



M(5) – 7 JUNE 2022

# 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 June 2022** and commenced at **5:00pm**.

## **PRESENT**

### **COUNCILLORS**

Cr Sarah Nicholas - Mayor

Cr Katarina Hughes - Deputy Mayor

Cr John Forsyth

Cr Ron Janas

Cr Tony Keeble

Cr Simon Kelley

Cr Kelli Prime

### **OFFICERS**

Alan Clark - Acting Chief Executive Officer

William Jeremy - Director Assets

Helen Havercroft - Director Corporate Performance

### **APOLOGIES**

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## 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.

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 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 Mayor read the following statement:*

The Alpine Shire Council acknowledges the Traditional Owners of the land we are now on, we pay our respect to Elders, past and present.

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(4) – 3 MAY 2022

*Cr Hughes*

*Cr Kelley*

*That the minutes of Ordinary Council Meeting M(4) held on 3 May 2022 as circulated be confirmed.*

*Carried*

## 4. 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.

## **5. Declarations by Councillors of conflict of interest**

Nil

## **6. Public questions**

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

Questions on Notice can be written or from the floor.

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

## 7. Presentation of reports by officers

### 7.1 ACTING CHIEF EXECUTIVE OFFICER – ALAN CLARK

#### 7.1.1 Contracts approved by outgoing CEO and Acting CEO

*Cr Forsyth*

*Cr Janas*

*That the Contracts approved by outgoing Chief Executive Officer and Acting Chief Executive Officer be noted.*

|                        |   |                 |            |
|------------------------|---|-----------------|------------|
| <i>Contract No:</i>    | <i>CQ22026</i>  | <i>Process:</i> | <i>RFQ</i> |
| <i>Title:</i>          | <i>Supply and delivery of one new Wide Area Mower</i> |                 |            |
| <i>Tenderer:</i>       | <i>Agpower &amp; Transport Pty Ltd</i>                |                 |            |
| <i>\$ (excl. GST):</i> | <i>\$104,000</i>                                      |                 |            |

|                        |  |                 |            |
|------------------------|--|-----------------|------------|
| <i>Contract No:</i>    | <i>Security Access Control</i>   | <i>Process:</i> | <i>RFQ</i> |
| <i>Title:</i>          | <i>Dargo High Plains Road - Installation of seasonal road closure gating</i> |                 |            |
| <i>Tenderer:</i>       | <i>Metweld</i>   |                 |            |
| <i>\$ (excl. GST):</i> | <i>\$104,591.16</i>  |                 |            |

|                        |  |                 |            |
|------------------------|--|-----------------|------------|
| <i>Contract No:</i>    | <i>Dinner Plain Marketing</i>                | <i>Process:</i> | <i>RFQ</i> |
| <i>Title:</i>          | <i>Promotional campaign for Dinner Plain</i> |                 |            |
| <i>Tenderer:</i>       | <i>Dutch Media</i>                           |                 |            |
| <i>\$ (excl. GST):</i> | <i>\$68,000</i>                              |                 |            |

*Carried*

## 7.2 DIRECTOR ASSETS – WILLIAM JEREMY

### 7.2.1 Petition - Alpine Better Places Harrietville

#### **INTRODUCTION**

The purpose of this report is to inform Council and provide a response to a petition relating to the Alpine Better Places Harrietville project.

*Cr Hughes*

*Cr Janas*

*That Council:*

- 1. Notes the petition to 'stop the plans for the Alpine Better Places Harrietville projects';*
- 2. Acknowledges the extensive community engagement and consultation undertaken on the project to date;*
- 3. Conducts a community survey with the survey results being used to refine the design and reconfirm the scope of work for the detailed design of all three precincts (being the Tronoh Dredgehole Precinct, Pioneer and Tavare Parks, and the Community Hall);*
- 4. Proceeds with the development of the detailed design and subsequent construction of the Tronoh Dredgehole Precinct in accordance with the terms of the funding agreement; and*
- 5. Advises the main proponent of the petition of Council's decision.*

*Carried*

#### **BACKGROUND**

The Alpine Better Places Harrietville project commenced in March 2020.

The key items in the design brief included:

- Improved streetscapes, including wayfinding signage, paths, tracks or trails to better connect the town's assets and facilities, integrated landscape treatments and improved parking options.
- Improved open space reserves, including upgraded and/or additional facilities and amenities.

The original project plan included two rounds of formal community engagement, consistent with the approach taken in the delivery of the Alpine Better Places Myrtleford, Porepunkah and Bright projects. A third formal round of community engagement was delivered at the request of the Harrietville community, prior to Council endorsing the draft concept designs for a 28-day period of public exhibition. The final concept designs were subsequently adopted by Council at the December 2021 Council meeting. At each



stage in the engagement process, the plans were updated to accommodate input provided by the community.

In March 2022, Council was notified that it had successfully secured Australian Government funding under the Black Summer Bushfire Recovery Fund (BSBR) for the detailed design and construction of the Tronoh Dredgehole Precinct.

A petition was received on 2 May 2022 and noted at the May 2022 Ordinary Council Meeting. The petition with 105 signatures contains the wording:

*To stop the plans for the Alpine Better Places Harrietville projects and start proper community consultation for new plans.*

*We, the undersigned residents of Harrietville, do not support the current Alpine Better Places plans for Bungalow Spur carpark, Pioneer Park carpark and Tavare Park removal and replacement of rotundas.*

*We ask that Alpine Shire Council reverse the decision to accept the current plans and pursue proper community consultation for new plans.*

## **ISSUES**

### **Community Consultation**

Council has conducted extensive community consultation, including a letter drop to more than 400 registered addresses of all Harrietville ratepayers in May 2021, in order to inform the development of the concept designs and to establish the priority order in which to deliver components of the project. Following each stage in the engagement process, including the public exhibition, the plans were updated to accommodate input provided by the community. The project team has engaged throughout this process with transparency, in good faith, and with genuine willingness and desire to establish concept designs which best meet the needs and aspirations of the Harrietville community.

### **Funding**

Through signing a funding agreement with the Australian Government, Council has committed to the delivery of works in the Tronoh Dredgehole Precinct as described in the concept designs adopted by Council in December 2021.

### **Detailed Design**

The next phase of the project is the detailed design, and this presents a further opportunity for the community to provide their input into the design process. Changes made at the detailed design stage are typically more granular than at the concept design stage, and as the design is developed it becomes increasingly challenging to accommodate significant change.

### **Community Survey**

Council proposes to conduct a survey of the Harrietville community, and the results will be used to refine and reconfirm the scope of works for the detailed design packages across all three precincts.

The survey will be broadcast through a variety of platforms, including a further letter drop to the registered addresses of all Harrietville ratepayers.

Community members will have fourteen (14) days to provide feedback to Council, in order not to jeopardise the project delivery schedule which has been committed to the Australian Government.

## **POLICY IMPLICATIONS**

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

- 4.5 Assets for our current and future needs

## **FINANCIAL AND RESOURCE IMPLICATIONS**

Since project commencement in March 2020, Council has spent approximately \$100,000 of Council funds on the development of the detailed concept designs for the Alpine Better Places Harrietville project.

Council has secured \$1,090,712 through the Australian Government's Black Summer Bushfire Fund in order to develop the Tronoh Dredgehole Precinct, with no co-contribution from Council.

Council is awaiting the outcome of a funding application to the Australian Government's Building Better Regions Fund to secure \$2.3 million of funding to support delivery of the remaining phases of the Alpine Better Places Harrietville project.

## **CONSULTATION**

Consultation with residents and ratepayers, community organisations and State Government agencies has been conducted throughout the development of the concept designs as follows:

### **Face to face consultation**

Three rounds of consultation occurred with the community to develop the final draft concept designs, followed by the public exhibition for 28 days, including:

#### Consultation 1: July 2020

A Zoom webinar was conducted due to COVID restriction on public gatherings. The community provided feedback on the preliminary plans and areas of focus. Precinct areas were identified based on community input to create a heatmap.

#### Consultation 2: February 2021

Lunch and evening sessions were held at the Harrietville Community Hall. The community was invited to provide comment on the draft detailed designs and proposed project priority list. The presentation and plans were made available online and the feedback period was open for two weeks.

Consultation 3: July 2021

Round three included lunch and evening sessions at the Harrietville Community Hall. The community was invited to view and provide feedback on the third revision of the plans. The presentation and plans were made available online. The feedback period was open for five (5) weeks.

**28 Day Public Exhibition Period: 14 October - 12 November 2021**

The plans were made available online, in Harrietville township, Bright Library and Bright Council Offices. Media notices included Facebook, radio, and newspaper notices. Emails were sent to all contacts recorded during the consultation process and community group email contacts. Links to the project website were provided in all correspondence where all plans and submission contact details could be accessed by the public.

**Detailed Communication Program**

| Date             | Platform      | Content   |
|------------------|---------------|---|
| March 2020       | Meeting       | Council and design consultant met with the Harrietville Community Forum                         |
| 24 March 2020    | Facebook      | Post detailing the commencement of the project  |
| 1 July 2020      | Facebook      | Post regarding online webinar sessions  |
| 6 July 2020      | Media Release | Inviting Harrietville to have their say on draft concept designs                                |
| 11 July 2020     | Facebook      | Post reminder of webinar session  |
| 16 July 2020     | Zoom          | Webinar of Harrietville draft plan  |
| 21 August 2020   | Media Release | Here's what you told us! Community feedback detailed on a 'hotspot' map                         |
| 18 January 2021  | Facebook      | Community invited to community sessions on Alpine Better Places                                 |
| 29 January 2021  | Facebook      | Learn more about the plans - community session advertisement                                    |
| 1 February 2021  | Media Release | Reminder of community sessions  |
| 8 February 2021  | Facebook      | Community session on 11 February and two-week consultation phase following this to review plans |
| 10 February 2021 | Radio Advert  | Community invited to community information sessions on ABP                                      |

| Date             | Platform          | Content   |
|------------------|-------------------|---|
| 11 February 2021 | Community Session | The community was invited to provide comment on the draft detailed designs and proposed project priority list.  |
| 25 February 2021 | Facebook          | Residents invited to have their say on the ABP plans available online   |
| 1 March 2021     | Facebook          | What do you think? Draft plans available  |
| 1 March 2021     | Media Release     | Calling for comments on ABP plans   |
| 6 March 2021     | Facebook          | Still time to have your say!  |
| 25 May 2021      | Media Release     | Residents invited to have their say in community sessions regarding latest ABP plans in June at Harrietville Hall followed by two-week public consultation period |
| 26 May 2021      | Facebook          | Calling all Harrietville residents to review latest concept designs for ABP plans on 9 June 2021  |
| mid May 2021     | Mail Out          | Poster mailed to 400+ addresses in relation to the community session  |
| 25 May 2021      | Media Release     | Residents invited to have their say in community session  |
| 4 June 2021      | Facebook          | Consultation postponed due to COVID   |
| 27 June 2021     | Facebook          | Residents invited to new community session in July to review designs followed by two-week public consultation period  |
| July 2021        | Community Session | The community was invited to view and provide feedback on the third revision of the plans.  |
| 6 August 2021    | Facebook          | Updated design posted (recordings delayed so community consultation extended)   |
| 14 October 2021  | as per below      | Final concept designs available for community feedback prior to council endorsement advertised on website and posters around Harrietville and Bright              |

| Date             | Platform          | Content   |
|------------------|-------------------|---|
| 14 October 2021  | Email / Newspaper | Email / Newspaper - formal notice to all registered during consultation process regarding public exhibition |
| 31 October 2021  | Facebook          | Share your views!   |
| 21 October 2021  | Radio Advert      | Final concept plans available on public exhibition from 14 October to 12 November                           |
| 22 October 2021  | Media Release     | Residents are invited to have their say on the final concept designs  |
| 7 November 2021  | Facebook          | Still time to have your say!  |
| 14 December 2021 | Council Meeting   | ABP Harrietville plans adopted by Council at Ordinary Council meeting                                       |
| 16 December 2021 | Facebook          | Plans adopted on 14 December 2021   |
| 16 December 2021 | Media Release     | Plans adopted on 14 December 2021   |
| 8 February 2022  | Facebook          | Funding application submitted to BSBR for the Tronoh Dredgehole Precinct upgrades                           |
| 8 February 2022  | Media Release     | Funding application submitted to BSBR for the Tronoh Dredgehole Precinct upgrades                           |
| 28 February 2022 | Facebook          | \$1,090,712 of funding received for the Tronoh Dredgehole Precinct upgrades                                 |
| 28 February 2022 | Media Release     | \$1,090,712 of funding received for the Tronoh Dredgehole Precinct upgrades                                 |

## CONCLUSION

A petition with 105 signatures has been received to 'stop the plans for the Alpine Better Places Harrietville project and start proper community consultation for new plans'.

Council has consulted extensively with the community during the development of the Alpine Better Places Harrietville concept designs. During the consultation process, precincts within Harrietville were prioritised by the community with the Tronoh Dredgehole Precinct identified as the highest priority.

Council has secured funding for the detailed design and construction of the Tronoh Dredge Precinct. Council will conduct a final community survey seeking feedback to refine the designs and reconfirm the concept of works for the detailed design of all three precincts (being the Tronoh Dredgehole Precinct, Pioneer and Tavare parks and the Community Hall).

Community members will have fourteen (14) days to provide feedback, in order not to jeopardise the project delivery schedule which has been committed to the Australian Government.

### **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 Asset Development

### **ATTACHMENT(S)**

8.2.1 Petition, May 2022

## 7.2.2 Proposed fish passage structure at Bright weir

File Number: 563.09

### INTRODUCTION

This report relates to a project being led by the North East Catchment Management Authority (NECMA) to establish a fish passage structure at the Bright weir, in doing so removing one of the remaining artificial barriers preventing fish from migrating into the upper reaches of the Ovens catchment.

*Cr Forsyth*

*Cr Prime*

*That Council:*

- 1. Notes and commends the collaboration which has taken place through the development of the detailed design for the fish passage structure at the Bright weir;*
- 2. Notes the conclusion of a design safety review that all reasonably practicable precautions have been identified to manage safety associated with the operation and maintenance of the proposed fish passage structure, and that with the identified controls and barriers in place, its operation is not considered likely to result in a situation which is prohibitively dangerous for members of the public or staff involved in the operation or maintenance of the structure;*
- 3. Engages Life Saving Victoria to reassess the operations at the seasonal swimming pool based on current information, in order to establish that all appropriate barriers and controls have been identified;*
- 4. Supports the North East Catchment Management Authority in the broad engagement of the local community and interested stakeholder groups before construction commences; and*
- 5. Continues to work closely with the North East Catchment Management Authority during the implementation of the fish passage structure.*

*Carried*

### BACKGROUND

Council is the asset owner and operator of the existing weirs on the Ovens River, located in the Bright and Porepunkah townships. The primary purpose of the weirs is the creation of a seasonal swimming pool in the river, which is a significant asset for both residents of and visitors to these towns.

The Ovens River has been identified as a high priority waterway in NECMA's Regional Waterway Strategy. The weir structures located at Bright and Porepunkah are two of the three remaining artificial barriers preventing fish from migrating into the upper reaches of the Ovens catchment, and have been identified as a high priority to address through the State Fishway Program.

At the August 2016 Council Meeting, Council adopted the following recommendations:

*That Council:*

*a. Support North East Catchment Management Authority's application to secure funding to construct a fish passage structure at the Bright and Porepunkah recreational weirs, providing:*

- 1. i. There is sufficient budget to ensure any introduced structures are sensitive to the surrounding environment, especially from a functional and aesthetic perspective; and*
- 2. ii. North East Catchment Management Authority can demonstrate that any proposed in-stream infrastructure would not result in increased public safety or flooding risk within the townships.*

*b. Agree to take on the asset ownership of the fish passage structures at Bright and Porepunkah and associated operational and renewal responsibilities, subject to Council's current and future financial capacity to maintain its assets, should the North East Catchment Management Authority secure funding and construct the fish passage structures; and*

*c. Officers work closely with the North East Catchment Management Authority during the implementation of the fish passage structures.*

In May 2020, NECMA secured \$2.6 million of funding through the State Government's 'Building Works' program to construct a fishway at the Bright weir.

A Project Steering Group of key stakeholders has provided project oversight and review as the detailed design has been developed. The detailed design is currently 80% complete and NECMA is now seeking Council's support to enable it to move forward with completing the detailed design and progressing into construction.

## **ISSUES**

### ***Benefit to waterway health***

The Ovens River is home to one of the most significant populations of native fish in the Murray-Darling Basin, including several threatened species including Silver Perch, Flatheaded Galaxias, Trout Cod, Macquarie Perch and Murray Cod. It is one of only two rivers in the Basin with a near-natural flow regime. Providing fish passage at Bright Weir is identified in the North East Catchment Management Authority Regional Waterway Strategy (2104) as a lead action (UOV LA 1.5). This will allow an increase in movement from Bright Weir to the headwaters of the Ovens River of 42km and an additional 120km of tributaries.

### ***Flood Risk***

Through flood modelling, NECMA has demonstrated that there will be negligible impact on flood risk to the Bright township through the proposed construction of a fish passage structure at the Bright weir.



### ***Public Safety Risk***

In the hierarchy of control, eliminating a risk completely is the preferred option where this is available and practicable. In the case of the fishway, removing the weir, returning the river to its natural habitat and therefore eliminating the need for a fishway and associated risks is the most robust way in which to address public safety risk relating to the fishway. Additionally, doing so would also eliminate the requirement for the seasonal installation and removal of the weir boards, recognised to be one of the highest risk activities carried out by Council's maintenance team. It would also lower the risk of drowning in the seasonal pool.

However, removing the weir would also remove the seasonal swimming pool, and would render the Rotary Slide inoperable as this slide relies on the water surface being elevated through installation of the weir boards.

The detailed design is approximately 80% complete. NECMA commissioned an external specialist to facilitate a design safety review of the proposed fish passage structure at the Bright weir. Council officers participated in this review. Through this review, credible threats were identified as well as the groups of people most likely to be exposed to these threats. Existing and planned mitigation and controls were considered, and a number of new mitigation methods and controls.

At the end of the workshop it was concluded by the workshop participants that all reasonably practicable precautions have been identified to manage safety associated with the operation of the proposed fish passage structure, and that the operation of the proposed fish passage structure will not result in a situation that is prohibitively dangerous for members of the public or for staff involved in the operation and maintenance of the structures.

In the August 2016 Council Meeting, Council provided support to NECMA's proposed funding application providing 'that any proposed instream infrastructure would not result in increased public safety risk'. Council officers believe that the proposed fishway does result in increased public safety risk, however it is challenging to establish definitively how much additional risk this imposes and how this risk compares to the risks which already exist for users of the seasonal pool.

Legal advice has been sought regarding Council's liability associated with the operation of the fishway. A recommendation that has been accepted is for Council officers to re-engage Life Saving Victoria (LSV) to reassess the seasonal pool based on the current information which is available, including the modelling of flow velocities into the trash rack under different river conditions. LSV is familiar with the operations at the Bright seasonal pool. They were engaged by Council to carry out an assessment of the Bright and Porepunkah seasonal pools in 2021 and have also been engaged by NECMA to support the detailed design process.

### ***Renewal of Weir Infrastructure***

Whilst the Bright weir is considered to have a remaining useful life of at least 20 years, if Council carried out any work on the weir structure other than minor maintenance, a permit condition could potentially trigger a requirement for Council to construct a fish

passage structure as part of these repair/renewal works. In the event that Council does not support the delivery of a fish passage structure by NECMA using the funding it has currently secured, there is a high risk that Council could be required to pay 100% of the cost to construct a fish passage structure when repairing/renewing the existing weir.

### *Visual Amenity Impact*

Fish passage structures are typically large concrete and galvanised steel structures that may not necessarily blend into the surrounding environment of the existing weir in Bright. Throughout the design process, Council officers have stressed the aesthetic, recreational and economic importance of the area around the Bright weir and the need for the fish passage structure to be sympathetic to the existing environment to the extent that is reasonably practicable.

### *Operational Seasonal Pool*

The seasonal swimming pool is a popular attraction both for residents and for visitors to Bright. The Rotary Slide is also a popular attraction and provides one of the key sources of income for the Rotary Club of Bright. A proposal to remove the weir board and return the Ovens River to its natural state has not been tested broadly with the community at this point, however feedback received from individuals in the community has indicated that such a proposal would receive strong opposition. This report proposes no changes to normal annual operations of the seasonal pool.

### *Funding Agreement*

The original deadline for delivery of the project under the funding agreement was June 2022. NECMA has negotiated an extension to the funding agreement, however in order to lock in this extension NECMA requires Council's support to move forward with finalising the detailed design, re-estimating the cost of the project and going to tender with the aim to construct.

## **POLICY IMPLICATIONS**

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

- 4.5 Assets for our current and future needs

## **FINANCIAL AND RESOURCE IMPLICATIONS**

NECMA has secured \$2.6 million of State Government funding to deliver the fishway at the Bright weir and has confirmed based on the latest cost estimates that there is sufficient funding to deliver the project. The cost estimates include provision for reasonable measures to ensure the introduced structures are sensitive to the surrounding environment. There is no co-contribution required from Council towards the project cost.

Council has committed and will continue to commit internal resources to participate in the Project Steering Group in order to ensure the outcome is aligned with the interests of the community.

Taking on the ownership and operational responsibility of the proposed fishway would increase Council's asset base (and hence renewal requirement) and ongoing maintenance costs. Cost estimates are approximately:

- \$52,000 annual asset renewal provision
- \$10,000 annual asset maintenance cost in addition to the current weir maintenance costs

## **CONSULTATION**

NECMA is leading the delivery of this project, including the consultation processes.

A Project Steering Group was established to provide project oversight and review as the detailed design was developed. The Project Steering Group comprises representatives of the following organisations:

- North East Catchment Management Authority (NECMA)
- Department of Environment, Land, Water and Planning (DELWP)
- Taungurung Land and Waters Aboriginal Council
- Upper Ovens Landcare Group
- Bright Chamber of Commerce
- Alpine Shire Council

Council Officers will continue to work closely with NECMA through representation on the Project Steering Group.

It is recommended that NECMA carries out broad engagement of the local community and interested stakeholder groups (for example sport fishing clubs) before proceeding into construction, and that open lines of communication are maintained with interested stakeholders throughout the remaining stages of the project.

## **CONCLUSION**

Concept and detailed design for a fishway at the Bright weir has been progressed on the basis that the resulting benefits to waterway health are significant.

Detailed design of the fish passage structure for the Bright weir is now 80% complete, and NECMA is seeking Council's support to enable it to move forward with completing the detailed design and progressing into construction.

It has been established that the installation of the instream structure will result in negligible impact on flood risk, and that with the controls and barriers which have been identified, the operation of the structure will not present a situation that is prohibitively dangerous to members of the public or operations/maintenance staff.

Ongoing close collaboration between NECMA and Council will be important to deliver a successful outcome to the project.

## **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 Facilities

## **ATTACHMENT(S)**

Nil

## 7.2.3 Asset Plan 2022-2032

### INTRODUCTION

This report relates to the adoption of the Asset Plan 2022-2032, prepared in accordance with requirements of the *Local Government Act 2020*.

*Cr Keeble*  
*Cr Hughes*

*That Council:*

- 1. Notes that one formal submission was received regarding the Draft Asset Plan which did not result in changes to the document, and that feedback has been provided to the submitter;*
- 2. Adopts the Asset Plan 2022-2032; and*
- 3. Signs and seals the Asset Plan 2022-2032 at the appropriate stage of this meeting.*

*Carried*

### BACKGROUND-

Section 92 of the *Local Government Act 2020* (LGA 2020) requires all Victorian councils to develop, adopt and keep in force an Asset Plan (the Plan). The Plan must be adopted by 30 June 2022.

The Plan is a strategic document that informs the community about how Council's infrastructure assets will be managed and maintained to support achieving the Community Vision and Council Plan objectives.

The Plan must cover a minimum period of at least the next 10 financial years, and include information about maintenance, renewal, acquisition, expansion, upgrade, disposal, and decommissioning in relation to each class of infrastructure asset under the control of Council. These asset classes include roads and car parks, buildings, pathways and shared trails, open space assets, drainage and bridges.

### ISSUES

None to report.

### POLICY IMPLICATIONS

The Asset Plan has been prepared to meet the requirements of the *Local Government Act 2020*.

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

There are no additional financial or resource implications associated with the adoption by Council of the Asset Plan. The content of the Plan is aligned with the content of the Financial Plan, adopted by Council at its October 2021 Council Meeting.

## CONSULTATION

In accordance with the requirements of the LGA 2020, the first version of the Plan must be adopted in accordance with Council's Community Engagement Policy. The content of the Plan is closely aligned with the content of the Financial Plan, supports delivery of the Strategic Objectives of the Council Plan 2021-2025, and supports progress towards achieving the Community Vision 2040. The Community Vision, Council Plan and Financial Plan were all prepared with significant community engagement, including a thorough deliberative engagement process.

The draft Asset Plan was released for a 28-day public exhibition period following the April Council Meeting, with submissions closing on Thursday 12 May 2022.

One submission was received regarding the Asset Plan, summarised as follows:

| Summary  | Comments  |
|--|---|
| Request that airfields are identified as a discrete asset class and not categorised under the roads asset class.<br>Request that the Porepunkah Airfield is identified in the Plan as an important Council asset and that a long-term asset development plan is developed. | Feedback was sought from other councils to understand how they categorise their airfield infrastructure. On receipt of this feedback and following engagement with the submitter on behalf of the Porepunkah Airfield Association, it has been agreed to leave the categorisation of airfield assets unchanged. |

The Plan must be reviewed in accordance with Council's deliberative engagement practices and an update adopted by 31 October in the year following a general election of Council.

## CONCLUSION

Council is legislated under LGA 2020 to develop and adopt an Asset Plan which includes information about maintenance, renewal, acquisition, expansion, upgrade, disposal, and decommissioning in relation to each class of infrastructure asset under the control of the Council. Council's Draft Asset Plan has been developed in line with this legislation.

## **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 Asset Maintenance

## **ATTACHMENT(S)**

8.2.3 Asset Plan 2022-2032

## 7.3 DIRECTOR CORPORATE PERFORMANCE – HELEN HAVERCROFT

### 7.3.1 Budget Report - Quarterly Review

#### **INTRODUCTION**

The purpose of this report is to note the Budget Report - Quarterly Review for the period ending 31 March 2022.

*Cr Keeble*

*Cr Kelley*

*That Council receives and notes the Budget Report - Quarterly Review for the period ending 31 March 2022.*

*Carried*

#### **BACKGROUND**

The purpose of the Budget Report - Quarterly Review (the "Report") is to provide Council with an overview of the quarter three results and an update on the forecast financial position against the full year budget.

Explanations are provided for variances to budget greater than \$100,000.

#### **ISSUES**

Council is forecasting a full year surplus of \$11.7m, which is \$5.1m higher than the budgeted surplus of \$6.6m.

The main driver of the increase in the surplus is unanticipated and unbudgeted additional grant income including early receipt of a significant part (75%) of 2022/23 Commonwealth Financial Assistance Grants.

Over 2021/22 the most significant of these are:

- Early receipt of 75% of the 2022/23 Financial Assistance Grants \$3m
- Additional unbudgeted funding for the Bogong High Plains Road Blackspot project \$1.3m
- Additional Bushfire Recovery Funding of \$1m
- Reduction in the Dargo High Plains Road Upgrade Phase 1 expenditure of \$0.9m
- Restatement of Capital Works Grants by an additional \$0.7m
- Great Valley Trail Income of \$0.4m
- Additional funding opportunities for community events projects of \$0.3m
- Unbudgeted funding for new employees from Apprenticeship Support Australia \$0.2m



This increased income together with a decrease in employee costs (\$0.4m) and increased materials and services expenditure of (\$0.2m) are the key drivers in the variance between the budgeted and forecasted position.

The materials and services items that have varied from budget include increased insurance premiums, IT subscription services costs, expenses from COVID related activities, higher than anticipated level of activity for infrastructure asset maintenance and several unbudgeted programs that are fully or partially funded by grants.

Major forecast variances to capital works incomes and expenditures are as follows:

- Great Valley Trail – \$370k additional income and \$700k additional expenditure because of capital works being carried over from 2020/21
- Dargo High Plains Road Upgrade Phase 1 – forecast income and expenditure has been reduced by \$800k and \$880k due to works being deferred until 2022/23
- Dinner Plain Activation Phase 2 – \$150k additional income and \$50k additional expenditure due to additional grant funding received
- Bogong High Plains Road Blackspot – \$1.3m additional grant funding income and expenditure due to additional grant funding received
- Snowy Creek Road Upgrade – forecast income has been reduced by \$110k as no further funds are expected to be received for this project
- Dinner Plain Activation Phase 1 and Dinner Plain Snowmaking – forecast expenditure has been reduced by \$720k due to the restricted availability of suitable contractors and a delayed component of the scope of the Dinner Plain projects
- Buckland Valley Road Upgrade – additional expenditure of \$282k for road works that were originally planned to be delivered by DELWP.
- Mount Beauty Airport Upgrade - Pavement works unable to be completed by winter due to latent conditions deferring \$760k in expenditure
- Tawonga Caravan Park Upgrade - increased scope of work following December 2021 council meeting results in additional expenditure of \$200k
- Energy Efficient Street Lighting - Contract for works awarded at April 2022 Council meeting. This work and expenditure of \$420k is deferred until 2022/23
- Porepunkah Landfill Rehabilitation Stage 2 - Design currently under EPA review which will delay planned completion in 2021/22 and carry over \$463k in expenditure
- Myrtleford Memorial Hall Renewal - Work paused pending council decision at April 2022 Council meeting regarding relocation of Visitor Information Centre. Expenditure of \$259k deferred until 2022/23.

### ***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 quarter three 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

- undertake 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.

As none of these three items is forecast to occur Council is not required to complete a revised budget for 2021/22.

## **POLICY IMPLICATIONS**

The Report has been prepared in line with the requirements of the *Local Government Act 2020* (LGA 2020).

*Section 97(1) of the LGA 2020* (Quarterly budget report) commenced on 24 October 2020 and states that, "As soon as practicable after the end of each quarter of the financial year, the CEO must ensure that a quarterly budget report is presented to the Council at a Council meeting which is open to the public".

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**

Financial performance to date indicates a full year surplus of \$11.7m, which is \$5.1m higher than the budgeted surplus of \$6.6m.

## **CONSULTATION**

The Report has been prepared through a rigorous process which includes each department reviewing their budget and providing explanations for variances at the master account level.

The Report has been presented to the Finance Committee and the Audit and Risk Committee for noting.

## **CONCLUSION**

The Budget Report - Quarterly Review for the period ending 31 March 2022 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 Performance
- Manager Corporate
- Financial Accountant

**ATTACHMENT(S)**

8.3.1 Budget Report - Quarterly Review for the period ending 31 March 2022.

## 7.3.2 Quarterly Performance Report – Council Plan

File Number: SU600.03

### **INTRODUCTION**

The Alpine Shire Council Plan 2021-2025 was adopted by Council in October 2021 and sets out Council's direction for the next four years. Council has committed to providing quarterly updates to the community on the progress against the plan and presents this Quarterly Performance Report as the end of quarter three update in 2021/22.

*Cr Hughes*

*Cr Keeble*

*That the Alpine Shire Council Plan Quarterly Performance Report ending 31 March 2022 be received and noted.*

*Carried*

### **BACKGROUND**

Following an extensive community and deliberative engagement process, Council adopted the Alpine Shire Council Plan 2021-2025 in October 2021, with the plan taking effect from 1 July 2021.

The Council Plan lists strategic drivers, strategic objectives, strategies, strategic indicators, major initiatives, guiding legislation, and plans, that collectively provide direction to Council's endeavours during its term.

While there is no legislative requirement to report on progress against the Council Plan, a commitment to report quarterly to the community was included as part of the document. The Governance and Management Checklist that forms part of the Local Government Performance Reporting Framework (LGPRF) also suggests that it is best practice to report on Council Plan progress at least on a six-monthly basis.

