can be found at:

[https://planning-schemes.delwp.vic.gov.au/schemes/vpps/44\\_06.pdf](https://planning-schemes.delwp.vic.gov.au/schemes/vpps/44_06.pdf)

#### Particular Provisions:

The following particular provisions relate to the consideration of the proposal:

Clause 52.06 Car Parking

[https://planning-schemes.delwp.vic.gov.au/schemes/vpps/52\\_06.pdf](https://planning-schemes.delwp.vic.gov.au/schemes/vpps/52_06.pdf)

Clause 52.34 Bicycle Facilities

[https://planning-schemes.delwp.vic.gov.au/schemes/vpps/52\\_34.pdf](https://planning-schemes.delwp.vic.gov.au/schemes/vpps/52_34.pdf)

Clause 53.02 Bushfire Planning

[https://planning-schemes.delwp.vic.gov.au/schemes/vpps/53\\_02.pdf](https://planning-schemes.delwp.vic.gov.au/schemes/vpps/53_02.pdf)

Clause 53.18 Stormwater Management in Urban Developments

[https://planning-schemes.delwp.vic.gov.au/schemes/vpps/53\\_18.pdf](https://planning-schemes.delwp.vic.gov.au/schemes/vpps/53_18.pdf)

Clause 55 - Two or More Dwellings on a Lot and Residential Buildings

[https://planning-schemes.delwp.vic.gov.au/schemes/vpps/55\\_00.pdf](https://planning-schemes.delwp.vic.gov.au/schemes/vpps/55_00.pdf)

**General Provisions:**

The Application has been assessed against the decision guidelines listed at Clause 65.01 of the Alpine Planning Scheme and have been found to be generally in accordance with these guidelines and the purpose of planning in Victoria in General.

[https://planning-schemes.delwp.vic.gov.au/schemes/vpps/65\\_01.pdf](https://planning-schemes.delwp.vic.gov.au/schemes/vpps/65_01.pdf)

## 9. Assembly of Councillors

### Introduction

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

***Cr Keeble***

***Cr Forsyth***

***That the summary of the Assemblies of Councillors for June 2020 be received.***

***Carried***

### Background

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

Date	Meeting
2 June	Briefing Session (virtual online meeting)
9 June	Economic Development Strategy (virtual online meeting)
9 June	Briefing Session (virtual online meeting)
16 June	Briefing Session (virtual online meeting)
22 June	Planning Forum (virtual online meeting)
23 June	Briefing Session (virtual online meeting)

### Attachment(s)

9.0 Assemblies of Councillors – June 2020

## **10. 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.

## **11. Motions for which notice has previously been given**

Nil

## **12. Reception and reading of petitions**

Nil

## 13. Documents for sealing

*Cr Janas*

*Cr Keeble*

*That the following documents be signed and sealed.*

- 1. Contract No CT19098 in favour of MDG Landscape Architects Pty Ltd for Project Management and Design Services for Alpine Better Places – Harrietville and Tawonga.*
- 2. Section 173 Agreement – Craig Anthony Hulbert and Julie Gay Hulbert. Crown Allotment 67C, Great Alpine Road Harrietville, Parish of Freeburgh Volume 10209 Folio 202. Condition 8 of Planning Permit 2019.88.1 requires the owner to enter into agreement which sets out matters of that condition regarding the implementation of a Farm Plan. The use and development of the subject land for a dwelling and associated outbuilding and for the creation of access to a Roads Zone Category 1.*
- 3. Lease between Alpine Shire Council and Victorian School Building Authority relating to Bright P-12 College Annex located at Muster Drive, Dinner Plain be signed.*
- 4. Section 173 Agreement – Roger James Montgomery and Kerry Linda Montgomery. Lot 1 on Plan of Subdivision 616755 and Plan of Consolidation 378555. Condition 9,25,26 and 28 of the Planning Permit 2018.92.1 for a three lot subdivision and Removal of Easement at 9-15 Margaret Drive, Tawonga South. The Agreement relates to garden area requirements; further subdivision restrictions; Bushfire Management provisions and bushfire mitigation measures; vehicle crossings and stormwater system.*
- 5. S5 - Instrument of Delegation to the Chief Executive Officer be signed.*

*Carried*

## 14. Confidential Matter

*Cr Knappstein*

*Cr Janas*

***That, in accordance with the provisions of s66(2)(a) of the Local Government Act 2020, the meeting be closed to the public for consideration of Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released; being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs; which is defined as confidential information by s3 of the Local Government Act 2020.***

**The matter will be presented as a confidential report to the Council meeting on Tuesday 7 July 2020. While considering this report, the meeting will be closed to the public to consider confidential information in accordance with s66(2)(a) of the *Local Government Act 2020*.**

***Carried***

There being no further business the Chairperson declared the meeting closed at 5.22p.m.

.....  
Chairperson