

M(1) – 28 JANUARY 2025

# Ordinary Council Meeting

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Agenda

Notice is hereby given that the next **Ordinary Council Meeting** of the **Alpine Shire Council** will be held in the Bright Council Chambers, 2 Churchill Avenue, Bright on **28 January 2025** commencing at **5:00 pm**.

## Agenda

1	Recording and livestreaming of Council meetings .....	4
2	Acknowledgement of Traditional Custodians and recognition of all people .....	4
3	Confirmation of minutes.....	4
	3.1 Ordinary Council Meeting M(14) held on date 17 December 2024.....	4
4	Apologies.....	4
5	Obituaries / Congratulations.....	4
6	Declarations by Councillors of Conflict of Interest.....	4
7	Public Questions .....	5
8	Presentation of reports by officers .....	6
	8.1 Director Assets - Alan Rees .....	6
	8.1.1 Mount Beauty Senior Citizens' Centre Community Asset Committee .....	6
	8.1.2 Myrtleford Landfill Cap Construction GITA Services.....	9
	8.1.3 Contract for Award - Myrtleford Memorial Hall Refurbishment.....	13
	8.1.4 Provision of Reticulated Wastewater and Water Capacity by North East Water in Alpine Shire.....	17
	8.1.5 Gravel Road Reconstruction and Re-sheeting 2024-25.....	20
	8.2 Director Corporate and Community - Nathalie Cooke.....	23
	8.2.1 Audit and Risk Committee Meeting Minutes - 6 December 2024 - unconfirmed .....	23
	8.2.2 Budget Report - Quarter One Review 2024/25 .....	26
	8.2.3 Essential Services Commission Higher Rate Cap Application.....	29
9	Informal Meetings of Councillors .....	33

10 Presentation of reports by delegates.....	34
11 General business.....	34
12 Motions for which notice has previously been given .....	34
13 Documents for sealing .....	34
14 Closure of meeting .....	36

# 1 Recording and livestreaming of Council meetings

*The CEO will read the following statement:*

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

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

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

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

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

# 2 Acknowledgement of Traditional Custodians and recognition of all people

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

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

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

# 3 Confirmation of minutes

## 3.1 ORDINARY COUNCIL MEETING M(14) HELD ON DATE 17 DECEMBER 2024

### **RECOMMENDATION**

***That the minutes of M(14) 17 December 2024 as circulated be confirmed.***

# 4 Apologies

# 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 and congratulations.

# 6 Declarations by Councillors of Conflict of Interest

## 7 Public Questions

Public Question time will be held in accordance with the following provisions of Council's Governance Rules:

### **G5 Public Question Time**

GS3. Questions submitted to Council may be:

Submitted as a "Question on Notice" to the Chief Executive Officer in writing by 5pm on the day prior to the Council meeting, stating the name and contact details of the person submitting the question; or

During meetings held wholly in-person, at the Chairperson's discretion, asked directly by a member of the public gallery at the Council meeting during public question time.

GS4. No person may submit or ask more than two questions at any one meeting.

GS7. Questions should be limited to items of public interest, and are not intended to replace Council's ordinary Customer Request process. A question may be disallowed by the Chairperson if the Chairperson determines that it:

- is not related to an item on the agenda;
- relates to a matter outside the duties, functions and powers of Council;
- is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
- deals with a subject matter already answered;
- is aimed at embarrassing a Councillor or a member of Council staff;
- relates to confidential information as defined in s3 of the Act;
- relates to the personal hardship of any resident or ratepayer; or
- relates to any other matter which the Council considers would prejudice the Council or any 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 DIRECTOR ASSETS - ALAN REES

#### 8.1.1 Mount Beauty Senior Citizens' Centre Community Asset Committee

##### **INTRODUCTION**

The purpose of this report is to note that the Mount Beauty Senior Citizens' Inc. Committee will cease to operate, to form the Mount Beauty Senior Citizens' Centre Community Asset Committee (MBSCC CAC), and to recommend the adoption of an instrument of delegation to outline the roles and responsibilities of Alpine Shire Council and the committee in managing the centre.

##### **RECOMMENDATIONS**

*That Council:*

**1. Exercises the power conferred by Section 65 of the Local Government Act 2020, so that:**

- a. The Mount Beauty Senior Citizens' Centre Community Asset Committee (MBSCC CAC) be formed to reflect the current community needs for the management of the Mount Beauty Senior Citizens' Centre; and**
- b. Membership of the MBSCCCAC shall consist of:**

<b>Alpine Shire Council</b>	<b>1 Representative</b>
<b>Alpine U3A</b>	<b>5 Representatives</b>
<b>General Public</b>	<b>2 Representatives</b>

- c. A quorum of the committee is a whole number that is an absolute majority, which is greater than half the total number of members of the MBSCC CAC; and**
  - d. All members of the MBSCC CAC have voting rights on the committee.**
- 2. Notes that in accordance with Section 47(1)b of the Local Government Act 2020, the Instrument of Delegation to the MBSCC CAC will be updated by the Chief Executive Officer, following the endorsement of the membership structure of the committee by Council.**

##### **BACKGROUND**

The Mount Beauty Senior Citizens' Centre (MBSCC) was previously managed by the Mount Beauty Senior Citizens' Inc. Committee under Section 86 of the *Local Government Act 1989*.

In 2024, Alpine Shire Council (Council) was approached by the Mount Beauty Senior Citizens' Inc. Committee and current users of the MBSCC to investigate an alternate model for management of the MBSCC to meet its current needs.

Following engagement with the committee and user groups, it was decided that a Community Asset Committee be formed comprising:

- One representative nominated by Council;
- Five representatives nominated by the Alpine U3A Committee; and
- Two representatives from the general public.

