



M(7) – 7 JULY 2020

Ordinary Council Meeting

Minutes

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

PRESENT

COUNCILLORS

Cr Sarah Nicholas – Deputy Mayor

Cr John Forsyth

Cr Tony Keeble

Cr Kitty Knappstein

Cr Ron Janas

Cr Daryl Pearce (arrived in Chambers at 4.10pm)

OFFICERS

Will Jeremy – Acting Chief Executive Officer

Nathalie Cooke – Director Corporate

Michael Buckley – Acting Director Assets

APOLOGIES

Cr Peter Roper - Mayor

Charlie Bird – Chief Executive Officer

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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.

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

Question time will be held, however questions must be submitted in writing prior to the meeting. By submitting questions, you consent to your question being read aloud and recorded.

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

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

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

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

The Acting CEO read the following statement:

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

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

3. Confirmation of minutes

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

Cr Forsyth

Cr Knappstein

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

Carried

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

Cr Janas

Cr Keeble

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

Carried

4. Apologies

Cr Peter Roper – Mayor

Mr Charlie Bird – Chief Executive Officer

5. Obituaries / congratulations

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

6. Declarations by Councillors of conflict of interest

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

7. Public questions

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

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

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

8. Presentation of reports by officers

8.1 Acting Chief Executive Officer – Will Jeremy

8.1.1 Contracts approved by the CEO

Cr Forsyth

Cr Knappstein

That the Contracts approved by the CEO be noted.

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

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

Carried

8.2 Acting Director Assets – Michael Buckley

8.2.1 Dinner Plain Village Detailed Designs

INTRODUCTION

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

Cr Janas

Cr Pearce

That Council:

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

Carried

BACKGROUND

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

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

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

ISSUES

1. Feedback on the Final Plans

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

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

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

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

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

2. Dinner Plain Snowmaking Extension to Peashooters Run

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

POLICY IMPLICATIONS

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

- Incredible places for our community and visitors

FINANCIAL AND RESOURCE IMPLICATIONS

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

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

CONSULTATION

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

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

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

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

CONCLUSION

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

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Asset Development
- Project Manager

ATTACHMENT(S)

8.2.1 Dinner Plain Village Detailed Design, July 2020

Cr Keeble left Council Chambers at 4.35p.m.

8.3 DIRECTOR CORPORATE – NATHALIE COOKE

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

File Number: 113.00

INTRODUCTION

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

Cr Forsyth

Cr Pearce

That Council:

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

Carried

BACKGROUND

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

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

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

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

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

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

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

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

ISSUES

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

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

POLICY IMPLICATIONS

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

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

- Highly utilised and well managed community facilities

FINANCIAL AND RESOURCE IMPLICATIONS

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

CONSULTATION

Consultation has been undertaken between the affected parties.

CONCLUSION

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

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate
- Manager Facilities

ATTACHMENT(S)

- Nil

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

8.3.2 Insurance Portfolio 2020/21

File Number: SU0655

INTRODUCTION

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

Cr Keeble

Cr Forsyth

That:

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

Carried

BACKGROUND

WorkCover insurance

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

The Act requires:

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

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

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

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

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

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

Professional indemnity and public and products liability insurance

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

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

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

Commercial crime insurance

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

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

Brokerage services for other insurances

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

Asset and property insurance

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

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

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

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

Other classes of insurance

Council's other classes of insurance include:

Community Public and Products Liability

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

Councillors and Officers Liability

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

Motor Vehicle

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

Major Airport owners and Operators Liability

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

Personal Accident

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

Corporate Travel

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

Procurement policy and cumulative spend

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

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

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

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

POLICY IMPLICATIONS

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

- A responsible and sustainable organisation

FINANCIAL AND RESOURCE IMPLICATIONS

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

CONCLUSION

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

DECLARATION OF CONFLICT OF INTEREST

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

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

ATTACHMENT(S)

- Nil

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

File Number: 0900.06

INTRODUCTION

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

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

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

Cr Keeble

Cr Pearce

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

Carried

BACKGROUND

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

ISSUES

Investment Policy review

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

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

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

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

Local Government Act 2020

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

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

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

Audit and risk committees

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

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

Climate change action

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

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

Standing matters

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

POLICY IMPLICATIONS

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

- A responsible and sustainable organisation

CONCLUSION

The Audit Committee, being satisfied with the detail provided in its agenda and the officer reports, submits the minutes of its 22 May 2020 Meeting No. 2019/20-5 to Council for noting.

DECLARATION OF CONFLICT OF INTEREST

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

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

ATTACHMENT(S)

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

8.3.4 Community Satisfaction Survey 2020

File Number: 800.03

INTRODUCTION

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

Cr Keeble

Cr Janas

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

Carried

BACKGROUND

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

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

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

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

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

RESULTS

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

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

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

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

Top performing areas

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

Lower performing areas

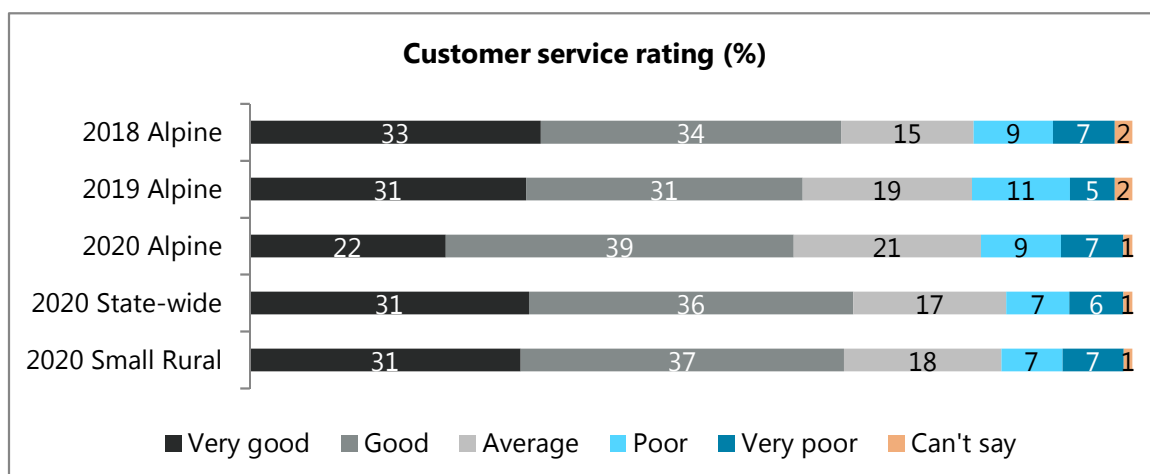
- Lobbying and community decisions: Council's index scores (55 and 56 respectively) remain significantly higher than the Small Rural average group (52 and 53 respectively) for these measures.

Overall performance

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

Customer Service

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



Areas for focus

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

Full report

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

POLICY IMPLICATIONS

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

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

- A high performing organisation

FINANCIAL AND RESOURCE IMPLICATIONS

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

CONSULTATION

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

CONCLUSION

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

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate
- Manager Corporate
- Governance Officer

ATTACHMENT(S)

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

8.3.5 Instrument of Delegation to CEO

File Number: Delegations Register

INTRODUCTION

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

Cr Janas

Cr Keeble

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

Carried

BACKGROUND

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

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

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

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

ISSUES

Transition to the Local Government Act 2020

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

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

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

Removal of additional powers relating to the COVID-19 pandemic

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

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

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

Future updates

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

POLICY IMPLICATIONS

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

- A high performing organisation

FINANCIAL AND RESOURCE IMPLICATIONS

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

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

CONSULTATION

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

CONCLUSION

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

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate
- Manager Corporate
- Governance Officer

ATTACHMENT(S)

8.3.5 S5 - Instrument of Delegation to the Chief Executive Officer

8.3.6 Governance Rules

File Number: Vital Documents register

INTRODUCTION

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

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

Cr Forsyth

Cr Keeble

That Council:

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

Carried

BACKGROUND

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

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

ISSUES

Development of Governance Rules

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

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

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

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

POLICY IMPLICATIONS

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

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

- A high performing organisation

FINANCIAL AND RESOURCE IMPLICATIONS

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

CONSULTATION

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

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

CONCLUSION

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

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

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate
- Manager Corporate
- Governance Officer

ATTACHMENT(S)

8.3.6 Draft Alpine Shire Council Governance Rules (2020)

8.3.7 Governance Local Law

File Number: Vital Documents register

INTRODUCTION

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

Cr Forsyth

Cr Janas

That Council:

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

Carried

BACKGROUND

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

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

ISSUES

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

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

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

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

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

POLICY IMPLICATIONS

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

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

- A high performing organisation

FINANCIAL AND RESOURCE IMPLICATIONS

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

CONSULTATION

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

CONCLUSION

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

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

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate
- Manager Corporate
- Governance Officer

ATTACHMENT(S)

8.3.7a Draft Governance Local Law (2020)

8.3.7b Community Impact Statement

8.3.8 Public Transparency Policy

File Number: Policy Register

INTRODUCTION

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

Cr Keeble

Cr Forsyth

That Council:

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

Carried

BACKGROUND

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

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

ISSUES

Development of the Public Transparency Policy

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

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

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

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

POLICY IMPLICATIONS

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

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

- A high performing organisation

FINANCIAL AND RESOURCE IMPLICATIONS

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

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

CONSULTATION

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

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

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

CONCLUSION

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

DECLARATION OF CONFLICT OF INTEREST

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

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

ATTACHMENT(S)

8.3.8 Draft Alpine Shire Council Public Transparency Policy (2020)

8.3.9 Planning Application 5.2019.161.1 - 2A Riverside Avenue, Bright

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

Cr Forsyth***Cr Janas***

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

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

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

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

Carried

Cr Janas called for a division

For: Cr Nicholas, Cr Janas, Cr Pearce

Against: Cr Forsyth, Cr Knappstein and Cr Keeble

Chairperson casting vote (Cr Nicholas): For the motion

PROPOSAL

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

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

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

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

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



Figure 1: Proposed northern (front) facade

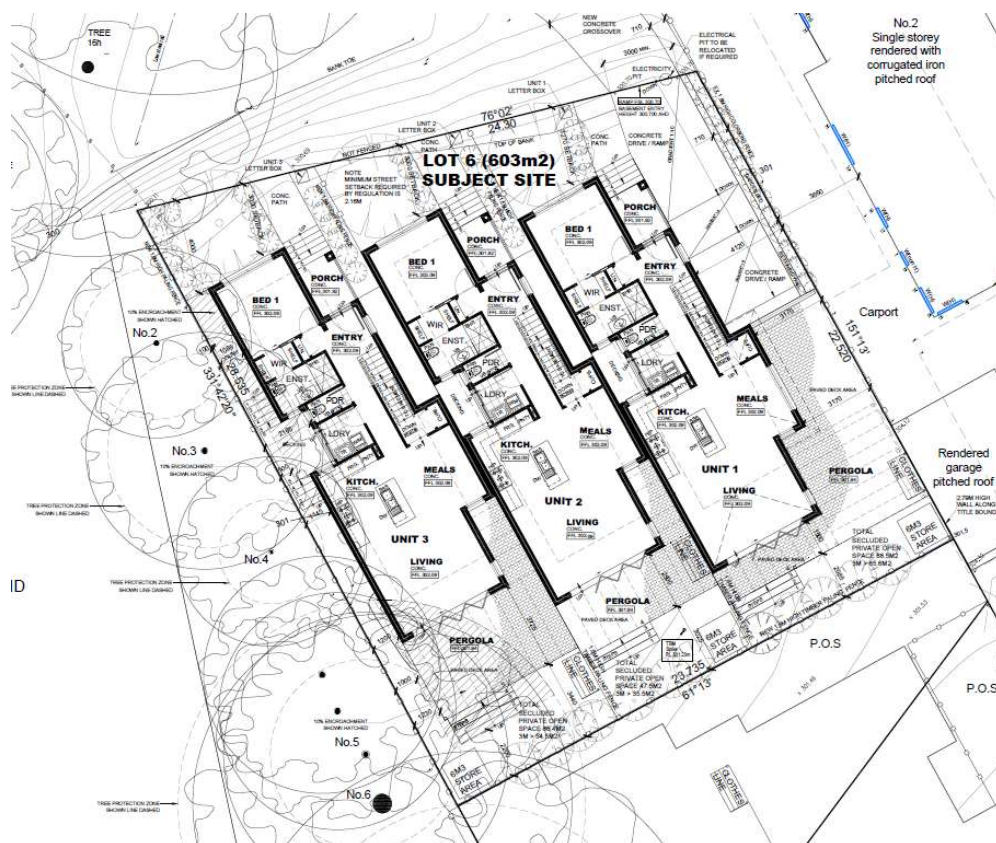


Figure 2: Proposed ground floor layouts

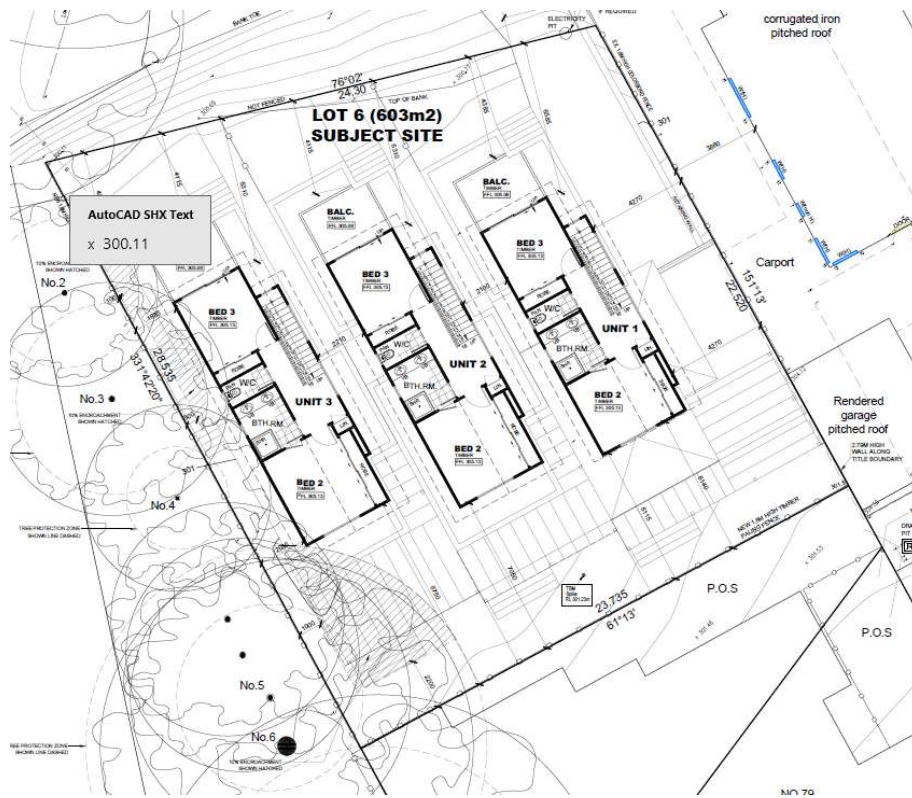


Figure 3: Proposed upper floor

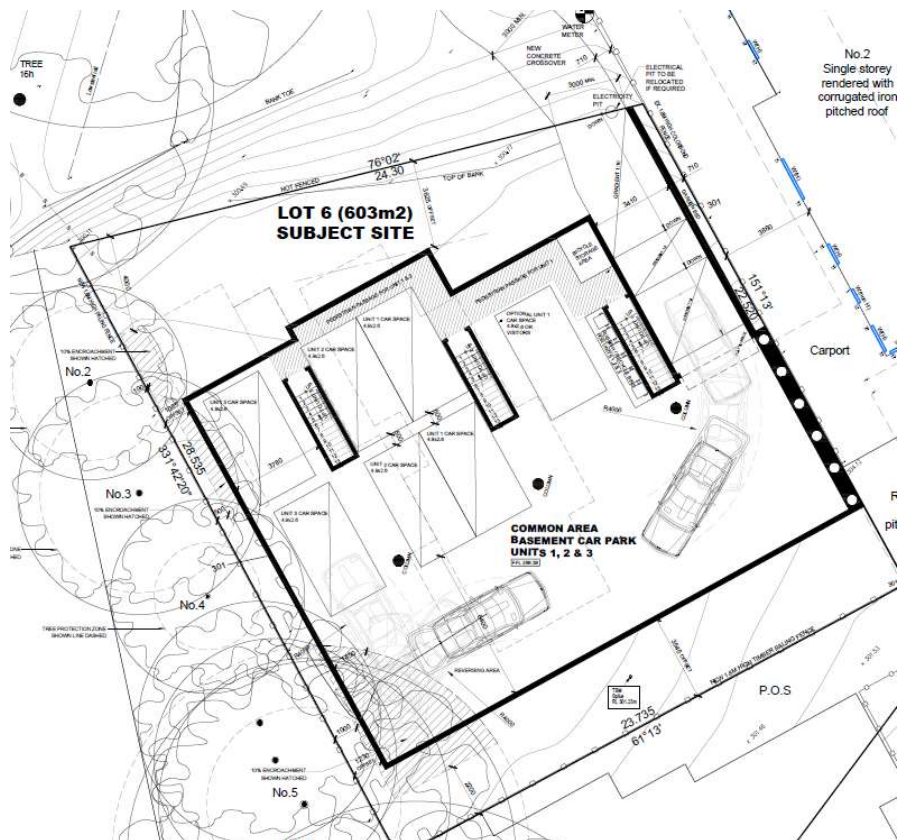


Figure 4: Proposed basement carparking

Development Measurements:

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

SUBJECT LAND AND SURROUNDS

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

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

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

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

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

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



Figure 5: Subject site and surrounds

PUBLIC NOTIFICATION

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

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

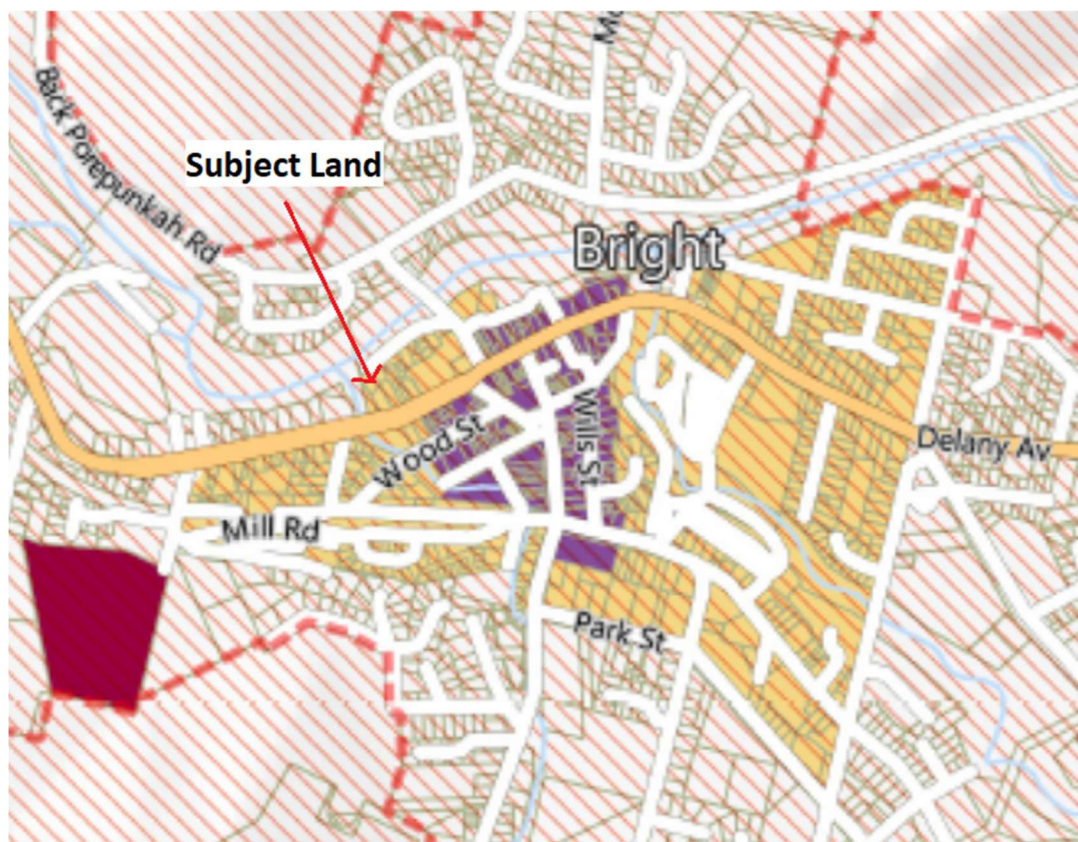
REFERRALS

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

PLANNING ASSESSMENT AND RESPONSE TO GROUNDS OF OBJECTION

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

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



Medium Density Residential Opportunity

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

Zoning and land use

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

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

Engineering Considerations

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

Noise Assessment

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

Waste Considerations

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

Cultural Heritage

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

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

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

Objections received

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

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

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

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

Assessing Officer Response to Grounds of Objection

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

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

CONCLUSION

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

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

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate
- Planning Coordinator
- Planning Officer

APPENDICIES

8.3.9.a Conditions

8.3.9.b Policy and decision guidelines

8.3.9.A CONDITIONS

GENERAL CONDITIONS

Amended plans required

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

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

Landscape Plan Required

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

Ongoing Landscaping Maintenance

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

Arboriculture requirements:

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

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

ENGINEERING CONDITIONS

Tree Protection during Construction

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

Vehicle Crossings

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

Driveway Construction Requirements

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

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

Prior to Commencement of Construction

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

Defect identification - Council's Assets

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

Construction Management

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

No Mud on Roads

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

Urban Drainage Works

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

Drainage Discharge Plan

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

COUNTRY FIRE AUTHORITY CONDITIONS

Bushfire Management Plan endorsed

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

Mandatory condition

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

GOULBURN-MURRAY WATER CONDITIONS

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

NORTH EAST CATCHMENT MANAGEMENT AUTHORITY CONDITIONS

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

EXPIRY CONDITION

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

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

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

End Of Conditions

Planning Notes:

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

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

Building Approval Required

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

North East Water Note:

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

8.3.9.b POLICY AND DECISION GUIDELINES

Planning Policy Framework:

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

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

Clause 13.01-1S Natural hazards and climate change

Clause 13.02-1S – Bushfire Planning

Clause 15.01-2S – Building Design

Clause 15.01-5S – Neighbourhood Character

Clause 16.01-2S - Location of residential development

Clause 16.01-3S - Housing diversity

Clause 21.03-1 - Townships and villages

Clause 21.07-1 - Bright

Clause 21.04-4 Environmental Risk

Zone:

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

https://planning-schemes.delwp.vic.gov.au/schemes/vpps/32_08.pdf

Overlays:

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

https://planning-schemes.delwp.vic.gov.au/schemes/vpps/44_06.pdf

Particular Provisions:

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

Clause 52.06 Car Parking

https://planning-schemes.delwp.vic.gov.au/schemes/vpps/52_06.pdf

Clause 52.34 Bicycle Facilities

https://planning-schemes.delwp.vic.gov.au/schemes/vpps/52_34.pdf

Clause 53.02 Bushfire Planning

https://planning-schemes.delwp.vic.gov.au/schemes/vpps/53_02.pdf

Clause 53.18 Stormwater Management in Urban Developments

https://planning-schemes.delwp.vic.gov.au/schemes/vpps/53_18.pdf

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

https://planning-schemes.delwp.vic.gov.au/schemes/vpps/55_00.pdf

General Provisions:

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

https://planning-schemes.delwp.vic.gov.au/schemes/vpps/65_01.pdf

9. Assembly of Councillors

Introduction

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

Cr Keeble

Cr Forsyth

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

Carried

Background

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

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

Attachment(s)

9.0 Assemblies of Councillors – June 2020

10. General business

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

11. Motions for which notice has previously been given

Nil

12. Reception and reading of petitions

Nil

13. Documents for sealing

Cr Janas

Cr Keeble

That the following documents be signed and sealed.

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

Carried

14. Confidential Matter

Cr Knappstein

Cr Janas

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

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

Carried

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

.....
Chairperson



M(8) – 4 AUGUST 2020

Ordinary Council Meeting

Minutes

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

PRESENT

COUNCILLORS

Cr Peter Roper - Mayor
Cr Sarah Nicholas – Deputy Mayor
Cr John Forsyth
Cr Tony Keeble
Cr Kitty Knappstein
Cr Ron Janas
Cr Daryl Pearce

OFFICERS

Charlie Bird – Chief Executive Officer
Will Jeremy – Director Assets
Nathalie Cooke – Director Corporate

APOLOGIES

Nil

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1. Recording and livestreaming of Council meetings

The CEO read the following statement:

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

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

Question time will still be held, however questions must be submitted in writing prior to the meeting. By submitting a question, you consent to your question being read aloud and recorded.

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

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

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

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

The CEO read the following statement:

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

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

3. Confirmation of minutes

3.1 ORDINARY COUNCIL MEETING – M(7) – 7 July 2020

Cr Nicholas

Cr Knappstein

That the minutes of Ordinary Council Meeting M(7) held on 7 July 2020 as circulated be confirmed.

Carried

4. Apologies

Nil

5. Obituaries / congratulations

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

6. Declarations by Councillors of conflict of interest

Item 8.2.2 - 2020/21 Event Funding Program

Cr John Forsyth declared a conflict of interest with respect to the following: La Fiera Festival, Myrtleford Bush Market, Myrtleford Show'n'Shine and Swap Meet as he is a member of the Myrtleford Chamber of Commerce and Rotary Club and he was not present for the assessment of the Event Funding applications.

Item 8.2.3 – 2020/21 Community Grants Program

Cr Ron Janas declared a conflict of interest with respect to the Myrtleford Men's Shed and Myrtleford Landcare Group. He was not present for the assessment of the Community Grant Funding applications.

7. Public questions

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

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

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

8. Presentation of reports by officers

8.1 DIRECTOR ASSETS – WILLIAM JEREMY

8.1.1 2020/21 Event Funding Program

INTRODUCTION

This report relates to the allocation of financial sponsorship and the provision of logistics support to events through Councils 2020/21 Event Funding Program.

Cr Knappstein

Cr Pearce

That Council:

- 1. Allocates financial sponsorship and provides logistics support to events as follows:**

Event Name	Applicant	Total Recommended	Sponsorship	Logistics
5Zero	Bright Brewery Australia Pty Ltd	\$1,500	\$1,500	Nil
Alpine Classic	Alpine Classic Co Pty Ltd	\$5,000	\$1,300	\$3,700
Alpine Cross	Alpine Cycling Club Inc	\$3,000	\$2,000	\$1,000
Alpine Cycling Club Gravity Enduro	Alpine Cycling Club Inc	\$2,000	\$1,000	\$1,000
Annual Easter Art Show	Mount Beauty Art Group	\$1,000	\$1,000	Nil
*Bright Art Gallery and Cultural Centre for Café Culture	Bright Art Gallery	\$1,956	\$1,956	Nil
Bright Autumn Festival	Bright Autumn Festival - part of the Bright and District Chamber of Commerce	\$7,000	\$5,000	\$2,000

<i>Event Name</i>	<i>Applicant</i>	<i>Total Recommended</i>	<i>Sponsorship</i>	<i>Logistics</i>
<i>*Bright Cabaret and Comedy Festival</i>	<i>Jenny Packham</i>	<i>\$2,000</i>	<i>\$2,000</i>	<i>Nil</i>
<i>Bright Festival of Photography</i>	<i>Bright Festival of Photography</i>	<i>\$2,000</i>	<i>\$2,000</i>	<i>Nil</i>
<i>Bright Make it Bake it Grow it Market</i>	<i>Bright and District Chamber of Commerce</i>	<i>\$1,000</i>	<i>Nil</i>	<i>\$1,000</i>
<i>Bright Open 2021 and Australian Nationals Paragliding competition</i>	<i>North East Victoria Hang Gliding Club</i>	<i>\$2,000</i>	<i>\$2,000</i>	<i>Nil</i>
<i>Bright Rotary Markets</i>	<i>Rotary Club of Bright</i>	<i>\$4,400</i>	<i>\$3,000</i>	<i>\$1,400</i>
<i>Bright Spring Festival Carnival and Fireworks</i>	<i>Bright Spring Festival - part of the Bright and District Chamber of Commerce</i>	<i>\$2,500</i>	<i>\$1,700</i>	<i>\$800</i>
<i>Brighter Days Foundation</i>	<i>Brighter Days Foundation Inc</i>	<i>\$15,000</i>	<i>Nil</i>	<i>\$15,000</i>
<i>Bright's Iconic Rod Run</i>	<i>Bright's Rod & Kustom Club Inc</i>	<i>\$32,500</i>	<i>Nil</i>	<i>\$32,500</i>
<i>Carols & Music in the Park</i>	<i>Rotary Club of Bright</i>	<i>\$1,500</i>	<i>\$1,000</i>	<i>\$500</i>
<i>Darker Days</i>	<i>Bright Brewery</i>	<i>\$250</i>	<i>Nil</i>	<i>\$250</i>
<i>Dederang Picnic Races</i>	<i>Dederang Picnic Race Club Inc</i>	<i>\$3,500</i>	<i>\$3,000</i>	<i>\$500</i>
<i>Gather Festival 2021</i>	<i>No data</i>	<i>\$3,500</i>	<i>\$2,600</i>	<i>\$900</i>
<i>Get A Grip of the Grind</i>	<i>Get A Grip of the Grind</i>	<i>\$1,000</i>	<i>\$1000</i>	<i>Nil</i>

<i>Event Name</i>	<i>Applicant</i>	<i>Total Recommended</i>	<i>Sponsorship</i>	<i>Logistics</i>
<i>Harrietville Half (HH)</i>	<i>No data</i>	<i>\$3,000</i>	<i>\$2,500</i>	<i>\$500</i>
<i>High Country Charity Ride 2021 (February)</i>	<i>Cycle Plan Pty Ltd</i>	<i>\$1,000</i>	<i>\$1,000</i>	<i>Nil</i>
<i>High Country Charity Ride 2021 (March)</i>	<i>Cycle Plan Pty Ltd</i>	<i>\$1,000</i>	<i>\$1,000</i>	<i>Nil</i>
<i>High Country Women's Cycling Festival</i>	<i>High Country Women's Cycling Pty Ltd</i>	<i>\$2,000</i>	<i>\$2,000</i>	<i>Nil</i>
<i>LaFiera (Italian Festival Myrtleford)</i>	<i>Myrtleford Chamber of Commerce & Industry Inc</i>	<i>\$14,700</i>	<i>\$12,500</i>	<i>\$2,200</i>
<i>*Alpine Rally</i>	<i>Myrtleford Football Netball Club</i>	<i>\$2,500</i>	<i>\$2,500</i>	<i>Nil</i>
<i>*Myrtleford 67th Golden Spurs Rodeo</i>	<i>Myrtleford Golden Spurs Rodeo Inc</i>	<i>\$2,600</i>	<i>Nil</i>	<i>\$2,600</i>
<i>Myrtleford Bush Market</i>	<i>The Myrtleford Chamber of Commerce & Industry Inc</i>	<i>\$700</i>	<i>Nil</i>	<i>\$700</i>
<i>Myrtleford Farmers Market</i>	<i>Myrtleford Farmer Market (trading name)</i>	<i>\$1,500</i>	<i>\$1,000</i>	<i>\$500</i>
<i>Myrtleford Rotary Annual Show'n'Shine and Swap Meet</i>	<i>The Rotary Club of Myrtleford</i>	<i>\$1,000</i>	<i>Nil</i>	<i>\$1,000</i>
<i>Peaks Challenge Falls Creek 2021</i>	<i>Bicycle Network</i>	<i>\$1,000</i>	<i>Nil</i>	<i>\$1,000</i>
<i>Porepunkah Community Christmas Party</i>	<i>Porepunkah CFA</i>	<i>\$1,200</i>	<i>\$1,100</i>	<i>\$100</i>

Event Name	Applicant	Total Recommended	Sponsorship	Logistics
Spartan Trifecta	Initiative Events Pty Ltd	\$10,000	\$10,000	Nil
The Mount Beauty Music Festival 2021	The Mount Beauty Music Festival	\$5,000	\$4,500	\$500
The Myrtleford Festival	The Myrtleford Festival	\$7,700	\$4,400	\$3,300
Tour of Bright	Alpine Cycling Club Inc	\$7,300	\$6,000	\$1,300
*Valley Fire Festival	Champagne Club Kiewa Valley Inc	\$1,838	\$1,838	Nil
Wandiligong Nut Festival	Wandiligong Nut Festival	\$4,300	\$3,000	\$1,300
XCO MTB Race	Alpine Cycling Club	\$2,800	\$2,300	\$500
	Total	\$163,744	\$87,694	\$76,050

*** Applications received through the Community Grant Funding program**

- 2. Notes the recommendation from the event funding assessment panel being that if an event is cancelled as a result of COVID-19 the funding allocation for that event through the 2020/21 funding program be made available to the event for the 2021/22 financial year without the event organiser having to reapply for funds.**
- 3. Notes that financial sponsorship will not be provided to event organisers unless government restrictions limiting gatherings as a result of the COVID-19 pandemic are lifted and the event organiser has provided all required documentation to Council, including a risk management plan addressing measures to minimise transmission of COVID-19.**
- 4. Delegates authority to the Chief Executive Officer to distribute residual or unspent funds to a cumulative total of \$200,000.**
- 5. Seeks to attract one or more unique 'signature events' to the Alpine Shire, funded to the value of \$100,000 which is equal to the amount of the bushfire funding allocated to the 2020/21 event funding program.**
- 6. Provides feedback and assistance to unsuccessful applicants.**

Carried

BACKGROUND

Alpine Shire Council's 2020/21 Event Funding Program was open for applications between 15 May and 28 June 2020. 36 applications have been received seeking support with an additional six applications being received via the Community Grants program, resulting in a cumulative request of \$415,203 in financial sponsorship.