By reporting quarterly, Council maintains scrutiny that progress against the Council Plan is on schedule, and that objectives and major initiatives are maintained as priorities year on year.

Where quarterly or half-yearly reporting of objectives does not generate meaningful results, these are reported at end of the financial year as part of the annual report.

### **HIGHLIGHTS**

The Council Plan 2021-2025 is split into five strategic drivers, that mirror the Community Vision 2040. Within each of these drivers, there are strategic objectives, strategies, and major initiatives that provide the means to report on Council's progress against the Council Plan.

High level highlights are summarised on the following pages – refer to the attachment for detailed information.

***Strategic Driver 1: For those who live and visit***

- A draft Reflect Reconciliation Action Plan (RAP) was developed in conjunction with the Reflect RAP Designated Working Group. The draft document opened for public input and consultation from First Nations peoples of the Alpine Shire, with feedback closing 29 April 2022. There will be an opportunity for non-First Nations people to provide feedback later in the year.
- Draft Affordable Housing Analysis and Action Plan received. This is being internally reviewed and finalised for presentation to Council in due course. In addition, Council officers continue to undertake advocacy with relevant state departments at every opportunity presented.

***Strategic Driver 2: For a thriving economy***

- The Spartan and GOAT events were successfully completed. Participation numbers in the Spartan event were reduced compared to previous years as a result of Covid-19 restrictions and participant hesitancy. Another 55 events (varying from small to large scale events) facilitated on Council land were delivered since January 2022, including the Bright Paragliding Open, Markets, Alpine Classis, Brighter Days, Myrtleford Bush Market and Dederang Picnic Races

***Strategic Driver 3: For the bold protection of our future***

- Climate Action Plan initiatives have been delivered through the development of:
  - 1. ESD Design Guidelines and specifications and currently being trialled on two (2) major renovations.
  - 2. Council has applied for funding for 8 charging stations to be installed at the Bright office for future Council EV fleet.
  - 3. Solar PV and batteries switched on at six (6) of Councils buildings.
  - 4. Streetlight replacement with LED progressing.
- FOGO Implementation will be delivered in July 2023. Implementation plan adjusted and educational collateral is being finalised with Sustainability Victoria. Council is still discussing the final funding model with DEWLP which is due for response at the end of April.

***Strategic Driver 4: For the enjoyment and opportunities of our lifestyle***

- The annual Elm Leaf Beetle has been completed including updating the GIS location and relevant diameter measurements for each tree surveyed. The Upper canopy works were undertaken based on risk and location.
- The Alpine Sport and Active Recreation Plan adopted by Council.

### ***Strategic Driver 5: For strong and informed leadership***

- A draft of Council's Gender Equality Action Plan was prepared and circulated to councillors, employees, and employee representatives in March 2022. A final Gender Equality Action Plan will be submitted to the Gender Equality Commission by 29 April 2022, in line with an extension granted by the Commission.

### **POLICY IMPLICATIONS**

The development of a Council Plan is a requirement of the *Local Government Act 2020* and is a guiding document for Council until 30 June 2025.

Quarterly reporting aligns with the Alpine Shire Council Plan 2021-2025 Strategic Objective:

5.2: A responsible, transparent, and responsive organisation.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

The Council Plan is a key document informing the financial and human resources required to achieve Council's objectives. Resources to support the Council Plan are detailed in the long-term Financial Plan, and annual Budget.

### **CONSULTATION**

The Council Plan was subject to public exhibition prior to being adopted by Council. Annual major initiatives are detailed in Council's Budget, which is also subject to public exhibition prior to adoption.

Many of the individual initiatives and activities included in the Council Plan are subject to their own community participation and consultation processes.

### **CONCLUSION**

This quarterly report shows that progress is being made on the delivery of key Council Plan actions.

### **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:

- Directors
- Managers
- Governance Officer

### **ATTACHMENT(S)**

8.3.2 Alpine Shire Council Quarterly Performance Report – ending 31 March 2022

### 7.3.3 Submissions to the Draft 2022/23 Budget

File Number: 2022/23 Budget

#### INTRODUCTION

The purpose of this report is to respond to the submissions received that relate to the draft Budget 2022/23 for the Alpine Shire Council.

*Cr Janas*

*Cr Prime*

*That Council:*

1. *Considers written and verbal submissions received pursuant to Council's Community Engagement Policy, in relation to the Alpine Shire Council Budget 2022/23.*
2. *Makes the following amendments to the Alpine Shire Council Budget 2022/23:*

| <i>Submission #</i>  | <i>Budget section</i> | <i>Submission / Amendment</i>             | <i>Value in Draft Budget</i> | <i>Amount to be Adopted</i> |
|--|-----------------------|---|------------------------------|-----------------------------|
| <i>Carry forward expenditure for the following 2021/22 capital projects:</i> |                       |   |                              |                             |
| <b>#16</b>   | <b>5.4.3</b>          | <i>Tawonga Community Memorial Hall</i>    | <i>\$300,000</i>             | <i>\$500,000</i>            |
|  |                       | <i>Myrtleford Memorial Hall</i>           | <i>\$100,000</i>             | <i>\$150,000</i>            |
|  |                       | <i>Mount Beauty Airport</i>               | <i>\$0</i>                   | <i>\$370,000</i>            |
|  |                       | <i>Big Hill Car Park Sealing</i>          | <i>\$0</i>                   | <i>\$260,000</i>            |
|  |                       | <i>Myrtleford Landfill Rehabilitation</i> | <i>\$1,060,000</i>           | <i>\$980,000</i>            |
|  |                       | <i>Porepunkah Drainage Strategy</i>       | <i>\$0</i>                   | <i>\$10,000</i>             |
|  |                       | <i>Dinner Plain Pump Track Design</i>     | <i>\$0</i>                   | <i>\$40,000</i>             |
|  |                       | <i>Bakers Gully Drainage Renewal</i>      | <i>\$0</i>                   | <i>\$150,000</i>            |
|  |                       | <i>Great Valley Trail Revegetation</i>    | <i>\$0</i>                   | <i>\$30,000</i>             |
| <i>Allocate budget to the following capital projects:</i>                    |                       |   |                              |                             |

| <i>Submission #</i>  | <i>Budget section</i> | <i>Submission / Amendment</i>                                    | <i>Value in Draft Budget</i> | <i>Amount to be Adopted</i> |
|--|-----------------------|--|------------------------------|-----------------------------|
| <b>#16</b>   | <b>5.4.2</b>          | <i>Porepunkah and Myrtleford Transfer Station Office Upgrade</i> | <b>\$0</b>                   | <b>\$200,000</b>            |
|  |                       | <i>Tawonga Scout Hall Demolition</i>                             | <b>\$0</b>                   | <b>\$65,000</b>             |
|  |                       | <i>Mummery Road Footpath Design</i>                              | <b>\$0</b>                   | <b>\$10,000</b>             |
|  |                       | <i>Transfer Station Upgrades</i>                                 | <b>\$220,000</b>             | <b>\$0</b>                  |
|  |                       | <i>Porepunkah Landfill Rehabilitation Stage 2</i>                | <b>\$1,195,000</b>           | <b>\$1,560,000</b>          |
|  |                       | <i>Small Plant and Equipment Renewal</i>                         | <b>\$335,000</b>             | <b>\$105,000</b>            |
|  |                       | <i>L2P Vehicle Renewal</i>                                       | <b>\$31,000</b>              | <b>\$0</b>                  |
| <b><i>Carry forward expenditure for the following operational items:</i></b> |                       |  |                              |                             |
| <b>#16</b>   | <b>4.1</b>            | <i>Asset Management System Improvement</i>                       | <b>\$90,000</b>              | <b>\$160,000</b>            |
|  |                       | <i>Telecommunications Strategy - Bushfire recovery</i>           | <b>\$0</b>                   | <b>\$15,500</b>             |
|  |                       | <i>Key Worker Housing Pilot Program</i>                          | <b>\$25,000</b>              | <b>\$50,000</b>             |
|  |                       | <i>L2P</i>   | <b>\$19,500</b>              | <b>\$33,500</b>             |
|  |                       | <i>FreeZa Youth Series</i>                                       | <b>\$24,000</b>              | <b>\$36,000</b>             |
|  |                       | <i>Engage!</i>   | <b>\$24,000</b>              | <b>\$25,500</b>             |
| <b><i>Amend expenditure related to the following operational items:</i></b>  |                       |  |                              |                             |
| <b>#16</b>   | <b>4.1</b>            | <i>Tree Maintenance</i>  | <b>\$160,000</b>             | <b>\$210,000</b>            |
|  |                       | <i>Footpath Maintenance</i>                                      | <b>\$20,000</b>              | <b>\$50,000</b>             |
|  |                       | <i>Playground Maintenance</i>                                    | <b>\$25,000</b>              | <b>\$50,000</b>             |



| <i>Submission #</i>  | <i>Budget section</i> | <i>Submission / Amendment</i>                            | <i>Value in Draft Budget</i> | <i>Amount to be Adopted</i> |
|--|-----------------------|--|------------------------------|-----------------------------|
|  |                       | <i>Overheads - Bushfire Recovery</i>                     | <i>\$45,000</i>              | <i>\$30,000</i>             |
|  |                       | <i>Freedom of Information</i>                            | <i>\$5,000</i>               | <i>\$20,000</i>             |
|  |                       | <i>Corporate Business Systems</i>                        | <i>\$0</i>                   | <i>\$10,000</i>             |
|  |                       | <i>Library Discretionary Purchases</i>                   | <i>\$0</i>                   | <i>\$10,000</i>             |
|  |                       | <i>Tourism North East - Annual Campaign</i>              | <i>\$137,000</i>             | <i>\$102,000</i>            |
|  |                       | <i>Dinner Play Snow Play Slope Management</i>            | <i>\$0</i>                   | <i>\$25,000</i>             |
|  |                       | <i>Kerbside Collection</i>                               | <i>\$1,022,713</i>           | <i>\$955,140</i>            |
|  |                       | <i>Facility Cleaning</i>                                 | <i>\$75,000</i>              | <i>\$80,000</i>             |
|  |                       | <i>Harrietville Green Waste</i>                          | <i>\$0</i>                   | <i>\$834</i>                |
|  |                       | <i>Other Buildings</i>                                   | <i>\$31,000</i>              | <i>\$59,000</i>             |
|  |                       | <i>Planning Scheme Amendments</i>                        | <i>\$0</i>                   | <i>\$50,000</i>             |
|  |                       | <i>Bright Western Gateway Precinct Structure Plan</i>    | <i>\$50,000</i>              | <i>\$600,000</i>            |
| <i>Allocate budget to the following operational items:</i> |                       |  |                              |                             |
| <i>#16</i>   | <i>4.1</i>            | <i>Systems Integration Architecture Consultant</i>       | <i>\$0</i>                   | <i>\$40,000</i>             |
|  |                       | <i>Data Engineer</i>                                     | <i>\$0</i>                   | <i>\$60,000</i>             |
| <i>Amend the following Grant Income:</i>                   |                       |  |                              |                             |
| <i>#16</i>   | <i>5.2</i>            | <i>Victorian Grants Commission Administration Income</i> | <i>\$4,198,000</i>           | <i>\$3,138,000</i>          |

| <i>Submission #</i>   | <i>Budget section</i> | <i>Submission / Amendment</i>                           | <i>Value in Draft Budget</i> | <i>Amount to be Adopted</i> |
|---|-----------------------|---|------------------------------|-----------------------------|
| <b><i>Amend the following Rates and Charges Income:</i></b> |                       |   |                              |                             |
| <b>#16</b>  | <b>5.1</b>            | <b><i>Rates and Charges</i></b>                         | <b>\$16,099,538</b>          | <b>\$16,083,509</b>         |
|   |                       | <b><i>Kerbside Collection Income</i></b>                | <b>\$2,596,850</b>           | <b>\$2,608,872</b>          |
| <b><i>Amend the following Fee and Other Income:</i></b>     |                       |   |                              |                             |
| <b>#16</b>  | <b>4.15,</b>          | <b><i>Porepunkah Bridge Caravan Park</i></b>            | <b>\$0</b>                   | <b>\$122,400</b>            |
|   |                       | <b><i>Tawonga Holiday Park</i></b>                      | <b>\$50,000</b>              | <b>\$20,000</b>             |
|   |                       | <b><i>Food Safety Income - Premise Registration</i></b> | <b>\$135,000</b>             | <b>\$130,000</b>            |

3. ***The following submissions may be further assessed or managed by the Alpine Shire Council as per comment detail, however, do not result in Changes to the Alpine Shire Council Budget 2022/23 for the stated reasons:***

| <i>Submission #</i> | <i>Submission proposal</i>                               | <i>Value</i>             | <i>Rationale and Approach</i>   |
|---------------------|--|--------------------------|---|
| <b>1</b>            | <b><i>Kiewa Valley Historical Society storage</i></b>    | <b><i>Not stated</i></b> | <b><i>Council will complete a condition assessment of the existing storage area to identify opportunities for cost-effective improvements to better meet the user requirements. Development of the site of the former Tawonga Scout Hall will be informed through community consultation and subject to a Council decision.</i></b> |
| <b>2</b>            | <b><i>Asset development plan for airfield assets</i></b> | <b><i>Not stated</i></b> | <b><i>Council recommends that the Porepunkah Airfield Association drafts the Asset Development Plan for the airfield.</i></b>   |

| <i>Submission #</i> | <i>Submission proposal</i>   | <i>Value</i>             | <i>Rationale and Approach</i>   |
|---------------------|--|--------------------------|---|
| <i>3</i>            | <i>Redevelopment of the Bright Skate Park</i>                          | <i>Not stated</i>        | <i>Council recommends consideration for the 2023/24 budget for concept design and costing, subject to community fundraising being secured to demonstrate support.</i>               |
| <i>4</i>            | <i>Upgrade of the toilet block at the Dederang Recreation Reserve</i>  | <i>Not stated</i>        | <i>Council will complete a condition assessment of the existing amenities to identify opportunities for upgrading to provide amenities accessible 24/7 and serviced by Council.</i> |
| <i>5</i>            | <i>Repairs and upgrade of Alex McCullough Hall</i>                     | <i>Not stated</i>        | <i>Council will complete a condition inspection of the Hall to establish a proposed maintenance and renewal plan.</i>   |
| <i>6</i>            | <i>Community input into the Gundowring Hall and Recreation Reserve</i> | <i>Not stated</i>        | <i>Council will complete a condition inspection of the Hall to establish maintenance and renewal requirements.</i>  |
| <i>7</i>            | <i>Ireland Street (Bright) Fairy Lights maintenance</i>                | <i>\$1,500 per annum</i> | <i>Council recommends adherence to the existing MOU.</i>  |
| <i>8</i>            | <i>Commentary on seven (7) items in the Budget</i>                     | <i>Not stated</i>        | <i>Council will provide a written response to the submitter's questions.</i>  |
| <i>9</i>            | <i>Mount Beauty Scout Hall maintenance</i>                             | <i>Not stated</i>        | <i>Council will deliver these works from existing maintenance budgets.</i>  |

| <i>Submission #</i> | <i>Submission proposal</i>  | <i>Value</i>      | <i>Rationale and Approach</i>  |
|---------------------|---|-------------------|--|
| 10                  | <i>Improvements to road and trail infrastructure along Fredas Lane, Tawonga</i>                             | <i>Not stated</i> | <i>Council will reassess the unsealed section of Fredas Lane for sealing.<br/>Council will engage with the community to establish support to close the unformed section of Fredas Lane to vehicular traffic.<br/>Council is seeking opportunities for funding to establish a tracks and trails masterplan for the Shire.</i> |
| 11                  | <i>Electric Vehicle charging station – Mount Beauty</i>   | <i>Not stated</i> | <i>Council will commit staff resources to the analysis phase of the project to determine viability.</i>  |
| 12                  | <i>Design of an extension to the Tawonga to Mount Beauty Shared Trail, and footpath network in Tawonga.</i> | <i>Not stated</i> | <i>These projects will be added to the project pipeline for prioritisation in a future year.</i>   |
| 13                  | <i>Community Battery - Mount Beauty and Bright</i>  | <i>Not stated</i> | <i>Council will commit staff resources to participate in the consultative committee.</i>   |
| 14                  | <i>Sustainable Housing model</i>  | <i>Not stated</i> | <i>Council is currently assessing potential solutions to the affordable and key worker housing challenges, and the next steps will be informed through this assessment.</i>  |
| 15                  | <i>Cycling precinct in Jump / Pump Track Bright</i>   | <i>Not stated</i> | <i>Will be added to the project pipeline for prioritisation in a future year, informed by development of the revised Pioneer Park Masterplan.</i>  |

**4. Notifies in writing each person or persons who made a submission of the decision and the reasons for that decision.**

*Carried*

## BACKGROUND

### Budget Overview

Based on ongoing community consultation, Council has prepared a Budget for 2022/23 which is aligned to the vision in the Council Plan 2021-2025.

Through continued strong cost management, the Budget provides a prudent financial position which enables Council to continue to deliver critical services and projects as conditions evolve.

Key budget information is provided in the Budget 2022/23 including details of the rate increase, the strategic objectives of the Council, the operating result, ongoing service provision, capital works projects and the Council's financial position.

### Submission Process

Section 96(1) of the *Local Government Act 2020* provides for Council to develop the budget in accordance with financial management principles and Council's Community Engagement Policy.

Council elected to mirror the public submissions process for the Budget to that required for the Dinner Plain Special Rate, under s223 of the *Local Government Act 1989*. This included a minimum 28-day public submissions process, with the draft 2022/23 Budget available for inspection at the Council office and website.

Council Officers have also made internal submissions. The purpose of an internal submission is to ensure that relevant information arising after the Budget has been placed on exhibition for public comment is considered by Council for inclusion in the final Budget. Internal submissions must be endorsed by Council under the same process as external submissions.

Submissions 1-15 are submissions from the public. Submission 16 is Council's internal submission. All submissions were treated in accordance with Section 223 requirements and Council's Community Engagement Policy.

## POLICY IMPLICATIONS

The Budget is prepared in accordance with the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020*. Submissions have been governed by Council's Community Engagement Policy, effectively mirroring the s223 *Local Government Act 1989* process. The following requirements are set out:

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

The net impact of the submissions which are recommended for incorporation into the Budget 2022/23 is as follows:

- Carried forward capital works - \$1,030,000
- New and refined capital work expenditure - \$159,000
- Carried forward operational expenditure - \$138,000
- Additional operating expenditure - \$781,261
- Reduced rates, charges and other income - (\$976,607)
- Overall, the projected surplus is \$5,234m compared to the draft Budget surplus of \$7,090m.

## CONSULTATION

Council was required to provide an opportunity for the public to make submissions regarding any proposal contained within the draft Budget. This was conducted through a formal process in accordance with Council's Community Engagement Policy and mirroring the s223 of the *Local Government Act 1989*, which included a 28-day period where the public could provide Budget submissions and request to be heard by a committee of Councillors in support of their submission.

The draft Budget 2022/23 was released for public comment following the April Ordinary Council Meeting. Public submissions formally closed on Thursday 12 May.

Those that formally requested to be heard in support of their written submission attended a committee of Council on Tuesday 17 May which was formed for the purpose of hearing 2022/23 Budget submissions.

## CONCLUSION

All submissions received have been considered by Council. This report reflects the Officers' recommendations to Council following a review of the cost and scope of each submission, and overall deliverability of the full scope of 2022/23 work.

## 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
- Manager Corporate
- Governance Officer
- Financial Accountant

## ATTACHMENT(S)

Nil

*Note: Councillors resolved to determine agenda item 7.3.5 Declaration of Dinner Plain Special Rate (2022/23) prior to agenda item 7.3.4 Adoption of the 2022/23 Rates and Charges.*

## **7.3.4 Adoption of 2022/23 Rates and Charges**

File Number: Budget 2022/23

### **INTRODUCTION**

The purpose of this report is to adopt the rates and charges of Alpine Shire Council for the 2022/23 financial year for the period 1 July 2022 to 30 June 2023.

*Cr Forsyth*

*Cr Keeble*

*That Council:*

*1. Declares rates and charges of \$19,898,563 be raised in the 2022/23 financial year and featuring a 1.75% rate increase, for the purpose of section 94(1) of the Local Government Act 2020, based on setting the 'rate in the dollar' and 'charges' as follows:*

- a. General (residential) rate (0.002750)*
- b. General (residential) rate Dinner Plain (0.002750)*
- c. Commercial/Industrial differential rate (0.003933)*
- d. Farm differential rate (0.002008)*
- e. Dinner Plain Special rate (0.001183)*
- f. Waste – 80 litre bin (weekly) \$231.30*
- g. Waste – 240 litre bin (weekly) \$512.24*
- h. Waste – 240 litre bin (fortnightly) \$231.30*
- i. Recycling – 140 litre bin (fortnightly) \$101.49*
- j. Recycling – 240 litre bin (fortnightly) \$107.00*
- k. Recycling – 360 litre bin (fortnightly) \$113.07*
- l. Recycling – 240 litre bin (weekly) \$214.13*
- m. Recycling – 360 litre bin (weekly) \$226.27*
- n. Dinner Plain standard waste service \$709.80*
- o. Dinner Plain commercial waste service \$1613.12*
- p. Waste Management Charge \$95.00*

*2. Declares that rates and charges must be paid by four instalments on or before 30 September 2022, 30 November 2022, 28 February 2023 and 31 May 2023 in accordance with Section 167 of the Local Government Act 1989.*

*Carried*

## BACKGROUND

Based on ongoing community consultation, Council has prepared a Budget for 2022/23 which is aligned to the Community Vision 2040 and the Council Plan 2021-2025.

Through continued strong cost management, the rates and charges to be levied and which form part of the 2022/23 Budget provides a prudent financial position which enables Council to continue to deliver critical services and projects as conditions evolve.

## ISSUES

The Budget 2022/23 projects a surplus of \$5.5m which is influenced by:

- A Rate increase of 1.75%, in line with the Fair Go Rates System which caps Victorian Council rate increases in line with inflation.
- A capital works program totalling \$18.84m in FY2022/23, a significant Capital Works Program, reflecting a steady pipeline of asset renewal and increased development activity from successful Grant applications totalling \$8.1m.
- A temporary increase in the capacity of the workforce to support delivery of the large Capital Works program.

Council has also updated its pipeline of initiatives to align budgeted activities to the strategic objectives outlined in the Council Plan 2021-2025.

In accordance with Section 94(1) of the *Local Government Act 2020*, Council is required to declare rates and charges it intends to raise by 30 June for the following financial year.

The total quantum of rates and charges raised complies with the State Government rate cap which limits the total increase in the average rates assessment revenue to 1.75%.

Council recognises community concern about the affordability of Council Services with rates and other essential services forming an increasing share of average household expenditure. The community's expectation for continuous improvement in service delivery is central to Council decision making.

Council will continue to raise, collect, and pass on the Fire Services Property Levy to the State Government in accordance with the *Fire Services Property Levy Act 2012*. This process is an outcome from the 2009 Bushfires Royal Commission recommendations.

The Annual Rate Notice will be issued to all rateable and non-rateable properties in early August 2022, together with the annual Council Rates and Valuations information (including registration for electronic notices).

The adoption of the Budget 2022/23 will be considered as a separate report at this Ordinary Council Meeting.

## POLICY IMPLICATIONS

The 2022/23 Budget is prepared in accordance with the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020*.

The Budget covers a four-year period, including the budget year 2022/23, and the subsequent three financial years.



Rating provisions remain in the *Local Government Act 1989*. The Victorian government has released the final report and government response on the Local Government Rating System Review; however this has not yet translated to legislative change.

The Budget 2022/23 is aligned to the 5 Strategic Drivers and 22 Strategic Objectives identified in the Council Plan 2021-2025. Major Initiatives are identified that will contribute to the delivery of the Strategic Objectives.

Council's progress in the delivery of these major initiatives will be reported in the corresponding Annual Report

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 prepares its Budgets with the objective of balancing long-term financial sustainability and prioritised delivery against community needs.

The 2022/23 Budget forecasts an operating surplus of \$5.5million and a working capital ratio of 4.73.

## **CONSULTATION**

Section 96(1) of *the Local Government Act 2020* provides for Council to develop the budget in accordance with the financial management principles, and Council's Community Engagement Policy.

Special Rates remain governed by the requirements of the *Local Government Act 1989* and must include a statutory public consultation process, including the ability for a submitter to request to be heard in person. It was considered prudent that Council mirror this process for public consultation and submissions regarding the draft 2022/2023 Budget, as the draft 2022/2023 Budget contains assumptions based on the inclusion of a Dinner Plain Special Rate.

Council officers undertake community engagement processes throughout the year to assist with the development of the budget. The final step is for Council to adopt the budget after receiving and considering all submissions from interested parties. The budget is required to be adopted by 30 June 2022.

## **CONCLUSION**

Council Officers recommend the adoption of the proposed rates and charges noting their alignment with Council's Budget 2022/23 and Council's Revenue and Rating Plan.

## **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 Performance
- Manager Corporate
- Financial Accountant

## **ATTACHMENT(S)**

Nil

### 7.3.5 Declaration of the Dinner Plain Special Rate (2022/23)

File Number: 600.03

#### INTRODUCTION

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

The purpose of this report is to declare a special rate for the Dinner Plain village (the "Dinner Plain Special Rate") applicable to Commercial / Industrial land only for the period 1 July 2022 to 30 June 2023.

*Cr Forsyth*  
*Cr Kelley*

*That Council:*

- 1. Notes that no submissions were received regarding the proposed declaration of the Dinner Plain Special Rate (2022/23)*
- 2. Declares the Dinner Plain Special Rate (2022/23) for the period 1 July 2022 to 30 June 2023 as follows:*
  - a. a special rate (the Dinner Plain Special Rate) be declared for the purpose of defraying any expenses in relation to the provision of services of special benefit to the owners of Commercial / Industrial land within the Dinner Plain village;*
  - b. the total cost of the performance of this function is estimated to be \$653,000 over one year, based on inclusion of the following services:*
    - i. The Dinner Plain to Hotham winter bus service*
    - ii. Roadways snow clearing*
    - iii. Cross country snow grooming*
    - iv. Marketing and events support specific to Dinner Plain*
    - v. Cable Television Maintenance.*
  - c. the Dinner Plain Special Rate will apply to Commercial / Industrial land within the Dinner Plain village as defined in the attached map;*
  - d. the definition of Commercial / Industrial land is the definition provided in the Alpine Shire Council Revenue and Rating Plan;*
  - e. the amount of the Dinner Plain Special Rate to be levied is determined as 43% of the general rate as provided in the Alpine Shire Council Budget Report 2022/23;*
  - f. the amount of the Dinner Plain Special Rate to be levied is estimated to be \$168,289 over one year, or such other amount as is lawfully raised as a consequence of this Resolution;*

- g. the amount of the special rate will be the amount shown as due and payable in any notice sent to a person required to pay the Dinner Plain Special Rate;*
- h. each person liable to pay the Dinner Plain Special Rate is to pay by instalments in line with Council's general rate payment requirements each year.*

*Carried*

## **BACKGROUND**

The Dinner Plain village has for some time been subject to a Special Rate to defray the expenses associated with services of special benefit to Dinner Plain ratepayers. Within the Council's Budget Report 2022/23, this includes:

- the Dinner Plain to Hotham winter bus service (\$270,000)
- roadways snow clearance (\$160,000)
- cross country snow grooming (\$66,000)
- marketing and events support specific to Dinner Plain (\$150,000)
- Cable Television maintenance (\$7,000)

## **ISSUES**

### *Proposed Rating Approach*

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

This approach has continued since 2018/2019. In 2022/2023 it is proposed that it be maintained for the declaration of a Special Rate to be made.

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

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

this is allocated to a reserve, namely the 'Dinner Plain Reserve'. This is inclusive of all relevant income and costs, including, for example, the general rates paid by Dinner Plain ratepayers; an apportionment of general Council grants; an apportionment of Council services relevant to Dinner Plain; an apportionment of Council overheads; all Special Rate costs; and all capital works expenditure in Dinner Plain. Based on current forecasts, Dinner Plain expenditure will continue to exceed income as it has in 2021/2022.

### ***Submissions Received***

At the April 2022 Ordinary Council Meeting, Council resolved to give notice of its intention to declare a special rate for the provision of services of special benefit to the Dinner Plain village for the period 1 July 2022 to 30 June 2023.

No submissions were received throughout the public exhibition period.

### ***Dinner Plain Financial Commitments***

It is noted that in line with the 2019/20 Dinner Plain Special Rate declaration, Council is committed to delivery of a pipeline of \$1.5m new and upgrade capital works within Dinner Plain by 2027. It is anticipated that by the end of 2022/2023, \$1,507,000 of this pipeline will have been delivered, including:

#### ***2017/18 Works***

- Toboggan Run Access Improvements - \$19,000
- Dinner Plain Mountain Bike Trails - \$187,000
- Dinner Plain Village Green - \$32,000

#### ***2018/19 Works***

- Toboggan and Ski Run Safety Improvements - \$24,000
- Dinner Plain Mountain Bike Trails Stage 2 - \$70,000 (\$187,000 total cost, \$117,000 grant funded)
- Dinner Plain Tracks and Trails Signage - \$43,000
- Dinner Plain Village Detailed Designs - \$48,000
- Dinner Plain Tube Slide - \$4,000

#### ***2019/20 Works***

- Toboggan and Ski Run Safety Improvements - \$35,000
- Dinner Plain Snowmaking Options Analysis - \$19,000 (\$62,000 total cost, \$43,000 grant funded)
- Dinner Plain Mountain Bike Trails Stage 2 - \$4,000 (\$17,000 total cost, \$13,000 grant funded)
- Dinner Plain Village Detailed Designs - \$15,000
- Dinner Plain Street Name Signage - \$19,000
- Dinner Plain Tube Slide - \$1,000

#### ***2020/21 Works***

- Dinner Plain Activation - \$81,000 (\$321,000 total cost, \$240,000 grant funded)
- Toboggan and Ski Run Safety Improvements - \$6,000

#### ***2021/22 Current Works***

- Dinner Plain Activation Phase 1 - \$765,000 (\$1.54m total cost, \$640,000 grant funded)  
– This includes works to the Bus Bays and Shelters and Scrubbers End parking upgrade
- Dinner Plain Activation Phase 2 - \$80,000 (\$2.37m total cost, \$2m grant funded)

- Dinner Plain Snow Making \$80,000 (\$3m total cost fully grant funded)

### ***2022/2023 Works Proposed***

- Dinner Plain Activation Phase 1 - \$800,000 (\$1.54m total cost, \$640,000 grant funded)
  - This includes works to the Scrubbers Hut, Toboggan Run and Mount Bike Hut and upgrades to tracks and trail runs.
- Dinner Plain Activation Phase 2 - \$650,000 (\$2.37m total cost, \$2m grant funded. This phase is expected to be completed in the 2023/24 financial year.)
  - This includes works to Recreation Reserve upgrades, car parking upgrades and landscaping at the Dinner Plain Village Centre.
- Dinner Plain Snow Making \$500,000 (\$3m total cost fully grant funded)

### **POLICY IMPLICATIONS**

The preparation of the Dinner Plain Special Rate 2022/23 is in accordance with the:

- Special Rates and Charges, Ministerial Guidelines, September 2004
- *Local Government Act 1989*
- Council's Revenue and Rating Plan.

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**

Based on current property valuations across the Alpine Shire, the Dinner Plain Special Rate for 2022/23 is proposing to raise an estimated \$168,289 over the 12-month period. This is significantly less revenue than the cost of the Special Rate services which are estimated to cost \$653,000 over the same period.

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

The Dinner Plain reserve is forecast to be \$204,000 as at 30 June 2023.