The role of the Community Asset Committee is to:

- manage, operate and maintain the MBSCC for the community in an efficient, effective and practical manner, without involving Council in the day-to-day management of the facility; and
- encourage, promote and provide use of the Mount Beauty Senior Citizens' Centre.

Following the formation of the Community Asset Committee, the Mount Beauty Senior Citizens' Inc. Committee will cease to operate. Any funds or assets will be transferred to the new committee.

## **ISSUES**

Community Asset Committees are established by Council under s65 of the *Local Government Act 2020*. Council may consider the membership of the committee and allocate as many members as it considers necessary to achieve the purpose of managing this important community asset.

Without an approved committee, responsibility for management of the MBSCC will return to Council.

Once the MBSCC CAC membership structure is endorsed by Council, the Instrument of Delegation to members of the committee can be approved by the Chief Executive Officer, in accordance with Section 47(1)(b) of the *Local Government Act 2020*.

## **POLICY IMPLICATIONS**

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

4.5 Assets for our current and future needs

## **FINANCIAL AND RESOURCE IMPLICATIONS**

Preparation of the Instrument of Delegation is complete. Council officers will call for nominations following the signing of the Instrument of Delegation.

Council has allocated \$6,000 in the 2024/25 budget to assist with the maintenance and operation costs of the MBSCC, and will consider a suitable funding model for future financial years.

No change to financial and resource implications for Council.

### **RISK MANAGEMENT**

Risk	Likelihood	Impact	Mitigation Action / Control
No nominations are received for the committee	Unlikely	Moderate	<ul style="list-style-type: none"> <li>• MBSCC returns to Council for management</li> </ul>

### **CONSULTATION**

Council officers have consulted with the MBSCC user groups to determine their preferred management structure going forward.

### **CONCLUSION**

The proposed delegation ensures the MBSCC can continue to be managed on behalf of Council into the future.

### **DECLARATION OF CONFLICT OF INTEREST**

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

- Director Assets
- Manager Growth and Future
- Property and Contracts Coordinator

### **ATTACHMENT(S)**

Nil



## 8.1.2 Myrtleford Landfill Cap Construction GITA Services

### **INTRODUCTION**

This report relates to the award of a contract for the Geotechnical Inspection and Testing Authority (GITA) and Construction Quality Assurance (CQA) inspector services for the Myrtleford Landfill Cap Construction.

### **RECOMMENDATION**

#### ***That Council:***

- 1. Awards Contract No. 26083 for the 'Myrtleford Landfill Cap Construction Cell 1 and Cell 2 GITA level 1 and CQA Inspector Services' to Terra Firma Laboratories Pty Ltd for the lump sum price of \$230,401 (GST Exclusive); and***
- 2. Delegates authority to the Chief Executive Officer to sign and seal the contract at the appropriate time.***

### **BACKGROUND**

The Myrtleford Landfill comprises Cells 1 and 2, previously used to accept domestic waste. Completing landfill cap construction works on Cell 1 and Cell 2 ensures compliance with the Environment Protection Authority Victoria (EPA) legislated requirements. More recently a third small Cell has been discovered containing waste located under a redundant drop wall. Council Officers are in the process of determining the requirements for design and the next steps for treating this waste in accordance with EPA requirements.

The design of the Myrtleford Landfill Cap commenced in October 2020 and requiring Council to address the EPA requirements to meet the Best Practice Environmental Management (BPEM) guidelines.

The EPA approved the cap design in August 2023 and to achieve compliance during construction, Council requires a geotechnical inspection and testing authority (GITA) level 1 service and a Construction Quality Assurance (CQA) inspector service.

Council adopted a budget in the 2024/25 financial year to fund the construction of the Myrtleford Landfill Cap for Cell 2. Due to the EPA's request to complete Cells 1 and 2 as soon as feasible and the efficiencies associated with completing both Cells simultaneously, Council awarded the landfill capping works of both Cells under one contract at the December 2024 Ordinary Council Meeting.

### **EVALUATION**

The Myrtleford Landfill Cap Construction Cell 1 and Cell 2 GITA level 1 and CQA Inspector Services was placed on public tender and advertised on Tenders.net as well as Council's website.

The tender documents were downloaded by 28 prospective tenderers and four conforming tenders were received by the closing date.

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

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

Following the assessment of the tenders it was determined that the tender from Terra Firma Laboratories Pty Ltd best met the selection criteria.

## **ISSUES**

The Myrtleford Landfill is located at the Myrtleford Transfer Station which is currently open to the community four days per week.

The proposed construction methodology requires the contractor to use the current public access points to the transfer station to continuously access Cells 1 and 2, impacting the current operation. There is sufficient space at the Myrtleford Transfer Station to create additional waste drop-off locations and additional public access points to ensure continued operation.

Engagement with the community will be completed before the construction starts to explain the adjusted traffic conditions.

The construction of both Cells is anticipated to extend over the 2024/25 and 2025/26 financial years.

## **POLICY IMPLICATIONS**

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

- 3.1 Decisive leadership to address the impacts and causes of climate change
- 3.3 Responsible management of waste
- 3.5 Reducing the impact of climate change on health

## **FINANCIAL AND RESOURCE IMPLICATIONS**

Council adopted a total budget of \$1,100,000 in the 2024/25 financial year to complete the landfill capping works for Cell 2 only. Since then, Council Officers determined that completing Cell 2 and Cell 1 under one contract would achieve compliance with the EPA's request to complete the capping at an accelerated rate and provide a saving of over \$89,000 to ratepayers.

Council approved the unbudgeted shortfall of \$1,375,071 in the December 2024 Council Meeting. Approval of this budget ensured funds were available for the cap construction and the associated GITA and CQA inspector services.

There are sufficient funds within Council's Waste Reserve to fund the award of this contract.