Council Officers carried out preliminary scoring of each application against the following criteria as detailed in the Event Funding Program Guidelines:

- Expected economic and tourism benefits;
- Event profile;
- Community impact and benefit; and
- Capacity and capability of the event organiser to develop and deliver the event.

The following general criteria were also considered: long term sustainability of the event; operational detail of the event (including marketing); social justice principles; capacity to build relationships; location and fit of the event within the community; long term legacy creation; links to state/regional and local event strategies/plans.

Guided by the preliminary scoring and eligibility, the applications were then reviewed by an event funding assessment panel comprising:

- One member of the Bright and District Chamber of Commerce;
- One member of the Upper Kiewa Valley Community Association;
- One member of the Myrtleford Chamber of Commerce;
- Two Councillors (Cr Forsyth and Cr Keeble); and
- Director Assets (Council).

The panel has recommended that 39 applicants receive support through the Event Funding Program, totalling \$87,694 in financial sponsorship and an estimated value of \$76,050 logistical support, totalling \$163,744 support.

ISSUES

1. Three applications have not been recommended for funding for the reasons outlined below.

Event Name	Applicant	Requested
Celebration of the Bike	Adventure Travel Film Festival (this is the entity to be used for insurance and funding)	\$25,000
<i>Insufficient information provided for the application to be assessed.</i>		
E-Bike, E-Bright Festival	Xventure Pty. Ltd. T/A All Terrain Cycles	\$3,500
<i>Event considered to be an extension of normal business of All Terrain Cycles.</i>		

Event Name	Applicant	Requested
*Bright Vehicle Preservation Society Swap Meet	Bright Vehicle Preservation Society	\$4,100
<p><i>This event is located in Pioneer Park and scheduled on the same weekend as the Bright Iconic Rod Run, also located in Pioneer Park. Consistent with the approach taken in funding the Bright Rotary Market on the same weekend, funding for the proposed Bright Vehicle Preservation Society Swap Meet has been considered within the funding allocation for the Bright Iconic Rod Run.</i></p>		

* Application received through the Community Grant Funding program

- The 2020 LaFiera Festival was cancelled as a result of COVID-19, however the organisers have sought financial support of \$8,000 as committed by Council to the 2020 event in order to cover the cost of purchases made in relation to the event. The assessment panel considered this request while assessing this year's event application. The amount has been included in the combined financial support amount recommended in the table above (\$8,000 plus a further \$4,500 for the 2021 event).
- A commitment of \$30,000 grant funding to the 2020 Spartan Trifecta Event has been received from Austrade following a successful funding application. Council has committed to providing \$10,000 of financial sponsorship, bringing the total amount of funding for this event to \$40,000.
- Event organisers receiving funding for events delivered during the 2020/21 financial year are required to comply with the requirements of Council's Wastewise Policy. This includes event organisers preparing and submitting a wastewise plan for their event prior to any funding being provided to an event organiser.

POLICY IMPLICATIONS

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

- A thriving and connected community

FINANCIAL AND RESOURCE IMPLICATIONS

Council's 2020/21 budget includes provision of \$300,000 to support the delivery of events, comprising \$200,000 of Council funds and an additional \$100,000 of State Government 'Local Government Bushfire Recovery Funding'.

There is sufficient budget to allocate event funding in line with the recommendations of this report.

CONSULTATION

The Event Funding Program was advertised in the local media, on Council's website and Facebook page, and details were emailed directly to all existing event organisers. Event organisers were engaged by Council's events team through the application period.

An assessment panel including two Councillors and four representatives from across the Shire assessed the applications received under the Event Funding Program, and provided the recommendations contained in the report.

CONCLUSION

Events are important to the Alpine Shire, providing economic injection and cultural enrichment.

The recommendations put forward by the funding assessment panel support events that align with the regional brand, encourage repeat visitation, contribute to the events calendar, have a positive economic impact for the community and may be sustainable over a long period of time.

The recommendations align with the event funding criteria.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Economic and Community Development
- Development Officer (Event Development)

The following Declarations of Conflict of Interest were made by assessment panel members:

- Member of the Bright and District Chamber of Commerce: 5Zero, Bright Autumn Festival, Bright Make It, Bake It, Grow It Markets, Bright Spring Festival, Darker Days, Wandiligong Nut Festival.
- Member of the Upper Kiewa Valley Community Association: Gather Festival
- Member of the Myrtleford Chamber of Commerce: La Fiera, Myrtleford Bush Market, Myrtleford Farmers Market.
- Cr John Forsyth: La Fiera, Myrtleford Bush Market, Myrtleford Show'n'Shine and Swap Meet.

Panel members removed themselves from assessment of the relevant event funding applications and any panel discussions relevant to the applications.

ATTACHMENT(S)

- Nil

8.1.2 2020/21 Community Grants Program

INTRODUCTION

This report relates to the allocation of funding through Council's 2020/21 Community Grants Program.

Cr Nicholas

Cr Keeble

That Council:

1. Allocates funding as follows:

<i>Name of Applicant</i>	<i>Project Title</i>	<i>Grant Request</i>	<i>Recommend Grant</i>	<i>Total Project Cost</i>
<i>Myrtleford Amateur Swimming Club</i>	<i>Alpine Pool Shade</i>	<i>\$11,999</i>	<i>\$9,499</i>	<i>\$27,084</i>
<i>Porepunkah Panthers Baseball Club Inc.</i>	<i>Improvements to Porepunkah Reserve</i>	<i>\$7,104</i>	<i>\$7,104</i>	<i>\$9,472</i>
<i>Flex and Bends</i>	<i>Flex and Bends-FAB Warm Water Exercise Program</i>	<i>\$1,225</i>	<i>\$1,225</i>	<i>\$11,753</i>
<i>Myrtleford Men's Shed Inc</i>	<i>Building Permit for Roofing External Work Area</i>	<i>\$1,070</i>	<i>\$1,070</i>	<i>\$44,760</i>
<i>Myrtleford Savoy Soccer Club Inc</i>	<i>Female uniforms / kit</i>	<i>\$3,679</i>	<i>\$1,840</i>	<i>\$4,905</i>
<i>Team Mount Beauty</i>	<i>Trail Head and Trail Node Signage Upgrade</i>	<i>\$1,930</i>	<i>\$1,930</i>	<i>\$3,580</i>
<i>Mount Beauty Neighbourhood Centre Inc</i>	<i>Painting for course part 2</i>	<i>\$4,900</i>	<i>\$4,900</i>	<i>\$22,000</i>
<i>Myrtleford Bowls Club Inc.</i>	<i>Bowling Greens Capital Works Upgrade.</i>	<i>\$11,835</i>	<i>\$10,000</i>	<i>\$15,780</i>
<i>Mount Beauty Golf Club</i>	<i>New Greens Watering Controllers</i>	<i>\$2,443</i>	<i>\$2,443</i>	<i>\$3,412</i>

<i>Name of Applicant</i>	<i>Project Title</i>	<i>Grant Request</i>	<i>Recommend Grant</i>	<i>Total Project Cost</i>
<i>Mount Beauty Basketball Association</i>	<i>Return to Basketball</i>	<i>\$1,750</i>	<i>\$1,750</i>	<i>\$3,100</i>
<i>Myrtleford Chamber of Commerce</i>	<i>Myrtleford CBD site plan</i>	<i>\$1,650</i>	<i>\$1,650</i>	<i>\$2,200</i>
<i>Mongans Bridge Caravan Park</i>	<i>Mongans Bridge Caravan Park</i>	<i>\$712</i>	<i>\$712</i>	<i>\$950</i>
<i>Bright & District Chamber of Commerce Inc</i>	<i>Xmas Tree light renewal</i>	<i>\$3,685</i>	<i>\$3,685</i>	<i>\$5,185</i>
<i>Upper Kiewa Valley Community Association</i>	<i>Interpretive signage for the West Kiewa/Pebble Beach Track</i>	<i>\$4,668</i>	<i>\$4,668</i>	<i>\$6,225</i>
<i>Tawonga Mount Beauty Bowls Club</i>	<i>Capital Works Project</i>	<i>\$5,310</i>	<i>\$5,310</i>	<i>\$7,080</i>
<i>Myrtleford & District Historical Society Inc</i>	<i>Shelving Historical Artefacts: 3 Major Enterprises</i>	<i>\$4,963</i>	<i>\$4,963</i>	<i>\$6,618</i>
<i>Bright Singers Inc</i>	<i>Sheet Music and Storage Upgrade</i>	<i>\$1,876</i>	<i>\$500</i>	<i>\$2,502</i>
<i>Sustainable Upper Ovens</i>	<i>Sustainable Living Skills Sharing</i>	<i>\$7,510</i>	<i>\$2,500</i>	<i>\$11,000</i>
<i>Bright Court House Committee of Management</i>	<i>Auditorium Upgrade</i>	<i>\$15,299</i>	<i>\$10,000</i>	<i>\$28,744</i>
<i>Myrtleford District Landcare & Sustainability Group</i>	<i>Community Indian Myna Awareness</i>	<i>\$1,500</i>	<i>\$1,500</i>	<i>\$4,760</i>
<i>Kiewa Valley Historical Society Inc</i>	<i>Whistling Snow Line Poles</i>	<i>\$2,761</i>	<i>\$2,761</i>	<i>\$3,683</i>

<i>Name of Applicant</i>	<i>Project Title</i>	<i>Grant Request</i>	<i>Recommend Grant</i>	<i>Total Project Cost</i>
<i>Bright Radio Controlled Modelling Club Inc.</i>	<i>Mower Purchase</i>	<i>\$2,999</i>	<i>\$2,999</i>	<i>\$4,099</i>
<i>Harrietville Community Hall Committee of Management</i>	<i>Kitchen upgrade</i>	<i>\$9,242</i>	<i>\$6,932</i>	<i>\$12,322</i>
<i>Dederang Picnic Race Club Inc</i>	<i>Race / Golf Club Rooms Re-stumping</i>	<i>\$8,678</i>	<i>\$8,000</i>	<i>\$12,303</i>
<i>Bright Coworking</i>	<i>Phase 3 Fitout - Meeting Expectations</i>	<i>\$19,043</i>	<i>\$2,283</i>	<i>\$26,118</i>
<i>Bright Playgroup Inc.</i>	<i>Little Rascals Reopening</i>	<i>\$1,374</i>	<i>\$1,374</i>	<i>\$1,833</i>
<i>Alpine Community Plantation Inc.</i>	<i>Sustainable Park Access Management</i>	<i>\$8,000</i>	<i>\$8,000</i>	<i>\$25,014</i>
<i>Alpine Little Athletic Association</i>	<i>Timing Gates</i>	<i>\$10,133</i>	<i>\$8,000</i>	<i>\$13,245</i>
<i>Tawonga and District Community Association Inc.</i>	<i>Playground</i>	<i>\$567</i>	<i>\$567</i>	<i>\$755</i>
		<i>\$157,905</i>	<i>\$118,165</i>	<i>\$320,482</i>

- 2. Allocates \$500 to support community groups wishing to apply for small grants to run Clean Up Australia events in March 2021. This program will be open for applications in January 2021.***
- 3. Delegates authority to the Chief Executive Officer to distribute residual or unspent funds.***
- 4. Provides feedback and assistance to unsuccessful applicants in highlighting other potential funding opportunities that may be available for their projects.***

Carried

BACKGROUND

Council's Community Grants Program is a long-established funding program assisting community groups and organisations to deliver community focussed projects, programs and initiatives in the Alpine Shire.

The 2020/21 Community Grants Program was open for applications between 15 May and 28 June 2020. 51 eligible applications were received, with a cumulative request of \$355,241 in funding. Six applications were referred to Council's Event Funding program for consideration, being the Myrtleford Alpine Rally, Myrtleford Golden Spurs Rodeo, Bright Art Gallery Café Culture, Champagne Club Valley Fire Festival, Bright Vehicle Preservation Society Swap Meet and Bright Cabaret and Comedy Festival.

The applications were reviewed by an assessment panel comprising:

- One member of the Myrtleford Chamber of Commerce;
- One member of the Bright Chamber of Commerce;
- One member of the Upper Kiewa Valley Community Association;
- Two Councillors (Cr Janas and Cr Knappstein); and
- Director Assets (Council).

Council's Manager Economic Development and Community Development Officer were also present to support the assessment panel.

Applications were assessed against the following criteria:

- Degree of benefit to the community;
- Contribution and support from the community toward the project;
- Degree to which projects can be maintained and are sustainable;
- Impact on environmental, economic, social, built, recreational and wellbeing criteria; and
- Geographical spread of funding allocation across the Shire.

The assessment panel has recommended that 29 applicants receive funding, with 19 to receive the full amount of funding requested and ten to receive funding at a reduced level.

A further amount of \$500 is recommended to be allocated to support community groups wishing to apply for small grants to run Clean Up Australia Day events in March 2021.