### **CONSULTATION**

Under Section 163 of the *Local Government Act 1989*, Council must give public notice of its intention to make a special rate declaration. This is conducted through a formal process in accordance with s223 of the *Local Government Act 1989*, which includes a 28-day period where the public can provide submissions regarding the proposed declaration and can request to be heard by a committee of Councillors in support of their submission.

The Dinner Plain Special Rate 2022/23 was released for public comment following the April Ordinary Council Meeting. A copy of the public notice was issued to each person liable to pay the special rate. Public submissions formally closed on Thursday 12 May 2022. No submissions were received.

## **CONCLUSION**

Council can now declare the Dinner Plain Special Rate (2022/23) in line with the requirements of the *Local Government Act 1989*.

## **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 Performance
- Manager Corporate
- Rates Coordinator

## **ATTACHMENT(S)**

8.3.5 Dinner Plain Village Rate Map

## 7.3.6 Adoption of 2022/23 Budget

File Number: Budget 2022/23

### INTRODUCTION

The purpose of this report is to adopt the Budget 2022/23 for the Alpine Shire Council, incorporating the rates and charges for the 2022/23 financial year.

*Cr Forsyth*  
*Cr Keeble*

*That Council:*

- 1. Adopts Alpine Shire Council Budget 2022/23 incorporating the amendments adopted by Council in the submissions report (agenda item 8.3.3 of this Council Meeting),*
- 2. Authorise the Acting Chief Executive Officer to give public notice of adoption of the Budget 2022/23; and*
- 3. Delegates authority to the Acting Chief Executive Officer to reflect any changes made by Council at tonight's meeting, which are not reflected in the Budget document as attachment 8.3.6 and to amend minor typographical corrections.*

*Carried*

### BACKGROUND

Based on ongoing community consultation, Council has prepared a Budget for 2022/23 which is aligned to the vision in the Council Plan 2021-2025.

Through continued strong cost management, the Budget provides a prudent financial position which enables Council to continue to deliver critical services and projects as conditions evolve.

### ISSUES

The budget projects a surplus of \$5.5m which is influenced by:

1. A Rate increase of 1.75%, in line with the Fair Go Rates System which caps Victorian Council rate increases in line with inflation.
2. A capital works program totalling \$18.84m in FY2022/23, a significant Capital Works Program, reflecting a steady pipeline of asset renewal and increased development activity from successful Grant applications totalling \$8.1m.
3. A decreased material and services budget arising from a reduction in spending on bushfire recovery.
4. A temporary increase in staffing levels largely in response to an increase in capacity required to deliver the Capital Works program.

Council has also updated its pipeline of initiatives to align budgeted activities to the strategic objectives outlined in the Council Plan 2021-2025.



In addition, a full review of Council fees and charges has been conducted. Fees have been increased in line with movements in the actual costs to provide various services.

Further detail on the operating result, strategic objectives, initiatives, services, cash and investments, capital works, financial sustainability, and rates, charges and fees can be found as per attachment 8.3.6 - 2022/23 Budget.

## **POLICY IMPLICATIONS**

The 2022/23 Budget is prepared in accordance with the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2020*.

The Budget covers a four-year period, including the budget year 2022/23, and the subsequent three financial years.

Rating provisions remain in the *Local Government Act 1989*. The Victorian government has released the final report and government response on the Local Government Rating System Review; however, this has not yet translated to legislative change.

The Budget is aligned to the Strategic Objectives identified in the Alpine Shire Council Plan 2021-2025. Major Initiatives are identified that will contribute to the delivery of the Strategic Objectives. Council's progress in the delivery of these major initiatives will be reported in the corresponding Annual Report

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 prepares its Budgets with the objective of balancing long-term financial sustainability and prioritised delivery against community needs.

The 2022/23 Budget forecasts an operating surplus of \$5.5 million and a working capital ratio of 4.73.

Materials and services expenditure has decreased due to a reduction in bushfire recovery expenditure despite the increased capital works program. Departmental budgets have largely been managed to remain flat or have increased with the Consumer Price Index.

## **CONSULTATION**

Section 96(1) of the *Local Government Act 2020* provides for Council to develop the budget in accordance with the financial management principles, and Council's Community Engagement Policy.

Special Rates remain governed by the requirements of the *Local Government Act 1989* and must include a statutory public consultation process, including the ability for a submitter to request to be heard in person. It was considered prudent that Council mirror this process for public consultation and submissions regarding the draft

2022/2023 Budget, as the draft 2022/2023 Budget contains assumptions based on the inclusion of a Dinner Plain Special Rate.

Council officers undertake community engagement processes throughout the year to assist with the development of the budget. The final step is for Council to adopt the budget after receiving and considering all submissions from interested parties. The budget is required to be adopted by 30 June 2022.

## **CONCLUSION**

All submissions received have been considered by Council. This report reflects the Officers' recommendations to Council following a review of the cost and scope of each submission, and overall deliverability of the full scope of 2022/23 work.

## **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 Performance
- Manager Corporate
- Financial Accountant

## **ATTACHMENT(S)**

8.3.6 Alpine Shire Council Budget 2022/23

## 7.3.7 Instruments of Delegation

File Number: Delegations Register

### INTRODUCTION

Instruments of Delegation are an important means of Council ensuring its officers hold the appropriate legislative powers for the various Acts and Regulations that Council administers. This report refreshes the delegation to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, and the delegation to members of Council staff.

*Cr Keeble*

*Cr Forsyth*

*That Council:*

1. *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 8.3.7(a) "S5 - Instrument of Delegation from Council 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.*
2. *Exercise the powers conferred by the legislation referred to in attachment (8.3.7(b) "S6 - Instrument of Delegation from Council to Members of Council Staff" (instrument S6), so that:*
  - f. *There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in instrument S6, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that instrument;*
  - g. *Instrument S6 be signed and sealed at the appropriate stage of this meeting;*
  - h. *Instrument S6 comes into force immediately the common seal of Council is affixed to the instrument;*

- i. On the coming into force of instrument S6, all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked; and*
- j. The duties and functions set out in instrument S6 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**

Many legislative Acts and Regulations provide Council with specific powers, duties or functions. To enable Council as an organisation to run smoothly, many of these powers, duties and functions are delegated to the Chief Executive Officer (CEO), 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 legislative decision being presented to a Council meeting.

Council's S5 Instrument of Delegation to the CEO passes on Council's powers directly to the CEO. For instances where decisions are required that are not within the CEO's delegation, these must be presented directly to Council - for example, where a purchase exceeds the CEO's financial delegation.

Where legislation allows it, the CEO then sub-delegates specific legislative duties to staff, via a separate Instrument.

Some legislation does not allow sub-delegation via the CEO, so Council must delegate these powers directly to staff using the S6 Instrument of Delegation to Council Staff.

The S5 Instrument of Delegation to the CEO was most recently updated in December 2021, while the S6 Instrument of Delegation to Members of Council Staff was most recently updated in October 2021.

## **ISSUES**

### ***Commencement of Acting Chief Executive Officer***

Following Council's appointment of an Acting Chief Executive Officer (Acting CEO) in May 2022, updating the delegated powers to the Chief Executive Officer (CEO) is considered prudent. The S5 Instrument of Delegation is made to the position of CEO, or any member of staff holding, acting, or performing the position. This covers the position of Acting CEO, without the need for a specific delegation on the change of duties or appointment of an ongoing CEO.

### ***S5 Legislative updates***

By updating the S5 Instrument of Delegation to CEO at this time, this ensures that the CEO or any person holding, acting, or performing the position, can delegate the relevant powers, duties and functions available at the time of signing. This ensures that any legislative changes that have occurred since the S5 Instrument was last signed in

December 2021, are now able to be passed on to the CEO. No changes to the content of the Instrument of Delegation to the CEO has been made since it was last adopted.

### ***S6 Legislative updates***

By updating the S6 Instrument of Delegation to Members of Council Staff, this ensures that legislative changes that have occurred since the S6 Instrument was last signed in October 2021 can be passed on to Council staff. It also means that any newly created or amended staff titles can be reflected in the delegations. Minor updates to several pieces of legislation, including the *Planning and Environment Act 1987* have been made.

## **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 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**

A review and update of the S5 Instrument of Delegation to the CEO and S6 Instrument of Delegation to Members of Council Staff will ensure that the delegations include all relevant legislative updates since the delegation was last updated in December 2021 and October 2021 respectively.

## **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 Performance
- Manager Corporate
- Governance Officer

## **ATTACHMENT(S)**

8.3.7.a. S5 - Instrument of Delegation from Council to the Chief Executive Officer

8.3.7.b. S6 - Instrument of Delegation from Council to Members of Council Staff

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

File Number: Delegations register

#### **INTRODUCTION**

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

*Cr Keeble*  
*Cr Forsyth*

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

- 1. The following member of Council staff referred to in attachment 8.3.8 "S11A – Instrument of Appointment and Authorisation – Planning & Environment Act 1987" (the instrument) be appointed and authorised as set out in the instrument;*
  - a. Strategic Planning Coordinator.*
- 2. The instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it;*
- 3. On the coming into force of the instrument, the previous "S11A – Instrument of Appointment and Authorisation – Planning and Environment Act 1987" for the following member of Council staff, as dated, be revoked;*
  - b. Planning Coordinator, dated 1 September 2020.*
- 4. The instrument be signed and sealed at the appropriate stage of this meeting.*

*Carried*

#### **BACKGROUND**

Council staff involved in planning roles require current and accurate authorisations to fulfil their duties. Council has appointed a new Strategic Planning Coordinator, requiring a new Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987*. The position of Planning Coordinator in the Statutory Planning team is currently vacant, so the Instrument of Appointment and Authorisation must be revoked.

## ISSUES

### *Authorised Officers*

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

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

### *Planning and Environment Act 1987*

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

### *Maddocks Delegations and Authorisations Service*

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

## POLICY IMPLICATIONS

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

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

- 5.2 A responsible, transparent and responsive organisation

## FINANCIAL AND RESOURCE IMPLICATIONS

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

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

## **CONSULTATION**

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

## **CONCLUSION**

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

## **DECLARATION OF CONFLICT OF INTEREST**

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

- Director Corporate Performance
- Manager Corporate
- Governance Officer

## **ATTACHMENT(S)**

8.3.8 S11A – Instrument of Appointment and Authorisation – *Planning & Environment Act 1987* – Strategic Planning Coordinator



## 7.3.9 Brights Iconic Rod Run - Designation of restriction

### INTRODUCTION

The purpose of this report is to recommend that Council approves restrictions on the consumption of liquor on Council land under Clause 2.2.1 of the Community Local Law 2019, during Bright's Iconic Rod Run 2022.

*Cr Janas*

*Cr Kelley*

*That Council:*

- 1. Approves the designation of an area (as shown on the attached maps 8.3.9a. and 8.3.9.b) to be an area designated by Council for the purposes of Clause 2.2.1 of the Community Local Law 2019, to be an alcohol restricted area during the period from 10pm, Thursday 3 November 2022 to 7am, Monday 7 November 2022.*
- 2. Notes that the Bright Rod and Kustom Club Inc will continue to plan the event in further detail, including activities to be held at Pioneer Park and in the Bright Central Business District during the event.*
- 3. Notes Council Officers will work with licensed operators in the designated area about operating responsibly within their red line area of operation for consumption of alcohol.*

*Carried*

### BACKGROUND

For the Rod Run event of 2019, Council introduced restrictions on the consumption of liquor on Council land for the duration of the event under Clause 2.2.1 of the Community Local Law 2019. These restrictions were based on the recommendation of the Events Risk Assessment Panel consisting of Council officers, Victoria Police, Ambulance Victoria, Alpine Health and other emergency service agencies.

The 2020 official Rod Run event was cancelled in the lead up to the event due to the uncertainty of travel restrictions that may be in place for the weekend as a result of the Covid-19 pandemic, however, Council endorsed at the 7 April 2020 ordinary Council meeting a recommendation of the Events Risk Assessment Panel that consumption of alcohol restrictions be implemented as per 2019. The restrictions were implemented in 2020 as endorsed by Council at the April meeting. The 2021 official Rod Run event was cancelled for the same reason as 2020.

### ISSUES

In planning for the 2021 event, the Bright Rod and Kustom Club made a request for the footprint of the consumption of alcohol restricted area (as applied for 2019 and 2020) be considered by the Event Risk Assessment Panel to be reduced to a smaller area.

This request was considered by the Events Risk Assessment Panel and a recommendation presented to Council at the 3 August 2021 ordinary Council meeting. At this meeting Council endorsed the recommendation as made to reduce the restricted area for the consumption of alcohol (as shown in the attached maps).

While the official Rod Run event was cancelled, the restrictions as endorsed by Council were implemented.

In pre-planning for the 2022 event, the Bright Rod and Kustom Club have not requested any change to the alcohol consumption restricted area as endorsed and implemented for 2021.

### **POLICY IMPLICATIONS**

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

- 1.3 A caring community

### **FINANCIAL AND RESOURCE IMPLICATIONS**

Additional consultation, signage and advertising will be required to ensure that the designation is well communicated to event attendees. Costs are expected to be minimal, given that internal staff resources will be predominantly used (e.g. for placement of signage).

### **CONSULTATION**

Consultation and pre-planning for the 2022 event between Council officers and members of the Bright Rod and Kustom Club has commenced in order to discuss early plans for the event, event funding and the declaration of consumption of alcohol restrictions for 2022.

The Events Risk Assessment Panel consisting of Council officers, Victoria Police, Ambulance Victoria, Country Fire Authority, State Emergency Services and Alpine Health have also been consulted on the plans for the 2022 event, including the designation of the restricted area for alcohol consumption being implemented as per the 2021 event.

As has occurred in 2021, Council will offer exemptions to the restrictions to licensed premises that hold the appropriate licence to sell alcohol outside their premises (i.e., within a current red line area) with the understanding that the premises must manage patrons within their venue and red line area appropriately with the exception of the Alpine Hotel. Should management of the Alpine Hotel wish to utilise Council land in front of the Alpine Hotel over the duration of the event restrictions, that an Event Permit application will need to be made to Council which adequately demonstrates how this area will be managed.

## **CONCLUSION**

The proposed designation of restrictions as part of Bright's Iconic Rod Run in 2022 will ensure that the event is managed safely to minimise risks to event patrons, the public and emergency services.

The Bright Rod and Kustom Club Inc. will continue to plan the event in detail, including activities to be held in the Bright Central Business District as well as at Pioneer Park.

## **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 Performance
- Manager Planning and Amenity
- Manager Economic Development

## **ATTACHMENT(S)**

8.3.9.a. Map Pioneer Park

8.3.9.b. Map Bright Town Centre

### **7.3.10 Airport Services Lease for Aircraft Hangar at Porepunkah Aerodrome**

#### **INTRODUCTION**

This report seeks approval to execute a lease for an aircraft hangar at the Porepunkah Aerodrome on land contained in Lot 1 Plan of Subdivision PS612929, 266 Buckland Valley Road Porepunkah for a 10-year term, with option for additional 10 years.

*Cr Forsyth*

*Cr Prime*

*That Council:*

- 1. Approve and execute a lease forming part of Lot1 PS612929, 266 Buckland Valley Road Porepunkah for an aircraft hangar: and*
- 2. Sign and Seal the lease document at the appropriate stage of the Council meeting.*

*Carried*

#### **BACKGROUND**

The Porepunkah Aerodrome Master Plan was presented to Council at the Ordinary Council Meeting in June 2006. A recommendation of the Master Plan was that Council negotiate with the adjoining land owner of the airfield with regard to acquisition of additional land for potential hangar relocation and new hangars.

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

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

Lease documentation has been developed for the purpose of entering into long term hangar leases on this land. The length of the leases are 10 years, plus an option for a further 10 years. Commencement rent for the attached lease will be \$1,153.80 (GST exclusive) per annum calculated based on the square meterage of the sites.

In September 2018 and in accordance with Section 190 of the *Local Government Act 1989* Council posted public notices notifying of proposed future leases at the airfield and invited submissions in accordance with Section 223 (Section 190(3b) & (4)) of the *Local Government Act 1989* against such future leases. No submissions were received.

This report sets out the proposals for issuing the proposed future leases for hangars consulted on in September 2018 with 10 (plus 10) year terms.

## ISSUES

Under Section 115 of the *Local Government Act 2020* (the Act),

1. A Council's power to lease any land to any person is limited to leases for a term of 50 years or less.
2. Subject to any other Act, and except where section 116 applies, if a Council leases any land to any person subject to any exceptions, reservations, covenants and conditions, it must comply with this section.
3. A Council must include any proposal to lease land in a financial year in the budget, where the lease is—
  - a. for one year or more and -
    - i. the rent for any period of the lease is \$100 000 or more a year; or
    - ii. the current market rental value of the land is \$100 000 or more a year; or
  - b. for 10 years or more.
4. If a Council proposes to lease land that is subject to subsection (3) and that was not included as a proposal in the budget, the Council must undertake a community engagement process in accordance with the Council's community engagement policy in respect of the proposal before entering into the lease.

In September 2018 and in accordance with Section 190 of the *Local Government Act 1989* Council posted public notices notifying of proposed future leases at the airfield and invited submissions in accordance with Section 223 (Section 190(3b) & (4)) of the *Local Government Act 1989* against such future leases. No submissions were received.

The intent and terms of these leases have not changed (saved for Consumer Price Index (CPI) adjustments to annual rents). Council has therefore previously communicated its intention to enter into leases for aircraft hangars at the site and met its obligation under the *Local Government Act 1989* which applied at the time.

## POLICY IMPLICATIONS

The process adopted by Council for the awarding of future leases at the Porepunkah Aerodrome was in accordance with obligations under the *Local Government Act 1989* and the Local Government Best Practice Guidelines for the Sale, Exchange and Transfer of Land at that time. This lease is to be awarded as a result of these processes. 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

The annual lease income for the airport hangar at the commencement will be \$1,153.80 (GST exclusive). Forward lease charges are indexed to CPI annually and subject to a market review after the first 10 years of the lease. Income collected from hangar rentals

at the airfield is paid to the Porepunkah Aerodrome Association to assist it in fulfilling its responsibilities to operations and day to day maintenance of the airfield.

### **CONSULTATION**

In accordance with Section 190 of the *Local Government Act 1989*, public notices were posted in September 2018 notifying of proposed future leases at the site and inviting submissions in accordance with Section 223 (Section 190(3b) & (4)) of that Act. No submissions were received at that time.

The Porepunkah Airfield Association have been consulted and are supportive of the issuing of the leases.

### **CONCLUSION**

Having previously met Council's obligations under the *Local Government Act 1989* Council in relation to issuing leases at the airfield that the lease subject to this report does not require further Community Engagement and is executed by Council under the terms of section 115 of the *Local Government Act 2020*.

### **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 Performance
- Manager Facilities
- Commercial Officer
- Community and Recreation Coordinator

### **ATTACHMENT(S)**

Nil

## 7.3.11 Planning Scheme Amendment C62alpi

### INTRODUCTION

The purpose of the report is to advise Council that C62alpi was gazetted on 26 May 2022.

*Cr Janas*

*Cr Prime*

*That Council notes C62alpi Planning Scheme Amendment was gazetted on 26 May 2022.*

*Carried*

### BACKGROUND

At the Ordinary Council Meeting in December 2021, Council endorsed support for a Ministerial Amendment under s20(4) of the *Planning and Environment Act 1987* referred to as C62alpi. The Amendment dealt with a policy-neutral transition from the previous Local Planning Policy Framework to the new Planning Policy Framework.

Council has received notification that the C62alpi Planning Scheme Amendment was approved and gazetted on 26 May 2022. The Amendment makes the following changes to the Alpine Planning Scheme:

- Replaces the Local Planning Policy Framework of the Alpine Planning Scheme with a new Municipal Planning Strategy
- Replaces local policies with the Planning Policy Framework
- Replaces selected local schedules consistent with changes to the Victoria Planning Provisions.

### ISSUES

The planning reports listed below were prepared prior to the gazettal of C62alpi.

- 8.3.13 - P2021.157 – Lot 2 PS 092638 Old Ovens Highway, Myrtleford and
- 8.3.14 - 2021.247 – 3 Hough Lane, Bright

As stated, the transition from the previous Local Planning Policy Framework to the new Planning Policy Framework was a policy neutral translation. This means there has been no material change to the outcome of the applications being presented to Council nor the recommendations being presented. However, it should be noted that clause reference numbers referring to the Alpine Planning Scheme in these reports refer to those in force in the Alpine Planning Scheme prior to 26 May 2022.

### POLICY IMPLICATIONS

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

- 4.2 Planning and development that reflects the aspirations of the community

## **FINANCIAL AND RESOURCE IMPLICATIONS**

Nil

## **CONSULTATION**

Under delegated authority from the Minister for Planning Director, State Planning Service, Department Environment Land Water and Planning they exercised their power to exempt the Minister from all the requirements of sections 17, 18 and 19 of the *Planning and Environment Act 1987* and the Regulations in respect to Amendment C62alpi to the Alpine Planning Scheme on 30 March 2022.

Having additionally considered the Community Engagement Policy no further consultation or engagement with the wider community is proposed.

## **CONCLUSION**

Council has received notification that the C62alpi Planning Scheme Amendment was approved and gazetted on 26 May 2022. The Amendment makes the following changes to the Alpine Planning Scheme:

- Replaces the Local Planning Policy Framework of the Alpine Planning Scheme with a new Municipal Planning Strategy
- Replaces local policies with the Planning Policy Framework
- Replaces selected local schedules consistent with changes to the Victoria Planning Provisions.

## **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 Performance
- Manager Planning and Amenities

## **ATTACHMENT(S)**

8.3.11 Alpine C62alpi Approval Explanatory Report Approval



### 7.3.12 Planning Application P.2021.157 -Lot 2 PS 092638 Old Ovens Highway, Myrtleford

|  |  |
|--|--|
| <b>Application number:</b>                 | <i>P.2021.157</i>  |
| <b>Proposal:</b>                           | <i>Use and Buildings and Works for the Construction of a Dwelling and an Outbuilding</i>   |
| <b>Applicant's name:</b>                   | <i>Dean Suckling (Enprove Pty Ltd)</i>   |
| <b>Owner's name:</b>                       | <i>Ellen Therese Moore and Brendon James Moore.</i>  |
| <b>Address:</b>                            | <i>Old Ovens Highway, Myrtleford, Victoria 3737 (Lot 2 Plan of Subdivision 092638)</i>   |
| <b>Land size:</b>                          | <i>Approximately 10.21ha</i>   |
| <b>Current use and development:</b>        | <i>Shedding</i>  |
| <b>Site features:</b>                      | <i>The site is of an irregular shape and slopes up towards the eastern lot boundary. There is an existing shared vehicle access point to the site from Old Ovens Highway. The site contains a dam, shedding, native vegetation, and rural type boundary fencing.</i> |
| <b>Why is a permit required?</b>           | <i>Clause 35.07-1 Use (FZ)<br/>Clause 35.07-4 Buildings and Works (FZ)<br/>Clause 44.06-2 Buildings and Works (BMO)</i>  |
| <b>Zoning:</b>                             | <i>Farming Zone (FZ)</i>   |
| <b>Overlays:</b>                           | <i>Bushfire Management Overlay (BMO)</i>   |
| <b>Restrictive covenants on the title?</b> | <i>None</i>  |
| <b>Date received:</b>                      | <i>7 December 2021 (amended plans)</i>   |
| <b>Statutory days:</b>                     | <i>182 days</i>  |
| <b>Planner:</b>                            | <i>James Trimble</i>   |

*Cr Prime  
Cr Forsyth*

*That a refusal be issued for the proposed Use and Buildings and Works for the Construction of a Dwelling and an Outbuilding for the reasons outlined in Appendix 8.3.12.a and on the following summarised reasons:*

- 1. The proposal does not meet the relevant planning policy framework of the Alpine Planning Scheme including relevant State and Local Policies, and the purposes and decision guidelines of the Farming Zone; and*
- 2. The proposal does not provide for the orderly planning of the area.*

*Carried*

## **PROPOSAL**

The proposal involves the Use and Buildings and Works for the Construction of a Dwelling and an Outbuilding.

The proposed dwelling has two (2) bedrooms, two (2) bathrooms, separate laundry, and an open plan family/kitchen/meal. A deck area is proposed on two (2) sides of the dwelling. An associated onsite wastewater disposal area has been indicated to the west of the proposed dwelling. The minimum setbacks of the dwelling include 70.9 metres to the northern (side) lot boundary, approximately 105.5 metres to the lot boundary abutting 94 Old Ovens Highway, 257.3 metres from the lot boundary abutting Old Ovens Highway and 138.7 metres from adjoining 92 Old Ovens Highway. The proposed maximum building height is 3.791 metres. The proposed external materials and colours include zincalume roofing and selected horizontal weatherboard wall cladding.

The plans also indicate a proposed 12 metre by 14 metre outbuilding sited to the east of the proposed dwelling. The proposed outbuilding has a maximum pitched roof height of 4.41 metres. The proposed external materials and colours include colorbond dune colour roofing and colorbond colour Surfmist walls.



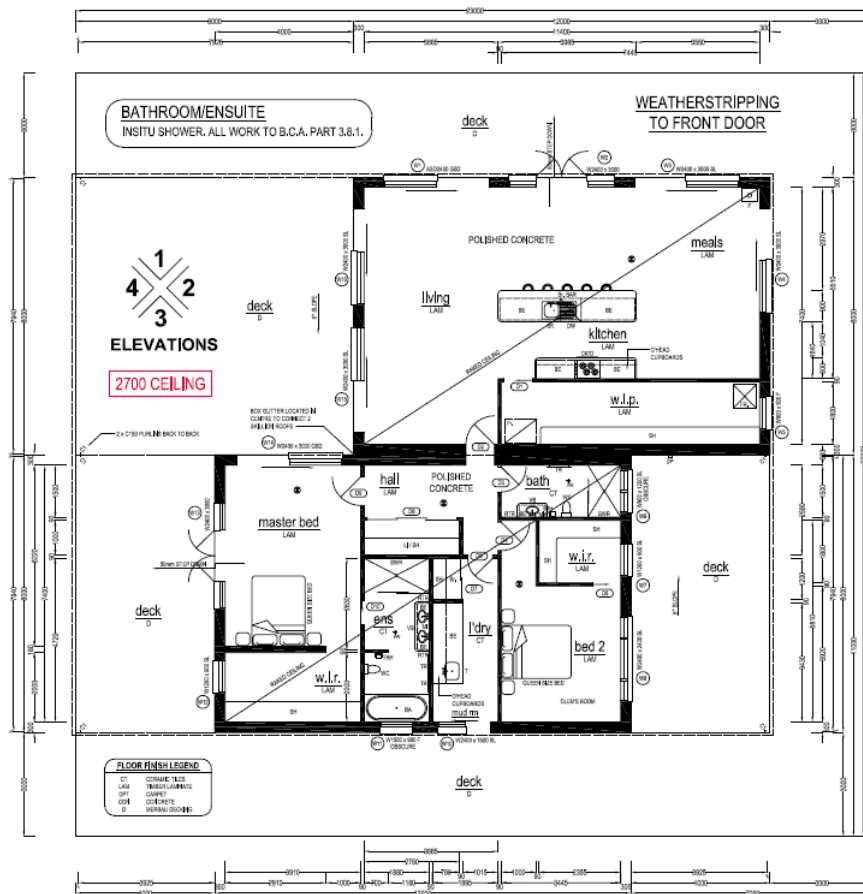


Figure 2: Internal dwelling diagram

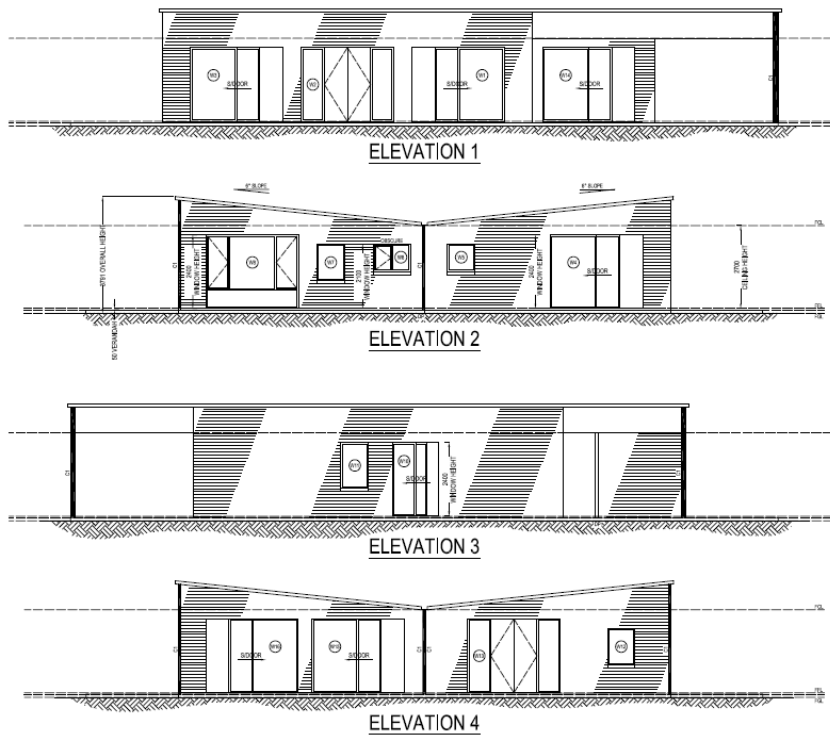
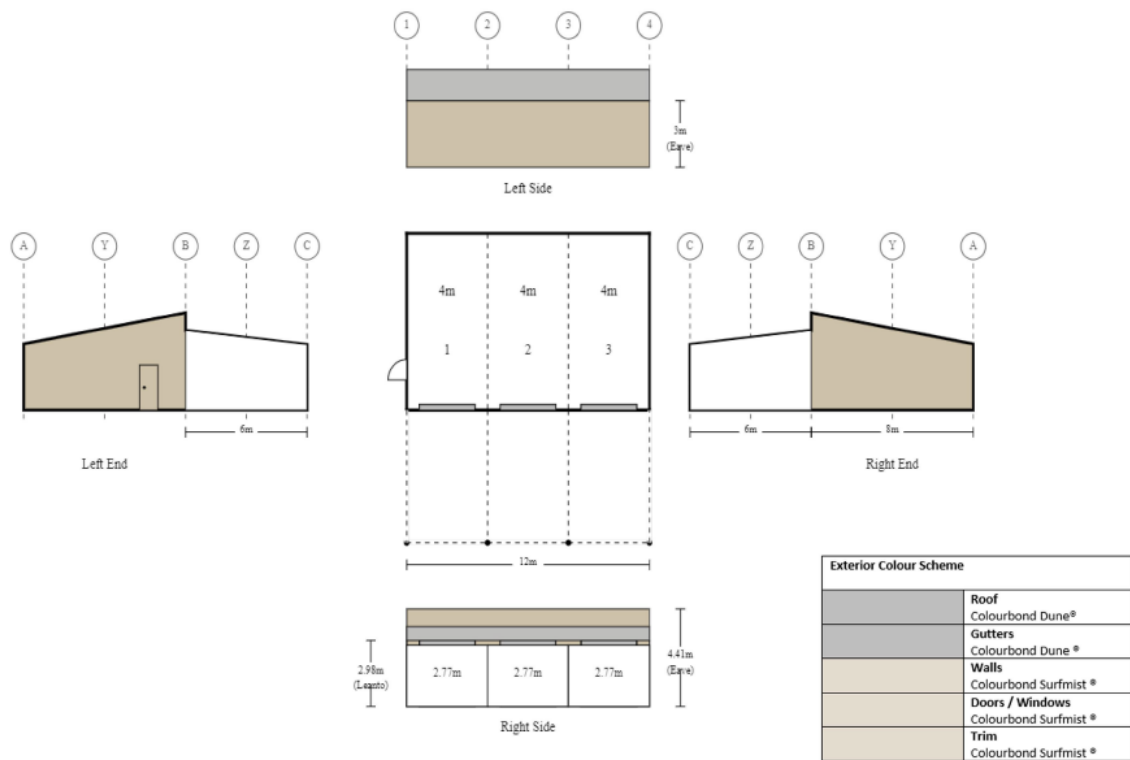
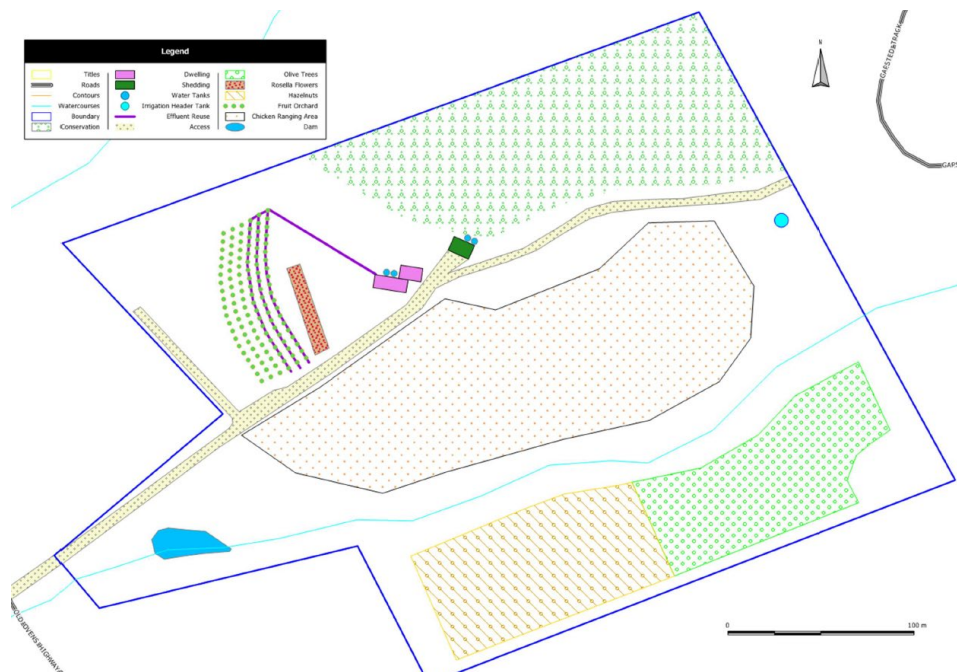


Figure 3: External elevations



Figures 4: Exterior colour scheme

The proposed agricultural activities on the site include 90 chickens to produce 29,000 eggs each year, 120 fruit trees to produce 10.8 tonnes of fruit for sale, 300 truffle inoculated hazelnut trees for the production of 1.2 tonnes of hazelnuts, 300 olive trees for the production of olive oil, rosella flowers and rainwater tanks with 100,000 litres of capacity.