## RISK MANAGEMENT

The key risks of the project are as follows:

Risk	Likelihood	Impact	Mitigation Action / Control
Delays due to test results not being submitted on time by the laboratory for hold points.	Possible	Moderate	<ul style="list-style-type: none"> <li>Contractor must plan for this event in their work program. Weekly meetings with the Contractor to plan the works for the next two weeks.</li> </ul>
Customers to the transfer station not understanding the changed traffic conditions causing confusion and traffic issues.	Possible	Moderate	<ul style="list-style-type: none"> <li>Operational planning will occur between the Contractor and the Transfer Station operations team to mitigate any impacts. Communication with the community will be completed to mitigate any confusion due to the change in traffic flow operations.</li> </ul>

## CONSULTATION

All aspects of the project have been communicated with the following:

- Environmental Protection Agency
- Director Assets
- Manager Engineering and Assets

Communication with the community will be completed ahead of the construction starting to explain the adjusted traffic conditions.

## CONCLUSION

Following a tender evaluation assessment, site visits and reference checks, the tender from Terra Firma Laboratories Pty Ltd is considered the best option for the Council due to their price, experience, and knowledge of landfill capping construction.

## **DECLARATION OF CONFLICT OF INTEREST**

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

- Director Assets
- Manager Engineering and Assets
- Capital Works Team Leader Project Manager
- Project Manager

## **ATTACHMENT(S)**

Nil

## 8.1.3 Contract for Award - Myrtleford Memorial Hall Refurbishment

### INTRODUCTION

This report relates to the award of a contract for the construction of refurbishment works to the Myrtleford Memorial Hall.

### **RECOMMENDATION**

*That Council:*

- 1. Awards Contract No. 22023 for 'Myrtleford Memorial Hall Refurbishment Construction' to Joss Facility Management Pty Ltd for the lump sum price of \$1,238,636 (GST Exclusive); and***
- 2. Delegates authority to the Chief Executive Officer to sign and seal the contract at the appropriate time.***

### BACKGROUND

In 1924 the Myrtleford Memorial Hall was built. The building subsequently served as a cinema and dance hall for almost 100 years. In 2018 the hall fell into disrepair after a major roof leak caused significant damage. After a number of successful funding applications from 2020 through to 2022, Council secured sufficient funding to enable it to reactivate the hall to enable its ongoing use for the Myrtleford and surrounding community.

The design work was completed and, through a quantity survey of the entire scope of works, it was established that the project cost would exceed the available budget, primarily as a consequence of significant building cost escalation which had occurred through the COVID pandemic, but also as a result of latent issues being identified with the stormwater infrastructure.

At the Ordinary Council Meeting in July 2023, Council resolved the following:

*That Council:*

- 1. Notes that the cost of delivering the original scope for the Myrtleford Memorial Hall Upgrade project exceeds the project budget;*
- 2. Endorses the detailed design and delivery of Option1: Visitor Information Centre and external entry courtyard - in order to deliver the maximum value to the community within the project budget of \$1,048,000 Ex GST*

The project team liaised further with the various funding partners to try to align the overall scope of work to the constraints within the individual funding agreements, maintaining focus on delivering a project outcome which is aligned with the highest priorities of the various stakeholder groups.

At the Ordinary Council Meeting in June 2024, Council resolved to nominate the Myrtleford Memorial Hall Upgrade to receive a further \$565,758 funding through the Local Roads and Community Infrastructure Phase 4 funds.

The current funding envelope to upgrade the Myrtleford Memorial Hall will fulfill two main objectives; to install an upgraded Visitor Information Centre and to make the auditorium once again usable with upgraded facilities.

Through extensive community consultation and value management, this final refurbishment design has been established and put out to tender to seek competitive lump-sum construction submissions.

## **EVALUATION**

The tender was advertised on Tenders.net and the Alpine Shire Council website on 18 November 2024.

A total of 23 prospective tenderers downloaded the document and four submissions were received by the closing date.

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

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

Following the assessment of the tenders, it was determined that the tender from Joss Facility Management Pty Ltd best met the selection criteria.

## **ISSUES**

This project has several funding sources with acquittal dates at the end of the 2024/25 financial year. This funding could be at risk if the project is not completed, and funds acquitted within this timeframe.

## **POLICY IMPLICATIONS**

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

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

- 4.5 Assets for our current and future needs

**FINANCIAL AND RESOURCE IMPLICATIONS**

The budget for the Myrtleford Memorial Hall Refurbishment Construction is a combination of several funding sources totalling \$1,613,758 as shown below:

Funding Sources - Myrtleford Memorial Hall Renovation	
Regional Development Victoria (Victorian Government)	\$50,000
Emergency Recovery Victoria (Victorian & Australian Governments)	\$495,000
Universal Design (Victorian Government)	\$100,000
Creative Victoria (Victorian Government)	\$150,000
Local Roads & Community Infrastructure (Australian Government)	\$565,758
Alpine Shire Council Contribution	\$253,000
<b>Total Funding</b>	<b>\$1,613,758</b>

Of this total funding, approximately \$320,000 has spent or committed to a combination of design and enabling works. The remaining \$1,293,378 is to be used for the final construction.

There is sufficient allocation within the project budget to deliver the works identified in the tender as evaluated.

**RISK MANAGEMENT**

Risk	Likelihood	Impact	Mitigation Action / Control
Latent/unforeseeable conditions identified during construction	Possible	Moderate	<ul style="list-style-type: none"> <li>Effective and close project management of the construction contract to alert Council to possible cost implications early in the contract.</li> </ul>
Delayed contract award	Unlikely	Minor	<ul style="list-style-type: none"> <li>Delaying contract award beyond January OCM would likely lead to minor increase in contractor costs.</li> </ul>

Construction is not completed by required fund acquittal date	Possible	Moderate	<ul style="list-style-type: none"> <li>Expedient award of project and strict programme management.</li> </ul>
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## CONSULTATION

The scope of this refurbishment has been established through several rounds of design, considering feedback from both internal and external stakeholders listed below.