Bright Community Bank Branch of Bendigo Bank has committed to contribute \$26,125 towards 15 projects submitted as part of the Alpine Shire Council Community Grants Program as follows:

Name of Applicant	Project Title	Bright Community Bank Branch Bendigo Bank
Myrtleford Amateur Swimming Club	Alpine Pool Shade	\$2,500

Name of Applicant	Project Title	Bright Community Bank Branch Bendigo Bank
Myrtleford Savoy Soccer Club Incorporated	Female uniforms / kit	\$1,839
North East Canoe Club	Temporary Shelter	\$1,239
Myrtleford Rotary and The Myrtleford Historical Society	Street Scape on Coles	\$1,200
Bright Singers Inc	Sheet Music and Storage Upgrade	\$500
Sustainable Upper Ovens	Sustainable Living Skills Sharing	\$2,500
Bright Court House Committee of Management	Auditorium Upgrade	\$5,000
Upper Ovens Valley Landcare Group	Junior Landcare	\$1,200
Bright Art Gallery and Cultural Centre Inc	Cafe Culture	\$1,956
Harrietville Community Hall Committee of Management	Kitchen upgrade	\$2,310
Bright Coworking	Phase 3 Fitout - Meeting Expectations	\$2,283
Bright Croquet Club Inc	Equipment for Volunteers for ease of maintenance	\$615
Bright Tennis Club	AED cabinet	\$270
Harrietville Primary School	Harrietville Activities on the Bike Path	\$580
Alpine Little Athletic Association	Timing Gates	\$2,133

ISSUES

22 applications have not been recommended for funding through the Community Grants Program, for the reasons outlined below:

Applicant	Project Title	Grant Request	
Myrtleford Bowls Club Inc.	Big Bash BBQ	\$5,479	<i>Support of club social events is outside of scope of this year's funding round.</i>
North East Canoe Club	Temporary Shelter	\$1,239	<i>Fully funded by Bright Community Branch Bendigo Bank</i>
Ovens Valley Horse Riders	Operation Chuck Wagon	\$5,000	<i>Purpose of application is not clear</i>
Myrtleford Chamber of Commerce & Industry Inc.	Myrtleford Splash Park	\$37,500	<i>Project is considered to be too large for this Community Grant program. The applicant will be assisted to identify other potential sources of funding for this project.</i>
Porepunkah Airfield Association	Porepunkah Airfield 10 Year Capital Works Plan	\$1,200	<i>Association could look to membership to undertake this project.</i>
Alpine Cycling Club	Pioneer Park Road facility	\$37,500	<i>Project is considered to be too large for Community Grants. The applicant will be assisted to identify other potential sources of funding for this project.</i>
Myrtleford Rotary and The Myrtleford Historical Society	Street Scape on Coles	\$1,924	<i>Fully funded by Bright Community Branch Bendigo Bank</i>
Myrtleford Playgroup	Multi-Purpose Playground Upgrade	\$25,989	<i>Project is considered to be too large for Community Grants. The applicant will be assisted to identify other potential sources of funding for this project.</i>

Applicant	Project Title	Grant Request	
Mount Beauty & District Men's Shed	External Works for New Shed Extension	\$1,924	<i>Applicant has received significant support previously for this project.</i>
Champagne Club Kiewa Valley Inc	Community activity support items	\$617	<i>Subject of application should be incorporated with events funding</i>
Upper Ovens Valley Landcare Group	Junior Landcare	\$2,394	<i>Part funded by Bright Community Branch Bendigo Bank - applicant can approach Council's Engage! Program for additional support if needed</i>
Life Saving Victoria	'Sink or Swim' Aquatic Safety & First Aid Online	\$4,256	<i>Applicant has not demonstrated sufficient engagement with key stakeholders to ensure this project will be successful</i>
Bright Coworking	#livelikealocal Marketing Campaign	\$5,590	<i>This project is linked to the development of the Economic Development Strategy. To be considered once the strategy is completed and endorsed by Council.</i>
Myrtleford Op Shop	Myrt Op-Shop New Signage	\$1,500	<i>Applicant has funds to cover this project in a sustainable manner.</i>
Sustainable Upper Ovens	Upper Ovens Food Co-op Initialisation	\$10,000	<i>A large project for this funding round.</i>
Sustainable Upper Ovens	Upper Ovens Food Co-op Fit-out	\$10,000	<i>A large project for this funding round.</i>
Into Our Hands Community Foundation Limited	Partnership to build community capacity in the Alpine Shire	\$10,000	<i>Request for funding to support fund raising is not eligible for Community Grant.</i>

Applicant	Project Title	Grant Request	
Reach Out Wildlife Australia Pty Ltd	ROWA Phase One Start-up Investment	\$6,592	<i>Start-up funding is outside of the scope for community grant. The applicant will be assisted to identify other potential sources of funding for this project.</i>
Mount Beauty CFA	Engine Bay Door	\$20,700	<i>This project should be funded by CFA as an OH&S issue.</i>
Bright Croquet Club Inc	Equipment for Volunteers for ease of maintenance	\$615	<i>Fully funded by Bright Community Branch Bendigo Bank.</i>
Bright Tennis Club	AED cabinet	\$280	<i>Fully funded by Bright Community Branch Bendigo Bank.</i>
Harrietville Primary School	Harrietville Activities on the Bike Path	\$580	<i>Fully funded by Bright Community Branch Bendigo Bank.</i>
Total		\$193,190	

POLICY IMPLICATIONS

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

- A thriving and connected community

FINANCIAL AND RESOURCE IMPLICATIONS

Council's 2020/21 budget includes provision of \$80,000 to support community projects through the Community Grants Program. An additional \$40,000 has been allocated to the 2020/21 program from State Government funded 'Local Government Bushfire Recovery Funding'.

The recommended allocation of \$118,165 through community grants and \$500 for the Clean Up Australia initiative fits within the allocated budget.

Any unspent grants may be considered for distribution to other community initiatives, programs or projects arising throughout the financial year.

CONSULTATION

The Community Grants Program was advertised through local media, on Council's website and Facebook page and emailed directly to community groups.

An assessment panel including two Councillors and representatives from across the Shire assessed the grant funding applications, and provided the recommendations contained within this report.

CONCLUSION

The recommendations put forward by the assessment panel support community participation, contribute to the building of healthy and strong communities and represent a diversity of projects from across the Shire.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Economic and Community Development
- Development Officer (Community and Wellbeing)

During the assessment panel review the following officers declared a conflict of interest:

- Director Assets with respect to the application of Alpine Community Plantation;
- Manager Economic and Community Development in respect to the application of Alpine Community Plantation; and
- Development Officer (Community and Wellbeing) with respect to the application of Alpine Cycling Club.

These officers did not participate in the assessment of the relevant event funding applications or any panel discussions relevant to the applications.

ATTACHMENT(S)

- Nil

8.1.3 Land Exchange – 14 Riverside Avenue, Bright

File Number: Plan of Subdivision PS638662T

INTRODUCTION

This report relates to the proposed exchange of a small area of road land with the land owner of Lot 1 TP837927K Parish of Bright, known as 14 Riverside Avenue, Bright.

Cr Nicholas

Cr Knappstein

That Council:

- 1. Note that no formal submissions were received regarding the proposed road discontinuance and exchange of land.***
- 2. Approve the road discontinuance and exchange of land affecting part of Lot 1 TP837927K Parish of Bright (private land) as follows:***
 - a. Discontinue 9m2 of road in accordance with Schedule 10, Clause 3(a) of the Act, shown as crosshatched on the plan below (Land to be Acquired);***
 - b. Exchange the 9m2 of land discontinued as a road (Land to be Acquired) with the owner of Lot 1 TP837927K in part (b), pursuant to Section 189 of the Act, in lieu of the 9m2 of private land the road was deviated through (Land to be Transferred) in part (a) – noting that the land to be exchanged has been valued at \$3,600 for each parcel;***
 - c. Declare the 9m2 of land declared as a road (Land to be Transferred) to be open to public traffic pursuant to Section 204(2) of the Act;***
- 3. Authorise the Chief Executive Officer to publish a notice in the Government Gazette describing:***
 - a. the road discontinuation, as required by Schedule 10, Clause 3(a) of the Act;***
 - b. declare the exchanged piece of road to be open to public traffic pursuant to Section 204(2) of the Act; and***
 - c. Authorise the Chief Executive Officer to lodge documents with the Registrar, as required by to Section 207D & 207E of the Act.***

Carried

BACKGROUND

The purpose of the road discontinuance and land exchange is to facilitate the exit of vehicles from the supermarket on Gavan Street, Bright.

The road discontinuance and exchange of land affecting part of Lot 1 TP837927K Parish of Bright (private land) as follows:

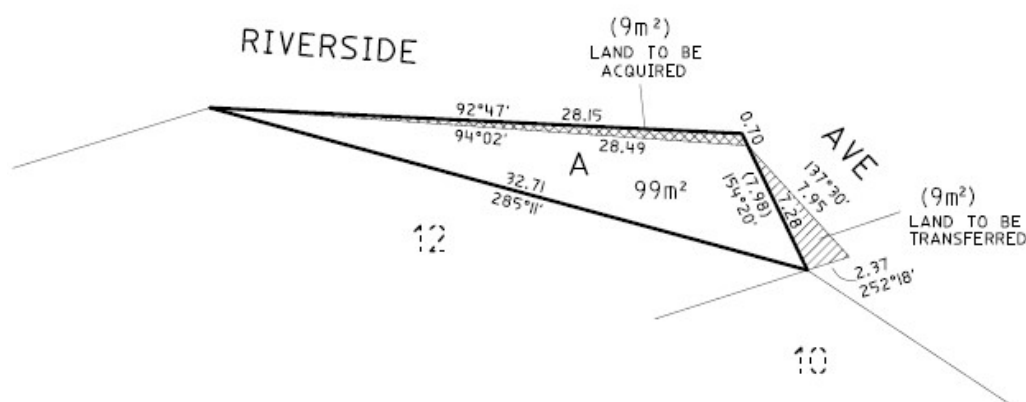


Figure 1: Proposed land exchange showing land to be acquired (cross hatched) and land to be transferred (shown hatched).

At the Ordinary Council Meeting held on 2 June 2020, Council endorsed the following:

That Council:

1. *Advertises its intention to undertake a road deviation and exchange of land affecting part of Lot 1 TP837927K Parish of Bright (private land) as follows:*
 - a. *Discontinue 9m² of road in accordance with Schedule 10, Clause 3(a) of the Act, shown as crosshatched on the plan above (Land to be Acquired);*
 - b. *Exchange the 9m² of land discontinued as a road (Land to be Acquired) with the owner of Lot 1 TP837927K in part (b), pursuant to Section 189 of the Act, in lieu of the 9m² of private land the road was deviated through (Land to be Transferred) in part (a) – noting that the land to be exchanged has been valued at \$3,600 for each parcel;*
 - c. *Declare the 9m² of land declared as a road to be open to public traffic (Land to be Transferred) pursuant to Section 204(2) of the Act;*

ISSUES

Pursuant to Section 206 including Clause 2 of Schedule 10 of the *Local Government Act 1989* (the Act), Council may deviate this road as shown in Figure 1.

Permission from the Minister for Environment and Climate Change (2012) has been obtained for this deviation and is still valid.

A land valuation has been prepared as required in accordance with Section 189 of the Act.

In accordance with Section 189 of the Act, Council advertised for submissions under section 223. None were received.

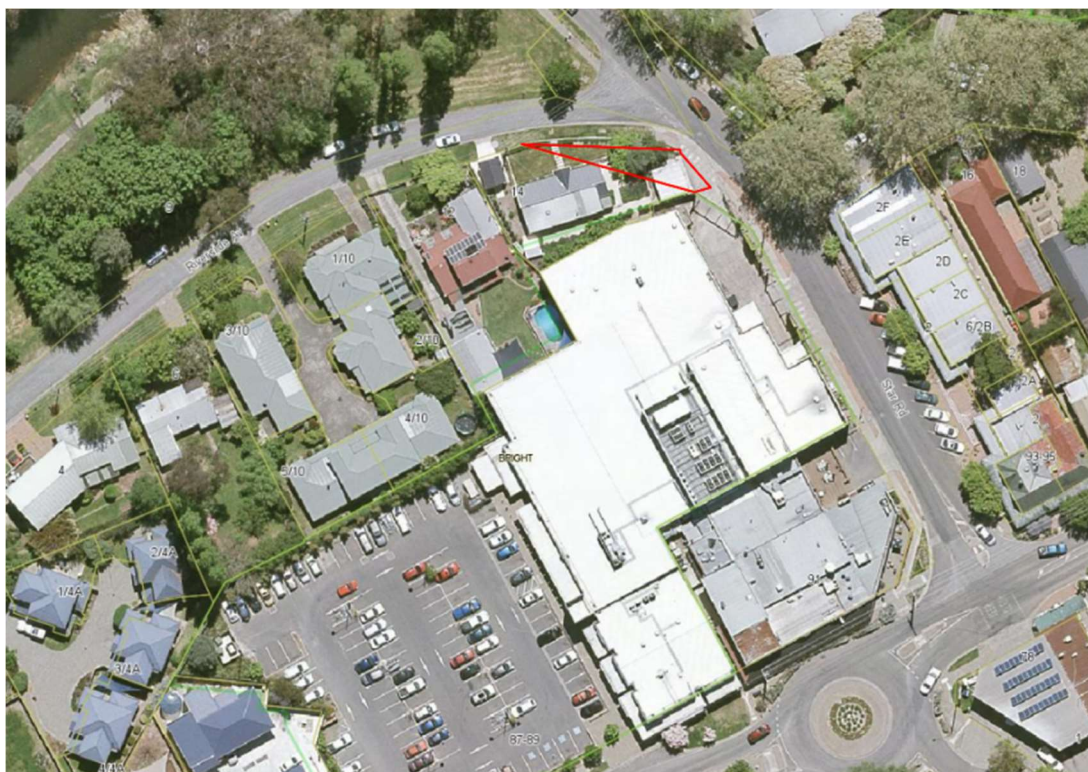


Figure 2: Locality map (see red outline)

POLICY IMPLICATIONS

Council can facilitate the road deviation in accordance with s206 and cl2 Schedule 10, of the *Local Government Act 1989* (the Act). Exchange of land is in accordance with s189 of the Act.

It is noted that roading provisions and s223 public submission processes remain in the Local Government Act 1989, and have not been transitioned to the *Local Government Act 2020*.

Other related legislation includes: *Transfer of Land Act 1958*.

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

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

FINANCIAL AND RESOURCE IMPLICATIONS

Minor costs associated with the transfer of land can be accommodated within existing operational budgets.

CONSULTATION

Council advertised the road deviation and land exchange in accordance with s223 of the *Local Government Act 1989*. Advertisements were placed in the Myrtleford Times / Alpine Observer on 17 June 2020. No formal written submissions were received by the closing date of 15 July 2020.

CONCLUSION

To finalise this Road land exchange, a Council resolution to approve the exchange and gazette the road deviation, discontinuance and declaration under the Local Government Act is required.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Asset Maintenance
- Engineering Coordinator

ATTACHMENTS

- Nil

8.2 DIRECTOR CORPORATE – NATHALIE COOKE

8.2.1 Planning Application P.2020.43 - Rodgers Lane, Dederang

Application number:	<i>P.2020.43</i>
Proposal:	<i>Resubdivision of four (4) lots into two (2) lots, and Buildings and Works for the Construction of a Dwelling.</i>
Applicant's name:	<i>Mr Nick Vlahandreas (Mountain Planning)</i>
Owner's name:	<i>Lara McPherson and Marcus Goonan</i>
Address:	<i>Crown Allotment 27 Section 7 Parish of Dederang, TP 588650N (This allotment is in 3 parts), Crown Allotment 24 Section 7 Parish of Dederang, TP 356625H, Crown Allotment 5 Section 7 Parish of Dederang, TP 677658A, and Crown Allotment 23 Section 7 Parish of Dederang, TP 353788T.</i>
Land size:	<i>Approximately 162.43 hectares</i>
Current use and development:	<i>Cattle grazing and agricultural shedding.</i>
Site features:	<i>The subject land is an irregular shape comprising of 4 lots, with direct road frontage to Rogers Lane which is a partially sealed road. The site contains substantial area of native vegetation (approx. 83.12ha), several watercourses, agricultural sheds, unsealed tracks and some fencing. There are two (2) electricity easements on the eastern edge of Crown Allotment 24. The site slopes up approximately 300 metres from eastern corner of Crown Allotment 24 to a north-western point on the western lot boundary of Crown Allotment 27.</i>
Why is a permit required?	<i>Clause 35.07-3 – Subdivision (Farming Zone) Clause 42.03-2 – Buildings and Works (Significant Landscape Overlay) Clause 44.06-2 – Subdivision and Buildings and Works (Bushfire Management Overlay)</i>
Zoning:	<i>Farming Zone (FZ)</i>
Overlays:	<i>Bushfire Management Overlay - (Portion of Crown Allotment 5 and 27 only.) Significant Landscape Overlay - Schedule 1</i>

<i>Restrictive covenants on the title?</i>	<i>None</i>
<i>Date received:</i>	<i>15 July 2020 (amended plan)</i>
<i>Statutory days:</i>	<i>6 days at 21 July 2020</i>
<i>Planner:</i>	<i>James Trimble</i>

Cr Janas

Cr Nicholas

That a Notice of Decision to grant a planning permit be issued for the Resubdivision of four (4) lots into two (2) lots, and Buildings and Works for the Construction of a Dwelling in accordance with the conditions outlined in Appendix 8.2.1 (a) and for the summarised following reasons:

- 1) The proposal generally meets the relevant provisions of the:***
 - a) State and Local Planning Policy Framework;***
 - b) Farming Zone, Bushfire Management Overlay and Significant Landscape Overlay;***
 - c) Decision Guidelines at Clauses 65.01 and 65.02.***
- 2) The proposal provides an appropriate design.***
- 3) It is unlikely that any native vegetation would be consequentially removed as a result of the proposal.***
- 4) The proposed Section 173 Agreement provides for an appropriate matter which does not result in contravention of the planning scheme or a planning permit.***

Carried

PROPOSAL

The application consists of two (2) parts being the resubdivision of four (4) lot into two (2) lots, and buildings and works for the construction of a dwelling.