Figures 5: Shows the proposed agricultural/farming activities on site.

## SUBJECT LAND AND SURROUNDS

The site has a total area of approximately 10.21ha, is irregular in shape and slopes up towards to the eastern lot boundary. There is an existing shared vehicle access to the site from Old Ovens Highway. The site contains a dam, shedding, native vegetation, and rural type boundary fencing.

Land to the north and south of the site is zoned farming and affected by the Bushfire Management Overlay. The site to the north has an area of approximately 16.47 hectares and contains a dwelling. The planning permit issued for the dwelling on the site to the north was on the basis that the dwelling was required to support a horticulture and beef production enterprise. The site to the south has an area of approximately 18.22 hectares and contains a dwelling and substantial native vegetation. Other surrounding sites zoned farming include 92, 94 and 108 Old Ovens Highway. Each of these sites contain a dwelling and have lot sizes ranging from approximately 6600sqm to 11,710sqm (1.17 hectares).

Land to the east is zoned Public Conservation and Recreation Zone and is affected by the Bushfire Management Overlay. This land contains substantial native vegetation.

Further to the west of the site on the opposite side of Old Ovens Highway the land is zoned Public Use Zone - Service and Utility and contains the Myrtleford wastewater treatment ponds.



Figure 6: Subject land.

## 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 surrounding landholders

and occupiers. A sign was displayed on the site. Four (4) objections were received and maintained. The matters raised in the objections have been summarised as follows:

1. Concerns with the proposed agricultural/farming activities on the site as identified in the submitted farm plan:
  - a. Fruit trees, Rosella flowers and truffles will be unviable
  - b. There will be a lack of onsite water supply for the proposed agricultural/farming activities
  - c. There will be negative waste and smell impacts associated with chickens
  - d. Concerns with over-spraying impacts
  - e. Implementation concerns
  - f. Financial projections are inaccurate and do not take into account capital set up cost such as netting, chicken coops, fencing and connecting electricity.
2. Septic system siting concerns. Tree roots may impact on the proposed effluent lines
3. Traffic impact concerns on Munro Lane and the current shared accessway
4. Negative visual impact on the landscape
5. Concerns with overlooking into existing Dwellings
6. Potential property devaluation impacts
7. Potential for buildings to be put onsite without permits

A summary of the written response provided by the applicant is as follows.

1. Farm Plan - The planning application is for a dwelling and the proponent has the right to farm with or without a permit, and the agricultural component can occur regardless. Farming activities are not subject to planning controls.
  - a. The production of Rosella Flowers is not without risk, and the key, like any warm weather translocation, is protecting young leaves from extreme cold. This is done by germinating the plants in a warm environment and transferring them when the soil is warm. This is a relatively common practice but not practical for any large scale farming due to the high labour
  - b. Myrtleford has successfully been used to produce truffles in trials, and the production of truffles is a function of cation ratios more than soil type; this soil has the calcium dominance required for truffle production. Alkaline soils or high pH are not required to be successful. The major hindrance to the truffles will be the slower development of the hazelnuts.
  - c. No response
  - d. Keeping chickens on pastured land and rotating their enclosures is not considered odorous, and in the context of the location, it is certainly less so than a wastewater treatment plant.
  - e. Farmers do not spray when there is a risk of loss of chemicals, and it is too expensive to be that wasteful. Regardless, chemical use is acceptable in the farming zone, and there are EPA guidelines on acceptable use. As specified in the farm plan, my clients intend to be low to no chemical use, any chemical that might be used will be preferentially organic type, but they retain the right to use

any chemical required. They will follow best practice procedures and suitable spraying times and weather are available on any weather website

- f. No response
  - g. Netting should be less than \$2000 from Alibaba, pullets are \$4.50 each, a small relocatable chicken trailer would cost \$3000 to construct (\$4500 to buy), electric chicken mesh is about \$700 for 100 meters and farm fencing is \$7.50 per metre (but none required). The costings are indicative and exclude equipment that can be financed in many different ways. There are even government grants available for this type of artisan farming.
2. Effluent lines are buried in the ground, and effluent will never be sitting on the ground to run off. This is a Municipal Association of Victoria developed assessment applied to thousands of houses around Victoria each year. EPA guidelines and Australian Standards also guide it. The assessment and effluent application area sizing also has built-in redundancy in the advent of high rainfall. The use of 450 litres per day is set by EPA Wastewater guidelines developed in response to undersized effluent systems. The NE Victoria water used is based on the township of Wodonga, which does not rely on rainwater tanks and wastewater systems. For orchard irrigation, the dispersal lines are run in the space below the feeder roots and away from the taproots to ensure integrity. This area is still grassed, and the MAV model adjusts plant water uptake seasonally to compensate for lower growth and evaporation. Grassed orchards can be expected to use more wastewater than a standard grass-only effluent area, reducing risk again. The risk of nitrogen run-off is very low unless applied during run-off times, which would be pointless. The nitrogen component of fertiliser is generally leached from its calcium-based casing into the soil in less than 24 hours after application.
  3. It is unlikely that there will be any major change to traffic movement due to the enterprise, perhaps 10-12 additional movements per day. My clients are amenable to a good neighbour discussion about the maintenance of the driveway if the council isn't maintaining it. As pointed out in this objection, the ground here is prone to run-off during flash events; the addition of rock and structure will slow run-off and reduce the risk of washout on the lower part of the driveway.
  4. Unfortunately, views and aspects are not protected in planning, although we don't believe the dwelling and farming will be overly intrusive on the landscape. The design of the house was altered during the planning process from three bedrooms to two
  5. My clients offer to plant a shelterbelt along the shared fence line to address privacy concerns. My clients don't want trees along this boundary, but this compromise is offered in response to the objections.
  6. No response
  7. No response



The assessing officer's response is provided as follows:

1. The whole farm plan submitted by the applicant has been peer reviewed by Councils independent expert. Several concerns have been identified with the viability of the proposed agricultural/farming activities.
  - a. The peer review of the whole farm plan has identified that the proposed truffles and rosella flowers are not considered to be productively viable on the site, due to the as yet unproven performance of these enterprises in the climate and soil type
  - b. The whole farm plan indicates that the proposed agricultural/farming activities will be irrigated via greywater from the dwelling, rainfall and onsite rainfall collection in water tanks with capacity to hold 100,000 litres of water. The peer review of the whole farm plan did not identify any concerns in relation to water supply for the proposed agricultural/farming activities
  - c. As the site is zoned farming certain agricultural/farming activities may occur on the site without requiring planning permit approval from Council. The proposed keeping of 90 chickens on the site does not require planning permit approval from Council. The application was referred to Goulburn Murray Water and the Alpine Shire Council Environmental Health Team. No objections were received
  - d. As the site is zoned farming certain agricultural/farming activities may occur on the site without requiring planning permit approval from Council. The proposed olive, hazelnut and fruit trees may be planted on the site without requiring planning permit approval from Council. Separate legislation exists in relation to the control of spray drift within Victoria. An agricultural chemical issue can be reported to Agriculture Victoria.
  - e. Should the application be supported suitable conditions would be included to require the part implementation of the proposed agricultural/farming activities on the site to ensure that the dwelling is not constructed and used on the site, without being necessary to support to the proposed agricultural/farming activities.
  - f. The peer review of the whole farm plan has identified that the proposed agricultural/farming activities are not commercially workable or plausible.
2. The application was referred to Alpine Shire Council Environmental Health Team and Goulburn Murray Water. Conditional consent was provided by both. Councils Environmental Health officer has advised that generally roots are lower and subsurface lines sit higher. Root barriers may also be designed into the piping. The onsite wastewater system could be resited within the site and is subject to further permit approval from Council.
3. The application was referred to Alpine Shire Council Engineering team and conditional consent was provided. Should the application be supported the existing crossover is required to be upgraded. Suitable conditions would be included to manage traffic impact concerns should the application be supported
4. The site is not covered by any Significant Landscape Overlay. The proposed buildings and works although sited on a relatively high elevation on the site, are single storey and may nestle into the landscape considering the existing higher vegetation behind

the proposed buildings and works. Suitable conditions would be included to minimise the visual impacts of the proposed buildings and works on the landscape should the application be supported.

5. The proposed dwelling is not sited within close proximity (9 metres) of any existing adjacent dwelling and therefore there is considered to be an acceptable level of overlooking, without causing significant material detriment
6. VCAT has determined that potential property devaluation impacts are not a relevant planning consideration.
7. Council must consider the proposal as put forward in the planning application submitted to Council. Buildings put onsite without the relevant permits may be subject to further compliance action.

An online planning forum was held on 5 May 2022 with Councillors, relevant Council Staff, objectors and the applicants including their representatives.

## REFERRALS

| Referrals / Notice   | Advice / Response / Conditions   |
|----------------------|--|
| Section 55 referrals | Country Fire Authority - No objection, subject to conditions.<br>Goulburn Murray Water - No objection, subject to conditions |
| Section 52 referrals | North East Water - No objection, subject to conditions   |

| Referrals / Notice  | Advice / Response / Conditions   |
|---------------------|--|
| Internal referrals: | <p>Alpine Shire Council Environmental Health Team - No objection subject to conditions.</p> <p>Alpine Shire Council Engineering Team - No objection subject to conditions.</p> <ol style="list-style-type: none"> <li>1. Alpine Shire Council Independent Farm Plan Consultant:</li> <li>2. The proposed activities are considered environmentally sustainable for the site.</li> <li>3. The Olive, Hazelnut, Fruit Tree and Egg enterprises are productively viable for the site. Their growing requirements suit the site, soil type and climate. However, the Truffles and Rosella Flowers are not considered productively viable due to the as yet unproven performance of these enterprises in this climate and soil type.</li> <li>4. The proposed activities have been evaluated not to be commercially workable or plausible.</li> <li>5. The enterprises proposed require regular monitoring to mitigate potential production loss and to manage animal welfare issues with the poultry. However, since the proposal doesn't meet the 'commercially workable and plausible' criteria, a dwelling isn't required.</li> </ol> |

## PLANNING ASSESSMENT

All applicable policy and decision guidelines can be found in Attachment 8.3.12.b.

### State Planning Policy Framework

The following State Planning Policy Framework (SPPF) does not give support to the proposal.

Clause 14.01-1S Protection of Agricultural Land as the proposal does not:

- Prevent inappropriately dispersed urban activities in rural areas.
- Limit new housing in rural areas.

Clause 16.01-1S Housing Supply as it does not facilitate well located housing, as it does not reduce the share of new dwellings in greenfield, fringe and dispersed development areas.

Clause 16.01-3S Rural Residential Development as the proposal encourages inappropriate rural residential development.

## Local Planning Policy Framework

The following Local Planning Policy Framework (LPPF) does not give support to the proposal.

Clause 21.03-2 Rural residential living as the proposal does not ensure that rural residential development is appropriately located.

Clause 21.03-3 Rural lifestyle, subdivision and dwellings as the proposal does not:

- Ensure that rural lifestyle use and development is directed to existing areas zoned for rural lifestyle
- Meet the policy guidelines for rural lifestyle development
- Protect rural land from inappropriate development, as it has not been demonstrated that the dwelling is required to support a legitimate, established agricultural or rural activity.
- Ensure that dwellings in rural areas maintain agricultural production.

Clause 21.05-3 Agriculture as the proposal does not recognise the agricultural importance of the highly productive valley floors and protect such land from inappropriate development and land use especially residential expansion, as it does not:

- Reinforce agricultural production as the primary purpose of the Farming Zone.
- Ensure that agricultural land is maintained for the production of agricultural food and raw materials.
- Ensure that rural land is used and developed in a way that will support agricultural production.

Clause 21.06-1 Infrastructure as the proposal does not reduce the loss of agricultural land for the purposes of urban/residential development.

Clause 21.07-11 Rural Precincts as the proposed use and development is not generally consistent with the relevant recommendations of the Alpine Rural Land Strategy (2015). Dwellings in rural areas must protect and complement the agricultural land resource and maintain productive agriculture. The land must be retained for agricultural production.

Clause 22.03-2 Agriculture as the proposal does not

- protect agricultural land as an economic and environmentally valuable resource
- complement the agricultural production base of the shire.

## Farming Zone

The proposal is inconsistent with the purposes and decision guidelines of the Farming Zone for the following reasons:

- It does not implement the relevant Planning Policy Framework.
- The proposed use and development will not support and enhance agricultural production as the proposed agricultural production on the site has not been identified as being commercially workable or plausible.

- The proposed use and development will permanently remove land from agricultural production as the proposed agricultural production on the site has not been identified as being commercially workable or plausible.
- The proposed integrated land management plan for the site and proposed agricultural production on the site is not commercially workable or plausible.

### **Bushfire Management Overlay**

The land is covered entirely by the Bushfire Management Overlay. There is a planning permit trigger for the proposal at clause 44.06-2. The application was referred to the Country Fire Association (CFA) for comment. Conditional consent was provided. The application is considered to meet the relevant requirements of the Bushfire Management Overlay, subject to the submission of an amended Bushfire Management Plan. A suitable condition has been included should the application be supported.

### **Particular Provisions**

#### **Clause 53.02 – Bushfire Planning**

The application was referred to the Country Fire Association for comment. Conditional consent was provided. The application is considered to meet the relevant requirements of this clause, subject to conditions. A detailed assessment of the proposal against the provisions of Clause 53.02 is contained on the planning file – reference no. P.2021.157.

### **General Provisions**

Clause 65.01 of the Alpine Planning Scheme provides the general decision guidelines that must be considered before deciding on an application. A detailed assessment of the proposal against the provisions of Clause 65.01 is contained on the planning file – reference no. P.2021.157. The proposal does not provide for the orderly planning of the area.

### **CONCLUSION**

The application is not consistent with the Alpine Planning Scheme and should be refused for the following summarised reasons:

- The proposal does not comply with the relevant State and Local Planning Policy Framework.
- The proposal is inconsistent with the purposes and decision guidelines of the Farming Zone.
- The proposal does not provide for the orderly planning of the area.

## **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 Performance
- Manager Planning and Amenity
- Planning Officer

## **APPENDICIES**

8.3.12.a Reasons for Refusal

8.3.12.b Policy and decision guidelines

**Appendix 8.3.12.a Appendix Reasons for Refusal**

1. The proposal does not comply with Policy 14.01.1S – Protection of Agricultural Land, as it does not:
  - a. Prevent inappropriately dispersed urban activities in rural areas.
  - b. Limit new housing in rural areas.
2. The proposal does not comply with the objective of Policy 16.01.1S – Housing Supply, as it does not facilitate well located housing, as it does not reduce the share of new dwellings in greenfield, fringe and dispersed development areas.
3. The proposal does not comply with the objective of Policy 16.01-3S – Rural Residential Development as it encourages inappropriate rural residential development.
4. The proposal does not comply with Policy 21.03-2 Rural residential living as it does not ensure that rural residential development is appropriately located.
5. The proposal does not comply with Policy 21.03-3 Rural lifestyle, subdivision and dwellings as the proposal does not:
  - a. Ensure that rural lifestyle use and development is directed to existing areas zoned for rural lifestyle
  - b. Meet the policy guidelines for rural lifestyle development
  - c. Protect rural land from inappropriate development, as it has not been demonstrated that the dwelling is required to support a legitimate, established agricultural or rural activity.
  - d. Ensure that dwellings in rural areas maintain agricultural production.
6. The proposal does not comply with Policy 21.05-3 Agriculture as the proposal does not recognise the agricultural importance of the highly productive valley floors and protect such land from inappropriate development and land use especially residential expansion, as it does not:
  - a. Reinforce agricultural production as the primary purpose of the Farming Zone.
  - b. Ensure that agricultural land is maintained for the production of agricultural food and raw materials.
  - c. Ensure that rural land is used and developed in a way that will support agricultural production.
7. The proposal does not comply with Policy 21.06-1 Infrastructure as the proposal does not reduce the loss of agricultural land for the purposes of urban/residential development.
8. The proposal does not comply with Policy 21.07-11 Rural Precincts as the proposed use and development is not generally consistent with the relevant recommendations of the Alpine Rural Land Strategy (2015). Dwellings in rural areas must protect and complement the agricultural land resource and maintain productive agriculture. The land must be retained for agricultural production.
9. The proposal does not comply with Policy 22.03-2 Agriculture as the proposal does not
  - a. protect agricultural land as an economic and environmentally valuable resource

- b. complement the agricultural production base of the shire.
10. The proposal does not meet the purposes and decision guidelines of the Farming Zone as it does not:
- a. implement the relevant Planning Policy Framework.
  - b. support and enhance agricultural production as the proposed agricultural production on the site has not been identified as being commercially workable or plausible.
  - c. protect land from being permanently removed from agricultural production as the proposed agricultural production on the site has not been identified as being commercially workable or plausible.
11. The proposal does not provide for the orderly planning of the area.



### **Appendix 8.3.12.b POLICY AND DECISION GUIDELINES**

All of the below mentioned relevant planning considerations from the Alpine Planning Scheme may be viewed at the following link: <https://planning-schemes.delwp.vic.gov.au/schemes/alpine>.

#### **State Planning Policy Framework**

The State Planning Policy Framework (SPPF) provides relevant direction to the proposal at the following clauses:

- 12.03-1S River corridors, waterways, lakes and wetlands
- 13.01-1S Natural hazards and climate change
- 13.02-1S Bushfire planning
- 13.07-1S Land use compatibility
- 14.01-1S Protection of agricultural land
- 14.01-2S Sustainable agricultural land use
- 14.02-1S Catchment planning and management
- 14.02-2S Water quality
- 15.01-2S Building design
- 15.01-6S Design for rural areas
- 16.01-1S Housing Supply
- 16.01-3S Rural residential development

#### **Local Planning Policy Framework**

The Local Planning Policy Framework (LPPF) provides relevant direction to the proposal at the following clauses:

- 21.03-1 Townships and villages
- 21.03-2 Rural residential living
- 21.03-3 Rural lifestyle, subdivision and dwellings
- 21.03-4 Built form and heritage
- 21.04-1 Native vegetation, biodiversity and environmental values
- 21.04-4 Environmental risk
- 21.04-6 Catchments and waterways
- 21.05-3 Agriculture
- 21.06-1 Infrastructure
- 21.07-11 Rural Precincts
- 22.02-1 Native vegetation and biodiversity
- 22.03-2 Agriculture

#### **Zone**

The land is zoned Farming Zone.

#### **Overlays**

The land is covered by the Bushfire Management Overlay.

### **Particular Provisions**

53.02 Bushfire Planning

### **General Provisions**

Clauses 65.01 within the Alpine Planning Scheme provides the general decision guidelines.

**7.3.13 Planning Application P.2021.247 - 3 Houghs Lane Bright**

|  |   |
|--|---|
| <i>Application number:</i>                 | <i>P.2021.247</i>   |
| <i>Proposal:</i>                           | <i>Two (2) lot subdivision and removal of native vegetation</i>   |
| <i>Applicant's name:</i>                   | <i>Oxley and Company Pty Ltd</i>  |
| <i>Owner's name:</i>                       | <i>Margaret Anne Riches</i>   |
| <i>Address:</i>                            | <i>3 Houghs Lane Bright (Lot 4 LP 118528)</i>   |
| <i>Land size:</i>                          | <i>4,077 sqm</i>  |
| <i>Current use and development:</i>        | <i>Vacant</i>   |
| <i>Site features:</i>                      | <i>The subject site is a roughly trapezoidal block of 4077m<sup>2</sup>, currently vacant land zoned Low Density Residential. The entire site is covered by the Bushfire Management Overlay. The site is within Bright. The surrounding blocks are generally around 2000m<sup>2</sup> or over in area. Most of the surrounding lots are occupied by single dwelling houses.</i> |
| <i>Why is a permit required?</i>           | <i>Clause 32.03-3 (LDRZ) - A permit is required to subdivide land.<br/>Clause 44.06-2 (BMO) - A permit is required to subdivide land.<br/>Clause 52.17 (Native vegetation) - A permit is required remove, destroy or lop native vegetation, including dead native vegetation</i>  |
| <i>Zoning:</i>                             | <i>Low Density Residential Zone (LDRZ)</i>  |
| <i>Overlays:</i>                           | <i>Bushfire Management Overlay (BMO)</i>  |
| <i>Restrictive covenants on the title?</i> | <i>None</i>   |
| <i>Date received:</i>                      | <i>7 January 2022</i>   |
| <i>Statutory days:</i>                     | <i>148 days</i>   |
| <i>Planner:</i>                            | <i>Rhiannon Biezen</i>  |

*Cr Kelley*  
*Cr Hughes*

*That a Notice of Decision to grant a planning permit be issued for Two (2) lot subdivision and removal of native vegetation in accordance with the conditions outlined in Appendix 8.3.13.a. and the following summarised reasons:*

- 1. The proposal generally meets the relevant provisions of the:*
  - a. State and Local Planning Policy Framework;*
  - b. Low Density Residential Zone;*
  - c. Bushfire Management Overlay;*
  - d. Particular provisions including Clause 52.17 Native vegetation and Clause 53.01 Public Open Space Contributions;*
  - e. Decision Guidelines of Clause 65.02.*
  - f. Clause 65*
- 2. The proposal is compatible with adjoining and nearby land uses.*

*Carried*

## **PROPOSAL**

The proposal involves a two (2) lot subdivision and removal of native vegetation. Details of the proposal are as follows:

### ***Subdivision***

Lot 1 will be irregular in shape, with a maximum road frontage of 32.06 metres, a maximum depth of 66.45 on the northern boundary and a total area of 2,000 sqm. Proposed access will be located on the eastern boundary of the site. A building envelope will be located within the approximate centre of the site and will be setback a minimum of 10 metres from the northern boundary and 15 metres from the eastern boundary. Any future dwelling will be required to be constructed to a BAL rating of 29.

Lot 2 will be irregular in shape, with a maximum road frontage of 39.94 metres, a maximum depth of 58.46 on the northern boundary and a total area of 2,081 sqm. Proposed access will be located on the north-eastern boundary of the site. A building envelope will be located within the approximate centre of the site and will be setback a minimum of 11 metres from the northern boundary and 15 metres from the eastern boundary. Any future dwelling will be required to be constructed to a BAL rating of 29.

### ***Vegetation removal***

The application proposes the removal of four (4) small trees located within lot 2. The total amount of vegetation proposed to be removed is 0.120 hectares. This has a minimum strategic biodiversity value of 0.176, over the four (4) small trees proposed for removal within the site.

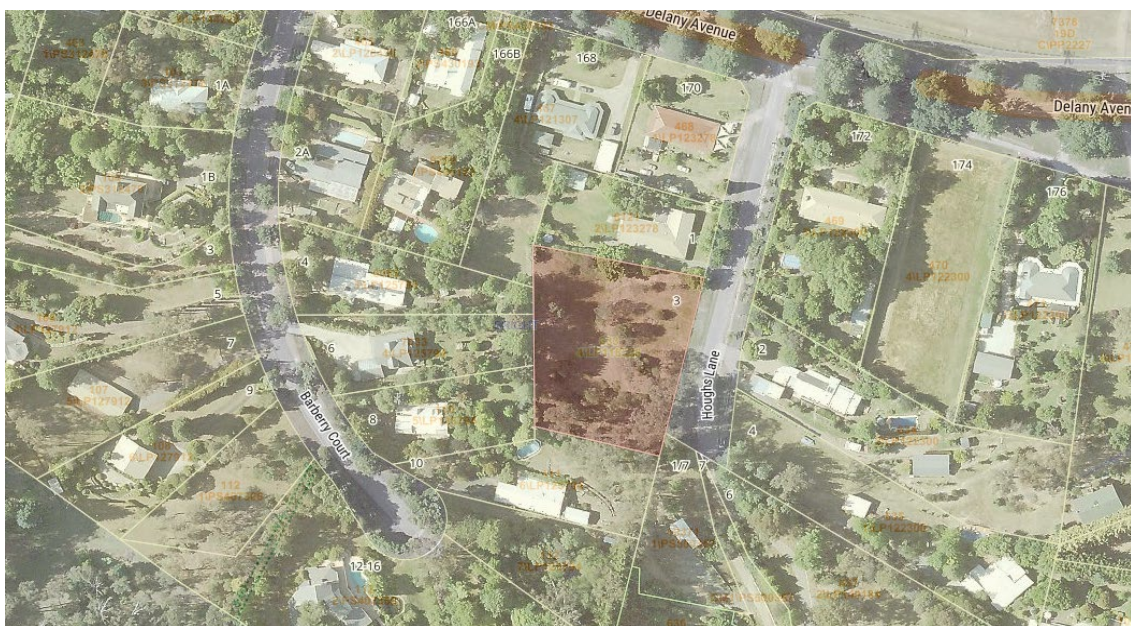


**Figure 1: Proposed subdivision and building envelope**

### **SUBJECT LAND AND SURROUNDS**

The subject site is a roughly trapezoidal block of 4077m<sup>2</sup>, currently vacant land zoned Low Density Residential Zone (LDRZ). The entire site is covered by the Bushfire Management Overlay (BMO). The site is within Bright.

The surrounding blocks are generally just over 2000m<sup>2</sup>. Most of the surrounding lots are occupied by single dwelling houses.



**Figure 3: Aerial image of the 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 surrounding landholders and occupiers. A sign was displayed on the site. Three (3) objections were received and maintained. The matters raised in the objections have been summarised as follows:

- Increased density.
- Increased traffic, noise pollution and safety of residents.
- Cars parked within the road reserve of Houghs Lane
- Increase of holiday rental accommodation and the negative amenity impacts upon the area.
- Drainage concerns.
- Width of Houghs Lane and its ability to accommodate more dwellings.
- Ingress and egress from Delany Avenue to Houghs Lane.

The applicant did not provide a written response.

The assessing officer's response is provided as follows:

Increases in traffic, noise pollution and safety of residents - The impact will be minimal from two (2) additional dwellings. It is unlikely to cause any detrimental impacts to the existing residents of Houghs Lane due to the residential nature of the area.

Carparking - Whilst it is recognised that the application is for a subdivision only and does not include a development component it is considered both sites are more than capable of accommodating a single dwelling each with appropriate landscaping. The applicant has submitted a Bushfire Management Plan that highlights that the setbacks and space to park cars within it.

Drainage concerns - Any drainage concerns have been assessed and will be alleviated by drainage conditions imposed by Alpine Shire Councils Engineering Department.

Ingress and egress from Delany Avenue - This is an existing issue that will not be increased by two (2) dwellings. The Council and VicRoads are both aware of the existing issue.

## REFERRALS

| Referrals / Notice   | Advice / Response / Conditions   |
|----------------------|--|
| Section 55 referrals | Country Fire Authority (CFA) - No objection, subject to conditions.<br>Department of Environment, Land, Water and Planning (DELWP) - No objection, subject to conditions |
| Internal referrals:  | Alpine Shire Council Engineering Department - No objection, subject to conditions.   |

## PLANNING ASSESSMENT

All applicable policy and decision guidelines can be found in Attachment 8.3.13.b.

### Planning Policy Framework

The following Planning Policy Framework (PPF) gives support to the proposal:

Clause 12.01-1S (Protection of biodiversity) aims to assist the protection and conservation of Victoria's biodiversity and Clause 12.01-2S (Native vegetation management) has the objective to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation, with the strategy to achieve this being applying the three-step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017).

Clause 13.01-1S - Natural hazards and climate change the objective of this Clause is to 'minimise the impacts of natural hazards and adapt to the impacts of climate change through risk-based planning.'

Clause 13.02-1S - Bushfire planning of the PPF states that when assessing a planning permit application, this policy requires planning to:

- Consider the risk of bushfire to people, property and community infrastructure;
- Require the implementation of appropriate bushfire protection measures to address the identified bushfire risk; and
- Ensure new development can implement bushfire protection measures without unacceptable biodiversity impact
- Clause 15.01-3S Subdivision Design aims to ensure design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods
- Lot sizes provide diversity and housing affordability for the Shire's residents.
- The subdivision design ensures the lots will be orientated onto two (2) roads.
- The design and layout is consistent with lots located to the south.
- The proposed subdivision is similar in size with lots size located directly to the east which abut the Kiewa Valley Highway and will also facilitate subdivision of the land in an orderly manner.
- The site has direct access to an existing road network, town water, reticulated sewerage and telecommunications infrastructure.

Clause 16 Housing contains a number of policies relating to residential development, integrated housing, location of residential development, and housing diversity and affordability.

## Local Planning Policy Framework

The following Local Planning Policy Framework (LPPF) gives support to the proposal.

Clause 21.03-1-Townships and villages seeks to direct urban growth to established towns that have the infrastructure and services to provide for the increase in density of development including the Township of Bright.

Clause 21.04-4 - Environmental Risk. The objectives of the Clause are to:

- Identify, recognise and plan for environmental risks and constraints in planning for the use and development of land.
- Manage the risks of environmental hazards, including bush fire, flooding and land slip, to avoid adverse consequences on the natural and man-made environment.
- Ensure that land use and development addresses relevant site context and natural features of the area including the potential for bush fire, flooding and landslip risk.
- Facilitate a risk-based approach to land use planning in areas subject to environmental risk and require land use planning to integrate with and support other risk management and mitigation strategies.
- Implement bushfire risk assessment and mitigation in land use planning

Clause 21.07-1 Bright seeks to ensure minimum lots sizes for residential subdivision are characteristic to the neighbourhood character in regards to lot size and density. To ensure future residential development supports township character and promotes appropriate design and connectivity outcomes and to ensure future development takes into account risk of bushfire and provides reasonable levels of safety through the accessibility to roads, water, telecommunications and other reasonable infrastructure.