### External stakeholders:

- Independent Heritage Consultant
- Victorian Government Department of Jobs, Skills, Industry and Regions
- Emergency Recovery Victoria
- Creative Victoria
- Myrtleford Neighbourhood Centre
- Myrtleford Theatre Group
- The Myrtleford Festival Inc
- La Fiera Committee
- Myrtleford Chamber of Commerce
- Myrtleford Historical Society
- Myrtleford Film Society

### Internal stakeholders:

Alpine Shire Council Departments: Customer Experience, Property and Contracts, Operations, Building and Planning

## CONCLUSION

Following a tender evaluation assessment, site visits and reference checks, the tender from Joss Facility Management Pty Ltd is considered the best option due to their price, experience, and knowledge.

## DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Engineering and Assets
- Project Manager

## ATTACHMENT(S)

Nil



## 8.1.4 Provision of Reticulated Wastewater and Water Capacity by North East Water in Alpine Shire

### INTRODUCTION

The purpose of this report is to update Council on the outcome of engagement with North East Water relating to reticulated wastewater and water constraints in the Kiewa Valley.

### **RECOMMENDATION**

*That Council notes:*

- 1. Council officers' update on the status of recent engagement with North East Water in relation to reticulated water and sewer network constraints in the Kiewa Valley; and***
- 2. That there is no longer a need for Council to write to North East Water and the Victorian Government as per the previous resolution of Council in recommendation 6 of report 8.2.3 to the Ordinary Council Meeting held in August 2024.***

### BACKGROUND

During 2024, through its responses to planning permit referrals, North East Water (NEW) advised Council that NEW was unable to provide new connections for either reticulated wastewater or water in Mount Beauty, Tawonga South and Tawonga due to a lack of capacity in critical wastewater and water infrastructure.

At the time, it was expected that this situation could take several years to rectify. Significant concern was raised by members of the community about the impact of these constraints on future development proposals in the impacted service areas, with potentially severe consequences for the economy of the Upper Kiewa Valley.

At the Ordinary Council Meeting held on 27 August 2024, Council resolved the following as recommendation 6 in report 8.2.3:

*That Council writes to North East Water and the Victorian Government requesting that all necessary resources be made available immediately to address the potable water and wastewater capacity issues evident across Alpine Shire, but particularly felt in Mount Beauty, Tawonga and Tawonga South.*

Former Mayor, Cr John Forsyth, and the CEO, Will Jeremy, subsequently met with the NEW Managing Director, and General Manager Assets and Infrastructure on 5 September 2024 to express Council's concerns. NEW advised that it was exploring all available options to free up system capacity in the short-term to be able to accommodate new connections, and committed to providing a further update on progress in October 2024.

Former Mayor, Cr John Forsyth, and the CEO, Will Jeremy, again met with the NEW Managing Director, and General Manager Assets and Infrastructure on 22 October 2024.

NEW advised that it had been able to identify operational modifications, and some minor capital works that will address the short-term challenges and facilitate new connections.

Subsequent to this meeting, NEW has updated its website with the following information:

*We've resumed planning support for small-scale housing developments in Mount Beauty, Tawonga and Tawonga South. This follows a temporary pause earlier in 2024 due to capacity constraints in our existing water and sewer networks.*

*With some short-term operational improvements, we can support planning permits and connections for infill developments and small subdivisions of five or fewer lots. These improvements include upgrades to the Mount Beauty Water Treatment Plant, allowing for a modest increase in drinking water production, and the installation of a generator at Tawonga South sewer pump station, helping to minimise sewer events during power outages, especially in wet weather.*

*Applications for subdivisions of more than five lots will be considered case-by-case, subject to available capacity.*

Future capital investment by NEW

Council officers attended a public webinar held by NEW on 26 November 2024. This webinar was part of NEW's engagement for its next price submission 2026-2031. The information provided in this webinar included a draft 10-year capital investment program for Alpine Shire comprising of a total infrastructure investment of \$37.7 million including \$12.9 million for Mount Beauty. A copy of this information is available on NEW's website.

The following table shows a summary of this investment:

## Early Draft 10 Year Capital Program – Alpine Investment

TOWNSHIP	PROJECT	VALUE (\$)
Bright-Porepunkah	Bright-Porepunkah WWTP Upgrade	\$ 21,132,000.00
Mt Beauty-Tawonga-Tawonga South	Mt Beauty Offtake Upgrade	\$ 5,207,417.00
	Mt Beauty Clear Water Storage	\$ 3,500,000.00
	Mt Beauty Water Treatment Plant Upgrade	\$ 1,000,000.00
	Mt Beauty Caravan Park Sewer Pumping Station	\$ 3,200,000.00
	Tawonga Rising Main Upgrade	\$ 2,229,000.00
Myrtleford	Myrtleford WWTP Upgrade - Stage 2	\$ 1,460,000.00
<b>TOTAL INVESTMENT - ALPINE SHIRE COUNCIL</b>		<b>\$ 37,728,417.00</b>

Given this, Council officers are confident that, in addition to addressing the short-term wastewater capacity issues, NEW's draft 10-year capital investment program that will help to ensure that it addresses future growth challenges including the Victorian Government's recently advertised housing targets.

The capital investment program has been informed by the recently adopted Alpine Shire Land Development Strategy 2024 that has considered projected population growth, and future housing and employment needs in the shire's major towns, including Mount Beauty-Tawonga South, up to 2041. The future role and function of Tawonga, and all

other rural townships, will be considered as part of the recently commissioned Alpine Shire Rural Directions Strategy that will involve significant consultation throughout 2025.