The resubdivision is proposed to create two (2) new lots. Proposed lot 1 will have a total area of 112.03 hectares in four parts of 74.39 hectares, 36.02 hectares, 1.126 hectares and 0.5 hectares. Proposed Lot 2 will have a total area of 46.46 hectares in two parts of 38.77 hectares and 7.687 hectares. Portion of the proposed northern lot boundary of Lot 2 follows an existing cleared track within the site and an existing lot boundary. Portion of the proposed southern lot boundary of Lot 2 follows an existing cleared track within the site. A western section of this proposed lot boundary is through native vegetation. A 20-metre-wide carriageway easement is proposed in the eastern section of Lot 2 to the benefit of Lot 1. The width of the access leg forming part of proposed Lot 2 is 30.1 metres. The majority of proposed Lot 2 will comprise of native vegetation. The proposed resubdivision is identified in figure 1 below.

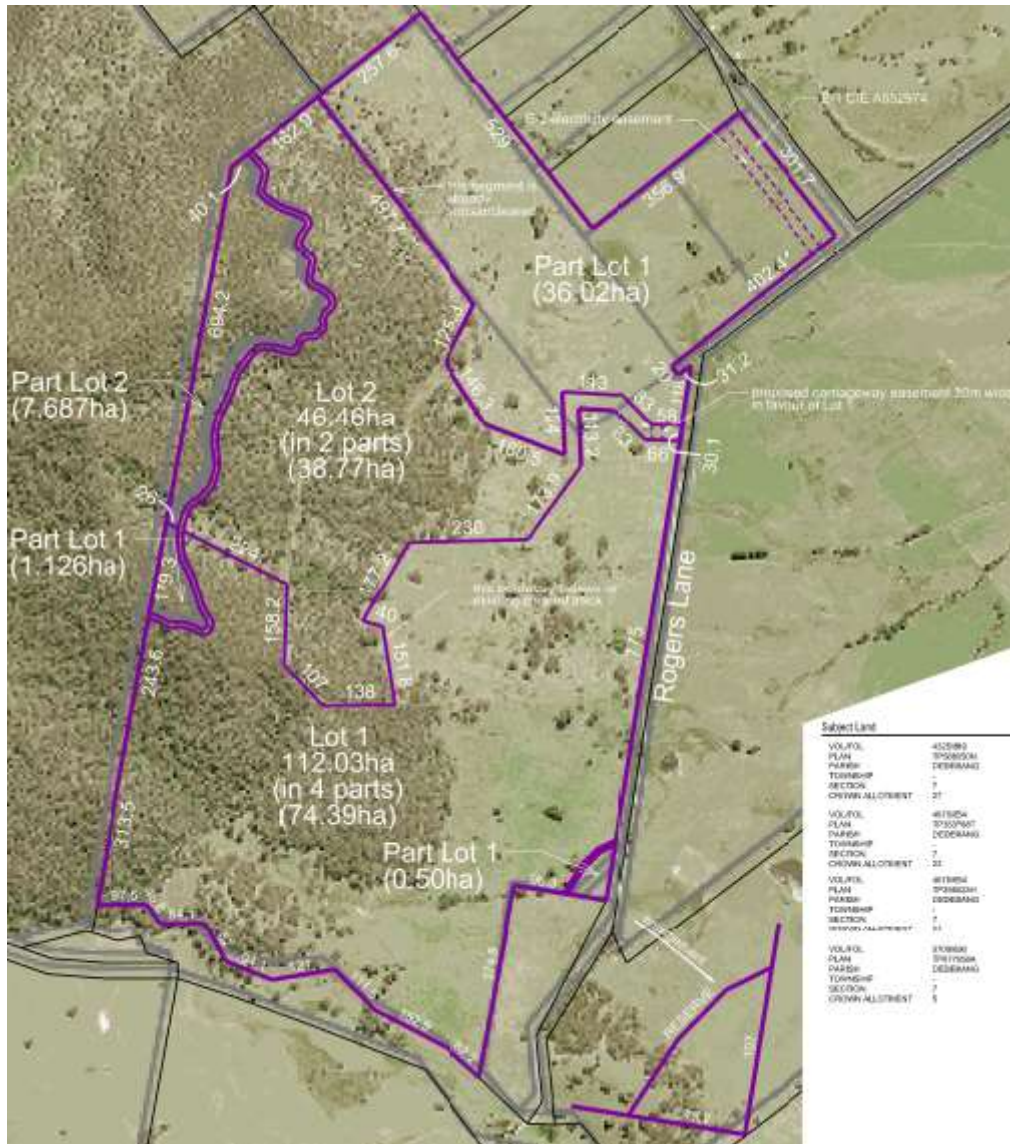
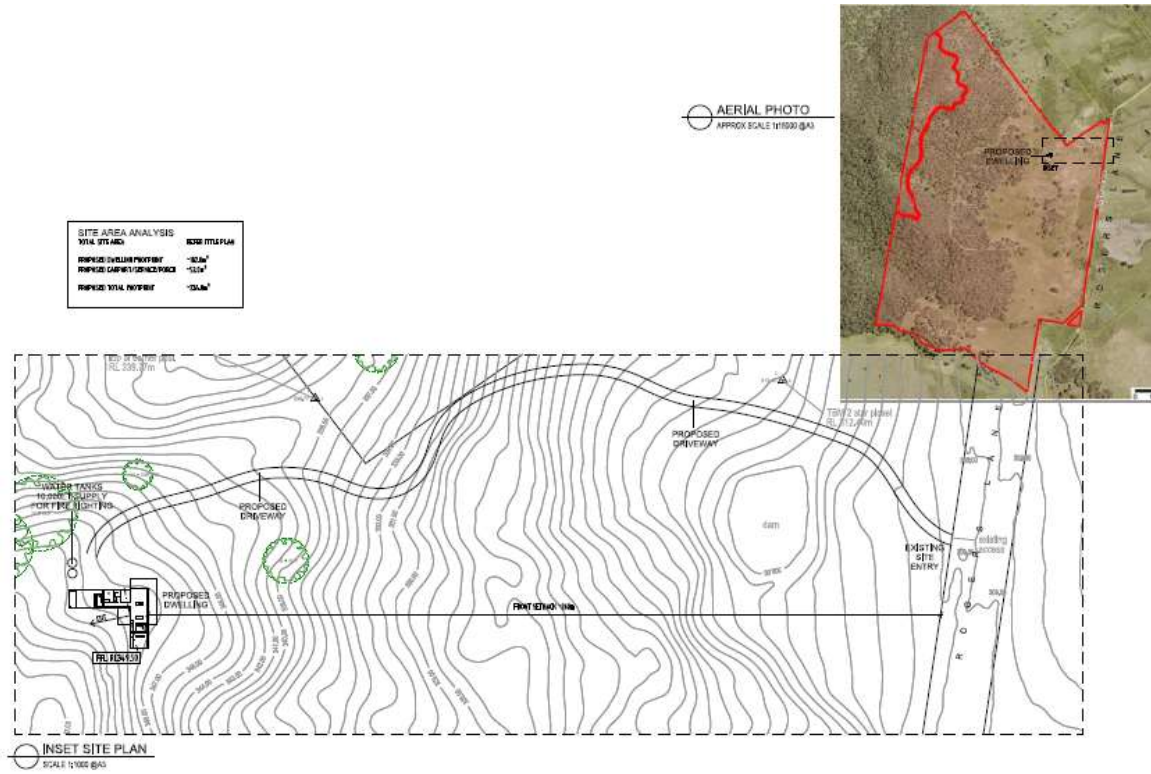


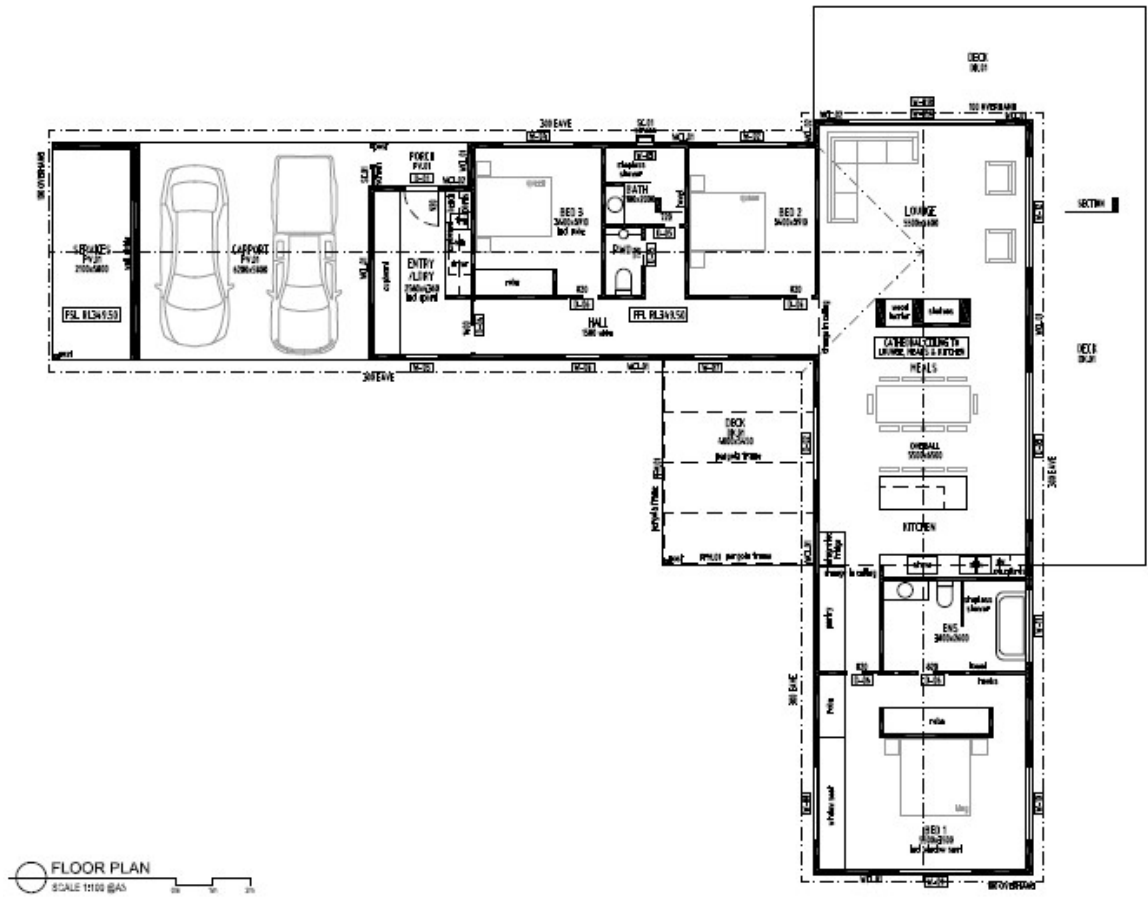
Figure 1: Shows the proposed resubdivision.

The second part of the application is buildings and works for the construction of a dwelling. The proposed dwelling including its associated wastewater disposal area, and vehicle access is intended to be sited within proposed Lot 2. The proposed finished level of the dwelling is approximately 79.5 metres above the lowest level on the site.

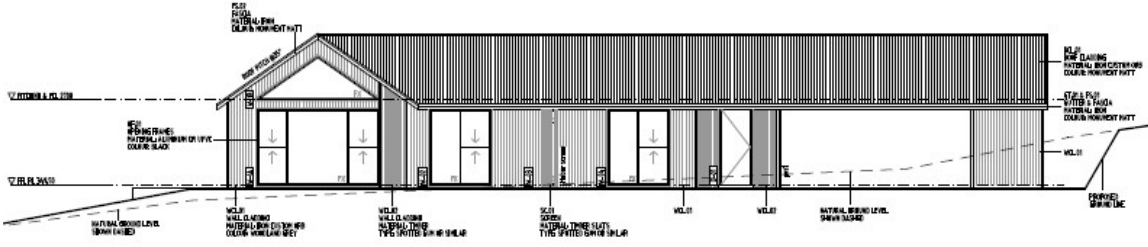
The proposed dwelling is setback approximately 260 metres from Rodgers Lane. The proposed dwelling is single storey and includes a 35-degree pitched roof, double carport, three (3) bedrooms, two (2) bathrooms, open plan meals/kitchen/lounge, front and rear decks, two (2) 10,000 litre water tanks. Approximately 1 metre of cut and fill is associated with the proposed dwelling. External materials and colours include Iron Custom Orb Colorbond Monument Matt roofing, Iron Custom Orb Colorbond Woodland Grey wall cladding, Black window frames, Colorbond Monument Matt gutters, Timber Shiplap vertically hung Spotted Gum or similar wall cladding, and steel Colorbond Woodland Grey water tanks. Vehicle access to the proposed dwelling from Rodgers Lane

is proposed via an existing access point. The proposed dwelling is identified in the following figures below.

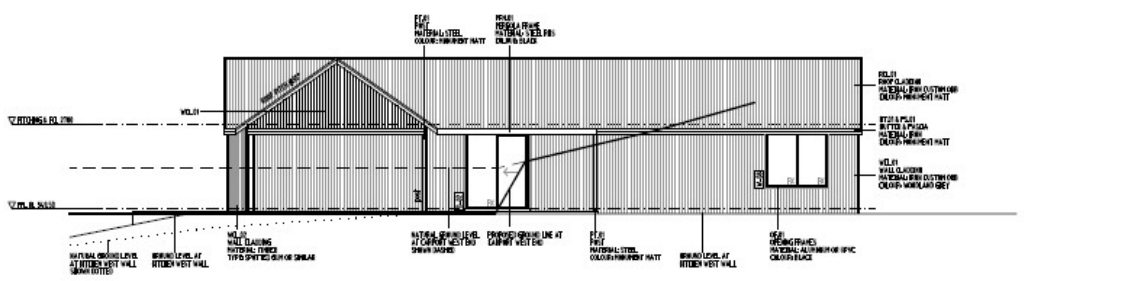




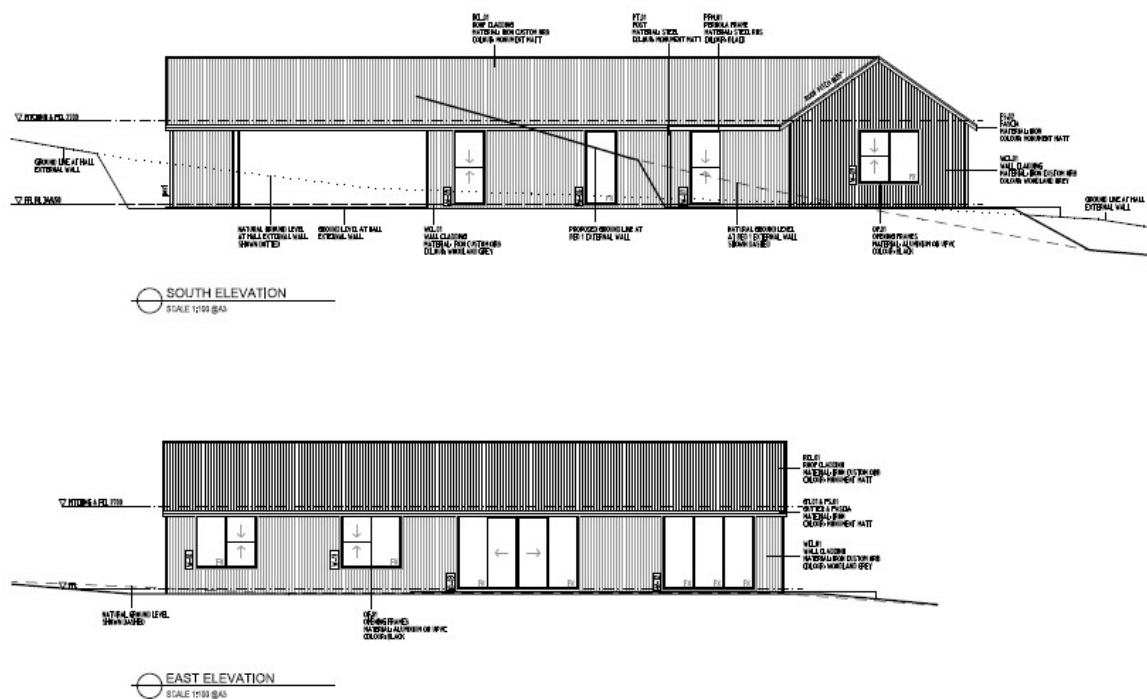
FLOOR PLAN
 SCALE 1:100 @A3



NORTH ELEVATION
 SCALE 1:100 @A3



WEST ELEVATION
 SCALE 1:100 @A3



Figures 2: Shows the proposed Buildings and Works for the construction of a Dwelling.