Clause 22.04-1 Infrastructure seeks to ensure all new residential subdivision all forms of residential subdivision which are connected to reticulated sewerage, water, power and stormwater facilities., to ensure that urban development does not adversely impact on the environment and on downstream water quality and to ensure that all roads that service a residential development are fully constructed and sealed.

- The proposal is within an existing residential area of Bright.
- The proposal will ensure the protection of the densification of the rural areas on within the Shire.
- The proposed subdivision is similar in size with the surrounding allotments and will also facilitate subdivision of the land in an orderly manner.
- Each lot is considered to meet the safety requirements associated with the risk of bushfire for the future residents with the site being assessed with a BAL rating of 29 and being provided with a 10,000-litre water tank for each.
- The site has direct access to an existing road network, town water, reticulated sewerage and telecommunications infrastructure.

## Zoning

The subject land is zoned Low Density Residential Zone. The proposal is consistent with the purposes and decision guidelines of the zone for the following reasons:



- The site is located within the Low Density Residential Zone and proposal meets the purpose of the zone which is to provide low density development on lots which are either serviced or can treat and retain waste water on site.
- The proposal is generally in accordance with the purpose of the zone and support is given due to the context and location of the site where the lots will be situated within an area of Bright where utilities, services and facilities are established.
- The site is capable of accommodating the proposed subdivision.
- The proposed lot sizes are consistent with the density and lot pattern of the surrounding area.

### **Bushfire Management Overlay**

The land is covered entirely by the Bushfire Management Overlay. There is a planning permit trigger for the proposal at clause 44.06-2. As required by clause 44.06-6 the application was referred to the CFA for comment who had no objection subject to conditions.

### **Particular Provisions**

#### **Clause 52.17 - Native vegetation removal**

The application proposes the removal of four (4) small trees within Lot 2. The application has been assessed against the relevant decision guidelines and is considered an acceptable outcome. In order to develop the site in accordance with the densities envisaged under the zone, avoidance of vegetation removal altogether is not possible. The extent of removal has been avoided as far as practicable and no significant adverse environmental and biodiversity impacts are envisaged as a result of the proposal. The application was referred to DELWP for comment and consent was provided subject to conditions. Therefore, the application is considered to meet the relevant requirements of the Clause 52.17.

### **General Provisions**

Clause 65.02 of the Alpine Planning Scheme provides the general decision guidelines that must be considered before deciding on an application. A detailed assessment of the proposal against the provisions of Clause 65.02 is contained on the planning file – reference no. P.2021.247. The proposal is generally in accordance with the decision guidelines.

### **CONCLUSION**

The application is considered to be consistent with the Alpine Planning Scheme and should be approved for the following summarised reasons:

1. The proposal generally meets the relevant provisions of the:
  - a. State and Local Planning Policy Framework;
  - b. Low Density Residential Zone;
  - c. Bushfire Management Overlay;

- d. Particular provisions including Clause 52.17 Native vegetation removal;
- e. Decision Guidelines at Clause 65.02.

### **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 Performance
- Manager Planning and Amenity
- Planning Officer

### **APPENDICIES**

8.3.13.a Conditions

8.3.13.b. Policy and decision guidelines

### **8.3.13.a. Conditions**

#### **Endorsed Plans**

##### **1. Amended plans required**

Before the plan of subdivision is certified under the Subdivision Act 1988, amended plans must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application/other specified plans but modified to show:

- a. In accordance with Condition 3.
- b. A tree removal plan and retention plan.

##### **2. Layout not altered**

The layout of the of the subdivision and vegetation removal must be generally in accordance with the endorsed plan/s which form part of this permit. The endorsed plan/s 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.

#### **CFA Conditions**

##### **Amended Bushfire Management Plan Required:**

3. Before certification under the Subdivision Act 1988, an amended bushfire management plan (BMP) must be submitted to and endorsed by the Responsible Authority. When approved, the BMP will be endorsed by the Responsible Authority and be included as an annexure to the section 173 agreement. The BMP must be substantially in accordance with the plan submitted prepared by Oxley and Co, ref S8795 Version 1, dated 10/01/2022 and must show the following bushfire protection measures, unless otherwise agreed in writing by the CFA and the Responsible Authority:
  - a. Defendable space
    - i. Grass must be short cropped and maintained during the declared fire danger period.
    - ii. All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
    - iii. Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
    - iv. Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.
    - v. Shrubs must not be located under the canopy of trees.
    - vi. Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
    - vii. Trees must not overhang or touch any elements of the building.
    - viii. The canopy of trees must be separated by at least 5 metres.

- ix. There must be a clearance of at least 2 metres between the lowest tree branches and ground level.
- b. Construction standards for each Lot
  - i. Nominate a minimum Bushfire Attack Level of BAL – 29 that the future buildings on the lots 1 and 2 will be designed and constructed.
- c. Water supply for each Lot
  - i. Show 10,000 litres of effective water supply for fire fighting purposes which meets the following requirements:
    - A. Be stored in an above ground water tank constructed of concrete or metal.
    - B. Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal. Include a separate outlet for occupant use.
    - C. Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.
    - D. Be located within 60 metres of the outer edge of the approved building.
    - E. The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.
    - F. Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling (64 millimetre CFA 3 thread per inch male fitting).
    - G. Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling).
- d. Access for each Lot
  - i. Show the access for fire fighting purposes which meets the following requirements:
  - ii. All weather construction.
  - iii. A load limit of at least 15 tonnes.
  - iv. Provide a minimum trafficable width of 3.5 metres
  - v. Be clear of encroachments for at least 0.5 metre on each side and at least 4 metres vertically.
  - vi. Curves must have a minimum inner radius of 10m.
  - vii. The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.
  - viii. Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.

#### **Agreements for Services**

- 4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and

telecommunications services to each lot shown on the endorsed plan in accordance with that authority's requirements and relevant legislation at the time.

### **Section 173 Agreement**

5. Before the statement of compliance is issued under the *Subdivision Act 1988* the owner must enter into an agreement with the responsible authority under Section 173 of the *Planning and Environment Act 1987*. The agreement must:
  - a. State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Alpine Shire Planning Scheme.
  - b. Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.
  - c. State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

### **End of CFA Conditions**

### **DELWP Conditions**

#### **Notification of permit conditions**

6. Before works start, the permit holder must advise all persons undertaking the vegetation removal works on site of all permit conditions pertaining to native vegetation protection.

#### **Protection of native vegetation to be retained**

7. Before works start, a native vegetation protection fence must be erected around all native vegetation to be retained within 15 metres of the works area. This fence must be erected at:
  - a. A radius of 12 times the diameter of the tree trunk at a height of 1.4 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree; and
  - b. Around the patch(es) of native vegetation at a minimum distance of 2 metres from retained native vegetation.

The fence must be constructed of star pickets and paraweb or similar to the satisfaction of the responsible authority and the Department of Environment, Land, Water and Planning. The protection fence must remain in place until all works are completed to the satisfaction of the department.

8. Except with the written consent of the department, within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:
  - a. vehicular or pedestrian access;

- b. trenching or soil excavation;
- c. storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;
- d. construction of entry and exit pits for underground services; or
- e. any other actions or activities that may result in adverse impacts to retained native vegetation.

### **Native vegetation offsets**

9. The total area of native vegetation permitted to be removed is 0.120 hectares, comprised of four small scattered trees.
- f. To offset the removal of 0.120 hectares of native vegetation the permit holder must secure a native vegetation offset(s) that meets all the following:
    - i. A general offset of 0.023 general habitat units located within the North East Catchment Management Authority boundary or Alpine Shire Council municipal district;
    - ii. have a Strategic Biodiversity Value score of at least 0.176;
    - iii. must be in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (DELWP, 2017).

### **Offset evidence**

10. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence must be an established first party offset site. This must include:
- a. a security agreement signed by both parties, and
  - b. a management plan detailing the 10-year management actions and ongoing management of the site

to the satisfaction of the Department of Environment, Land, Water and Planning and approved by the Responsible Authority.

Every year, for ten years, after the responsible authority has approved the offset management plan, the applicant must provide notification of the management actions undertaken towards implementing the offset management plan, to the department. An offset site condition statement, including photographs must be included in this notification;

and/or

- a. credit extract(s) allocated to meet the requirements of the permit from the Native Vegetation Credit Register.

A copy of the offset evidence must be endorsed by the responsible authority and form part of this permit.

11. Within 30 days of endorsement of the offset evidence by the responsible authority, the permit holder must provide a copy of the endorsed offset evidence to the

Department of Environment, Land, Water and Planning at  
p&a.north@delwp.vic.gov.au.

### **End of DELWP Conditions -**

### **ASC Engineering Conditions**

#### **Urban Drainage Works**

12. Prior to commencement of use, 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. The legal point of discharge for this site is an open drain on Houghs lane. All roof water from buildings and surface water from paved areas must be collected and discharged to the LPOD to avoid any nuisance discharge to adjacent land.

#### **Drainage Discharge Plan**

13. Prior to certification, 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 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 how the works on the land are to be drained and retarded.
  - b. connection points for drainage for each lot
  - c. underground pipe drains conveying stormwater to the legal point of discharge for each allotment
  - d. a maximum discharge rate from the site is to be determined by computation to the satisfaction of Council to pre-development flow.
  - e. incorporation of water sensitive urban design in accordance with Clause 20 of the Infrastructure Design Manual or as otherwise approved in writing by the Responsible Authority;

Prior to issue of Statement of Compliance, all works constructed or carried out must be in accordance with those plans to the satisfaction of Alpine Shire Council.

#### **Fringe urban residential vehicle crossing location**

14. Prior to issue of Statement of Compliance/commencement of use, 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 crossings shall be constructed at right angles to the road to suit the proposed driveways, and any existing redundant crossing shall be removed and replaced with concrete kerb and channel to match into the surrounding profile.

- b. 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;
- c. crossings may be concrete or have a bituminous seal applied over an appropriately constructed pavement. Dimensions and roadside drainage treatments are to be generally in accordance with IDM drawing SD260

### **Easements to be Created**

15. All existing and proposed easements and sites for existing and required utility services and roads must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the Subdivision Act 1988.
16. Prior to Commencement of Construction Before any road/drainage works associated with the subdivision/development start, the following items must be satisfied:
  - a. Issue of the certified Plan of Subdivision.
  - b. Approval of the construction plans

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.

### **Construction Management Plan**

17. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Alpine Shire Council. Issues such as mud on roads, dust generation and erosion and sediment control will be managed, on site, during the construction phase. Details of a contact person/site manager must also be provided, so that this person can be easily contacted should any issues arise.

### **No Mud on Roads**

18. 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.

### **End of ASC Engineering Conditions -**

#### **Agreements for Services**

19. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of the Act.

#### **Services**

20. The subdivision must be fully provided with services, including reticulated water, sewerage and underground electricity to the satisfaction of Council.



**Stabilisation of Earthworks**

21. All disturbed surfaces on the land resulting from the subdivision must be revegetated and stabilised to the satisfaction of Council.

**Sediment Control**

22. Construction must be in accordance with sediment control principles as outlined in "Construction Techniques for Sediment Pollution Control" EPA 1991.
- a. The contractor is to convey soil, earth, sand, loose debris and like loose materials to or from the site in a manner that will prevent dropping of materials on streets.
  - b. The contractor is to ensure that the wheels, tracks and body surfaces of all vehicles and plant leaving the site are free of mud and that mud is not carried onto adjacent paved streets or other areas.
  - c. The contractor will promptly remove any materials, which are deposited on streets or adjacent areas.

**Stockpiling of Top Soil**

23. Top soil from the construction site is to be stockpiled in a location where it will not be eroded from the site, is not on the road reserve and where no adverse amenity affects would arise all to the satisfaction of the responsible authority.

**Drainage**

24. Each lot shown on the endorsed plans must be drained to the point of discharge as approved by the responsible authority.

**Easements**

25. All existing and proposed easements and sites for existing or required utility services and road on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

**Practical Road Access**

26. Each lot shown on the endorsed plan must have legal and practical road access to the satisfaction of the Responsible Authority.

**Street Numbering**

27. A street number of 100mm minimum height and contrasting colour to its background, must be fixed at the front of the property or as near as practical to.

**Construction Plans Required**

28. Prior to the certification of the plan, detailed construction plans 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 and three copies must be provided. The plans must have regard to the Alpine Shire's 'Development Approval Check Sheet for Submission of Construction Plans' and include:

- a. Fully sealed pavement with (insert type) kerb and channel (insert distance) metres back to back.
- b. Concrete footpaths.
- c. Underground drains.

All works constructed or carried out must be in accordance with these plans and all such works must be completed to the satisfaction of the Responsible Authority before the issue of a Statement of Compliance.

### **As Constructed Drawings**

29. Prior to the Statement of Compliance, the applicant shall provide "As Constructed" drawings and schedule of quantities detailing infrastructure assets that Council will be inheriting from this development in a format and detail to the satisfaction of the Responsible Authority.

### **Implied Easements**

30. Section 12(2) of the *Subdivision Act 1988* shall apply to this subdivision in respect of implied easements.

### **Time for starting and completion**

31. This permit will expire if:

- a. the vegetation removal has not been completed within two (2) years of the date of this permit; or
- b. the plan of subdivision is not certified within two years of the date of this permit; or
- c. the registration of the subdivision is not completed within four years of the certification of the plan of subdivision.

The responsible authority may extend the time if a request is made in writing before the permit expires or within six months afterwards.

### **- End of Conditions -**

### **Planning Notes:**

Road Opening/Non-Utility Minor Works on Municipal Road Reserve/Consent for Works on Road Reserves Permit Required 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 [Work on Council land permit](#), or from the Alpine Shire Council website.

### **DELWP Permit Notes**

The department advises that works or other activities on public land, which may affect protected native plants, will require a Protected Flora Licence or Permit under the *Flora and Fauna Guarantee Act 1988* (FFG). All native vegetation likely to be affected should be checked against the Protected Flora List (DELWP 2017) to determine whether FFG approvals are required. Protected Flora Permits can be obtained from the Hume regional DELWP office 0409 859 875.

Offset requirements are determined in accordance with DELWP (2017) Guidelines for the removal, destruction or lopping of native vegetation. Proposed offset sites must meet eligibility requirements including land use, bushfire risk, quality of vegetation and size of revegetation site. Please visit <https://www.environment.vic.gov.au/native-vegetation/native-vegetation> for further information.

### **8.3.13.b. POLICY AND DECISION GUIDELINES**

All of the below mentioned relevant planning considerations from the Alpine Planning Scheme may be viewed at the following link: <https://planning-schemes.delwp.vic.gov.au/schemes/alpine>.

#### **State Planning Policy Framework**

The State Planning Policy Framework (SPPF) provides relevant direction to the proposal at the following clauses:

- Clause 11 Settlement
- Clause 12.01-1S Protection of biodiversity
- Clause 12.01-2S Native vegetation management
- Clause 13.01-1S Natural Hazards and Climate change
- Clause 13.02-1S Bushfire Planning
- Clause 15.01-3S Subdivision design
- Clause 16.01-1S Housing supply

#### **Local Planning Policy Framework**

The Local Planning Policy Framework (LPPF) provides relevant direction to the proposal at the following clauses:

- Clause 21.01 Alpine Shire profile
- Clause 21.02-1 Strategic Vision
- Clause 21.03-1 Townships and Villages
- Clause 21.03-4 Built form and heritage
- Clause 21.04-4 Environmental risk
- Clause 21.07-1 - Bright
- Clause 22.01-2 Rural residential living

#### **Clause 22.02-1 Native vegetation and biodiversity**

##### **Zone**

The land is zoned Low Density Residential Zone.

##### **Overlays**

The land is covered by the Bushfire Management Overlay.

##### **Particular Provisions**

- Clause 52.17 Native vegetation removal
- Clause 53.01 Public Open Space Contributions

##### **General Provisions**

Clause 65.02 within the Alpine Planning Scheme provides the general decision guidelines.

## 8. Informal meetings of Councillors

### Introduction

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

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

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

*Cr Hughes*

*Cr Keeble*

*That the summary of informal meetings of Councillors for April / May 2022 be received.*

*Carried*

### Background

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

| Date     | Meeting                                      |
|----------|--|
| 26 April | Briefing Session                             |
| 3 May    | Briefing Session                             |
| 5 May    | Planning Forum                               |
| 11 May   | Meeting with residents regarding development |
| 12 May   | Onsite meeting with developers               |
| 17 May   | Briefing Session                             |
| 24 May   | Briefing Session                             |

### Attachment(s)

- 9.0 Informal meetings of Councillors – April / May 2022

## 9. Presentation of reports by delegates

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

## 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 to general business.

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

Nil

## 12. Reception and reading of petitions

*Cr Forsyth*

*Cr Hughes*

*That Council notes and receives the petition pertaining to "safety issues related to Mountain Bike traffic on Mystic Lane since the installation of the Hero Trail and the formation of the Alpine Community Plantation Group in 2013".*

*A report will be tabled at the next Ordinary Council meeting in July 2022.*

*Carried*

## 13. Documents for sealing

*Cr Keeble*

*Cr Kelley*

*That the following documents be signed and sealed.*

1. *Section 173 Agreement – Tandi and Samuel Keith McIntosh. The Section 173 Agreement relates to Planning Permit 2021.63 for Use and Buildings and Works for the Construction of a Host Farm at 25 Harpers Lane, Bright (CA 1 SEC Q Parish of Bright). Volume 10123 Folio 293.*
2. *Lease of Hangar at Porepunkah Aerodrome in favour of Mike Watling Lot 1 on PS 612929 being part of the land contained in Certificate of Title Volume 10529 Folio 040 to 041.*
3. *Asset Plan 2022-2032.*
4. *S5 - Instrument of Delegation Council to Chief Executive Officer.*
5. *S6 - Instrument of Delegation to Members of Council Staff*
6. *S11A - Instrument of Appointment and Authorisation*
7. *Section 173 Agreement between Alpine Shire Council and Prime Pastoral Company Pty Ltd. The Section 173 Agreement is in relation to the location of boundary fencing with a reduced boundary fencing of fifteen metres in width along the entire length of parch number 18369 on Certificate of Title Volume 10585 Folio 279 located at 140 Toms Road, Tawonga, Parish of Mullindolongong.*
8. *Section 173 Agreement – Kate Eugenie Palmer. The Section 173 Agreement relates to Planning Permit 2021.8 for Re-subdivision of three (3) existing lots to create three (3) new lots, and use of Lots 2 and 3 for a dwelling at 844 Great Alpine Road, Freeburgh. Lots 2 & 3 on Plan of Subdivision 142440 (Volume 9534 Folio 132 and Volume 9534 Folio 133. Crown Allotment 11B Township of Freeburgh (Volume 10560 Folio 187) (844 Great Alpine Road, Freeburgh).*

*Carried*

There being no further business the Chairperson declared the meeting closed at 7:39p.m.

.....

Chairperson

15 / 05 /2022

**This petition/joint letter, pertains to the safety issues related to Mountain Bike traffic on Mystic Lane since the installation of the Hero Trail and the formation of the Alpine Community Plantation Group in 2013.**

All of the Mystic Lane residents are requesting that council ensures that funding for the **BSBR Grant** that was announced several weeks ago is used to fully address the issue of **access** to Mystic Park.

Conditions of the initial park permit to control Mystic Lane traffic have not been successful.

We urgently request that all planning and permits related to the **BSBR grant** and the operation of the park result in a designated access road to the mountain bike park; with a clear separation between all recreational activities and residential properties.

Residents respectfully request that the residential amenity of Mystic Lane experienced prior to 2013 be restored.

Name

Address

signature

personal information





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| Name       | Address | signature | personal information |
|------------|---------|-----------|----------------------|
| [Redacted] |         |           |                      |

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|----------------------|---------|-----------|
| personal information |         |           |



INSTRUMENT OF APPOINTMENT AND  
AUTHORISATION

*(PLANNING AND ENVIRONMENT  
ACT 1987)*

**Senior Statutory  
Planning Coordinator**

---

James Trimble – July 2022

## Instrument of Appointment and Authorisation

In this Instrument 'officer' means –

| OFFICER | TITLE                             | NAME          |
|---------|-----------------------------------|---------------|
| POS     | Senior Statutory Planning Officer | James TRIMBLE |

### By this Instrument of Appointment and Authorisation, Alpine Shire Council –

- Under s147(4) of the *Planning and Environment Act 1987* – appoints the **POS** to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and

### It is declared that this Instrument -

- comes into force immediately upon its execution;
- remains in force until varied or revoked.

This Instrument is authorised by a resolution of the Alpine Shire Council made on **5 July 2022**.

THE COMMON SEAL OF THE  
ALPINE SHIRE COUNCIL was  
hereunto affixed 5<sup>th</sup> day of July  
2022 in the presence of:

.....  
COUNCILLOR NAME

.....  
SIGNATURE

.....  
COUNCILLOR NAME

.....  
SIGNATURE

.....  
CHIEF EXECUTIVE OFFICER NAME

.....  
SIGNATURE



INSTRUMENT OF APPOINTMENT AND  
AUTHORISATION  
*(PLANNING AND ENVIRONMENT  
ACT 1987)*

**Interim Manager  
Planning and Amenity**

---

Thomas Courtice – July 2022

## Instrument of Appointment and Authorisation

In this Instrument 'officer' means –

| OFFICER | TITLE                                | NAME            |
|---------|--------------------------------------|-----------------|
| MPA     | Interim Manager Planning and Amenity | Thomas Courtice |

**By this Instrument of Appointment and Authorisation, Alpine Shire Council –**

- Under s147(4) of the *Planning and Environment Act 1987* – appoints the **MPA** to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
- Under s313 of the *Local Government Act 2020* authorises the **MPA** either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

**It is declared that this Instrument -**

- comes into force on **11 July 2022**;
- remains in force until varied or revoked.

This Instrument is authorised by a resolution of the Alpine Shire Council made on **5 July 2022**.

THE COMMON SEAL OF THE  
ALPINE SHIRE COUNCIL was  
hereunto affixed this 5th day of  
July 2022  
in the presence of:

.....  
COUNCILLOR NAME

.....  
SIGNATURE

.....  
COUNCILLOR NAME

.....  
SIGNATURE

.....  
CHIEF EXECUTIVE OFFICER NAME

.....  
SIGNATURE





COUNCIL POLICY

# Risk Management

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**DOCUMENT UNCONTROLLED WHEN PRINTED**

| Document Control                     |                              |                                 |
|--------------------------------------|------------------------------|---------------------------------|
| Policy number<br>054                 | Status                       | Approved by<br>Council          |
| Date approved                        | Next review date<br>May 2026 |                                 |
| Directorate<br>Corporate Performance | Department<br>Corporate      | Internal / External<br>Internal |

**REVISION RECORD**

| Date       | Version | Revision description   |
|------------|---------|--|
| 05/04/2005 | 1.0     | Adopted by Council   |
| 06/02/2007 | 2.0     | Adopted by Council   |
| 24/08/2017 | 2.1     | Draft for internal review and discussion   |
| 01/09/2017 | 2.2     | Draft circulated to Audit Committee  |
| 14/11/2017 | 3.0     | Adopted by Council   |
| 06/11/2019 | 3.1     | Draft review for internal consideration  |
| 25/11/2019 | 3.2     | Draft circulated to Audit Committee incorporating reference to climate risks to align with the resolution of Council at its November 2019 Ordinary Meeting to recognise and mitigate the effects of climate change |
| 17/12/2019 | 4.0     | Adopted by Council   |
| 11/02/2022 | 4.1     | Draft review for internal and Audit and Risk Committee consideration   |
| 28/06/2022 | 4.2     | Draft updated post Audit and Risk Committee feedback and circulated to Councillor Briefing Session for review and consideration  |
| 05/07/2022 | 5.0     | For adoption by Council  |

## 1. Purpose

Alpine Shire Council is committed to:

- managing its resources effectively
- achieving its goals as outlined in the Council Plan
- safeguarding its employees and the community.

Risks can potentially prevent Council from meeting its planned commitments.

The purpose of this policy is to:

- outline Council's commitment to governance and risk management
- promote an integrated approach to the management of risks that could impact the achievement of Council's objectives
- embed governance and risk management into Council's strategic and operational planning, decision-making processes, and operations to protect Council's people and assets, the environment, and the community and to build trust and confidence
- create a culture within the organisation that embraces accountability for governance and risk management
- equip the organisation with the skills and tools to identify, assess and treat risks to an acceptable level
- improve governance and compliance with legislative requirements
- maximise the achievement of Council's objectives, services, and activities.

## 2. Scope

The successful implementation of this policy requires a consistent and systematic approach to risk management at all levels of Council.

This policy applies to:

- the exercise, performance and discharge of all duties, functions and powers of Council, its representatives, employees, contractors, and volunteers
- all activities, decisions and operations conducted by or on behalf of Council.

This policy is not intended to be a prescriptive instruction in the management of risk and as such is supported by a Governance and Risk Framework that incorporates legislative and industry guidelines, best practice instruction and internal procedures and processes.

## 3. Policy details

### 3.1 GOVERNANCE AND RISK CULTURE

Council is committed to developing a culture that embeds effective governance and risk management in all its activities, decisions, operations, and projects. Council is committed to the development of a culture where governance and risk is proactively managed and where issues are reported and managed transparently. In this culture, blame is not attributed to genuine error, however, is identified and used as an opportunity to strengthen controls and awareness.

To achieve this, it is necessary for the organisation to be open to identifying and discussing risks, as well as understanding the process of risk management and the potential consequences of ineffective risk management.

### 3.2 GOVERNANCE AND RISK FRAMEWORK

A Governance and Risk Framework (Framework) will be maintained that is:

- consistent with the risk management Standard AS/NZS ISO 31000:2018 (Risk Management - Guidelines)
- published electronically and be available to all employees
- reviewed in conjunction with the review of this policy.

The Framework will provide an effective and consistent process for the identification, assessment, and management of risks in line with standards, best practice, and good governance.

The key components of the Framework are:

- this risk management policy
- risk management assessment tools
- a risk register
- recognition of the strategic context of Council's objectives
- a governance action sheet
- statutory compliance tables
- the Audit and Risk Committee.

All directorates must implement the Framework.

### 3.3 RISK APPETITE

Council's risk appetite is not fixed; it has a range of appetite depending on the risk and accepts that its appetite in relation to a particular risk may also vary over time. Council generally operates within a low to medium risk level range where activities are not expected to materially, or adversely, affect: the health and safety of its people or the community, essential services, the environment, its reputation, or financial sustainability.

Council is not averse to accepting risk if a thorough risk assessment has been undertaken and risk mitigation strategies to manage or reduce the risk have been developed and implemented.

### 3.4 RISK REGISTER

Council's risks, including strategic, operational, compliance, climate, and project risks, will be recorded in a risk register that will be maintained and reviewed on an on-going basis.

The risk register will enable:

- key risks in the internal and external operating environment to be recorded, assessed, and classified
- the allocation of a risk owner
- the identification and recording of measures to mitigate or control the risks
- monitoring of risks and control measures and the recording of material changes.

### 3.5 MONITORING AND REPORTING

To encourage continuous improvement, the application and performance of, and adherence to, this policy, the governance and risk framework and key risks identified in the risk register will be monitored and reported at least every six months to:

- the Alpine Management Team (AMT)
- the Audit and Risk Committee
- Council.

### 3.6 TRAINING AND AWARENESS

The value of training in and awareness of risk management is recognised and where relevant and required, councillors, employees, volunteers, and contractors will be appropriately briefed in a range of governance and risk topics.

Governance and risk management will be incorporated into the employee induction program.

In addition, the Health, Safety and Risk Officer will be available to act as an advisor on the identification and assessment of risks and the development, implementation, and monitoring of control measures.

## 4. Roles and responsibilities

The CEO and AMT will demonstrate leadership and commitment to ensuring that risk management is integrated into all organisational activities and decision-making.

Every employee, councillor, volunteer, and contractor are accountable and responsible for managing risk within their own role and area of responsibility.

The roles and responsibilities for risk management are outlined in detail in the Governance and Risk Framework.

Regarding this policy, the following roles are responsible for approving, implementing, complying with, monitoring, evaluating reviewing and providing advice on the policy and procedures:

| Responsibility        | Role / Position  |
|-----------------------|--|
| Implementation        | <ul style="list-style-type: none"> <li>• Chief Executive Officer</li> <li>• All directors and managers</li> </ul>  |
| Compliance            | <ul style="list-style-type: none"> <li>• All councillors, employees, volunteers, and contractors</li> </ul>  |
| Development/Review    | <ul style="list-style-type: none"> <li>• Director Corporate Performance</li> <li>• Manager Corporate</li> <li>• Health, Safety and Risk Officer</li> <li>• Audit and Risk Committee</li> </ul> |
| Interpretation/Advice | <ul style="list-style-type: none"> <li>• Director Corporate Performance</li> <li>• Manager Corporate</li> <li>• Health, Safety and Risk Officer</li> </ul>                                     |

## 5. Breaches

Failure to comply with this Council policy, supporting procedures or guidelines, will be subject to investigation which may lead to disciplinary action including possible suspension or termination of employment or contract.

## 6. Human Rights Charter compatibility

This policy has been assessed as being compatible with the *Charter of Human Rights and Responsibilities Act 2006 [Vic]*.

## 7. Supporting documents

This policy should be read in conjunction with all other relevant, Council policies and procedures, as well as relevant legislative requirements.

### Related Legislation

- *Local Government Act 1989 [Vic]*
- *Local Government Act 2020 [Vic]*
- *Local Government (Planning and Reporting) Regulations 2020 [Vic]*
- *Occupational Health and Safety Act 2004 [Vic]*

### Related Guidelines, Operational Directives or Policies

- Alpine Shire Council Governance and Risk Framework
- Alpine Shire Council Fraud and Corruption Control Policy No. 091
- Alpine Shire Council Health and Safety Policy No.052

### Related Procedures

- Health, safety, and risk related procedures

## Standards

- Australian and International Risk Management Standard AS ISO 31000:2018 Risk Management –Guidelines
- Australian Standard AS 8004:2008 Fraud and Corruption Control

## 8. Definitions and abbreviations

| Term                         | Meaning  |
|------------------------------|--|
| Alpine Management Team - AMT | Council's Chief Executive Officer, directors, and managers   |
| Control                      | Measure that maintains and/or modifies risk (AS ISO 31000:2018)<br>Any measure or action (policy, procedure, practice, process, technology, technique, method, or device) that acts to modify, minimise, or manage negative risk or enhance positive opportunities |
| Consequences                 | Outcome of an event affecting objectives (AS ISO 31000:2018)   |
| Council                      | Alpine Shire Council   |
| Event                        | Occurrence or change of a particular set of circumstances (AS ISO 31000:2018)<br>An occurrence, several occurrences, or a non-occurrence (sometimes referred to as incidents or accidents) that always has a cause and usually has a consequence                   |
| Likelihood                   | Chance of something happening (AS ISO 31000:2018)<br>A general description of the chance, probability, or frequency that something might happen  |
| Organisation                 | Alpine Shire Council   |
| Risk                         | Effect of uncertainty on objectives (AS ISO 31000:2018)<br>A possible event or incident that, if it occurs, will have an impact on organisational outcomes and/or performance (Paladin Risk Management Services)   |
| Risk appetite                | The amount of risk Council is prepared to accept, tolerate, or be exposed to at any point in time in the pursuit of achieving its objectives considering the internal and external context and the capabilities of Council to manage the risk                      |
| Risk assessment              | Overall process of risk identification, risk analysis and risk evaluation (AS ISO 31000:2018)  |
| Risk framework               | Set of components that provide the foundations and organisational arrangements for integrating, designing,   |



| Term                | Meaning   |
|---------------------|---|
|                     | implementing, evaluating, and continually improving risk management throughout the organisation   |
| Risk identification | Process of finding, recognising, and describing risks (AS ISO 31000:2018)   |
| Risk management     | Coordinated activities to direct and control an organisation with regard to risk (AS ISO 31000:2018)<br>Relates to all aspects of the organisation’s activities, decision making and operations and coordinates activities and people towards new opportunities while managing unwanted effects and any uncertainty |
| Risk owner          | Individual who has the accountability and authority to manage risk (AS ISO 31000:2018)  |
| Risk register       | A document containing a record of information about identified risks  |

## 9. Approval

THE COMMON SEAL OF THE  
ALPINE SHIRE COUNCIL was  
hereunto affixed this **XX** day of  
**<Month>** 20**XX**  
in the presence of:

.....  
COUNCILLOR

.....  
SIGNATURE

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COUNCILLOR

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SIGNATURE

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CHIEF EXECUTIVE OFFICER

.....  
SIGNATURE



COUNCIL DOCUMENT

# Governance and Risk Framework

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2022

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| 29/08/2017 | 0.1     | Internal working draft  |
| 31/08/2017 | 0.2     | Draft circulated to Audit Committee for review and consideration  |
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| 10/02/2022 | 1.1     | Draft review post <i>Local Government Act 2020</i> for internal and Audit and Risk Committee consideration                  |
| 28/06/2022 | 1.2     | Draft updated post Audit and Risk Committee feedback circulated to Councillor Briefing Session for review and consideration |
| 05/07/2022 | 2.0     | Version 2.0 for endorsement by Council  |

## Preface

Alpine Shire Council (Council) operates within a highly legislated environment, is accountable to its community, faces many challenges and is influenced by internal and external factors.