Given this update by NEW, there is no longer a need for Council to write to NEW or the Victorian Government to advocate for short-term action.

Longer term investment in further capacity upgrades to reticulated water and sewer are still necessary, and Council and NEW will continue to advocate for this investment.

## **POLICY IMPLICATIONS**

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

5.2 A responsible, transparent and responsive organisation

## **FINANCIAL AND RESOURCE IMPLICATIONS**

There is no financial or resourcing impact to Council as a result of the recommendations in this report.

## **RISK MANAGEMENT**

Risk	Likelihood	Impact	Mitigation Action / Control
NEW does not meet its commitments	Unlikely	Minor	Continual engagement with NEW

## **CONSULTATION**

Consultation was undertaken with NEW.

## **CONCLUSION**

No further immediate action is required.

## **DECLARATION OF CONFLICT OF INTEREST**

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

- Director Assets
- Manager Growth and Future
- Economic Development Coordinator

## **ATTACHMENT(S)**

Nil

## 8.1.5 Gravel Road Reconstruction and Re-sheeting 2024-25

### **INTRODUCTION**

This report relates to the award of a contract for Gravel Road Reconstruction and Re-sheeting 2024-25.

### **RECOMMENDATION**

*That Council:*

- 1. Awards Contract No. 2607101 for 'Gravel Road Reconstruction and Re-sheeting 2024/25' to Roche Excavations Pty Ltd for the lump sum price of \$400,879 (GST Exclusive); and*
- 2. Delegates authority to the Chief Executive Officer to sign and seal the contract at an appropriate time.*

### **BACKGROUND**

Council is responsible for approximately \$293.7 million worth of infrastructure assets on behalf of its community. These assets range from significant structures such as roads and buildings through to park furniture and play equipment and are fundamental in supporting the delivery of our services.

A significant portion of Council's investment into asset management is across its road asset class. The effective management of local roads is a core function of local government. Council seeks to maintain road infrastructure in a condition that optimises its useful life and meets community needs over the long-term.

Council's road renewal program is part of the annual capital works program that restores, rehabilitates and renews an existing road asset to its original service potential.

The Gravel Road Reconstruction and Re-sheeting program is part of Council's annual road renewal program and the 2024/25 program is scheduled to be completed at Lambert Lane, Rose River Road and Eurobin Creek Track. Council undertakes works each year on road segments identified through its routine condition inspection program.

### **EVALUATION**

The 2024/25 Gravel Road Reconstruction and Re-sheeting program was placed on public tender and advertised on Tenders.net on 5 December 2024 as well as Council's website.

The tender documents were downloaded by 17 prospective tenderers and six responses were received by the closing date.

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

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

## 5. Environmental Sustainability

Following the assessment of the tenders, it was determined that the tender from Roche Excavations Pty Ltd best met the requirements of the selection criteria.

### ISSUES

Council is not aware of any issues outside of the minor impact that the works will have on traffic movements and the general public.

### POLICY IMPLICATIONS

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

4.5 Assets for our current and future needs

### FINANCIAL AND RESOURCE IMPLICATIONS

A total budget of \$450,000 has been allocated for the 2024-25 Gravel Road Reconstruction and Re-sheeting program. The total contract value of the 2024/2025 program is \$400,879 (GST Exclusive) and is inclusive of all works specified within the tender.

The remaining budget amount will be utilised to stockpile crushed rock for road sections requiring gravel re-sheeting during Council's maintenance grading program.

### RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Disruption to traffic.	Almost certain	Minor	<ul style="list-style-type: none"> <li>Traffic management will be in place during works to minimise the impact on public use of these roads.</li> </ul>

### CONSULTATION

Notification of the works will be advertised on Council's Facebook page. The contractor will inform impacted residents and businesses prior to works commencing.

### CONCLUSION

Following a comprehensive assessment, the tender from Roche Excavations Pty Ltd is considered to present the best value option for Council.

## **DECLARATION OF CONFLICT OF INTEREST**

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

- Director Assets
- Manager Engineering and Assets
- Capital Works Team Leader
- Project Officer

## **ATTACHMENT(S)**

Nil

## 8.2 DIRECTOR CORPORATE AND COMMUNITY - NATHALIE COOKE

### 8.2.1 Audit and Risk Committee Meeting Minutes - 6 December 2024 - unconfirmed

#### **INTRODUCTION**

The purpose of the report is to present the (unconfirmed) minutes of the Audit and Risk Committee meeting No. 2024/25-3 held on 6 December 2024.

#### **RECOMMENDATION**

*That Council:*

- 1. Receives and notes the (unconfirmed) minutes of the Audit and Risk Committee meeting No.2024/25-03 held on Friday 6 December 2024; and*
- 2. Approves the appointment of Julie Guest as the Audit and Risk Committee Chair for 2024-25.*

#### **BACKGROUND**

The Audit and Risk Committee minutes are required to be noted at a Council meeting. As the Audit and Risk Committee (the Committee) has yet to confirm the minutes, they are presented to Council for noting as unconfirmed.

#### **ISSUES**

The Committee met on 6 December 2024 and discussed a number of items. The key points are summarised below.

##### ***Information & Communication Technology Status Report***

A report was presented to the Committee to detail the work that the Information and Communications Technology team is currently doing across Council. This report aims to provide information pertaining to outstanding Victorian Auditor General's Office actions.

##### ***2023/24 Annual Financial / Performance Statement Review***

A review and subsequent report was provided to the Committee detailing how the 2023/24 end of year process operated and how it will be strengthened for the 2024/25 end of financial year processes.

##### ***2025/26 Budget***

A report was provided to the Committee detailing the 2025/26 Budget process and timelines.