SUBJECT LAND AND SURROUNDS

The subject land is an irregular shape comprising of four (4) lots with direct road frontage to Rogers Lane, which is a partially sealed road. The site contains substantial areas of native vegetation (approximately 83.12 hectares), several watercourses, some fencing and unsealed tracks. There are 2 agricultural sheds on the site. There are 2 electricity easements on the eastern edge of Crown Allotment 24. The site has several existing lot boundaries through areas with native vegetation. The site slopes up approximately 300 metres from eastern corner of Crown Allotment 24 to a north-western point on the western lot boundary of Crown Allotment 27.

Land surrounding the site consists of varied lot sizes within the Farming Zone, with the majority of sites being used for agricultural/farming purposes, with a few sites having a dwelling. The rear of Crown Allotment 27 abuts Crown land which is zoned Public Conservation and Recreation Zone and contains substantial areas of native vegetation. There is a long skinny parcel of Crown land with native vegetation which splits Crown Allotment 27 into parts.



Figure 3: Subject site

PUBLIC NOTIFICATION

The application was advertised in accordance with Section 52 of the Planning and Environment Act 1987 for 14 days. Notice of the application was sent to surrounding landholders and occupiers at 4538 Kiewa Valley Highway, Dederang and 89 Police Lane, Dederang. No objections were received as a result of public notification.

REFERRALS

Referrals / Notice	Advice / Response / Conditions
Section 55 (statutory) referrals:	Country Fire Authority - Conditional consent Ausnet - Conditional consent
Section 52 (non-statutory) referrals:	North East Water - No objection Department of Environment, Land, Water and Planning (DELWP) - Objection
Internal referrals:	Alpine Shire Environmental Health Department - Conditional consent

The concerns raised by DELWP in their written objection have been summarised as follows.

- Concerns with the anticipated loss of some native vegetation from the fencing of new lot boundaries.

- Clause 52.17 of the Alpine Planning Scheme provides an exemption from needing a planning permit for up to 4m of native vegetation removal to enable the construction of a boundary fence between properties in different ownership.
- In accordance with Clause 52.17 and the (incorporated document) Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017, Sect 2.3.3), the responsible authority needs to consider whether an application to subdivide land will enable native vegetation to be removed in the future without the requirement for a planning permit under Clause 52.17 or Clause 52.16. Therefore, any losses of or detrimental impacts on native vegetation must be fully considered at the subdivision stage. This includes any native vegetation removal that would become exempt as a consequence of a decision to subdivide land.
- The use of Section 173 agreement is not appropriate as:
 - It is not being used to achieve a desired planning outcome or a planning objective;
 - It is being used to control a form of development that is not regulated by the Scheme (boundary fences are exempt from requiring a planning permit);
 - It is being used to deny a landowner entitlement provided by the Fences Act;
 - The agreement could be ended thereby enabling access to the Clause 52.17 ‘fences’ clearing exemption at some time in the future; and
 - It is clearly being used as a mechanism to avoid the mandatory planning scheme obligations at Clause 52.17.

PLANNING ASSESSMENT AND RESPONSE TO GROUNDS OF OBJECTION

All applicable policy and decision guidelines can be found in Appendix 8.3.1(b).

State Planning Policy Framework

The following State Planning Policy Framework (SPPF) is relevant to the matters raised within the DELWP objection.

Clause 12.01-1S - Protection of biodiversity

The objective of this policy is to assist the protection and conservation of Victoria’s biodiversity. A relevant strategy includes ensure that decision making takes into account the impacts of land use and development on Victoria’s biodiversity, including consideration of cumulative impacts, fragmentation of habitat, and the spread of pest plants, animals and pathogens into natural ecosystems. Relevant policy documents to be considered include Protecting Victoria’s Environment – Biodiversity 2037 (Department of Environment, Land, Water and Planning, 2017), and Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017).

Relevant text from the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017) includes the following.

- *Where the responsible authority considers that a proposed use and/or development is likely to involve, or lead to, the consequential removal of native vegetation into the future as a result of This ensures consideration and integration of all issues as part of its decision making. This can include, but is not limited to, the consideration of an application for a permit to subdivide land that will enable native vegetation to be removed in the future without requiring a permit under Clause 52.16 or Clause 52.17.*
- *An offset is required to compensate for the loss to biodiversity from the removal of native vegetation.*
- *Assumed losses and consequential removal. When calculating extent, all areas of native vegetation that will be impacted by the proposed use or development are included, regardless of whether the native vegetation will be directly removed. This includes assumed losses, and consequential removal of native vegetation.*

The proposal is not likely to involve, or lead to, the consequential removal of native vegetation into the future. The proposal does not result in the direct removal of native vegetation. The proposed northern boundary of Lot 2 follows either areas that do not have any native vegetation within 4 metres, existing cleared tracks, or existing lot boundaries. The proposed southern boundary of Lot 2 follows either areas that do not have any native vegetation within 4 metres, existing cleared tracks, or steep undulating remote land that would be difficult and impractical to fence. The applicant is proposing a Section 173 agreement which would prevent fencing along lot boundaries requiring the removal of native vegetation. The current owner has verbally advised that it is not their intent to removal any native vegetation from the site for the construction of new fencing.

A permit is not required for the proposal under clause 52.16 or 52.17 as there is an exemption within clause 52.17 which allows for the removal, destruction or lopping of native vegetation to the minimum extent necessary to enable: the operation or maintenance of an existing fence; or the construction of a boundary fence between properties in different ownership. The clearing along both sides of the fence when combined must not exceed 4 metres in width, except where land has already been cleared 4 metres or more along one side of the fence, then up to 1 metre can be cleared along the other side of the fence. For this exemption to become applicable proposed Lot 1 and Lot 2 would have be in different ownership. The current owner has verbally advised that it is not their intent to sell proposed Lot 1 and Lot 2.

Relevant text from the assessor handbook which is referenced within the abovementioned guidelines includes the following.

- *A permit is not required to remove native vegetation under Clause 52.17 if the table of exemptions in Clause 52.17 specifically states that a permit is not required.*
- *Consider assumed losses and consequential removal of native vegetation.*
- *Consequential loss includes native vegetation that can be removed without obtaining a permit as a result of a decision made on an application.*
- *If native vegetation is assumed lost or can be removed as a consequence of the decision, a permit may be required under Clause 52.16 or 52.17.*
- *Ensure that any consequential removal of native vegetation due to exemptions that would apply following approval of a permit or plan has been included. This includes*

for example, loss of native vegetation along proposed property boundaries for fence lines.

- *All applications must demonstrate or provide evidence to show that no options exist to further avoid or minimise native vegetation removal without undermining the objectives of the proposal.*
- *The responsible authority should consider any native vegetation that is likely to be removed under an exemption in Clause 52.16 or 52.17 as a consequence of a permit approval. This loss must be included in the extent of the permit being considered.*
- *The 2005 Villawood VCAT decision (Villawood Properties v Greater Bendigo CC VCAT 2703 (20 December 2005). concludes that when dealing with subdivisions, native vegetation (within a lot with a development zone) should not be regarded as being retained. Significant native vegetation on the site that should or can be retained should be reflected in the design of the subdivision.*

A permit is not required for the proposal under clause 52.16 or 52.17. The consequential loss of native vegetation has been considered. Significant native vegetation on the site that should or can be retained has been reflected in the application. The site is not within a development zone. The site is zoned Farming.

12.01 -2S - Native vegetation management

The objective of this policy is to ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. The strategy of this policy states:

Ensure decisions that involve, or will lead to, the removal, destruction or lopping of native vegetation, apply 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).

- *Avoid the removal, destruction or lopping of native vegetation.*
- *Minimise impacts from the removal, destruction or lopping of native vegetation that cannot be avoided.*
- *Provide an offset to compensate for the biodiversity impact from the removal, destruction or lopping of native vegetation.*

The relevant policy documents to be considered are the same as those listed above under 12.01-1S.

The proposal is considered to be generally in accordance with all other applicable State Planning Policy Framework.

Local Planning Policy Framework

The following Local Planning Policy Framework (LPPF) is relevant to the matters raised within the DELWP objection.

21.04-1 - Native vegetation, biodiversity and environmental values

The relevant objectives of this Policy include:

- *Maintain, conserve and enhance biodiversity and native vegetation assets and values.*
- *Maintain, conserve and enhance the natural environment and environmental and values in rural areas.*
- *Facilitate protection of native fauna, conservation of native plant communities and significant species in their natural condition and the maintenance of genetic diversity.*
- *Support land use and development that maintains and enhances the natural environment for ecological, social and economic benefits of existing and future generations.*
- *Encourage the retention of and re-establishment of native vegetation on private land.*
- *Provide protection and appropriate management of significant remnant areas.*
- *Ensure that development and land use addresses the natural physical features and site context of the area, including soil, water quality, flora, fauna and biodiversity values.*

The proposal is considered to meet the objectives above as it does not result in the direct removal of any native vegetation, the only additional area for which a future exemption to the removal of native vegetation from the site may apply would be the western portion of the southern lot boundary of proposed Lot 2 which is steep undulating remote land that would be difficult and impractical to fence, and the applicant is proposing a Section 173 agreement to prevent the removal of native vegetation from the site associated with lot boundary fencing.

22.02-1 - Native vegetation and biodiversity

Relevant policy provisions include:

- *Buildings and works (including on-site effluent disposal fields, fencing and access tracks) need to be sited and designed to avoid and minimise the requirement for native vegetation removal or any detrimental impacts on retained native vegetation.*
- *Preference be given to proposals, which incorporate measures to avoid and minimise the impact on remnant vegetation.*
- *Where the removal of native vegetation cannot be avoided, conditions in accordance with native vegetation regulations and policy requirements will be included on any permit granted, to ensure that offsets achieve no net loss of native vegetation.*

The proposal complies with the above-mentioned policy provisions as:

- The buildings and works have been sited and designed to avoid and minimise the requirement for native vegetation removal.
- The proposal has been designed to avoid and minimise the impacts on native vegetation and includes a Section 173 agreement measure to further avoid and minimise the impacts on native vegetation.
- The proposal does not result in the direct removal of native vegetation.

The proposal is considered to be generally in accordance with all other applicable Local Planning Policy Framework.

Zoning

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

- It encourages the retention of productive agricultural land with the consolidation of existing smaller allotments into larger lots.
- The dwelling use is permitted as of right on the site, and the associated building and works and subdivision have been designed to ensure that the dwelling will not adversely affect the use of the land and surrounding land for agricultural activities.
- The land is capable of accommodating the proposed development including the disposal of effluent.
- The resubdivision increases the capacity of the land to sustain an agricultural activity.
- The buildings and works do not result in the direct removal of any native vegetation.

Overlays

The site is covered by the Significant Landscape Overlay - Schedule 1. There is a planning permit trigger at clause 42.03-2 for the proposed buildings and works for the construction of a dwelling. The proposed buildings and works are considered to meet the relevant decision guidelines of this overlay, subject to the inclusion of appropriate conditions.

Portion of Crown allotments 5 and 27 are covered by the Bushfire Management Overlay. The proposed new lot boundaries, and buildings and works for the construction of a dwelling are sited within 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 inclusion of appropriate conditions.

Particular Provisions

The clause 65 decision guidelines provides a range of standardised decision guidelines that a responsible authority must consider as appropriate before deciding on a permit application or the approval of a plan. Contained within Clause 65.01 are the following native vegetation specific decision guidelines:

- *The extent and character of native vegetation and the likelihood of its destruction; and*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*

The likelihood of the destruction of native vegetation associated with the proposal is very low. The only additional area for which a future exemption to the removal of native vegetation from the site may apply would be the western portion of the southern lot boundary of proposed lot 2, which is steep undulating remote land that would be difficult and impractical to fence.

In addition, the applicant has proposed a Section 173 agreement to provide for the protection of native vegetation on the site associated with boundary fencing.

Section 173 Agreements

Pursuant to Section 173 of the *Planning and Environment Act 1987* a responsible authority may enter into an agreement with an owner of land in the area covered by a planning scheme for which it is a responsible authority. An agreement may provide for any one or more of the following matters:

- *The prohibition, restriction or regulation of the use or development of the land;*
- *The conditions subject to which the land may be used or developed for specified purposes;*
- *Any matter intended to achieve or advance—*
 - *the objectives of planning in Victoria; or*
 - *the objectives of the planning scheme or any amendment to the planning scheme of which notice has been given under section 19;*
- *Any matter incidental to any one or more of the above matters.*

An agreement must not require or allow anything to be done which would breach a planning scheme or a permit. To amend or end a section 173 agreement requires the consent of the responsible authority.

The section 173 agreement proposed by the applicant is suitable as it prohibits the construction of boundary fencing which would result in the removal of native vegetation. Fencing is development. The objectives of the planning scheme have been discussed above. The proposed Section 173 agreement is considered to achieve or advance these objectives as it precludes the removal of native vegetation removal from the site for both proposed new boundary alignments and importantly existing boundary alignment that aren't currently fenced. Having the ability to put in place controls that relate to the existing boundary fencing and therefore the associated native vegetation exemptions is a significant minimisation step that the applicant has agree to. Separate legislation controls fencing, however, it must be noted that the planning scheme may regulate also fencing. The agreement could be ended in the future however this would require the consent of the response authority. In considering such an application to end the subject Section 173 agreement to responsible authority must consider:

- *The purpose of the agreement; and*
- *Whether and why the agreement is no longer required; and*
- *Whether the ending of the agreement would disadvantage any person, whether or not a party to the agreement; and*
- *The reasons why the responsible authority entered into the agreement; and*
- *Any relevant permit or other requirements the land is subject to under the Subdivision Act 1988 ; and*
- *Any other prescribed matter.*

Therefore, based on the above any such application to end the proposed agreement which would result in the loss of native vegetation from the site would likely be refused.

CONCLUSION

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

- 1) The proposal generally meets the relevant provisions of the
 - a) State and Local Planning Policy Framework;
 - b) Farming Zone, Bushfire Management Overlay and Significant Landscape Overlay;
 - c) Decision Guidelines at Clauses 65.01 and 65.02.
- 2) The proposal provides an appropriate design.
- 3) It is unlikely that any native vegetation would be removed as a result of the proposal.
- 4) The proposed Section 173 Agreement provides for an appropriate matter which does not result in contravention of the planning scheme or a planning permit.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate
- Planning Coordinator
- Planning Officer

APPENDICIES

- 8.2.1(a) Conditions
- 8.2.1(b) Policy and decision guidelines

Appendix 8.2.1(a) Conditions

Amended Plans

1. Before the development of the dwelling starts, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. All buildings and works associated with the dwelling including the driveway and wastewater disposal area being sited entirely within proposed Lot 2.