The Community Vision and Council Plan establish the objectives, services, activities, and priority initiatives to be delivered to ensure the Shire continues to be a popular place to live, learn, work and play.

The Governance and Risk Framework (Framework) is a key component of Council's governance, risk, and compliance arrangements. It is the structure upon which matters that may impact the achievement of Council's goals and strategies are identified and managed. Through the Framework, governance, risk, and compliance management practices can be applied consistently across Council.

By adopting good governance, risk, and compliance management practices, Council can undertake its activities in the knowledge that appropriate and adequate measures are in place to maximise the benefits and minimise the negative or unanticipated effects of any of the risks or opportunities that are presented in the course of achieving its objectives all while meeting its legislative obligations.

## PURPOSE

The purpose of this Framework is to provide an overarching structure for the policies, procedures, and tools for identifying and managing Council's governance, risk, and compliance obligations that are required to ensure that Council meets its legislative obligations, the Community Vision, and Council Plan objectives and in delivering its strategic plans and operational services, programs, and projects.

The framework details responsibilities and accountabilities and specifies the broader governance, risk, and compliance management approach that Council has adopted.

## SCOPE

This Framework applies to councillors, Council employees, and volunteers undertaking any function for or on behalf of Council.

# 1. Governance

## 1.1 GOVERNANCE CONTEXT

The Governance Institute of Australia defines governance in these terms:

*Governance encompasses the system by which an organisation is controlled and operates, and the mechanisms by which it, and its people, are held to account. Ethics, risk management, compliance, and administration are all elements of governance.*

Good governance involves a focus on:

- a clear vision and positive organisational culture
- clarity of roles and responsibilities
- robust management practices and systems which support both internal and external accountability
- public access to decision-making and information.

## 1.2 COUNCIL VALUES

### **A**ccountable

We are accountable and responsible for our decisions and actions, and the impacts of these on our community and the organisation.

### **L**eadership

We demonstrate leadership by being informed, applying innovative thinking and solutions, and making fair and timely decisions in the best interests of our community and the organisation for now and the future.

### **P**roductive

We are productive by focusing on delivering efficient and high-quality services and projects that respond to the needs and priorities of our community and the organisation.

### **I**ntegrity

We have integrity by being committed, truthful and transparent in our decision making and our interactions with our community and the organisation.

### **N**urture

We nurture the relationships, contributions and strengths of our community and the individuals of the organisation.

### **E**ngaged

We are engaged with our community, and within the organisation, to build strong and effective relationships and inform our choices.

### 1.3 GOVERNANCE ELEMENTS

| Governance Element              | Ideal State  |
|---------------------------------|--|
| <b>Strategic Direction</b>      |  |
| Strategic plans                 | <b>Community Vision:</b> a longer-term aspirational plan that outlines how the community would like to see the Alpine Shire in the year 2040. The key directions of Vision feed down into the Council Plan, which is Council’s means of delivering the vision      |
|                                 | <b>Council plan:</b> a 4-year plan developed after every general election that establishes Council’s strategic objectives, strategies, projects, and services for the four-year term of Council  |
|                                 | <b>Municipal public health and wellbeing plan:</b> a four-year plan identifying initiatives to achieve maximum health and wellbeing for the community as required under the <i>Public Health and Wellbeing Act 2008 [Vic]</i>                                      |
|                                 | <b>Other plans and strategies:</b> long term plans and strategies that support Council’s key strategic directions as outlined in the Community Vision and Council Plan   |
| <b>Management and oversight</b> |  |
| Financial management            | <b>Annual budget:</b> aligned to the Council Plan and allocates resources to deliver Councils functions, services, programs, and projects each financial year  |
|                                 | <b>Financial plan:</b> projects resources required over at least a 10-year period to achieve Council’s strategic objectives and deliver Councils functions, services, programs, and projects   |
| Asset management                | <b>Asset management plan:</b> a 10-year plan reviewed after every general election that details the maintenance, renewal, acquisition, expansion, upgrade, disposal, and decommissioning in relation to each class of infrastructure asset under Council’s control |
| Risk management                 | <b>Risk policy and procedures:</b> policy approved by Council and supported by procedures and training   |

| Governance Element             | Ideal State  |
|--------------------------------|--|
|                                | <p><b>Risk assessment:</b> Council, committees and management regularly assess the risks facing the organisation in line with Councils Risk Management Policy and procedures</p> <p><b>Internal risk controls:</b> identified to reduce risks to as low as reasonably possible with CEO signed off on internal risk controls</p> |
| Records management             | <p><b>Records management program:</b> full and accurate records of Council’s activities and dealings are captured, stored, retained, accessed, and released in accordance with PROV standards</p>  |
| Human resource management      | <p><b>Executive remuneration:</b> executive remuneration contracts are linked to performance outcomes</p>  |
|                                | <p><b>Officer remuneration:</b> officers paid in accordance with Council’s Enterprise Agreement and the relevant Awards</p>  |
|                                | <p><b>Workforce Plan:</b> plan approved by approved by CEO detailing organisational structure, human resource requirements to deliver Council Plan, demographics, gender equity and risk mitigations strategies</p>  |
|                                | <p><b>Gender Equality Action Plan:</b> approved plan outlining how Council will plan, implement, and measure changes in the workforce to achieve gender equality</p>   |
|                                | <p><b>Human rights, diversity, and equality:</b> policies adopted and implemented to ensure diversity and equity in representation on matters of gender, age, disability, race, etc</p>  |
| <b>Decision making</b>         |  |
| Council meetings               | <p><b>Council meetings:</b> held in accordance with adopted Governance Rules and open to the public unless closed in accordance with Governance Rules</p>  |
| Delegations and authorisations | <p><b>Delegation of duties and functions to CEO and employees:</b> powers, duties and functions of Council delegated to a Council employee under legislation or regulation are documented and current</p>  |



| Governance Element                    | Ideal State   |
|---------------------------------------|---|
|                                       | <p><b>Financial delegations:</b> authority delegated to a Council employee to approve expenditure or enter a financial commitment on behalf of Council is documented and current.</p> <p><b>Authorised officers:</b> persons authorised under the <i>Local Government Act 2020 [Vic]</i> to administer and enforce the Act, regulations and local laws which relate to the functions and powers of Council are documented and current</p>   |
| Committees                            | <p><b>Delegated Committees:</b> held in accordance with adopted Governance Rules</p> <p><b>Community Asset Committees:</b> established in accordance with <i>Local Government Act 2020 [Vic]</i> and operate under an instrument of delegation from Council with decision making powers limited to those specified by the Act and/or delegation</p> <p><b>Audit and Risk Committee:</b> established in accordance with <i>Local Government Act 2020 [Vic]</i> and operate under a Charter adopted by Council with decision making powers limited to those specified by the Act and/or Charter</p> |
| Boards of Council owned organisations | <b>Momentum One:</b> operates as its own entity   |
| <b>Accountability</b>                 |   |
| Annual report                         | <b>Annual Report:</b> prepared and published annually to meet local government reporting requirements under <i>Local Government (Planning and Reporting) Regulations 2020 [Vic]</i> and Section 98 of the <i>Local Government Act 2020 [Vic]</i> including report on operations, financial and performance statements   |
| Regular reporting against plans       | <b>Quarterly reports:</b> quarterly report on operations, and performance against budget and achievement of Council Plan strategic indicators   |
| Audit and Risk Committee              | <b>Reports to Committee:</b> management provides reports to the Committee on compliance, finance, performance, risk, fraud, corruption, and audit matters in accordance with the Committee’s Charter  |

| Governance Element          | Ideal State  |
|-----------------------------|--|
|                             | <b>Reports from Committees:</b> committee reports minutes of its meetings to Council and provides biannual reports to Council on its activities and recommendation   |
| Internal and external audit | <b>Internal Audit:</b> annual plan for internal audits to address recognised risks endorsed by Audit and Risk Committee and Council  |
|                             | <b>External Audit:</b> undertaken by the Victorian Auditor-General's Office (VAGO) in accordance with the <i>Audit Act 1994 [Vic]</i> and Section 98 of the <i>Local Government Act 2020 [Vic]</i>   |
| Performance                 | <b>CEO Performance review:</b> CEO's performance is formally reviewed quarterly by the CEO Employment and Remuneration Committee against KPI's in the annual performance plan adopted by Council   |
|                             | <b>Employee performance reviews:</b> employee performance is formally reviewed annually with training and development opportunities identified   |
|                             | <b>Audit and Risk Committee performance:</b> Audit and Risk Committee establish an annual workplan and undertake a self-assessment of performance each year against the workplan and Charter   |
| Stakeholder engagement      | <b>Council meetings:</b> open to the public and opportunities provided to stakeholders to engage with Council in accordance with Governance Rules  |
|                             | <b>Access to information:</b> website and social media platforms maintained, and information clear and current and hard copy information provided where reasonable   |
|                             | <b>Community engagement:</b> a collaborative relationship between Council and the community will be developed whereby Council will seek input and feedback from the community to assist it in its decision making and in accordance with its Community Engagement Policy |
|                             | <b>Customer service and complaints management:</b> Council will provide high quality responsive customer service and respond to customer complaints in accordance with its Complaints Policy   |

| Governance Element   | Ideal State   |
|----------------------|---|
| <b>Culture</b>       |   |
| Conduct              | <b>Values:</b> Council has a clear set of organisational values and policies developed with councillor and employee engagement to guide behaviour                   |
|                      | <b>Councillor Code of Conduct:</b> code developed and approved by Council and councillor’s compliance with code monitored and managed by Mayor                      |
|                      | <b>Staff Code of Conduct:</b> code developed with employee engagement and compliance monitored by all supervisors   |
| Fraud and corruption | <b>Fraud risk assessments:</b> undertaken, and recommendations implemented to maintain a low fraud risk profile   |
|                      | <b>Internal reporting process:</b> established process for reporting suspected fraud or corruption including public interest disclosures                            |
| Misconduct           | <b>Public interest disclosures:</b> policy and process established, and Public Interest Disclosure Coordinator and Officer appointed                                |
| Ethics               | <b>Conflicts of interest:</b> councillors, executive and employees disclose conflicts of interest and exclude themselves from decision making on any related matter |
|                      | <b>Confidentiality:</b> councillors, executive and employees bound by confidentiality agreement   |
|                      | <b>Acceptance of gifts:</b> gift policies for councillors and employees adopted and adhered to with gifts declined in the first instance and registered if accepted |

## 2. Risk

### 2.1 RISK MANAGEMENT CONTEXT

Council faces challenging political, economic, community, natural and cultural influences that make its operating environment uncertain. These influences may impact on the extent to which its objectives can be met. The effect this uncertainty has on the Council's objectives is known as risk.

Risk management encompasses the activities and actions taken by Council to ensure that it is aware of the risks it faces, makes coordinated and informed decisions in managing those risks, and identifies potential opportunities. To this end, Council has endorsed the principles of risk management established in the International Risk Management Standard (adopted here in Australia) - *AS ISO 31000:2018 Risk Management – Guidelines* (the Standard). Refer Appendix A.

Council has a statutory obligation for risk management that is established within the *Local Government Act 2020 [Vic]* and *Local Government (Planning and Reporting) Regulations 2020 [Vic]*. Specifically, the Act states:

*Section 9 Overarching Governance Principles*

*(2)(c) the economic, social, and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted*

*Section 89 Strategic Planning Principles*

*(2)(d) strategic planning must identify and address the risks to effective implementation of the Community Vision, Council Plan, and other strategic plans*

*Section 101 Financial Management Principles*

*(1)(b) financial risks must be monitored and managed prudently having regard to economic circumstances*

*Division 8 – Audit and Risk Committee*

*Section 53*

*(1) Council must establish an Audit and Risk Committee*

*(3)(b)(i) Committee must consist of members .... who collectively have expertise in .... risk*

*Section 54*

*(2)(c) Functions and responsibilities of Committee include monitoring and providing advice on risk management*

Schedule 1 of the Regulations, Annual Report Governance and Management Checklist, requires Council to have developed and implemented:

- 7 Risk policy - outlining Council's commitment and approach to minimising the risks to Council's operations*
- 8 Fraud policy - outlining Council's commitment and approach to minimising the risk of fraud*

- 13 *Risk management framework - outlining Council's approach to managing risks to the Council's operations*
- 19 *Risk Reports - 6-monthly reports of strategic risks to Council's operations, their likelihood, and consequences of occurring and risk minimisation strategies*

Council recognises that effective risk management is an integral part of good governance and best management practice, and that it assists Council in meeting its statutory obligations, the Community Vision, and Council Plan objectives and in delivering its strategic plans and operational services, programs, and projects.

## 2.2 RISK MANAGEMENT POLICY

Council's Risk Management Policy formally affirms Council's commitment to building a risk management culture in which risks, and opportunities are identified and managed effectively.

## 2.3 RISK APPETITE

Risk appetite is the level of risk Council is prepared to accept, tolerate, or be exposed to at any point in time in the pursuit of achieving its objectives considering the internal and external context and the capabilities of Council to manage the risk.

Council's risk appetite is difficult to define due to the complexity and diversity of the activities it undertakes and services it provides. It is not a "one size fits all" approach and therefore Council's risk appetite is not fixed; it has a range of appetite depending on the risk, risk category, risk level and the objective being pursued. Further, its appetite in relation to any particular risk may vary over time depending on the context and Council's capabilities at the time.

| Appetite  |   |
|-----------|---|
| Open      | Council has an open interest in pursuing outcomes that result in significant benefits and any adverse impact is minimal.  |
| Accepting | Council has an accepting interest in pursuing outcomes that result in desirable positive benefits that outweigh any adverse impact  |
| Cautious  | Council has a cautious interest in pursuing outcomes that may result in positive benefits, but adverse impacts are high and may not be able to be mitigated and managed to an acceptable risk level         |
| Minimal   | Council has minimal interest in pursuing outcomes that may result in some positive benefit, but adverse impacts are significant and may not be able to be mitigated and managed to an acceptable risk level |

The range of Council's risk appetite for each of its risk categories is outlined in the following table:

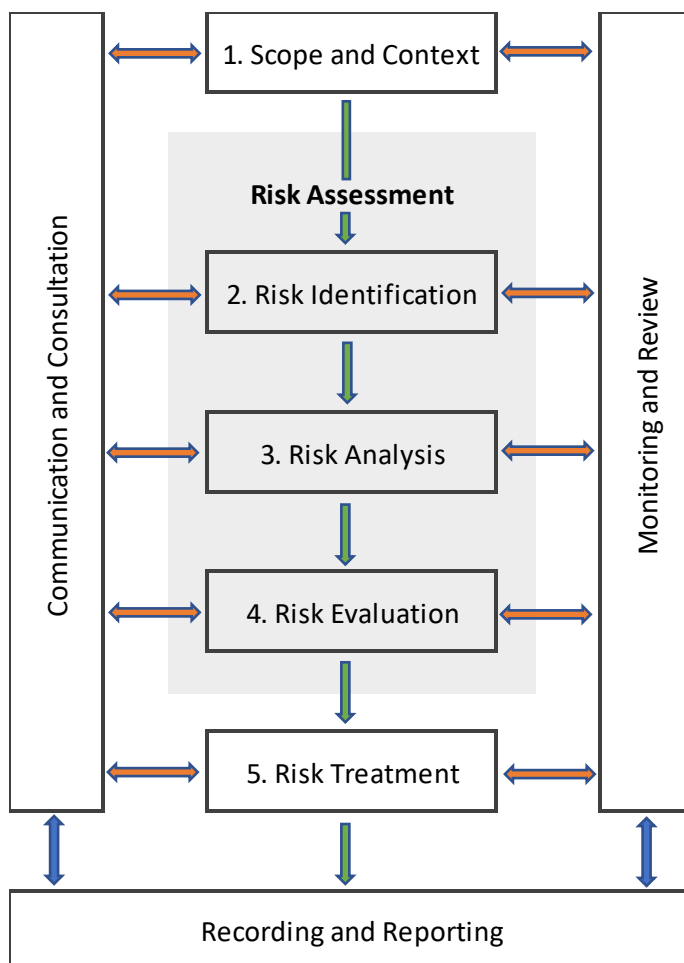
| Risk Category   | Appetite   |
|---|--|
| <p><b>Financial</b></p> <p>Council recognises the tight financial environment within which it is required to operate in relation to income and operating expenses and the financial risks involved in delivering a wide range of services, programs, and capital projects</p> | <ul style="list-style-type: none"> <li>• <b>Open</b> risk appetite to reducing operational costs and generating additional income</li> <li>• <b>Cautious</b> risk appetite for compromising the financial sustainability of Council</li> <li>• <b>Minimal</b> risk appetite for operating outside financial delegations, contract arrangements, legislated or policy requirements</li> </ul> |
| <p><b>Health and safety</b></p> <p>The health and safety of employees, volunteers and third parties is paramount to Council and it will seek to reduce the likelihood of negative health and safety consequences to as low as reasonably practicable</p>                      | <ul style="list-style-type: none"> <li>• <b>Minimal</b> risk appetite for compromising safety and wellbeing of employees and third parties</li> <li>• <b>Accepting</b> risk appetite for strategies and measures that improve safety and wellbeing practices and work environments</li> </ul>  |
| <p><b>Compliance</b></p> <p>Council recognises the need to comply with all relevant laws and regulations and will seek innovative approaches to governance practices to ensure compliance</p>   | <ul style="list-style-type: none"> <li>• <b>Minimal</b> risk appetite for misconduct, fraud, or corruption and non-compliance behaviour that undermines the integrity of Council.</li> <li>• <b>Minimal</b> risk appetite for non-compliance with legal, professional, ethical, and regulatory requirements</li> </ul>   |
| <p><b>Reputation</b></p> <p>Council recognises the importance of protecting its reputation but does understand that negative publicity may occur where there is competing priorities and interests in the community</p>   | <ul style="list-style-type: none"> <li>• <b>Open</b> risk appetite for activities that inform and actively engage the community in Council's activities</li> <li>• <b>Minimal</b> risk appetite for behaviour or values that do not align with Council values</li> </ul>   |
| <p><b>Business interruption</b></p> <p>Council delivers a broad range of activities and acknowledges innovation is required to deliver efficiencies and enhance capabilities while safeguarding its assets including information</p>  | <ul style="list-style-type: none"> <li>• <b>Open</b> risk appetite for innovation and new technologies that can optimise performance and service delivery</li> <li>• <b>Minimal</b> risk appetite for unauthorised access, disclosure, disruption, modification, or destruction of systems/information impacting intellectual property, sensitive</li> </ul>                                 |

| Risk Category   | Appetite  |
|---|---|
|   | information and/or an individual's privacy  |
| <p><b>Environment</b></p> <p>Council recognises the importance of conserving and enhancing our environment and understands the importance of sustainability considerations in its decisions</p> | <ul style="list-style-type: none"> <li>• <b>Open</b> risk appetite for activities that have net environmental benefits</li> <li>• <b>Minimal</b> risk appetite for activities with significant adverse environmental impacts</li> </ul> |

## 2.4 RISK MANAGEMENT PROCESS

The Standard - AS ISO 31000:2018 Risk Management – Guidelines states that the “*risk management process should be an integral part of management and decision making and integrated into the structure, operations, and processes of the organisation. It can be applied at the strategic, operational, program or project levels.*”

Council follows the established process for managing risks in the Standard:



Source: AS ISO 31000:2018 Risk Management – Guidelines

**1: Scope and context**

- Define what activity, decision, project, program, issue requires analysis
- Identify relevant stakeholders/areas involved or impacted • Internal and/or external environment/ factor

**2: Risk identification**

Identify / assess:

- What could happen?
- How and where it could happen?
- Why could it happen?
- What is the impact or potential impact?

**3: Risk analysis**

- Identify the causes, contributing factors and actual or potential consequences
- Identify existing or current controls
- Assess the likelihood and impact/ consequence to determine the risk rating

**4: Risk evaluation**

- Is the risk acceptable or unacceptable?
- Does the risk need treatment or further action?
- Do the opportunities outweigh the threats?

**5: Risk treatment**

- If existing controls are inadequate identify further treatment options
- Devise a treatment plan
- Seek endorsement and support for treatment
- Determine the residual risk rating once the risk is treated

**Communicate and consult**

At all stages of the process ensure those responsible for managing risk, and those with vested interests, understand the basis on which decisions are made, why particular treatment options are selected or why risks are accepted/tolerated.

**Monitor and review**

Continually check:

- Effectiveness of risk controls and/or treatments
- Changes in context or circumstances

**Recording and reporting**

Document and report on all activities in the risk assessment process including communication and consultation and monitoring and reporting activities.



## 2.5 RISK REGISTER

Council's risk register is the principal repository for recording and tracking risks. The risk register sets out all the necessary information to ensure a risk can be effectively managed including:

- the risk itself, its consequences, likelihood, and impact, and establishing a risk score and level
- identifying and assessing existing controls
- identifying possible or proposed controls/actions to further minimise or mitigate the risk
- recommendations / agreed actions from auditors, regulators, insurers, and relevant agencies and
- a risk owner, responsible for managing the risk.

Councils established risk assessment criteria are outlined in Appendix B.

Council's target risk level for the risk categories of Health and Safety, and Compliance is "Low" with all other risk categories having a target risk level of "Medium". It is acknowledged that achieving this target is not always possible with Council's aim to manage and mitigate all risks to a level as low as reasonably practicable. All risks will be managed and monitored regularly to ensure they remain acceptable to Council.

Risks that are not recorded are not able to be managed and the risk exposure of Council is unlikely to be reduced or mitigated.

## 3. Compliance

### 3.1 COMPLIANCE CONTEXT

NZS AS 3806-2009, Standard: Compliance Programs defines compliance as *“adhering to the requirements of laws, industry and organisational standards and codes, principles of good governance and accepted community and ethical standards”*.

Council’s primary legal and authorising environment is mandated by the *Local Government Act 2020 [Vic]* but it also has mandates from several other Acts and regulations.

Councils’ compliance obligations refer to the laws, regulations, codes, policies and procedures with which Council and its employees are required to comply.

All councillors and employees have a responsibility to uphold the legal and mandated requirements relevant to their roles.

The compliance component of this framework documents the requirements and process through which Council can monitor, review, and comply with its legislative and regulatory obligations.

### 3.2 LEGISLATIVE COMPLIANCE TABLES

The compliance tables in this section outline the compliance requirements of the key legal and authorising Acts and Regulations that Council operates under.

### 3.2.1 Local Government Act 2020 [Vic]

| Section of act | Matter   | What is required   | Action by           | Approval / Decision by | Timeframe  |
|----------------|--|--|---------------------|------------------------|--|
| s11            | <b>Delegation from Council to CEO and delegated committees</b> | Review of delegations  | Governance Officer  | Council                | Within 12 months of general election   |
| s25 and s26    | <b>Election of mayor and deputy mayor</b>                      | Nomination and election                                      | CEO                 | Council                | Within 1 month of a general election or vacancy and subsequently on a date as close to the end of the term |
| s30            | <b>Oath or affirmation of office</b>                           | Take oath or affirmation                                     | CEO                 | Councillor             | Within 3 months of being declared elected  |
| s32            | <b>Councillor induction training</b>                           | Completion of prescribed induction training                  | Councillors         | -                      | Within 6 months of taking oath or affirmation  |
|                |  | Written declaration  | Councillors         | -                      | After completing training  |
| s40            | <b>Reimbursement of expenses</b>                               | Reimburse bona fide reasonable expenses                      | Executive Assistant | CEO                    | As required  |
|                |  | Report reimbursement of expenses to Audit and Risk Committee | Governance Officer  | -                      | Quarterly  |

| Section of act | Matter  | What is required  | Action by                                    | Approval / Decision by | Timeframe   |
|----------------|---|---|--|------------------------|---|
| s41            | <b>Council expenses policy</b>  | Adopt and maintain policy   | Governance Officer                           | Council                | As per policy review schedule   |
| s43            | <b>Councillor, delegated committee, and community asset committee indemnity</b> | Procurement of professional indemnity insurance policy  | Health Safety Risk Officer                   | Council                | Annually as per insurance policy  |
| s44            | <b>Chief Executive Officer</b>  | Appoint CEO   | Council                                      | Council                | At end of contract term not exceeding 5 years or when position is vacated |
| s45            | <b>CEO employment and remuneration policy</b>                                   | Adopt and keep in force   | Director                                     | Council                | As per policy review schedule   |
| s46            | <b>Workforce plan</b>   | Develop and maintain plan   | CEO  | CEO                    | As per plan review schedule   |
| s47            | <b>Delegation from CEO to staff and community asset committees</b>              | Report on delegated activities and performance of community asset committees to Council<br><br>Keep register of delegations | Manager Facilities<br><br>Governance Officer | CEO<br><br>-           | Annually<br><br>Update as required  |
| s48            | <b>Staff recruitment policy</b>   | Adopt and maintain policy   | Director Corporate Performance               | CEO                    | As per policy review schedule   |

| Section of act | Matter  | What is required                                  | Action by                            | Approval / Decision by | Timeframe  |
|----------------|---|---|--------------------------------------|------------------------|--|
| s49            | <b>Staff code of conduct – including gift policy and internal resolution procedures</b> | Develop and implement code                        | Director<br>Corporate<br>Performance | CEO                    | As per code review schedule                                      |
| s52            | <b>CEO and staff indemnity</b>  | Professional indemnity insurance                  | Health Safety<br>Risk Officer        | Council                | Annually as per insurance policy                                 |
| s53 and s54    | <b>Audit and risk committee</b>   | Establish and maintain committee                  | Health Safety<br>Risk Officer        | Council                | Ongoing  |
|                |   | Recruit and appoint non-council committee members | Director<br>Corporate<br>Performance | Council                | At end of term not exceeding 3 years or when position is vacated |
|                |   | Prepare and approve charter                       | Health Safety<br>Risk Officer        | Council                | As per charter review schedule                                   |
|                |   | Adopt annual work program                         | Health Safety<br>Risk Officer        | Committee              | Annually   |
|                |   | Undertake assessment of performance               | Health Safety<br>Risk Officer        | Committee              | Annually   |
|                |   | Prepare and present audit and risk report         | Committee<br>Chair                   | -                      | Biannually   |
| s55            | <b>Community engagement policy</b>  | Adopt and maintain policy                         | Director<br>Corporate<br>Performance | Council                | As per policy review schedule                                    |

| Section of act | Matter                            | What is required   | Action by                      | Approval / Decision by | Timeframe                                     |
|----------------|-----------------------------------|--|--------------------------------|------------------------|---|
| s57            | <b>Public transparency policy</b> | Adopt and maintain policy  | Director Corporate Performance | Council                | As per policy review schedule                 |
| s60            | <b>Governance rules</b>           | Adopt and keep in force governance rules   | Governance Officer             | Council                | As per rules review schedule                  |
| s69            | <b>Election period policy</b>     | Maintain policy and include in governance rules                                    | Governance Officer             | Council                | As per policy review schedule                 |
| s75            | <b>Local law</b>                  | Make local law available for inspection at office and on website                   | Governance Officer             | -                      | Ongoing                                       |
| s88            | <b>Community vision</b>           | Develop, adopt, and maintain vision for a period of at least 10 financial years    | Director Corporate Performance | Council                | By 31 October year following general election |
| s90            | <b>Council plan</b>               | Prepare and adopt plan for a period of at least 4 financial years                  | Director Corporate Performance | Council                | By 31 October year following general election |
| s91            | <b>Financial plan</b>             | Develop, adopt, and keep in force plan for a period of at least 10 financial years | Manager Corporate              | Council                | By 31 October year following general election |
| s92            | <b>Asset plan</b>                 | Develop, adopt, and keep in force plan for a period of at least 10 financial years | Manager Asset Maintenance      | Council                | By 31 October year following general election |

| Section of act | Matter                         | What is required  | Action by            | Approval / Decision by | Timeframe   |
|----------------|--------------------------------|---|----------------------|------------------------|---|
| s93            | <b>Revenue and rating plan</b> | Prepare and adopt plan for a period of at least 4 financial years   | Manager<br>Corporate | Council                | 30 June following general election                        |
| s94            | <b>Budget</b>                  | Prepare and adopt budget for each financial year and subsequent 3 years   | Manager<br>Corporate | Council                | Annually by 30 June each year                             |
| s95            | <b>Revised budget</b>          | Prepare and adopt revised budget before varying declared rates, borrowing funds not approved in budget, or making changes to the budget that require community engagement | Manager<br>Corporate | Council                | As required   |
| s97            | <b>Budget report</b>           | Present report to Council meeting   | Accountant           | -                      | Quarterly   |
| s98            | <b>Annual report</b>           | Prepare annual report for each financial year   | Governance Officer   | Council                | Annually within 4 months of the end of the financial year |
| s102           | <b>Financial policies</b>      | Prepare and adopt policies that give effect to financial management principles  | Manager<br>Corporate | Council                | As per policy review schedule                             |
| s107           | <b>Complaints policy</b>       | Develop and maintain policy   | Manager<br>Corporate | Council                | As per policy review schedule                             |

| Section of act      | Matter                           | What is required   | Action by   | Approval / Decision by | Timeframe  |
|---------------------|----------------------------------|--|---|------------------------|--|
| s108                | <b>Procurement policy</b>        | Prepare and adopt policy   | Manager Corporate   | Council                | Review at least once during each 4-year term of Council  |
| s130                | <b>Conflict of interest</b>      | Disclose conflict of interest and exclude from decision making processes in relation to the matter | Relevant person as defined by Act                               | -                      | As required  |
| s133, s134 and s135 | <b>Personal interest returns</b> | Lodge initial return with CEO  | Councillor, delegated committee member, CEO, nominated position | -                      | Within 30 days of: taking oath or affirmation; being appointed to delegated committee, as CEO, or nominated position |
|                     |                                  | Lodge biannual return with CEO   | As above  | -                      | Biannually, between 1-31 March and 1-30 September each year  |
|                     |                                  | Prepare, publish, and make available for inspection summary of returns                             | Governance Officer  | -                      | Biannually   |
| s138                | <b>Councillor gift policy</b>    | Adopt, review and update policy  | Manager Corporate   | Council                | As per policy review schedule  |



| Section of act | Matter                                  | What is required   | Action by          | Approval / Decision by | Timeframe   |
|----------------|---|--|--------------------|------------------------|---|
| s139 and s140  | <b>Councillor code of conduct</b>       | Develop and adopt code   | Governance Officer | Council                | Within 4 months of general election                     |
|                |   | Review and amend code  | Governance Officer | Council                | At any time as required                                 |
| s150           | <b>Councillor conduct officer</b>       | Appoint councillor conduct officer and notify Principal Councillor Conduct Registrar | CEO                | CEO                    | As required for councillor internal arbitration process |
| s248           | <b>Voter's list of ratepayers</b>       | Supply voters list of ratepayers to VEC  | Manager Corporate  | -                      | As required by VEC                                      |
| s258           | <b>Extraordinary councillor vacancy</b> | Notify Minister for Local Government and VEC of vacancy                              | CEO                | -                      | Within 3 days of being made aware of vacancy            |

## 4. Role responsibilities

The Council and the Chief Executive Officer have ultimate responsibility for governance, risk, and compliance within Council.