##### **Audit and Risk Committee Chair**

At the August 2024 meeting of the Committee, Julie Guest was re-appointed to the position of Chair of the Committee. The Chair is appointed for a 12-month period. In line with the Audit and Risk Committee Charter, this nomination requires Council approval.

**POLICY IMPLICATIONS**

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

5.2 A responsible, transparent and responsive organisation

**FINANCIAL AND RESOURCE IMPLICATIONS**

There are no financial or resourcing implications associated with this report.

**RISK MANAGEMENT**

Risk	Likelihood	Impact	Mitigation Action / Control
The oversight function of the Audit and Risk Committee is not adequately presented to Council meeting.	Unlikely	Minor	<ul style="list-style-type: none"> <li>Minutes are prepared within two weeks of the Audit and Risk Committee meeting and tabled at the next available Ordinary Council Meeting.</li> </ul>

**CONSULTATION**

The draft minutes from the meeting are distributed to the Audit and Risk Committee for feedback.

**CONCLUSION**

The Committee, being satisfied with the detail provided in its agenda and the officer reports, submits the (unconfirmed) minutes of its meeting No.2024/25-03 held on 6 December 2024 to Council for noting.

Council approves the appointment of Julie Guest as the Audit and Risk Committee Chair.

**DECLARATION OF CONFLICT OF INTEREST**

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

- Director Corporate and Community



- Manager Corporate

**ATTACHMENT(S)**

1. **8.2.1.1 UNCONFIRMED A RC Mtg 2024 25 03 6 December 2024 Minutes**

## 8.2.2 Budget Report - Quarter One Review 2024/25

### **INTRODUCTION**

The purpose of the 'Budget Report - Quarter One Review 2024/25' (the 'Report') is to provide Council with an overview of the financial position of Council for the period ending 30 September 2024.

### **RECOMMENDATION**

***That Council receives and notes the 'Budget Report - Quarter One Review 2024/25' for the period ending 30 September 2024.***

### **BACKGROUND**

The Report provides Council with an overview of the results for the quarter and an update on the forecast financial position against the full year budget. Explanations are provided for variances to budget greater than \$100,000. This Report is prepared quarterly.

### **ISSUES**

Council is forecasting a full year surplus of \$11.4m, which is \$2.8m higher than the budgeted surplus of \$8.6m.

The original surplus position was primarily driven by recognition of capital grants funding received as projects were completed. The increase in the surplus position is driven by higher than expected income for capital grants and other income.

The forecasted variance to budget is the result of a mix of drivers. There is forecast additional income as well as increased expenditure in some areas and reduced expenditure elsewhere. Full details can be reviewed in the attachment *Quarterly Budget Report Q1 2024/25*.

Forecast additional income (\$3.0m) is made up of:

- Capital Grants (\$0.9m) - related to receipt of funds for the Local Roads and Community Infrastructure Program - which was unbudgeted; and
- Other Income (\$1.5m) - related to unbudgeted Energy Efficient Street Lighting Project income (\$0.4m) and lease income (\$0.1m).

Forecast additional expenditure (\$0.1m) is made up of:

- Employee costs (\$0.05m).

### ***Revised Budget***

The *Local Government Act 2020 (LGA 2020)* requires that an assessment be made as to whether a revised budget is required after the quarterly finance report is completed. A revised budget is required under the *LGA 2020* before any of the following can occur:

- A variation to the declared rates or charges;

- Undertaking any borrowings that have not been approved in the budget;
- A change to the budget that the Council considers should be the subject of community engagement.

At the end of the Q1 financial , none of these three items is forecast to occur, and Council is not required to complete a revised budget for 2024/25.

## **POLICY IMPLICATIONS**

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

5.2 A responsible, transparent and responsive organisation

## **FINANCIAL AND RESOURCE IMPLICATIONS**

Council is forecasting a full year surplus of \$11.4m, which is \$2.8m higher than the budgeted surplus of \$8.6m.

## **RISK MANAGEMENT**

Risk	Likelihood	Impact	Mitigation Action / Control
Poor decision-making impacts on financial sustainability.	Rare	Major	<ul style="list-style-type: none"> <li>• Quarterly reporting provides a snapshot of performance for Council. Maintaining rigour in financial reporting supports Council to make financially sustainable decisions.</li> </ul>

## **CONSULTATION**

Consultation has been carried out with Council Officers across the organisation in order to compile this report.

The report was tabled at the 6 December 2024 Audit and Risk Committee meeting for discussion.

## **CONCLUSION**

The Budget Report - Quarter One Review 2024/25 for the period ending 30 September 2024 is presented for noting.

## **DECLARATION OF CONFLICT OF INTEREST**

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

- Director Corporate and Community
- Manager Corporate

## **ATTACHMENT(S)**

1. **8.2.2.1** Quarterly Budget Report Q 1 2024-25

## 8.2.3 Essential Services Commission Higher Rate Cap Application

### INTRODUCTION

The purpose of this report is to brief Council on the potential impact of a change made by the Minister for Local Government to the *Minister's Good Practice Guidelines for Local Government Services Rates and Charges* and seek approval to apply to the Essential Services Commission for a higher rate cap for 2025/26, noting that this does not bind Council to adopting that cap when setting the Rates and Charges through the 2025/26 Budget process.

### **RECOMMENDATION**

*That Council:*

- 1. Notes the potential impact to Council's future revenue as a result of a Ministerial change to the definition of a Service Rate or Charge;**
- 2. Notifies the Essential Services Commission that Council intends to apply for a higher rate cap, to move revenue from the waste management charge to general rate revenue; and**
- 3. Delegates to the CEO the authority to apply to the Essential Services Commission for a higher rate cap for the 2025/26 financial year.**

### BACKGROUND

Rates and charges are set at a level which ensures the long-term sustainability of Council, while enabling sufficient funding to deliver:

- Valued Council services;
- Critical capital renewal projects, and
- Works that create new and improved infrastructure for the benefit of residents and visitors.