Endorsed Plans

2. The layout of the site and the size of the proposed buildings and works must be generally in accordance with the endorsed plans which form part of this permit. The endorsed plans must not be altered or modified (whether or not to comply with any statute, statutory rule or local law or for any other reason) without the consent of the responsible authority. The layout of the subdivision as shown on the endorsed plan must not be altered or modified (whether or not in order to comply with any statute, statutory rule or Local Law, or for any other reason) without the prior written consent of the Responsible Authority.

Section 173 Agreement

4. Prior to the issue of a statement of compliance, the owner must enter into an Agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 to provide the following:
 - a. Lots 1 and 2 must not be further subdivided, so as to create an additional lot.
 - b. Excluding the replacement of existing boundary fencing all new boundary fencing that results in the removal of native vegetation is not permitted.

The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement.

Covenant Condition

5. Covenants that relate to the use of the land or development must not be included in any contracts of sale or on titles of any lots without the written approval of the responsible authority.

Stormwater

6. Before the dwelling is occupied all stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge to the satisfaction of the responsible authority.
7. All roof water from buildings and surface water from paved areas must be collected, as practicable and discharged to the LPOD to avoid any nuisance discharge to adjacent land, to the satisfaction of the responsible authority.

8. Prior to issue of the Statement of Compliance all stormwater and surface water discharging from the site, buildings and works must be retained and treated on site to the satisfaction of the responsible authority. No effluent or polluted water of any type will be allowed to enter the stormwater drainage system. Once treated to the satisfaction of the responsible authority, the stormwater shall be conveyed to the legal point of discharge.

Vehicle Crossings

9. Prior to issue of the Statement of Compliance vehicular crossings and access shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the responsible authority.

External Building Colour Reflectivity

10. The external materials of the building(s) including the roof must be constructed of materials of muted colours to enhance the aesthetic amenity of the area. No materials having a highly reflective surface shall be used. For the purpose of this clause "highly reflective" shall include unpainted aluminium, zinc or similar materials.

Construction Management

11. Appropriate measures must be implemented throughout the construction stage of the development to rectify / minimise mud, crushed rock or other debris being carried onto public roads from the subject land, to the satisfaction of the responsible authority.

Construction Requirements

12. An area for the storage of construction materials must be designated prior to the arrival of equipment and materials onsite. Wherever possible, disturbed areas should be used rather than areas of good quality indigenous vegetation and significant stands of trees. At the completion of construction all excess materials must be removed and the site should be regenerated to the satisfaction of the responsible authority.
13. Silt fencing material or straw hay bales (staked and keyed into the ground surface) must be placed at the bottom of the construction area prior to the commencement of construction to prevent storm water runoff entering a drainage line. Batters steeper than 2:1 (horizontal: vertical) must have a layer of straw over the entire batter to retain the topsoil.

Mandatory Bushfire Condition

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

Farm Zone Dwelling Conditions

15. Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.
16. Prior to occupation the dwelling must be connected to a reticulated sewerage system or if not available, the waste water must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970, to the satisfaction of the responsible authority.
17. Prior to occupation the dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes, to the satisfaction of the responsible authority.
18. Prior to occupation the dwelling must be connected to a reticulated electricity supply or have an alternative energy source, to the satisfaction of the responsible authority.

External Lighting

19. All external lighting provided on the site must be suitably baffled so that no direct light is emitted beyond the boundaries of the site and no nuisance is caused to adjoining properties, to the satisfaction of the responsible authority.

General Subdivision Conditions

20. Each lot shown on the endorsed plans must be drained to the point of discharge as approved by the responsible authority.
21. 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.
22. 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.
23. 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.

Country Fire Authority Conditions**Bushfire Management Plan to be endorsed**

24. The Bushfire Management Plan (prepared by Mountain Planning, dated 27/03/2020, Rev 0) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

Alpine Shire Council Environmental Health Conditions

25. An application must be made for a Permit to Install a Septic Tank System to the satisfaction of Council's Environmental Health Officer prior to a building permit being issued in accordance with the requirements of the Building Act 1993. The septic system must comply with the Code of Practice – onsite Wastewater Management Publication 891.4 and AS1546.1 to 1546.4 and generally be in accordance with the Land Capability Assessment (Project 400475, Nov 2019) from SJE Consulting.

Ausnet Conditions

26. The plan of subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the subdivision Act 1988.
27. The applicant must –
- Enter in an agreement with AusNet Electricity Services Pty Ltd for supply of electricity to each lot on the endorsed plan.
 - Enter into an agreement with AusNet Electricity Services Pty Ltd for the rearrangement of the existing electricity supply system if required.
 - Enter into an agreement with AusNet Electricity Services Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AusNet Electricity Services Pty Ltd.
 - If required, provide easements satisfactory to AusNet Electricity Services Pty Ltd for the purpose of "Power Line" in the favour of "AusNet Electricity Services Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AusNet Electricity Services Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land. If required, obtain for the use of AusNet Electricity Services Pty Ltd any other easement required to service the lots.
 - If required, adjust the position of any existing easement to accord with the position of the electricity line(s) as determined by survey.
 - Provide to AusNet Electricity Services Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.

End of Ausnet Conditions**Expiry**

28. This permit will expire if one of the following circumstances applies:
- a. The development is not started within two (2) years of the date of this permit.
 - b. The development is not completed within four (4) years of the date of this permit.
 - c. The plan of subdivision is not certified within two (2) years of the date of this permit.

- d. The registration of the subdivision is not completed within five (5) years of the date of certification of the plan of subdivision.
29. The responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six (6) months afterwards.

End of Planning Permit Conditions

Planning Notes

- 1) This permit does not authorise approval under the Building Act. It is the responsibility of the applicant to determine if a building permit is required for the proposed buildings and works.
- 2) A road opening/crossing permit must be obtained from the responsible authority prior to working in or occupying the road reserve with construction equipment or materials. Applications may be accessed from the Alpine Shire Council website.
- 3) CFA consents under Section 9 of the Subdivision Act 1988 to the Certification of the Plan of Subdivision. CFA does not want the Plan of Subdivision for this planning permit application referred under Section 8 of the Subdivision Act 1988. CFA also consents to the Statement of Compliance for Subdivision under the Subdivision Act 1988.
- 4) It is recommended that, at an early date the applicant commences negotiations with AusNet Electricity Services Pty Ltd for a supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued without delay (the release to the municipality enabling a Statement of Compliance with the conditions to be issued).

Arrangements for the supply will be subject to obtaining the agreement of other Authorities and any landowners affected by routes of the electric power lines required to supply the lots and for any tree clearing.

Prospective purchasers of lots on this plan should contact Ausnet to determine the availability of a supply of electricity. Financial contributions may be required.

Appendix 8.2.1(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.

- 11.03-5S - Distinctive areas and landscapes
- 11.03-6S - Regional and local places
- 12.01-1S - Protection of biodiversity
- 12.01 -2S - Native vegetation management
- 12.05-2S - Landscapes
- 13.02-1S - Bushfire Planning
- 14.01-1S - Protection of Agricultural Land
- 14.01-2S - Sustainable agricultural land use
- 14.01-2R - Agricultural productivity – Hume
- 15.01-2S - Building Design
- 15.01-3S - Subdivision Design
- 15.01-6S - Design for rural areas
- 16.01-5S - Rural residential development

Local Planning Policy Framework

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

- 21.03-2 - Rural residential living
- 21.03-3 - Rural lifestyle, subdivisions and dwellings
- 21.04-1 - Native vegetation, biodiversity and environmental values
- 21.04-3 - Landscapes
- 21.04-4 - Environmental risk
- 21.05-3 - Agriculture
- 21.07-8 - Dederang
- 21.08 - Reference Documents
- 22.02-1 - Native vegetation and biodiversity
- 22.02-3 - Landscapes
- 22.03-2 - Agriculture

Zone

The subject land is zoned Farming.

Overlays

The site is covered by the Significant Landscape Overlay - Schedule 1.

Portions of Crown Allotment 5 and Crown Allotment 27 are covered by the Bushfire Management Overlay.

Particular Provisions

53.02 – Bushfire Planning

General Provisions

Clauses 65.01 and 65.02 within the Alpine Planning Scheme provides the general decision guidelines.

8.2.2 Contract CT19102 Ground Water Monitoring Wells and Surface Water Field Sampling and Water Quality Testing at Four Landfill Sites Including Leachate and Gas Monitoring at Porepunkah and Myrtleford Landfill

File Number: CT19102

INTRODUCTION

The purpose of this report is to provide an amendment to the recommendation to the award of a contract for the Ground Water Monitoring Wells and Surface Water Field Sampling and Water Quality Testing at four Landfill Sites Including Leachate and Gas Monitoring at Porepunkah and Myrtleford Landfill.

A tender was conducted in February 2020 for these services and a contract has been prepared for the provision of these services from 8 June 2020, for a period of three years, with one option to extend for a further period of one year. At the June 2020 Ordinary Council meeting the recommendation to award the contract to Alpine Earth Sciences was adopted by Council. In the recommendation there had been a miscalculation of the estimated contract value.

Cr Forsyth

Cr Nicholas

RECOMMENDATIONS

That Council:

- 1. Award Contract CT19102 Ground Water Monitoring Wells and Surface Water Field Sampling and Water Quality Testing at Four Landfill Sites Including Leachate and Gas Monitoring at Porepunkah and Myrtleford Landfill to Alpine Earth Sciences for a three-year term, plus one option to extend for a further year, at an estimated contract value of \$250,000 (plus GST),***
- 2. Contract documentation to be finalised and signed at a later Council meeting.***

Carried

BACKGROUND

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

Council currently undertakes monitoring at four closed landfill sites. The monitoring includes field testing, laboratory analysis and reporting of ground water, surface water, leachate and gas emissions according to different configurations at the following sites:

- Myrtleford Landfill
- Old Myrtleford Landfill
- Porepunkah Landfill
- Harrietville Landfill

The current contract for delivering these services has ended and a tender has been undertaken to procure the monitoring services, as required, over the next three years.

As a result of the tender process a contract has been prepared for the monitoring services commencing 8 June 2020 for a period of three years, with one option for an additional one year.

The tender was released in January 2020 and closed 21 February 2020 and was advertised in local papers, the Border News, the Herald Sun and listed on tenders.net. Eleven parties submitted tenders.

EVALUATION

All eleven tenders received were conforming tenders and were evaluated according to the key selection criteria listed in the Invitation to Tender:

- Price
- Qualifications and Previous Performance
- Delivery
- Environmental
- Social

Following the initial and second assessment of the offers, further clarification was sought from some of the tenderers regarding their proposed methodology and submitted pricing. The evaluation was undertaken by Manager Facilities and reviewed by Director Corporate.

The pricing schedules specified costs per round of sampling or per trip. The minimum required frequency of monitoring has been used to assess estimate annual costs of submitted tenders. The error in the original estimated contract value recommendation occurred by not applying a multiplier to account for the number of locations samples were to be collected from. There was a wide spread of submitted costs for the delivery of the services resulting in part due to the distance some of the submitting tenderers would have to travel to undertake field testing.

ISSUES

The monitoring being undertaken at Myrtleford and Porepunkah landfill sites is undertaken according to the EPA directions and EPA approved Environmental Monitoring Programs. Compliance to approved methodology and reporting regimes is critical and the demonstrated capacity for the submitting tenderers to meet these obligations was required through the tender submission.

Additional monitoring rounds and changes to the required monitoring program may occur during the period of the contract. Serviceability of these increased requirement is also an important consideration when evaluating submissions.

A combined weighting of 50% for experience and demonstrated methodology in the evaluation matrix was therefore used in the evaluation process.

All tenderers provided evidence of approved methodology and experience in undertaking the monitoring as required.

POLICY IMPLICATIONS

The tender was advertised and evaluated in accordance with Council's Procurement Policy and is in accordance with obligations under the *Local Government Act 1989*.

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

- A responsible and sustainable organisation

FINANCIAL AND RESOURCE IMPLICATIONS

The required monitoring brief under the contract has been expanded over prior requirements and therefore additional provision has been made in the 2020/21 budget to allow for an increase in costs associated for these monitoring specifications.

Year one costs based upon the minimum prescribed monitoring frequency and specifications would be approx. \$61,000 (plus GST).

Three year, plus one year option, costs would be a minimum of approximately \$250,000 (plus GST). If there is a requirement from the EPA for greater than the current minimum prescribed monitoring frequency the total contract value may exceed this amount.

CONSULTATION

Following a review of submitted tenders a number of tenderers were contacted to seek further clarification on their submissions. The tender specifications were prepared in accordance with current approved Environmental Monitoring Programs at Porepunkah and Myrtleford Landfills.

CONCLUSION

That based upon the evaluation criteria, including the meeting of Council's monitoring and reporting requirement that Alpine Earth Sciences offers the best value for the tendered services and that Council enter into a contract with Alpine Earth Sciences for delivery of these services for a period of three years with a one-year option for Council to extend.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate
- Manager Facilities

ATTACHMENT(S)

- Nil

8.2.3 Contract CQ20038 Security Patrol and After Hours Call Out Services for Alpine Shire Council Facilities

File Number: CQ20038

INTRODUCTION

The purpose of this report is to recommend the award of a contract for Security Patrol and After Hours Call Out Services for Alpine Shire Council Facilities.

A tender was conducted in June 2020 for these services and a contract has been prepared for the provision of these services from 1 September 2020 for a period of three years.

Cr Keeble

Cr Janas

That Council:

- 1. Award Contract CQ20038 Security Patrol and After Hours Call Out Services for Alpine Shire Council Facilities to SSX Group for a three-year term, at an estimated contract value of \$165,000 (plus GST); and***
- 2. Contract documentation to be finalised and signed at a later Council meeting.***

Carried

BACKGROUND

Council has security patrols and an alarm call out service undertaken at various Council buildings and facilities in Bright and Myrtleford. The purchase order for the current service provider is ending and Council intends to enter a three (3) year contract for these services. A tender process has been undertaken and a contract has been prepared commencing 1 September 2020 for a period of three years.

The tender was released on 15 June 2020 and closed 1 July 2020 and was advertised in local papers, the Border News, the Herald Sun and listed on tenders.net. Three parties submitted tenders.

EVALUATION

All three tenders received were conforming tenders and were evaluated according to the key selection criteria listed in the Invitation to Tender:

- Price
- Qualifications and Previous Performance
- Delivery
- Environmental
- Social

The evaluation was undertaken by Manager Facilities and reviewed by Director Corporate.

The pricing schedules specify costs per patrol per site and call out charges per site. The current required frequency of patrols has been used to assess estimate annual costs of submitted tenders.

ISSUES

Council has previously been procuring these services through a Request for Quotation process on an annual basis. It has been decided that due to the ongoing nature of the service a contract for three years should be put in place.

The pricing schedule in the contract allows Council the ability to change the frequency and number of sites being serviced. A review of the sites and requirements will be carried out during the contract term.

All tenderers provided evidence of approved methodology and experience in undertaking the monitoring as required.

POLICY IMPLICATIONS

The tender was advertised and evaluated in accordance with Council's Procurement Policy and is in accordance with obligations under the *Local Government Act 1989*.

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

- Highly utilised and well managed community facilities

FINANCIAL AND RESOURCE IMPLICATIONS

Based upon the current frequency and number of sites being services the year one (1) costs is approximately \$53,000 (plus GST), and the total estimated contract value is \$165,000 (plus GST). There is sufficient allocation within the budget for this contract.

CONSULTATION

Following a review of submitted tenders some clarification was sought from tenderers regarding their pricing and staff models.

CONCLUSION

Based upon an evaluation against the tender criteria SX Group offers the best value for the tendered services and it is recommended that Council enter into a contract with SSX Group for delivery of these services for a period of three years.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate
- Manager Facilities

ATTACHMENT(S)

- Nil

8.2.4 Tender CQ20021 Provision of Public Waste & Public Amenity Servicing and Cleaning of Council Facilities and Public Amenities

File Number: CQ20021

INTRODUCTION

The purpose of this report is to recommend the award of contracts for services tendered under tender CQ20021 Provision of Public Waste & Public Amenity Servicing and Cleaning of Council Facilities and Public Amenities.