Under this level, the directors and each of their department managers collaborate to ensure that risks are managed strategically and operationally, and Council's governance and compliance obligations are met.

Every employee who engages in Council activities is impacted in some way by governance, risk, and compliance requirements with some more active in the processes of managing those matters. All employees are expected to work individually and collectively towards the promotion and implementation of a positive governance, risk, and compliance culture within and across Council.

The following levels of responsibility apply under this framework:

| Role      | Responsibility   |
|-----------|--|
| Council   | <p>To support Council's obligations established within the <i>Local Government Act 2020 [Vic]</i> and <i>Local Government (Planning and Reporting) Regulations 2020 [Vic]</i> and other authorising legislation, Council's responsibilities under this Framework include:</p> <ul style="list-style-type: none"> <li>• approving the Governance and Risk Framework and associated governance, risk, and compliance policies</li> <li>• appointing members to the Audit and Risk Committee</li> <li>• ensuring that Council operations are managed within an effective governance, risk, and compliance management framework</li> <li>• receiving reports from the Audit and Risk Committee</li> <li>• receive regular strategic risk reports from the Executive</li> </ul>   |
| Executive | <p>The Executive provide oversight and direction on governance, risk, and compliance obligations to Council, the Audit and Risk Committee and Owners in their directorates.</p> <p>A member of the Executive may also have accountabilities as an Owner.</p> <p>The Executive responsibilities include:</p> <ul style="list-style-type: none"> <li>• providing organisational leadership for the development, implementation and review of Council's Governance and Risk Framework, policy, and procedures</li> <li>• overseeing the implementation of governance, risk, and compliance management across the organisation and its integration across Council's key strategic and operational planning and reporting</li> <li>• communicating a clear message that Council will meet its governance, risk, and compliance obligations</li> </ul> |

| Role     | Responsibility   |
|----------|--|
|          | <ul style="list-style-type: none"> <li>• ensuring accountability is assigned to a nominated employee/s (Owner/s) with the knowledge, authority, and resources to identify, control and monitor the governance, risk, and compliance obligations in their department/team</li> <li>• ensuring employees understand their responsibilities in respect to governance, risk, and compliance management and have these responsibilities identified in their position descriptions, are appropriately trained, and report any issues or concerns relating to their obligations and activities</li> <li>• providing appropriate support to Owners to ensure people, process and systems capabilities are in place to manage their governance, risk, and compliance obligations</li> <li>• regularly reviewing governance, risk, and compliance performance and undertaking due diligence by inquiring on the management of obligations in their directorate</li> <li>• reviewing the organisational context to identify new and emerging governance, risk, and compliance obligations</li> <li>• engaging stakeholders in relation to the identification and management of significant inter-agency governance, risk, and compliance issues</li> <li>• regularly reporting governance, risk, and compliance performance and issues to AMT, Council and the Audit and Risk Committee</li> <li>• fostering a positive, governance, risk, and compliance aware culture across the organisation.</li> </ul> |
| Managers | <p>Managers have an active role in the management of governance, risk, and compliance matters and provide support to Owners in their departments. A Manager may also have accountabilities as an Owner.</p> <p>Managers responsibilities include:</p> <ul style="list-style-type: none"> <li>• implementing governance, risk, and compliance management practices within department</li> <li>• undertaking regular assessments to identify governance and compliance obligations and operational risks that apply to department</li> <li>• regularly monitoring and reviewing effectiveness of risk controls and reviewing and updating risk register</li> <li>• providing governance, risk, and compliance reports as required</li> <li>• fostering a positive governance, risk, and compliance aware culture within department.</li> </ul>   |
| Owners   | The individual who is ultimately accountable for ensuring the governance, risk, or compliance obligation is managed  |

| Role                            | Responsibility  |
|---------------------------------|---|
|                                 | <p>appropriately. There may be multiple employees who have direct responsibility for, or oversight of, activities to manage each identified obligation, and who collaborate with the accountable Owner in their management efforts.</p> <p>Every governance, risk, or compliance obligation will be allocated an Owner responsible for:</p> <ul style="list-style-type: none"> <li>• monitoring and reviewing governance, risk, and compliance obligations with sufficient frequency to ensure currency</li> <li>• advising the relevant Director and Manager on any new, emerging, or changed governance, risk, or compliance obligations identified to ensure the accuracy and currency of Council's registers and documents</li> <li>• timely response, rectification and reporting of governance, risk, and compliance issues to relevant Director and Manager and ensuring appropriate records are kept</li> <li>• facilitating any scheduled or ad hoc reviews to assure Council, Executive and the Audit and Risk Committee that governance, risk, and compliance obligations are being met and ensuring that any deficiencies identified through reviews and assurance processes are promptly rectified.</li> </ul> |
| Employees                       | <p>Every employee who engages in Council activities is impacted in some way by governance, risk, and compliance and has an obligation to be aware and ensure that management of these matters becomes part of their everyday practices. This involves:</p> <ul style="list-style-type: none"> <li>• applying governance, risk, and compliance management practices in day-to-day role related tasks and activities, planning and decision making</li> <li>• maintaining an awareness of current and potential governance, risk, and compliance matters that relate to role</li> <li>• complying with Council's governance, risk, and compliance related policies, directives, and procedures</li> <li>• identifying and reporting risks and non-compliance associated with role related tasks and activities.</li> </ul>  |
| Health, Safety and Risk Officer | <p>The Health, Safety and Risk Officer has responsibility for:</p> <ul style="list-style-type: none"> <li>• maintaining the Governance and Risk Framework and associated policies, procedures, and directives</li> <li>• liaising with the Human Resource Coordinator to deliver a governance, risk, and compliance training program</li> <li>• providing advice and assistance to employees in relation to risk matters</li> </ul>   |

| Role                     | Responsibility  |
|--------------------------|---|
|                          | <ul style="list-style-type: none"> <li>• supporting the Executive in the implementation of this Framework and the management of governance, risk, and compliance matters</li> <li>• supporting the activities of the Audit and Risk Committee.</li> </ul>   |
| Governance Officer       | <p>The Governance Officer has responsibility for:</p> <ul style="list-style-type: none"> <li>• overseeing maintenance of governance and compliance tables within this Framework</li> <li>• coordinating reporting in accordance with the Regulations</li> <li>• providing advice and assistance to employees in relation to governance and compliance matters.</li> </ul>   |
| Audit and Risk Committee | <p>The Audit and Risk Committee's due diligence responsibilities in monitoring Council's governance, risk and compliance obligations include:</p> <ul style="list-style-type: none"> <li>• endorse Governance and Risk Framework and associated policies for Council and/or CEO approval</li> <li>• monitoring the Governance and Risk Framework, Council's systems, processes, and culture to ensure that statutory obligations are met, and material operational risks are dealt with appropriately and making recommendations for improvements to Council</li> <li>• receiving governance, risk, and compliance reports from the Executive</li> <li>• advising Council on emerging governance, risk, and compliance matters in the external environment</li> <li>• reviewing and provide advice on Council's governance, risk, and compliance processes and the procedures in place to ensure that they are operating as intended</li> <li>• overseeing the Internal Audit program and reviewing reports.</li> </ul> |
| Auditors                 | <p>Provide advice and assurance on a range of governance, risk and compliance matters as determined by the Victorian Auditor General or the internal audit plan, including:</p> <ul style="list-style-type: none"> <li>• auditing high and significant rated risks and associated response actions/internal controls</li> <li>• evaluating the effectiveness and application of governance, risk, and compliance management processes</li> <li>• report to the Audit and Risk Committee.</li> </ul>   |

## 5. Monitoring and review

Monitoring and review of governance, risk and compliance matters and identification and reporting of breaches, is undertaken at the following levels:

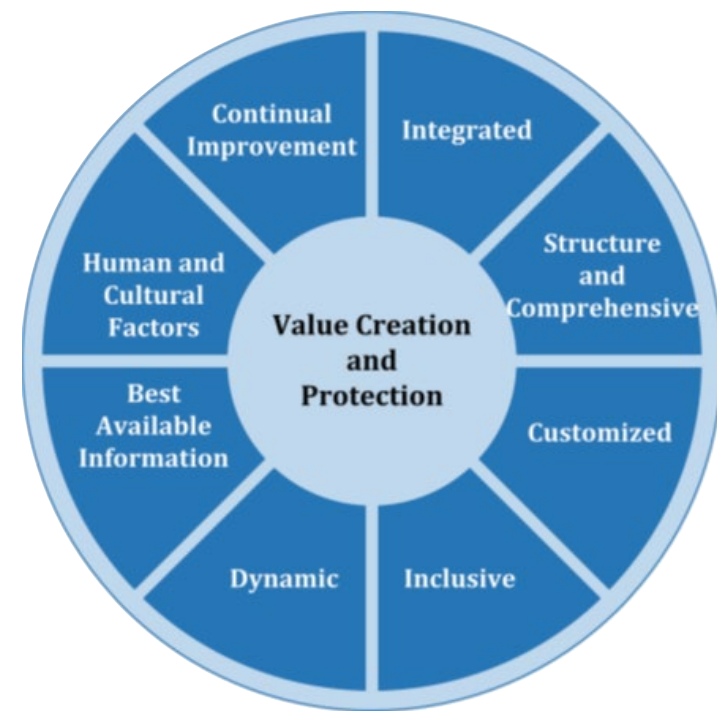
- All: self-disclosure to relevant supervisor of a breach or non-compliance with governance, risk, or compliance obligation.
- Owners: frequent review of own governance, risk, and compliance obligations and activities.
- Executive: at least quarterly, review governance, risk, and compliance obligations and activities for:
- assurance that compliance obligations are being met and that any deficiencies identified have been rectified and
  - reporting to Audit and Risk Committee.
- Internal review: scheduled and ad-hoc internal review of governance, risk, and compliance obligations and activities.
- Audit: internal and external audit assesses and provides independent assurance on Council's governance, risk, and compliance obligations and effectiveness of controls to manage obligations.

In addition to the above, governance, risk, and compliance obligations and activities will be investigated and reviewed on receipt of notifications by regulatory agencies and other authorities, public interest disclosures, or third-party complaints.

## Appendix A: Risk management principles

International Standard – AS ISO 31000-2018 Risk Management - Guidelines identifies the following principles to “provide guidance on the characteristics of effective and efficient risk management, communicating its value and explaining its intention and purpose. The principles are the foundation for managing risk”.

| Principle                    | Explanation  |
|------------------------------|--|
| Integrated                   | Risk management is an integral part of all the organisation’s activities.  |
| Structured and comprehensive | A structured and comprehensive approach to risk management contributes to consistent and comparable results.   |
| Customised                   | The risk management framework and process are customised and proportionate to the organisation’s external and internal context related to its objectives.  |
| Inclusive                    | Appropriate and timely involvement of stakeholders enables their knowledge, views, and perceptions to be considered. This results in improved awareness and informed risk management.  |
| Dynamic                      | Risks can emerge, change, or disappear as the organisation’s external and internal context changes. Risk management anticipates, detects, acknowledges, and responds to those changes and events in an appropriate and timely manner.  |
| Best available information   | The inputs to risk management are based on historical and current information, as well as on future expectations. Risk management explicitly considers any limitations and uncertainties associated with such information and expectations. Information should be timely, clear, and available to relevant stakeholders. |
| Human and cultural factors   | Human behaviour and culture significantly influence all aspects of risk management at each level and stage.  |
| Continual improvement        | Risk management is continually improved through learning and experience.   |



Principles, AS ISO 31000-2018 Risk Management – Guidelines

## Appendix B: Risk assessment criteria

### B.1: RISK MATRIX

|        |               | LIKELIHOOD     |        |          |          |      |
|--------|---------------|----------------|--------|----------|----------|------|
|        |               | 1              | 2      | 3        | 4        | 5    |
| IMPACT |               | Almost certain | Likely | Possible | Unlikely | Rare |
| A      | Severe        | A1             | A2     | A3       | A4       | A5   |
| B      | Major         | B1             | B2     | B3       | B4       | B5   |
| C      | Moderate      | C1             | C2     | C3       | C4       | C5   |
| D      | Minor         | D1             | D2     | D3       | D4       | D5   |
| E      | Insignificant | E1             | E2     | E3       | E4       | E5   |



| RISK LEVEL |                                | APPROACH / ACTION   |
|------------|--------------------------------|---|
| Extreme    | A1-A2                          | <p><b>Avoid risk in the 1st instance, seek to lower risk level, Council may accept and mitigate</b></p> <ul style="list-style-type: none"> <li>• In the first instance, avoid the risk entirely – cease/do not commence activity</li> <li>• Where pursuit of objective has positive benefits and impacts are comparable to existing accepted risks, assess and mitigate seeking to reduce the risk level - as low as reasonably practicable - before decision by Council to proceed</li> <li>• Assign ownership to CEO</li> <li>• Monitor proactively on at least monthly basis in addition to scheduled monitoring</li> <li>• Any departure from controls/treatment plans and incidents will be treated as significant, managed accordingly including a full risk assessment and consideration by Council and may result in cessation of activity</li> </ul> |
| High       | A3-A4, B1-B3, C1-C3            | <p><b>Seek to lower risk - management may accept and mitigate</b></p> <ul style="list-style-type: none"> <li>• Seek to lower risk level – as low as reasonably practicable</li> <li>• Approval to proceed required by management</li> <li>• Mitigate with specific controls/treatment plans to limit adverse events</li> <li>• Any departure from controls/treatment plans requires full risk assessment and prior approval of management</li> <li>• Assign ownership to director</li> <li>• Schedule regular monitoring</li> <li>• Incidents will be investigated, and risk reassessed</li> </ul>  |
| Medium     | A5, B4-B5, C3-C5, D1-D3, E1-E2 | <p><b>Accept and mitigate</b></p> <ul style="list-style-type: none"> <li>• Seek to lower risk level – as low as reasonably practicable</li> <li>• Mitigate with identified controls /treatment actions</li> <li>• Manage by routine and identified specific processes/procedures</li> <li>• Schedule regular monitoring</li> <li>• Assign ownership to supervisor/manager</li> </ul>  |
| Low        | D4-D5, E3-E5                   | <p><b>Accept</b></p> <ul style="list-style-type: none"> <li>• Manage by routine process/procedures</li> </ul>   |

## B.2: RISK LIKELIHOOD

| Likelihood     | Occurrence  |  |
|----------------|---|--|
| Rare           | May never happen<br>Would only happen in exceptional circumstances<br><5% chance of occurring<br>Not likely to occur in the next 15 years                     | <i>Pretty much a 'once in a lifetime' chance it will happen - hasn't occurred at ASC or at any other council before to the best of our knowledge</i> |
| Unlikely       | Not expected to happen<br>No previous history of occurrence<br>6-25% chance of occurring<br>Could occur within 10 years                                       | <i>A very small chance it could occur – hasn't occurred at ASC or at another council but has occurred in other organisations</i>                     |
| Possible       | Could happen at some stage<br>History of casual occurrence<br>25-49% chance of occurring<br>Could occur within 5 years  | <i>Probably won't occur – it has occurred at ASC only once or twice before but has occurred at other councils</i>                                    |
| Likely         | Will happen at some stage<br>History of repeated occurrence<br>50-74% chance of occurring<br>Could occur within 2 years                                       | <i>Probably will occur – has occurred at ASC and at other councils' numerous times</i>   |
| Almost Certain | Expected to happen in most circumstances<br>History of frequent and/or regular occurrence<br>>75% chance of occurring<br>Could occur within the next 6 months | <i>A very strong chance it will occur – has occurred at ASC and at other councils and organisations many times and on a regular basis</i>            |

### B.3: RISK IMPACT

| Description   | Financial (Fraud, poor investments / purchases) | Health and Safety (Staff/ Public)  | Compliance (Non-compliance with legislation, breaking the law, contractual breach)   | Reputation (Council reputation, customer sensitivity)   | Business Interruption (Impact on Client, service/project interruptions or delays)  | Strategic (Council Plan, budget etc)   | Environment  |
|---------------|---|--|--|---|--|--|--|
| Insignificant | < \$10K   | No injury or insignificant injury requiring first aid treatment only.                                      | Minor statutory, regulatory, contractual or code compliance issues. May result in performance management.  | Negative publicity but can easily be countered. No impact on reputation of Council Issue may require intervention by management                       | Brief business disruption, but loss of service limited to acceptable level. No impact on clients/stakeholders. No/minimal employee absences. Minor work interruptions. | Consequences are dealt with by routine operations  | Minor short-term damage to low sensitive environment       |
| Minor         | \$10K to \$50K                                  | Injury requiring medical treatment, not hospitalised,  | Major issues with statutory, regulatory, contractual or code compliance. May result in censure/disciplinary action.  | Negative publicity but can be countered. Minimal damage to Council reputation. Issue may have been raised by stakeholders and/or local press          | Service loss not restored within targeted time. Short term employee absences. Loss of productivity.  | Minimal impact on strategic / operational objectives   | Medium term damage to low sensitive environment            |
| Moderate      | \$50K to \$100K                                 | Significant injury requiring hospitalisation or loss time injury more than 1 day                           | Imminent potential breach of statutory, regulatory, contractual or code requirements. May result in fines/disciplinary action.   | Adverse publicity in local media and/or negative customer feedback. Moderate damage to Council reputation impacting noticeably on Council activities. | Significant service loss for up to one month. Consistent/regular employee absences. Project delivery delays.   | Impacts on some parts of Council operations and will require considerable resources to correct           | Serious medium-term damage to medium sensitive environment |
| Major         | \$100K to \$1M                                  | Serious injury resulting in permanent loss of body function / disability, amputation, or long-term illness | Aware of potential breach of statutory, regulatory, contractual or code which can have significant impact upon business. May result in fines/penalties/ restrictions on Council operations/prosecution of employees/disciplinary action. | Adverse publicity in state media and/or significant customer dissatisfaction. Significant damage to Council reputation.                               | Critical service loss for one to three months. Significant employee absences. Industrial action  | Requires significant resources and time to correct, possibly impacting other parts of Council operations | Serious medium-term damage to highly sensitive environment |

| Description | Financial<br>(Fraud, poor investments / purchases) | Health and Safety<br>(Staff/ Public) | Compliance<br>(Non-compliance with legislation, breaking the law, contractual breach)  | Reputation<br>(Council reputation, customer sensitivity)   | Business Interruption<br>(Impact on Client, service/project interruptions or delays)                                     | Strategic<br>(Council Plan, budget etc)                           | Environment   |
|-------------|--|--------------------------------------|--|--|--|---|---|
| Severe      | > \$1M   | Fatality                             | Major breach of statutory, regulatory, contractual or code requirements which can have significant impact upon business.<br>May result in dismissal of Council/prosecution of employees/disciplinary action/termination. | Adverse publicity in national media and/or intervention from the regulator and/or very serious litigation including class action.<br>Irreparable damage to Council reputation. | Critical service loss for more than three months or affecting operating viability.<br>Major impacts on project delivery. | Material and negative impacts on the future of Council operations | Very serious long-term damage to highly sensitive environment |

## B.4: CONTROL RATING

| Rating                         | Meaning   |
|--------------------------------|---|
| Excellent<br>(Effective)       | Controls effectively reduce risk.<br>Review and monitoring of existing controls is required.<br>Controls are well designed for the risk, address the root cause, are officially documented, are in operation and are always effective and reliable.   |
| Good<br>(Adequate)             | Controls are mostly effective and substantially reduce risk.<br>Most controls are designed correctly and are in place and effective.<br>Additional work may be required to improve documentation and operating effectiveness and reliability.   |
| Fair<br>(Improvement Required) | Controls are partially effective and partly reduce risk.<br>Design of the controls may address most of the root causes of the risk but are not currently documented/operational/reliable and should be improved.<br>Some controls have design flaws and do not treat the root cause of the risk and are ineffective and unreliable. |
| Poor<br>(Weak)                 | No credible controls or ineffective controls and risk not reduced.<br>Management has no confidence that any degree of control is being achieved due to poor control design and/or very limited operational effectiveness  |

## Appendix C: Glossary

| Term          | Meaning  |
|---------------|--|
| AMT           | Alpine Management Team comprising Council's CEO, Directors, and Managers   |
| CEO           | Chief Executive Officer  |
| Compliance    | Adherence to the requirements of laws, industry and organisational standards and codes, principles of good governance and accepted community and ethical standards. (NZS AS 3806-2009, Standard: Compliance programs)  |
| Control       | Measure that maintains and/or modifies risk (AS ISO 31000:2018)<br>Any measure or action (policy, procedure, practice, process, technology, technique, method, or device) that acts to modify, minimise, or manage negative risk or enhance positive opportunities |
| Consequence   | Outcome of an event affecting objectives (AS ISO 31000:2018)   |
| Council       | Alpine Shire Council   |
| Event         | Occurrence or change of a particular set of circumstances (AS ISO 31000:2018)<br>An occurrence, several occurrences, or a non-occurrence (sometimes referred to as incidents or accidents) that always has a cause and usually has a consequence                   |
| Governance    | System by which an organisation is controlled and operates, and the mechanisms by which it, and its people, are held to account. Ethics, risk management, compliance and administration are all elements of governance   |
| Impact        | A general description of the level or severity of the consequence, effect, or influence of an event  |
| Likelihood    | Chance of something happening (AS ISO 31000:2018)<br>A general description of the chance, probability, or frequency that something might happen  |
| Loss          | Any negative consequence or adverse effect, financial or otherwise   |
| Monitor       | To check, supervise, or record the progress or quality of an activity or system on a regular basis to identify change  |
| Residual risk | The remaining level of risk after risk control measures have been implemented  |

| Term                | Meaning   |
|---------------------|---|
| Risk                | Effect of uncertainty on objectives (AS ISO 31000:2018)<br>A possible event or incident that, if it occurs, will have an impact on organisational outcomes and/or performance (Paladin Risk Management Services)  |
| Risk appetite       | The amount of risk Council is prepared to accept, tolerate, or be exposed to at any point in time in the pursuit of achieving its objectives considering the internal and external context and the capabilities of Council to manage the risk   |
| Risk assessment     | Overall process of risk identification, risk analysis and risk evaluation (AS ISO 31000:2018)   |
| Risk identification | Process of finding, recognising, and describing risks (AS ISO 31000:2018)   |
| Risk management     | Coordinated activities to direct and control an organisation with regard to risk (AS ISO 31000:2018)<br>Relates to all aspects of the organisation's activities, decision making and operations and coordinates activities and people towards new opportunities while managing unwanted effects and any uncertainty   |
| Risk owner          | Individual who has the accountability and authority to manage risk (AS ISO 31000:2018)  |
| Risk rating         | The rating given to the combination of the impact level of an event and the likelihood that the event will happen. It is vital to ensure that when choosing the combination of impact and likelihood that the selected likelihood score relates to the likelihood of a particular impact level actually occurring, not just the likelihood of the event occurring |
| Risk register       | A document containing a record of information about identified risks  |
| Risk tolerance      | The willingness of Council to accept or avoid risk  |



NO.2021/22-5 – 20 MAY 2022

# Audit and Risk Committee Meeting

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Minutes



## **In Attendance**

### COMMITTEE MEMBERS

Gerard Moore, Chair

Craig Covich

Jason Young

Julie Guest

Cr Sarah Nicholas, Mayor

Cr Simon Kelley

### OFFICERS

Charlie Bird, Chief Executive Officer

Helen Havercroft, Director Corporate Performance

Will Jeremy, Director Assets

Dennis O'Keeffe, Manager Corporate

Kirsten McDonald, Health, Safety and Risk Officer

Alan Clark, Executive Project Officer

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## **1. Acknowledgement of traditional custodians, and recognition of all people**

## **2. Welcome**

The Alpine Shire Council Audit and Risk Committee welcomed new members of the management team, Dennis O'Keefe, Manager Corporate and Alan Clark, Executive Project Officer.

## **3. Apologies**

Nil

## **4. Declarations by Committee members of conflict of interest**

Nil

## **5. Confirmation of minutes**

### **5.1 AUDIT AND RISK COMMITTEE MEETING NO. 2021/22-4, 18 FEBRUARY 2022**

*C Covich*

*J Guest*

*The Audit and Risk Committee confirmed the minutes of its Meeting No.2021/22-4 held on 18 February 2022.*

*Carried*

### **5.2 BUSINESS ARISING FROM PREVIOUS MEETING MINUTES**

## 6. Standing items

### 6.1 PROGRESS OF AUDIT AND RISK COMMITTEE ACTIONS

#### **Introduction**

The Audit and Risk Committee action sheet is a register of all Audit and Risk Committee resolutions and requests that require a subsequent action to be implemented. Each meeting an update on the progress and status of the actions is provided to the Committee.

*The Audit and Risk Committee noted the progress of outstanding actions.*

## 7. Reports by officers

### 7.1 MANAGEMENT OF ROAD ASSETS – KEY PERFORMANCE INDICATORS

#### Introduction

The purpose of this report is to update the Committee on the management of road assets, with a particular focus on performance in addressing defects under the Road Management Plan.

*The Audit and Risk Committee noted the information contained in this report in relation to the management of Council's road assets.*

#### ACTIONS

- *Develop an overarching road management framework outlining all components of managing Council's road assets including the Road Management Plan, Road Register, road classifications, road design standards, etc*

#### Background

Council has established and maintains a Road Management Plan, which can be viewed at the following link:

[https://www.alpineshire.vic.gov.au/sites/default/files/resources/ASC-Road-Management-Plan\\_2.pdf](https://www.alpineshire.vic.gov.au/sites/default/files/resources/ASC-Road-Management-Plan_2.pdf)

Within the Road Management Plan the following is documented:

#### 1. Programmed Inspection Frequency

Inspections aim to find defects that exceed tolerable levels when balancing risk, Council's limited financial resources and competing priorities and the obligations on road users to exercise reasonable care for their own safety. Defects can also be brought to Council's attention by members of the public.

#### 2. Operational Intervention Levels

When an asset is inspected, it is assessed against intervention levels which determine whether programmed maintenance or temporary repairs are required and the associated response time.

#### 3. Maximum Response Times

Defects identified above intervention levels are actioned within the maximum response times tabulated in the Plan.

#### Report

- Council is currently up to date with all maintenance inspections required to comply with the Road Management Plan.

- Inspection frequencies committed in Council’s Road Management Plan are more onerous than those in the Road Management Plans of other North East councils, and an adjustment is planned as part of the ongoing Road Management Plan review.
- Inspection data is recorded using an iPad application (Fulcrum). The data is presented as a layer in Council’s Geographical Information System (GIS). The following example shows the location and status of outstanding defects in Porepunkah, as displayed through Council’s GIS system on 4 May 2022:



- Inspection Program
  - Road Maintenance
    - Overdue
    - Due in Next Fortnight
    - Upcoming
  - Bridge Maintenance
    - Overdue
    - Due in Next Fortnight
    - Upcoming
  - Pathway Maintenance
    - Overdue
    - Due in Next Fortnight
    - Upcoming

- The following table summarises the defects raised and closed in the last 12 months, and the defects which are recorded as being overdue at the time of preparing this report:

| Category     | Defects recorded in the 12-month period to 30 April 2022 | Defects addressed in the 12-month period to 30 April 2022 | Defects overdue on 4 May 2022 |
|--------------|--|---|-------------------------------|
| Road         | 1,505  | 1,055   | 73                            |
| Bridge       | 22   | 83  | 40                            |
| Pathway      | 281  | 186   | 169                           |
| <b>TOTAL</b> | <b>1,808</b>   | <b>1,323</b>  | <b>282</b>                    |

- The nature of the 282 overdue defects is detailed in attachment 7.1 to the Agenda. The predominant defect under each category is as follows:
  - *Unsealed Road* – Pothole (46 out of 49 overdue defects)
  - *Sealed Road* – Vegetation requiring clearing (14 out of 24 overdue defects)
  - *Bridges* – Repair to deck components (20 out of 40 overdue defects)
  - *Pathways* – Vertical lip (122 out of 169 overdue defects)

### Financial and resource implications

Road maintenance is carried out by Council's Civil Works Team. Several factors have contributed to an increased number of road defects being raised over the last 6 months, coupled with a reduced capacity in the team to be able to address all these defects within the required timeframe under the Road Management Plan.

We have experienced unusually wet weather this year, and together with several significant storm events in late 2021 and early 2022, this has resulted in many defects being raised, particularly across the unsealed road network and relating to roadside vegetation, where previously we would see relatively few defects being identified through the summer months.

The team has experienced high turnover of staff over the last 12 months, and positions have proven challenging to fill. The Civil Works Coordinator position is a key role and remains vacant following several rounds of recruitment. We have reallocated tasks to enable the Manager Asset Maintenance to provide coverage of this role as a temporary measure pending successful recruitment.

The external labour hire and contracting market has been very tight in the Alpine Shire due to the amount of residential development which is underway. This has impacted on our ability to engage external resources to support the team through gaps whilst recruitment is being carried out to fill vacant positions. An area where this challenge has been particularly acute is in the engagement of specialist concreting contractors to support the maintenance program on our concrete footpath network.

The grader being operated by the Bright Unsealed Road Maintenance Team suffered a significant gearbox failure in early February 2022, and due to its age has been assessed as being uneconomical to repair. The lead time for delivery of a new grader cannot currently be confirmed by the manufacturers due to global supply chain constraints but is expected to exceed 12-18 months. The failure of the grader coincided with the

resignation of both members of the team. We have taken the opportunity of having no grading team and no grader in Bright to trial the outsourcing of unsealed road maintenance activities to be able to benchmark our internal delivery performance and will use the data that we gather through this contracted delivery of works to inform a decision on the most appropriate delivery model into the future.

### Risk management

| Risk   | Likelihood | Impact   | Level / Rating | Mitigation Action / Control   |
|--|------------|----------|----------------|---|
| Non-compliance with RMP  | Likely     | Minor    | Medium D2      | <ul style="list-style-type: none"> <li>Review of RMP inspection frequencies</li> <li>Clarification on defect data collected</li> </ul>  |
| Injury– caused by defects outside intervention resulting in claims against Council           | Possible   | Moderate | Medium C3      | <ul style="list-style-type: none"> <li>Signage to advise road users of significant hazards.</li> <li>Engagement of external contractor support to address defects outside intervention.</li> <li>Focus on expediting recruitment activities for vacant positions</li> </ul> |
| Property damage – caused by defects outside intervention resulting in claims against Council | Possible   | Minor    | Medium D3      | <ul style="list-style-type: none"> <li>Signage to advise road users of significant hazards.</li> <li>Engagement of external contractor support to address defects outside intervention.</li> <li>Focus on expediting recruitment activities for vacant positions</li> </ul> |
| Reputational damage – length of timeframes to address defects                                | Possible   | Minor    | Medium D3      | <ul style="list-style-type: none"> <li>Timely and transparent engagement with the community</li> </ul>  |

### Policy implication

The report aligns with the following Strategic Objective of the Council Plan 2021-2025:

- 4.5 Assets for our current and future needs



## Conclusion

Council is currently up to date with the inspections required under the Road Management Plan. Through the GIS interface there is good visibility on the status of outstanding and overdue actions to address defects. Factors have contributed to an increased number of defects being raised over recent months, coinciding with a reduced capacity in the team to address these defects. As a consequence, there are currently 282 defects which have not been addressed within the timeframes stipulated within the Road Management Plan.