In combination with grants, rates and charges are an important source of funding which support our ongoing ability to provide community facilities, services and capital works. For context, rates and charges account for an estimated 48.5% of budgeted total revenue to be received by Council in 2024/25.

The guiding documents that aid Council in setting the level of rates and charges are the Council Plan, which is developed in consultation with the community every four years following general elections; and its associated medium and longer term financial plans, namely the four-year rolling Budget and the Long Term Financial Plan. Consideration is also given to financial risks such as inflationary risks and local economic risks.

In addition, Council's Revenue and Rating Plan determines the most appropriate and affordable revenue and rating approach for Council, which in conjunction with other income sources, will adequately finance the objectives in the Council Plan. The plan covers a period of four financial years and will also be reviewed in 2025 as a part of the cyclic review of Council's strategic planning framework following a general election.

In addition to rates income, Council applies waste management charges according to:

- The kerbside collection or waste services that each ratepayer receives;
- The overall cost of managing waste, for example developing, monitoring, managing and rehabilitating landfills;
- Operating our transfer stations; and
- Managing public place waste.

The Waste Policy is an incorporated document contained in the Alpine Shire Community Local Law 2019 and details the arrangements for the provision of waste and recycling services within the municipality.

## ISSUES

In December 2023, the Minister for Local Government made changes to the *Minister's Good Practice Guidelines for Local Government Services Rates and Charges*. Changes related to the composition of a service rate or charge.

The Minister's guidelines specifically impacted Council by indicating that it was "not good practice" to include in the waste management charge costs associated with litter and waste collection from public spaces and the provision of public bins, as the amount levied on each assessment will be primarily determined by the value of the property, not the cost of the specific service rendered. (To note: there were further costs deemed "not good practice" under the new guidelines however they do not impact on Council). This change will impact on the 2025/26 Budget.

The State Government caps rates revenue under the Fair Go Rates System, which allows local governments to raise rates only in line with the cap set by the Minister. The cap for 2025/26 has been set at 3.0%. To provide context, 3.0% of our General Rate base equates to approximately \$525k per annum.

The amount of the waste management charge currently being raised to be expended directly on managing public place waste is approximately \$350k per annum.

The rate cap limits the maximum amount a council can increase general rates and municipal charges. If the rate cap does not meet a council's needs, the council can submit a higher cap application for to be allowed to set a higher rate for up to four years. Oversight of the rate cap, and applications for a higher rate, are managed by the Essential Services Commission (ESC).

In order to follow the Ministerial guideline regarding the make up of the waste management charge, Council has assessed options for how to remove the recovery of this income from the waste management charge. Options available to Council include:

- Absorb the costs against the rate revenue base and budget for managing public waste as an additional expenditure;
- Review the delivery of public waste services with an aim to reduce costs;
- Apply for a higher rate cap to allow the current recovery of funds to be moved from the current waste management charge to rate revenue in addition to the 3.0% rate cap increase allowed under the Fair Go Rates System.

Moving the current recovery of costs associated with managing public place waste would be a cost neutral impact on ratepayers, and it is recommended that Council undertakes the processes required to apply for a higher rate cap from the ESC in order that remains an option to be considered, if approved by the ESC, through the engagement and approval processes associated with the 2025/26 Budget process.

The processes to apply for a higher rate cap are involved and include notifying the ESC that Council intends on applying for a higher rate cap by 31 January (not mandatory but allows Council to receive guidance and assistance from the ESC on processes), and applying for a higher cap by 31 March. The application requires Council to set out:

- The proposed higher cap for each specified financial year;
- The reasons why the council is seeking the higher cap;
- How the views of ratepayers and the community have been considered in proposing the higher cap;
- How the higher cap is an efficient use of council resources and represents value for money;
- Whether other funding options have been considered and why those options are not adequate;
- That the assumptions and proposals in the application are consistent with the council's long term strategy and financial management policies.

Should Council not undertake these processes now, then we would be unable to apply for an exemption in time for this to be considered by Council for Budget adoption.

Rate increases are approved by Council as part of the annual Budget process and Council remains able to determine the rating increase to be adopted (subject to the rate cap or ESC approvals) at that time.

## **POLICY IMPLICATIONS**

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

5.2 A responsible, transparent and responsive organisation

## **FINANCIAL AND RESOURCE IMPLICATIONS**

Absorbing the removal of the income associated with public waste management would result in approximately \$350k of lost revenue annually (with the associated cumulative impacts). This revenue loss if absorbed has the potential to impact service delivery into the future.

Undertaking the processes associated with applying for a higher cap will be resource intensive and officers will scope support requirements. This may have a financial implication which is to be quantified but is estimated at less than \$20k and would be an unbudgeted operational expense in this financial year.

## RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Inability to fund Council services due to the loss of revenue	Possible	Major	<ul style="list-style-type: none"> <li>Long Term Financial Plan and appropriate Budget and financial management.</li> </ul>

## CONSULTATION

Consultation with the community would be undertaken as a part of the budget process prior to the Budget being presented to Council for approval.

## CONCLUSION

Changes made by the Minister for Local Government to the *Minister's Good Practice Guidelines for Local Government Services Rates and Charges* impact Council's ability to fund costs associated with public place waste management from the waste management charge.

It is recommended that Council begins the processes associated with moving the current income from this charge into the general rate revenue, in addition to the rate cap set by the Minister for 2025/26. Moving the recovery of costs in this way has a cost neutral impact on ratepayers.

An approval from the ESC for a higher rate cap from the ESC does not bind Council to adopting that cap when setting the Rates and Charges through the 2025/26 Budget process.

## DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate and Community
- Manager Corporate

## ATTACHMENT(S)

Nil



## 9 Informal Meetings of Councillors

### INTRODUCTION

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

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

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

### **RECOMMENDATION**

***That the summary of informal meetings of Councillors for December 2024 be received.***

### BACKGROUND

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

Date	Meeting
3 December	Briefing Session
5 December	Briefing Session
10 December	Community Award Assessment Panel
10 December	Briefing Session
17 December	Briefing Session

### ATTACHMENT(S)

1. **9.1.1** Informal Meeting of Councillors - 20241203
2. **9.1.2** Informal Meeting of Councillors - 20241205
3. **9.1.3** Informal Meeting of Councillors - 20241210
4. **9.1.4** Informal Meetings of Councillors - 20241210 Community Awards
5. **9.1.5** Informal Meeting of Councillors - 20241217

## 10 Presentation of reports by delegates

## 11 General business

## 12 Motions for which notice has previously been given

## 13 Documents for sealing

### **RECOMMENDATION**

*That the following documents be signed and sealed.*

**1. S173 Agreement – Jennifer Lee Packham**

*This Section 173 Agreement is required by conditions 15, 16 and 17 of Planning Permit P.2020.212 for a two (2) lot subdivision at 58 Cobden Street, Bright being the land referred to in Certificate of Title Volume 9488 Folio 754 and described as Lot 1 on Plan of Subdivision LP131914.*

*Condition 15 is a mandatory requirement of the Bushfire Management Overlay of the Alpine Planning Scheme requiring an Agreement for bushfire management protection measures, including incorporating a Bushfire Management Plan, and an exemption from the planning permit requirement of clause 44.06-2 of the Alpine Planning Scheme.*

*Conditions 16 and 17 are mandatory conditions by the Country Fire Authority as a Referral Authority requiring specific matters to be addressed in a Bushfire Management Plan that is annexed to the Agreement.*

**2. S173 Agreement – Madharjack Pty Ltd**

*This Section 173 Agreement is required by conditions 33, 39 and 40 of Planning Permit P.2021.115 for construction of a dwelling and a two (2) lot subdivision at 33 Coronation Avenue, Bright being the land referred to in Certificate of Title Volume 9001 Folio 278 and described as Lot 5 on Plan of Subdivision LP097973.*

*Condition 33 is a mandatory requirement of the Bushfire Management Overlay of the Alpine Planning Scheme requiring an Agreement for bushfire management protection measures, including incorporating a Bushfire Management Plan, and an exemption from the planning permit requirement of clause 44.06-2 of the Alpine Planning Scheme.*

*Conditions 39 and 40 are mandatory conditions by the Country Fire Authority as a Referral Authority requiring specific matters to be addressed in a Bushfire Management Plan that is annexed to the Agreement.*

**3. S173 Agreement – CJ Martin**

***This Section 173 Agreement is required by conditions 12, 21, 22 and 23 of Planning Permit P.2023.121 for a two (2) lot subdivision at 21A Service Street, Porepunkah being the land referred to in Certificate of Title Volume 9713 Folio 975 and described as Lot 5 on Plan of Subdivision LP205078K.***

***Condition 12 is a requirement of Council's Engineering Department to address on-site detention of stormwater from the site.***

***Conditions 21 and 22 are mandatory conditions by the Country Fire Authority as a Referral Authority requiring specific matters to be addressed in a Bushfire Management Plan that is annexed to the Agreement.***

***Condition 23 is a mandatory requirement of the Bushfire Management Overlay of the Alpine Planning Scheme requiring an Agreement for bushfire management protection measures, including incorporating a Bushfire Management Plan, and an exemption from the planning permit requirement of clause 44.06-2 of the Alpine Planning Scheme.***

**4. S173 Agreement – Lesley Marilyn McGregor**

***This Section 173 Agreement is required by conditions 14, 23 and 24 of Planning Permit P.2024.001 for a boundary realignment at 35-37 Simmonds Creek Road, Tawonga South being the land referred to in Certificate of Title Volume 10178 Folios 307 and 308 and described as Lots 3 and 4 on Plan of Subdivision 323104.***

***Condition 14 is a requirement of Council's Engineering Department to address on-site detention of stormwater from the site.***

***Condition 23 is a mandatory requirement of the Bushfire Management Overlay of the Alpine Planning Scheme requiring an Agreement for bushfire management protection measures, including incorporating a Bushfire Management Plan.***

***Condition 24 explicitly excludes Lot 4 PS323104 from an exemption from the planning permit requirement of clause 44.06 of the Alpine Planning Scheme.***

**5. S173 Agreement – DC Saunders**

***This Section 173 Agreement amends a previously executed but not registered agreement required by conditions 3, 4, 9, 16, and 17 of amended Planning Permit P.2022.63 for a two (2) lot subdivision at 22 Station Street, Porepunkah being the land referred to in Certificate of Title Volume 10394 Folio 849 and described as Lot 5 on Plan of Subdivision PS408974H.***

***Condition 3 is a mandatory requirement of the Bushfire Management Overlay of the Alpine Planning Scheme requiring an Agreement for bushfire management protection measures, including incorporating a Bushfire Management Plan, and an exemption from the planning permit requirement of clause 44.06-2 of the Alpine Planning Scheme.***

***Condition 4 establishes minimum finished floor levels based on information provided by North East Catchment Management Authority.***

***Condition 9 requires the removal of an existing outbuilding on proposed lot2 unless a dwelling is constructed on the lot within 2 years of the Subdivision Statement of Compliance being issued.***

***Conditions 16 and 17 are mandatory conditions by the Country Fire Authority as a Referral Authority requiring specific matters to be addressed in a Bushfire Management Plan that is annexed to the Agreement.***

## **14 Closure of meeting**