The team is strongly focused on addressing these overdue defects in the shortest possible timeframe to bring us back within the required intervention timeframes. It is anticipated that the overdue defects on the pathway, sealed and unsealed road network will be addressed by 24 December 2022 and overdue defects on the bridges will be addressed by 30 June 2023.

## Declaration of conflict of interest

Under Section 130 of the *Local Government Act 2020*, the following officers declare that they have no interests to disclose in providing this report.

- Director Assets
- Manager Asset Maintenance

## 8. For information only

### 8.1 2021/22 QUARTER 3 BUDGET REPORT

Section 54(2)(b) of the *Local Government Act 2020* requires the Audit and Risk Committee to monitor Council's financial reporting. This includes the quarterly budget report presented by the CEO to Council under section 97 of the Act.

### 8.2 2021/22 QUARTER 3 PERFORMANCE REPORT

Section 54(2)(b) of the *Local Government Act 2020* requires the Audit and Risk Committee to monitor Council's performance reporting.

### 8.3 2021/22 QUARTER 3 PURCHASING AUDIT

Quarterly purchasing audits are undertaken and reported to the Audit and Risk Committee in response to the findings of a 2014 internal audit review and to provide continuing assurance that Council's purchasing controls are effective and complied with.

The random sample testing is based on an even spread of purchases across all departments (14 in total) and spend thresholds as documented in the Procurement Policy. The sample excludes purchases under \$1,000, mandated services, utility services, credit cards, councillor expenses, levies payable to and money collected on behalf of other entities.

#### ***ACTIONS***

- ***Confirm number of quotes sought for item 4 and level of compliance with Procurement Policy.***

### 8.4 2021/22 QUARTER 3 CEO AND MAYOR CREDIT CARD REPORT

VAGO, in its fraud and corruption control review (June 2019) and 2019 Interim Management Letter, recommends that credit card expenditure be reviewed and reported to the Audit and Risk Committee for periodic review.

There were no CEO credit card purchases during Quarter 3 2021/22 and the Mayor, Cr Sarah Nicholas, has chosen not to have a credit card.

### 8.5 2021/22 QUARTER 3 COUNCILLOR EXPENSES

Section 40 of the *Local Government Act 2020* requires Council to reimburse Councillors for out-of-pocket expenses which the Council is satisfied:

- a. are bona fide expenses; and
- b. have been reasonably incurred in the performance of the role of Councillor; and
- c. are reasonably necessary for the Councillor to perform their role.

Council is required to provide details of all reimbursements made under s40 of the Act to the Audit and Risk Committee.

## 8.6 2021/22 QUARTER 3 HEALTH AND SAFETY REPORT

Quarterly health and safety reports are prepared in accordance with Council's Health and Safety Management System (HSMS) and reported to the Audit and Risk Committee to provide continuing assurance that Council is monitoring its health and safety obligations and staff are complying with the requirements of the HSMS.

## 8.7 APPROVED POLICY REGISTER – REVIEW STATUS UPDATE

VAGO in its 2015 Interim Management Letter recommended that Council review the appropriateness and currency of all policies.

The Approved Policy Register is reported to the Audit and Risk Committee to provide continuing assurance that Council is monitoring and maintaining the currency of its policies.

### ***ACTIONS***

- *Update agreed review due date for policies*

## 8.8 ASSET MANAGEMENT DOCUMENT TRACKER REPORT

The Asset Management Document Tracker is reported to the Audit and Risk Committee to provide continuing assurance that Council is progressing the review of key asset management actions.

## 8.9 INSURANCE UPDATE

The Health, Safety, and Risk Officer provided a verbal update on the completion of the 2022/23 insurance renewal declaration and updated indicative premium percentage increases.

# 9. General business

## 9.1 ASSET MANAGEMENT RISKS – TREES AND PLAYGROUNDS

Director Assets informed the Committee of Council's approach to the management of risks associated with trees and playgrounds.

Trees are being managed using a similar approach to road management following the development and adoption by Council of a Tree Management Plan in 2021.

Annual inspections of Council's playgrounds have recently been completed. Council changed auditors this year and the reports are more detailed and thorough than previous years. A significant number of very high and high risks have been identified and Council is prioritising actions to address these risks.

### ***ACTIONS***

- *Provide a report to the Committee on Council's annual playground audit inspections*

## 9.2 SEPTEMBER 2022 MEETING

Manager Corporate sought agreement from the Committee to hold the meeting to consider the 2021/22 Financial and Performance statements on Tuesday 6 September 2022 at 9.00am due to the timing of the Audit.

*Agreed*

## 9.3 CLIMATE CHANGE

The Committee noted it had a been sometime since it was updated on Council's climate position and associated risks and requested an update on the implementation of Council's Climate Action Plan and the identification and monitoring of climate risks.

### **ACTIONS**

- *Provide a report to the Committee on Council's Climate Action Plan and climate risks*

## 9.4 CHIEF EXECUTIVE OFFICER

The Chair, G Moore, acknowledged that this was CEO, Charlie Bird's, last meeting and on behalf of the Committee thanked Charlie for his dedication, commitment and contribution to Council, the Committee and the community and wished him well in his new role as Chief Development and Asset Officer with Beyond Housing.

## 10. Next meeting

The next meeting of the Audit and Risk Committee is scheduled to be held on 22 July 2021 at 9.00am for members and 9.15am for management.

There being no further business, the Chair declared the meeting closed at 11.54am.

# WITHOUT PREJUDICE RESPONSE TO COUNCIL COMMENTS DOCUMENT

# BRIGHT WESTERN GATEWAY

DEVELOPMENT PLAN

V06



Human Habitats:  
Urban Planning and  
Design Studio

June 2022

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Google

## PROJECT TEAM:

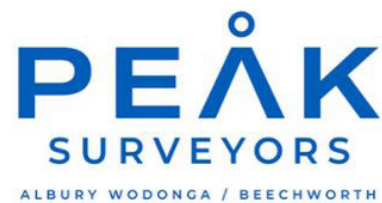
TOWN PLANNING, URBAN DESIGN & LANDSCAPE: HUMAN HABITATS



TRAFFIC IMPACT ASSESSMENT: ONE MILE GRID



SURVEY: PEAK SURVEYORS



PROPERTY SERVICING REPORT: WOODWARD LAND & CIVIL



CULTURAL HERITAGE MANAGEMENT PLAN: RED GUM CONSULTING



PREPARED FOR:

BUFFALO VALLEY P/L.

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| 2. ADMINISTRATIVE CONSIDERATIONS | 6 |



# 01

## DEVELOPMENT PLAN

All of the findings of the extensive site and policy review have culminated with this Development Plan.

A development area of 35.01Ha has been derived, with 21.3Ha within the Upper Neighbourhood and the remaining 13.7Ha within the Lower Neighbourhood

The resulting yield, depending on ultimate future densities, may be within the following range:

- Average lot size 550sqm: 386 lots
- Average lot size 650sqm: 327 lots
- Average lot size 750sqm: 283 lots

This Plan has been prepared to respond to all applicable site constraints, including environmental, land use, character, and infrastructure conditions.

Future development of the site must be generally in accordance with the Plan, and must:

- Integrate with existing and proposed land uses, road networks and intersections by:
  - Facilitating integration with the adjacent Stackey Gully Road;
  - Considering the future traffic loads during the design of intersections with the external road network; and
  - Responding to the bushfire, amenity and drainage impacts generated from the adjacent plantation.
- Respect or enhance views of the site from the Great Alpine Road and have regard to the transect of interfaces along Great Alpine Road through Bright.
- Identify, manage, and protect all sites of conservation, heritage, archaeological significance or with landscape value.

- Provide a range of lot sizes, with lot sizes generally increasing within the Upper Neighbourhood.
- Provide functional open space areas in accordance with the Planning & Environment Act 1987 (minimum of 5% requirement).
- Ensure that landscaping is delivered and maintained in accordance with the relevant bushfire mitigation requirements.
- Comply with the Bushfire Mitigation requirements of Schedule 3 to the Development Plan Overlay.
- Require a bushfire assessment to be prepared and approved by the CFA prior to the grant of any permit for subdivision within the Upper Village.
- Facilitate any necessary upgrades/alterations to public infrastructure relevant to that stage.
- Any stage of development within the area covered by DPO3, must not have any further detrimental impacts on the overland flow volumes identified by the LSIO. Works within the LSIO, to facilitate development of the site, may include but not be limited to the Stackey Gully Creek upgrade works or other solutions to the Satisfaction of NECMA. Sign off by NECMA is required before the approval of any planning permits.
- Further, any permit approving subdivision within the LSIO, must have conditions ensuring there is no inundation of allotments within the lower village. Any inundation mitigation works (including the Stackey Gully Creek Upgrade, or other agreed interim solutions), are to be constructed prior to statement of compliance for any stage of development.
- Design Guidelines must be approved by the Responsible Authority & implemented as part of any subdivision application.



# DEVELOPMENT PLAN

## LEGEND

1. KEY ENTRANCE AVENUE/NEW STACKEY GULLY ROAD INTERSECTION
  2. ACTIVITY CORRIDOR/MONOCLINE RESERVE
  3. DRAINAGE BASIN
  4. STACKEY GULLY ROAD INTERFACE - may be subject to change as part of anticipated ASC/NECMA improvements.
  5. MAIN NORTHERN ACCESS POINT
  6. ELECTRICAL EASEMENT
  7. AMENITY BUFFER
  8. EXISTING TREE ROWS TO BE RETAINED (WHERE PRACTICAL)
  9. EXISTING UNSEALED ROAD.
  10. EXISTING PLANTATION TRACK
- OPEN SPACES
  - ENCUMBERED PUBLIC OPEN SPACE
  - INVESTIGATION AREA FOR POTENTIAL TOWN CENTRE
  - LOTS AFFECTED BY FIRE BUFFER

## NOTES

- Require a bushfire assessment to be prepared and approved by the CFA prior to the grant of any permit for subdivision within the Upper Village.



Figure 01 - Development Plan

# STAGING PLAN

## LEGEND

|    |                      |
|----|----------------------|
| 1. | STAGE 01 - 1-2 YEARS |
| 2. | STAGE 02 - 1-2 YEARS |
| 3. | STAGE 03 - 1-2 YEARS |
| 4. | STAGE 04 - 3-4 YEARS |
| 5. | STAGE 05 - 3-4 YEARS |
| 6. | STAGE 06 - 3-4 YEARS |
| 7. | STAGE 07 - 5-6 YEARS |
| 8. | STAGE 08 - 5-6 YEARS |

## NOTES

- Staging shown is indicative only and subject to change due to demand fluctuations and service availability.
- Any stage of development within the area covered by DPO3, must not have any further detrimental impacts on the overland flow volumes identified by the LSIO. Works within the LSIO, to facilitate development of the site, may include but not be limited to the Stackey Gully Creek upgrade works or other solutions to the Satisfaction of NECMA. Sign off by NECMA is required before the approval of any planning permits.
- Further, any permit approving subdivision within the LSIO, must have conditions ensuring there is no inundation of allotments within the lower village. Any inundation mitigation works (including the Stackey Gully Creek Upgrade, or other agreed interim solutions), are to be constructed prior to statement of compliance for any stage of development.



Figure 02 - Staging Plan



## 02

# ADMINISTRATIVE CONSIDERATIONS

### 11.1 FURTHER REQUIREMENTS

Application requirements are set out in DPO3 and outline additional information to be provided as part of future permit application/s. A permit granted must be generally in accordance with this Development Plan. The following information must be provided with any permit application for subdivision, as appropriate:

- A Site Analysis Plan;
- The proposed subdivision layout;
- A plan showing existing and proposed levels to Australian Height Datum (AHD), including levels at the top and base of any cut and fill;
- An assessment demonstrating that the proposal is generally in accordance with the approved Development Plan;
- A submission against the requirements of the Alpine Planning Scheme including but not limited to Clause 56;
- A Stormwater Management Plan;
- A Traffic Impact Assessment Report, as applicable;
- A Landscape Master Plan; and
- An Arboriculture Assessment.

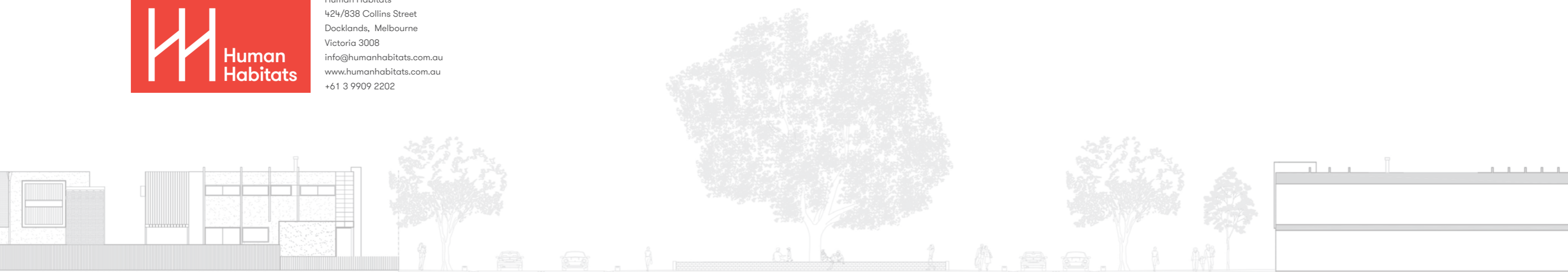
### 11.2 ADMINISTRATIVE UPDATES

It is recognised that, from time to time, circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made administratively.

Examples include a change to the name of a Council department, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact. However, any change or update which materially alters this document must be by resolution of Council.



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**CFA Ref:**  
**Telephone:**  
**Council Ref: P.2020.114**

12 April 2022

Planning Dept  
Alpine Shire Council  
P. O. Box 139  
**BRIGHT VIC 3741**

Dear Scott,

### **COMMENT ON PROPOSED DEVELOPMENT PLAN**

**Proposal:** Tower Hill Village Development Plan  
**Location:** Great Alpine Road, Bright

Thank you for providing CFA with an opportunity to comment on the proposed development plan prepared in response to Schedule 3 of Clause 43.04 of the Alpine Planning Scheme.

#### General

The subject site has a complex bushfire history with a number of proposals having been considered in the past, including Planning Scheme Amendment C34 that enabled the land to be rezoned to residential and introduced Schedule 3 to the Development Plan Overlay (DPO3). This amendment was implemented under a different suite of bushfire policy than what currently exists, which has only added to the difficulties at the site. Bushfire policy in the Victoria Planning Provisions (VPPs) was updated via Amendment VC140 in December 2017.

Information was provided to CFA in 2020 seeking comment on preliminary development outcomes for the site. CFA informally requested a more detailed assessment of the proposal against Clause 13.02-1S, given the updates to policy.

An updated Development Plan has been prepared in the intervening years, however, no additional bushfire policy assessment appears to have been undertaken to address the abovementioned changes to policy, including updates to Clause 71.02-3 which prioritises the protection of human life in bushfire affected areas over all other policy considerations.

#### Bushfire

CFA strongly recommends that Council undertake a further bushfire assessment specific to the proposed Development Plan (DP) that has been prepared by Human Habitats, dated November 2021, that considers how the proposed DP addresses current policy at Clause 13.02-1S.

CFA is unclear how the proposed DP has addressed relevant policy considerations, particularly as new development would now typically be directed away from areas at such high risk from large scale bushfires within the wider landscape.

Whilst CFA recognises that the DP likely meets the minimum requirements currently set out under DPO3, the question that remains is whether this bushfire response is sufficient to address the policy under Clause 13.02-1S.

CFA ultimately defers to Council to determine whether the proposed DP and its bushfire related requirements are sufficient to address current policy and reduce risk. However, CFA strongly recommends that Council consider how bushfire resilience and protection can be improved within the DP. This may require significant change to the DP and may include updates such as:

- Increasing the setback from any bushfire hazard substantially;
- Reconsidering the viability of the Upper Village;
- Ensuring no private land is located in any setback for bushfire purposes;
- Ensuring all vegetation across the entire development is managed to defensible space standards; and
- Ensuring all development, or at least the Upper Village (if it were to be retained) is constructed to BAL 29, across the entire plan area.
- Reconsidering the lot design and layout to improve vegetation management near the subdivision interface to the south.

Should Council decide to make no further changes, the proposed DP should consider:

- Ensuring all required setbacks are nominated on all plans throughout the document i.e. the Bushfire Mitigation plan does not include setback distances.
- All bushfire requirements, including building envelopes, must be locked in via a Section 173 Agreement or other mechanism to ensure that they be implemented on an ongoing basis;
- How the bushfire requirements (with the exception of construction standards) could be amended to increase consistency with the requirements of Clause 44.06 and Clause 53.02. For example, defensible space requirements will apply to all lots in the future as they are located in the BMO and a permit will be required. Therefore CFA would encourage that this and similar requirements for water and access be applied across Areas 1,2,3 and 4 as appropriate.

CFA looks forward to continuing to work with council to achieve a high standard of bushfire safety for this location. If you wish to discuss this matter in more detail, please do not hesitate to contact either \_\_\_\_\_, Land Use Planning Coordinator, on 9262 \_\_\_\_\_ or myself on \_\_\_\_\_.

Yours sincerely,

Manager Community Safety  
CFA North East Region

Note: Personal information containing names, telephone numbers and signatures have been redacted by Alpine Shire Council Officers.



20 January 2022

Alpine Shire Council  
PO Box 139  
Bright, VIC 3741  
[referrals@alpineshire.vic.gov.au](mailto:referrals@alpineshire.vic.gov.au)

Dear Planning Department

**Request for further information**

**DEVELOPMENT DESCRIPTION:** Development Plan  
**PROPERTY ADDRESS:** Lots 1 & 2 PS613866 and Lots 1, 2, 4, 5, 7, 8 & 9  
TP859376, Great Alpine Road, Bright  
**COUNCIL REFERENCE:** P.2021.222

Reference is made to the above-mentioned Development Plan Application referred to North East Water for comment on 4/02/2022. A preliminary review of the proposal has been undertaken and it has been found that in order for North East Water to comment additional information will be required to further consider the proposed Development Plan.

The information requested to enable the further consideration of the proposal is as follows:

1. Within the Example Lot Schedule on page 15 there is a detail plan for the average 650 m<sup>2</sup> lot scenario. However, there is four alternative allotment size and number scenarios.  
  
Please confirm the scenario and submit a plan which only shows/mentions this scenario.
2. Anticipated timeframe of the stage release.
3. The Development Plan (as detailed in point 1) in an electronic AutoCad drawing format of the cadastre for scenario modelling.
4. A sewer and water plan which includes:
  - o Internal water main diameters and pipe layout
  - o Sewer network layout and trunk infrastructure
  - o The proposed location to connections to North East Water existing network.

For any enquiries in relation to this letter, please email [development@newater.com.au](mailto:development@newater.com.au).

Yours sincerely,

**Senior Manager Assets**  
**North East Water**

Note: Personal names and signatures have been removed from this document by Alpine Shire Council Staff

14/01/2021  
C55alpi**SCHEDULE 3 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY**

Shown on the planning scheme map as **DPO3**.

**LOTS 1 & 2 ON PS613866 AND LOTS 1, 2, 4, 5, 7 - 9 ON TP859376 – GREAT ALPINE ROAD****1.0**14/01/2021  
C55alpi**Objectives**

None specified.

**2.0**14/01/2021  
C55alpi**Requirement before a permit is granted**

A planning permit may be granted for minor buildings and works associated with an existing use or development prior to the preparation of a Development Plan, but only if it does not prejudice the future orderly development of the area.

**3.0**14/01/2021  
C55alpi**Conditions and requirements for permits**

All residential development must be serviced with:

- Reticulated water and sewerage and underground reticulated electricity;
- Sealed roads and reticulated stormwater drainage.

The following condition must be included on any planning permit issued to subdivide the land:

- A condition requiring a Section 173 agreement to be registered on the land to provide for the recognition of the pine plantations and associated activity that surround the land. The agreement must state:
  - The surrounding land is used for plantation forestry. Plantation forestry is a farming activity which will generate noise (including night time noise) at the time of harvest, as well as increased truck movements and possible associated dust. The removal of the tree crop will result in the loss of visual amenity and can result in increased water run-off. Chemicals can be applied to the plantation (including aerial application 200 metres from any residence) to control weeds and pests and to promote growth.

**4.0**14/01/2021  
C55alpi**Requirements for development plan**

A development plan must include the following requirements:

**Layout and design:**

- Be generally in accordance with the Bushfire Response Outline Development Plan attached to this schedule.
- Describe the relationship of proposed development on the land to existing and proposed developments on adjoining land.
- Provide for a 50 metres buffer distance between the Great Alpine Road and residential uses.
- Outline how the layout and appearance of the subdivision will be in keeping with or enhance the site when viewed from the Great Alpine Road.
- Identify any sites of conservation, heritage, archaeological significance or with landscape value and how they will be proposed to be managed and/or protected.
- Provide a range of lot sizes and identify potential residential densities across stages of development with lot sizes generally increasing to the south of the land with no lots for residential purposes being created further south of any perimeter road along the southern boundaries of the land adjacent to the pine plantation.



- Show the conceptual layout of future internal roads and external roads, including at least two points of external road access to the land and a perimeter road around the full site and adjacent to the central drainage line generally as shown in the Bushfire Response Outline Development Plan.
- Where appropriate, include the provision of adequate and functional open space networks and recreational areas and linkages to nearby existing and proposed open space/recreational areas.

**Staging:**

- Provide for the orderly staging of development and supply of services. In order to prevent leapfrog development and the oversupply of land, staging must be determined having regard to:
  - Existing land supply in the locality; and
  - Efficient use of existing and future infrastructure.
- Where practical, list the anticipated timing of development and indicate the manner in which the Development Plan can proceed in the event that the owner of any land is not able or intending to develop.

**Landscaping:**

- Provide an overall scheme of landscaping and any necessary arrangements for the preservation or regeneration of vegetation. The landscaping theme must be consistent with bushfire mitigation measures.

**Infrastructure:**

- Provide a soil and water report which demonstrates how stormwater is to be disposed of and where appropriate what downstream retardation works will be required to alleviate the inundation of properties, siltation of watercourses or soil erosion.
- Provide an infrastructure report demonstrating that the site can be connected to reticulated water, sewerage and power. Comments from all servicing authorities should be submitted with this report.
- Include a conceptual Stormwater Management Plan demonstrating compliance with the Alpine Shire Stormwater Management Plan and the Urban Stormwater Best Practice Management Guidelines. Proposed retarding basins and the means by which these will be managed and the water quality maintained.

**Bushfire mitigation:**

- Include a requirement that any dwelling constructed on lots located within 150 metres of the southern boundaries of the subject land or on any lot which abuts the perimeter ring road along the southern boundaries of the land be constructed to comply with BAL-29 in accordance with Sections 3 and 7 of AS.3959-2009.
- Provide a Management Plan for the land within the 53 metre buffer shown on the Outline Development Plan and all areas of public open space or communal open space that ensures the land is managed for the purposes of defendable space.
- Include a subdivision design that minimises the risk of house-to-house fire spread, including but not limited to the following:
  - A graduation in the size of the lots located south of the central swale drain with lots generally increasing in size the closer they are located to the southern boundary of the land.
  - For all lots that abut the southern perimeter road and all lots located within 150 metres of the southern boundary of the subject land:
    - Building envelopes being separated by at least 10 metres from each other.

- Building envelopes being separated by at least 10 metres from the rear boundary of the lot.
- A prohibition of any buildings or other ancillary structures (other than water tanks constructed of metal or concrete) being constructed outside of the building envelopes (irrespective of the materials of construction).
- For all lots located south of the central swale drain include:
  - A requirement that all outbuildings and other ancillary structures to be constructed of non-combustible materials.
  - A requirement for all fencing and screening devices to be constructed of non-combustible materials.
- Address the static water supply requirements of the Bushfire Management Overlay.

## **5.0 Consultation with the Country Fire Authority**

Prior to the approval of the Development Plan, the responsible authority must seek the views of the Country Fire Authority.



## Informal Meeting of Councillors

*In accordance with Chapter 8, section A1 of Council's [Governance Rules](#), the Chief Executive Officer must ensure that a summary of the matters discussed at an Informal meeting of Councillors is tabled at the next convenient Council meeting, and recorded in the minutes of that Council meeting.*

**Meeting Title:** Briefing Session  
**Date:** 31 May 2022  
**Location:** Briefing Session – Bright Committee Room  
**Start Time:** 1.30pm  
**Finish Time:** 5.30pm  
**Chairperson:** Alan Clark, A/Chief Executive Officer

### Councillor and staff attendees:

| Name               | Position     | Name             | Position                       |
|--------------------|--------------|------------------|--------------------------------|
| Cr Sarah Nicholas  | Mayor        | Alan Clark       | A/Chief Executive Officer      |
| Cr Katarina Hughes | Deputy Mayor | Will Jeremy      | Director Assets                |
| Cr John Forsyth    | Councillor   | Helen Havercroft | Director Corporate Performance |
| Cr Ron Janas       | Councillor   |                  |                                |
| Cr Simon Kelley    | Councillor   |                  |                                |
| Cr Tony Keeble     | Councillor   |                  |                                |
| Cr Kelli Prime     | Councillor   |                  |                                |

### Councillor and staff apologies:

| Name | Position |
|------|----------|
|      |          |

### 1. Conflict of interest disclosures

Disclosures of Conflicts of Interests must be made in accordance with Chapter 7, sections A3-A5 of Council's [Governance Rules](#), and recorded here.

N/A

## 2. Record of Councillors that have disclosed a conflict of interest leaving the meeting

N/A

## 3. Items

| Item   |
|--|
| Acknowledgement of Traditional Owners                              |
| North East Catchment Management Authority - Bright Fishway Passage |
| Debrief following external presentation                            |
| <i>Short recess</i>  |
| Housing Project Update   |
| Bushfire Recovery – Live Music Event update                        |
| <i>Short recess</i>  |
| Process for “calling in” of planning applications                  |
| Mayoral vehicle car allowance discussion                           |
| Ordinary Council Meeting Agenda review                             |
| General Business   |

## Informal Meeting of Councillors

*In accordance with Chapter 8, section A1 of Council's [Governance Rules](#), the Chief Executive Officer must ensure that a summary of the matters discussed at an Informal meeting of Councillors is tabled at the next convenient Council meeting, and recorded in the minutes of that Council meeting.*

**Meeting Title:** Briefing Session  
**Date:** 7 June 2022  
**Location:** Briefing Session – Bright Committee Room  
**Start Time:** 1.30pm  
**Finish Time:** 4.45pm  
**Chairperson:** Alan Clark, A/Chief Executive Officer

### Councillor and staff attendees:

| Name               | Position     | Name             | Position                       |
|--------------------|--------------|------------------|--------------------------------|
| Cr Sarah Nicholas  | Mayor        | Alan Clark       | A/Chief Executive Officer      |
| Cr Katarina Hughes | Deputy Mayor | Will Jeremy      | Director Assets                |
| Cr John Forsyth    | Councillor   | Helen Havercroft | Director Corporate Performance |
| Cr Ron Janas       | Councillor   |                  |                                |
| Cr Simon Kelley    | Councillor   |                  |                                |
| Cr Tony Keeble     | Councillor   |                  |                                |
| Cr Kelli Prime     | Councillor   |                  |                                |

### Councillor and staff apologies:

| Name | Position |
|------|----------|
|      |          |

### 1. Conflict of interest disclosures

Disclosures of Conflicts of Interests must be made in accordance with Chapter 7, sections A3-A5 of Council's [Governance Rules](#), and recorded here.

N/A

## 2. Record of Councillors that have disclosed a conflict of interest leaving the meeting

N/A

## 3. Items

| Item  |
|---|
| Acknowledgement of Traditional Owners                         |
| Customer Request Portal - My Alpine                           |
| Land Development Strategy update                              |
| Building & Planning Regulatory Contact Award discussion       |
| Planning Statistics   |
| Mayoral vehicle discussion                                    |
| Ordinary Council Meeting Agenda review                        |
| General Business  |
| Short Recess to prepare for the June Ordinary Council Meeting |

## Informal Meeting of Councillors

*In accordance with Chapter 8, section A1 of Council's [Governance Rules](#), the Chief Executive Officer must ensure that a summary of the matters discussed at an Informal meeting of Councillors is tabled at the next convenient Council meeting, and recorded in the minutes of that Council meeting.*

**Meeting Title:** Development Planning Meeting  
**Date:** 14 June 2022  
**Location:** Bright Committee Room & MS Teams  
**Start Time:** 2.30pm  
**Finish Time:** 5.00pm  
**Chairperson:** Alan Clark, A/Chief Executive Officer

### Councillor and staff attendees:

| Name               | Position     | Name             | Position                       |
|--------------------|--------------|------------------|--------------------------------|
| Cr Sarah Nicholas  | Mayor        | Alan Clark       | A/Chief Executive Officer      |
| Cr Katarina Hughes | Deputy Mayor | Will Jeremy      | Director Assets                |
| Cr John Forsyth    | Councillor   | Helen Havercroft | Director Corporate Performance |
| Cr Ron Janas       | Councillor   |                  |                                |
| Cr Kelli Prime     | Councillor   |                  |                                |

### Councillor and staff apologies:

| Name            | Position   |
|-----------------|------------|
| Cr Simon Kelley | Councillor |
| Cr Tony Keeble  | Councillor |

### 1. Conflict of interest disclosures

Disclosures of Conflicts of Interests must be made in accordance with Chapter 7, sections A3-A5 of Council's [Governance Rules](#), and recorded here.

N/A



## 2. Record of Councillors that have disclosed a conflict of interest leaving the meeting

N/A

## 3. Items

| Item                                   |
|--|
| Acknowledgement of Traditional Owners  |
| Human Habitats – external presentation |
| Discussion with Council Officers       |

## Informal Meeting of Councillors

*In accordance with Chapter 8, section A1 of Council's [Governance Rules](#), the Chief Executive Officer must ensure that a summary of the matters discussed at an Informal meeting of Councillors is tabled at the next convenient Council meeting, and recorded in the minutes of that Council meeting.*

**Meeting Title:** Briefing Session  
**Date:** 21 June 2022  
**Location:** Briefing Session – Bright Committee Room  
**Start Time:** 1.30pm  
**Finish Time:** 5.30pm  
**Chairperson:** Alan Clark, A/Chief Executive Officer

### Councillor and staff attendees:

| Name               | Position     | Name             | Position                       |
|--------------------|--------------|------------------|--------------------------------|
| Cr Sarah Nicholas  | Mayor        | Alan Clark       | A/Chief Executive Officer      |
| Cr Katarina Hughes | Deputy Mayor | Will Jeremy      | Director Assets                |
| Cr Ron Janas       | Councillor   | Helen Havercroft | Director Corporate Performance |
| Cr Simon Kelley    | Councillor   |                  |                                |
| Cr Kelli Prime     | Councillor   |                  |                                |

### Councillor and staff apologies:

| Name            | Position   |
|-----------------|------------|
| Cr Tony Keeble  | Councillor |
| Cr John Forsyth | Councillor |

### 1. Conflict of interest disclosures

Disclosures of Conflicts of Interests must be made in accordance with Chapter 7, sections A3-A5 of Council's [Governance Rules](#), and recorded here.

N/A

## 2. Record of Councillors that have disclosed a conflict of interest leaving the meeting

N/A

## 3. Items

| Item   |
|--|
| Acknowledgement of Traditional Owners  |
| Housing Project Update   |
| Bushfire Recovery Music Event  |
| Draft Youth Strategy   |
| Stockman Project Update  |
| Capital Works Projects Update  |
| Dinner Plain Snow Making   |
| P.2021.175 - 7 Growlers Road Wandiligong<br>P2019.152.3 - 650 Buffalo River Road |
| Bright Western Gateway discussion  |
| General Business   |