A tender was conducted in May and June 2020 for these services and contracts have been prepared for the provision of these services from 1 December 2020 for a period of three years, with one option to extend for a further period of three years.

Cr Forsyth

Cr Keeble

That Council

- 1. Award Contract CQ20021a Cleaning of Council Facilities to Ausbright Facilities Management for a three year term, plus one option to extend for a further three years for the total estimated contract value of \$490,000 (plus GST);***
- 2. Award Contract CQ20021b Public Waste and Recycling Collection and Cleaning of Public Area Amenities (Ovens Valley) to Ausbright Facilities Management for a three year term, plus an option for a further three years for the total estimated contract value of \$1,040,000 (plus GST);***
- 3. Award Contract CQ20021c Public Waste and Recycling Collection and Cleaning of Public Area Amenities (Kiewa Valley) to Ausbright Facilities Management for a three year term, plus an option for a further three years to a total estimated contract value of \$486,000 (plus GST);***
- 4. Extend the following contracts, to allow supplier transition, for a period of 3 months to 30 November 2020 for a total estimated cost of \$79,500 (plus GST):***
 - a. Contract 1102202 – Provision of Facility Cleaning Kiewa Valley;***
 - b. Contract 1102202 – Provision of Facility Cleaning Upper and Lower Ovens Valley; Contract 1102204 – Provision of Public Waste & Recycling Collection Kiewa Valley; Contract 1100230 – Provision of Public Waste & Recycling Collection Upper and Lower Ovens; and***
- 5. Contract documentation to be finalised and signed at a later Council meeting.***

Carried

BACKGROUND

There is currently a transition occurring between the Local Government Act 1989 ("LGA 1989") and the Local Government Act 2020 ("LGA 2020"), some provisions within the LGA 1989 are still in effect and are yet to be repealed and replaced by LGA 2020, and some provisions within LGA 2020 have yet come into effect and the corresponding provisions

in LGA 1989 have been repealed. For the remainder of the paper reference is made to the *Act* which is in effect as relevant to the given provision.

Council currently has separate existing contracts for the following services:

- Provision of Facility Cleaning Kiewa Valley
- Provision of Facility Cleaning Upper & Lower Ovens Valley
- Provision of Public Waste and Recycling Collection Kiewa Valley
- Provision of Public Waste and Recycling Collection Ovens Valley, and
- Provision of Cleaners for Cleaning Council Facilities.

The existing contracts for Provision of Facility Cleaning and Provision of Public Waste and Recycling Collection are scheduled to end 31 August 2020 with the existing contract for Provision of Cleaners for Cleaning Council Facilities scheduled to end 30 November 2020.

The existing contracts for Provision of Facility Cleaning relate to the cleaning and servicing of Councils public amenities such as public toilets, BBQs and water stations. The existing contracts for Provision of Public Waste and Recycling Collection relate to the servicing of public place bins, some street cleaning and litter collection servicing. The existing contract for Provision of Cleaners for Cleaning Council Facilities relates to the cleaning of Council buildings such as Council the office and libraries.

With the current contracts for delivering these services ending a tender has been undertaken to procure these services, as required, over the next three years.

The tender was designed to enable submissions in separable parts:

- Public Place Waste and Recycling Collection Kiewa Valley;
- Public Place Waste and Recycling Collection Ovens Valley;
- Cleaning of Public Area Amenities Kiewa Valley;
- Cleaning of Public Area Amenities Ovens Valley; and
- Cleaning of Council Facilities.

A request for pricing for the provision of cleaning supplies and consumables was also included in the tender.

As a result of the tender process contracts have been prepared for:

1. Cleaning of Council Facilities commencing 1 December 2020 for a period of three years, plus one option to extend for a further three years;
2. Public Place Waste and Recycling Collection, and Cleaning of Public Area Amenities (Ovens Valley) commencing 1 December 2020 for a period of three years, plus an option for a further three years; and
3. Public Place Waste and Recycling Collection, and Cleaning of Public Area Amenities (Kiewa Valley) commencing 1 December 2020 for a period of three years, plus an option for a further three years.

The tender was released on 6 May 2020 and closed 4 June 2020 and was advertised in local papers, the Border News, the Herald Sun and listed on tenders.net. Eleven parties submitted tenders.

EVALUATION

A total of seven (7) submissions were received.

- Three (3) tenderers provided submissions for all services;
- Five (5) tenderers provided a submission for Cleaning of Council Facilities;
- Four (4) tenderers provided a submission for Public Place Waste and Recycling Collection and Cleaning of Public Area Amenities (Ovens Valley); and
- Four (4) tenderers provided a submission for Public Place Waste and Recycling Collection and Cleaning of Public Area Amenities (Kiewa Valley) .

All tenders received were conforming tenders and were evaluated according to the key selection criteria listed in the Invitation to Tender:

- Price
- Qualifications and Previous Performance
- Delivery
- Environmental
- Social

Following the initial assessment of the offers, further clarification was sought from some of the tenderers regarding their proposed methodology and submitted pricing.

The evaluation was undertaken by Manager Facilities, Facilities Officer Waste, an externally engaged procurement consultant and was reviewed by Director Corporate.

ISSUES

The tender was designed to allow for a single, or multiple, contracts to be awarded due to the differing nature of the service delivery methods and outcome objectives. The assessment of the tenders was undertaken with this in mind, and each priced service was initially assessed individually.

A further assessment was undertaken for the combined Public Place Waste and Recycling Collection and Cleaning of Public Area Amenities for each of the valleys.

For the purpose of the evaluation the pricing submitted for consumables was not assessed and a separate evaluation process will be undertaken for cleaning supplies and consumables.

Due to the complexity of the tenders received, the evaluation process required more time than had been initially considered. Current contracts for Provision of Facility Cleaning and Provision of Public Waste and Recycling Collection are due to end four (4) weeks from the August Ordinary Council Meeting. As the recommendation is to transition these contracts to a new supplier an extension to existing contracts is also recommended to enable appropriate transition times.

The Cleaning of Council Facilities contract ends 30 November 2020 and with the recommendation to award all contracts to one company it is recommended that all contracts commence from 1 December 2020. This will require Council approval for the extension of the current contracts Public Place Waste and Recycling Collection Kiewa Valley; Public Place Waste and Recycling Collection Ovens Valley; Cleaning of Public Area

Amenities Kiewa Valley; Cleaning of Public Area Amenities Ovens Valley; and Public Amenity and Public Bin servicing to be extended by three (3) months. This extension will also provide a transition period for the exiting contractors from the contracts.

It is recommended that the different services are managed under separate contract arrangements to enable flexibility in performance management under the contract terms.

POLICY IMPLICATIONS

The tender was advertised and evaluated in accordance with Council's Procurement Policy and is in accordance with obligations under the *Local Government Act 1989*.

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

- Highly utilised and well managed community facilities

FINANCIAL AND RESOURCE IMPLICATIONS

Cleaning of Council Facilities

The costs of services under the proposed supplier contract is in line with current contract pricing. Year one (1) costs under the contract are estimated to be \$77,800 (plus GST), with a total contract estimated expenditure for the three (plus three year option) term of \$490,000 (plus GST).

Public Waste and Recycling Collection and Cleaning of Public Area Amenities (Ovens Valley)

The costs of services under the proposed new supplier contract results in a reduction in the service costs for when compared to current contract costs. Year one (1) costs under the contract is estimated to be \$164,593 (plus GST), a saving of \$ 77,132 (plus GST) as compared to current costs and a total contract estimated expenditure for the three (plus three year option) term of \$1,04M (plus GST).

Public Waste and Recycling Collection and Cleaning of Public Area Amenities (Kiewa Valley)

The costs of services under the proposed new supplier contract results in a reduction in the service costs for when compared to current contract costs. Year one (1) costs under the contract is estimated to be \$77,040 (plus GST), an increase of \$2,564 (plus GST) as compared to current costs and a total contract estimated expenditure for the three (plus three year option) term of \$486,000 (plus GST).

Contract extensions

The extension of contracts 1102202; 1102202; 1102204 and 1100230 for a period of three months to the 30 November 2020 to allow transition will have a total cost of \$79,500 (plus GST).

CONSULTATION

Following a review of submitted tenders a number of tenderers were contacted to seek further clarification on their submissions.

CONCLUSION

Based upon the evaluation criteria Ausbright Facilities Management offers the best value for the tendered services and it is recommended that Council enter into contracts with Ausbright Facilities Management for delivery of these services, for a period of three years with a three-year option for Council to extend.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate
- Manager Facilities

ATTACHMENT(S)

- Nil

9. Assembly of Councillors

Introduction

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

Cr Forsyth

Cr Nicholas

That the summary of the Assemblies of Councillors for July 2020 be received.

Carried

Background

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

Date	Meeting
7 July	Briefing Session
14 July	Economic Development Strategy Workshop (virtual online meeting)
21 July	Briefing Session (virtual online meeting)

Attachment(s)

- 9.0 Assemblies of Councillors – July 2020

10. General business

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

11. Motions for which notice has previously been given

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

12. Reception and reading of petitions

Nil

13. Documents for sealing

Cr Nicholas

Cr Knappstein

That the following documents be signed and sealed.

- 1. Section 173 Agreement – Mark Denis Riky and Brynie Millicent Riky. Lot 2 on Plan of Subdivision 959743P Volume 11921 Folio 975. Conditions 18 and 19 of Planning Permit 2019.11.1 for a two lot resubdivision at 12 Bailey Street Porepunkah. The Agreement provides for the implementation of Bushfire Protection measures and building envelope restrictions.*
- 2. Section 173 Agreement – Barbara Rosser and Naynad Investments Pty Ltd and Goulburn Murray Water Corporation. Lot 1 TP84368, Lot 1 TP 384856, CA 1 SEC A Township of Wandiligong. Volume 7982 Folio 134; Volume 8504 Folio 209 and 9514 Folio 917. Condition 13 of the Planning Permit 2018.50.1 for Subdivision of the land into three lots at 4 Sangsters Lane and Centenary Avenue, Wandiligong. The Agreement provides for wastewater management requirement conditions and future dwelling size restrictions.*

Carried

There being no further business the Chairperson declared the meeting closed at 4.51p.m.

.....

Chairperson



SPM(9) – 25 AUGUST 2020

Special Council Meeting

Minutes

The **Ordinary Meeting** of the **Alpine Shire Council** was held on **Tuesday 25 August 2020** and commenced at **4:00pm**.

PRESENT

COUNCILLORS

Cr Peter Roper - Mayor

Cr Sarah Nicholas – Deputy Mayor

Cr John Forsyth

Cr Tony Keeble

Cr Kitty Knappstein

Cr Ron Janas

Cr Daryl Pearce

OFFICERS

Charlie Bird – Chief Executive Officer

Will Jeremy – Director Assets

Nathalie Cooke – Director Corporate

APOLOGIES

Nil

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1. Recording and livestreaming of Council meetings

The CEO read the following statement:

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

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

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

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

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

The CEO read the following statement:

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

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

3. Apologies

Nil

4. Declarations by Councillors of conflict of interest

Nil

5. Presentation of reports by officers

5.1 DIRECTOR CORPORATE – NATHALIE COOKE

5.1.1 Governance Rules

File Number: Vital Documents register

INTRODUCTION

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

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

Cr Forsyth

Cr Janas

That:

- 1. Council note that one internal submission was received regarding the draft Governance Rules. No external submissions were received;***
- 2. Improvements proposed by the internal submission, to enhance harmonisation between neighbouring Councils, be incorporated into the Governance Rules;***
- 3. The Governance Rules be adopted;***
- 4. The Governance Rules come into force on 1 September 2020; and***
- 5. The Governance Rules be signed and sealed at the appropriate stage of this meeting.***

Carried

BACKGROUND

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

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

ISSUES

Preparation of Governance Rules

Draft or 'proposed' Governance Rules were developed with reference to Local Government Victoria (LGV) and Maddocks' templates, as well as draft Rules shared by other Councils.

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

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

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

Submissions

At the Ordinary Council meeting in July, Council resolved to release the proposed Governance Rules for public submissions, with submissions closing on 14 August.

No submissions were received from the public.

One internal submission was received, noting a desire to improve harmonisation between the Towong Shire Council and Alpine Shire Council Governance Rules. Where the Governance Rules are reflective of one another, this will assist in any joint Council meetings that may be proposed in the future. There remain some differences between the documents, however the intent is similar between the two. Changes made to the Alpine Shire Council Governance Rules as a result of the submission include:

Notices of motion	Improved processes, including a requirement for any notice of motion to be signed by two Councillors, with supporting information attached.
Rescission or amendment of motion	Improved processes, including a requirement for any rescission or amendment to be signed by two Councillors.
Recording of proceedings	Inclusion of a clause requiring any recordings of Council meetings by others to be approved by resolution of the meeting.

POLICY IMPLICATIONS

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

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

- A high performing organisation

FINANCIAL AND RESOURCE IMPLICATIONS

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

CONSULTATION

Officers consulted within the organisation during development of the draft Governance Rules. Councillors were briefed to ensure that any new provisions were understood.

Section 60(4) of the LGA 2020 requires that Council must ensure that a process of community engagement is followed in developing or amending the Governance Rules.

Public submissions were advertised in the Myrtleford Times / Alpine Observer on Wednesday 15 July, with submissions closing at 12pm on Friday 14 August. No external submissions were received. One internal submission was received.

CONCLUSION

Development of the Governance Rules is a requirement of the *Local Government Act 2020*. The clarification of processes provides additional structure for Councillors and for members of Staff who support Council meetings. It also provides clarification for the public with regard to council meeting processes and requirements regarding conduct of Council during the Election Period.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate
- Manager Corporate
- Governance Officer

ATTACHMENT(S)

5.1.1 Alpine Shire Council Governance Rules (2020)

5.1.2 Governance Local Law (2020)

File Number: Vital Documents register

INTRODUCTION

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

Cr Nicholas

Cr Forsyth

That Council:

- 1. Note that no submissions were received regarding the Governance Local Law (2020);***
- 2. Make the Governance Local Law (2020), to come into operation on 1 September 2020;***
- 3. Note that on the commencement of the Governance Local Law (2020) that the previous Local Law No.1 Council Administration (2016) is revoked;***
- 4. Sign and seal the Governance Local Law (2020) at the appropriate stage of this meeting;***
- 5. Publish public notice of the making of the Governance Local Law (2020) in the Victorian Government Gazette, the Alpine Observer / Myrtleford Times, and on Council's website; and***
- 6. Send a copy of the Governance Local Law (2020) to the Minister for Local Government.***

Carried

BACKGROUND

Council's existing Local Law No.1 Council Administration (2016) was made in accordance with the requirements of the *Local Government Act 1989* (LGA 1989) and encompassed:

- conduct of Council meetings and special committee meetings;
- procedures for the use of Council's Common Seal; and
- offences for persons behaving in contravention of the Local Law.

ISSUES

The introduction of section 60 of the LGA 2020 means that Councils must develop Governance Rules to determine the conduct of Council meetings. These Governance Rules effectively replace the previous Local Law that governed the conduct of Council meetings.

While Council no longer needs to have a Local Law governing its Council meetings, it still must have a Local Law governing the use of the Common Seal. This is due to s14(2) of

the LGA 2020, which states that the Common Seal must be used in accordance with any applicable Local Law.

Where Council wishes to impose offences for behaviour at Council meeting and Delegated Committee meetings, these offences cannot be included in the Governance Rules. They must be part of a Local Law.

The objectives of the Governance Local Law (2020) are to:

- regulate the use of the Alpine Shire Council Common Seal;
- provide for offences in relation to unauthorised use of the Common Seal or any device resembling the Common Seal; and
- provide for offences in relation to Council meetings and Delegated Committee meetings.

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

POLICY IMPLICATIONS

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

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

- A high performing organisation

FINANCIAL AND RESOURCE IMPLICATIONS

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

CONSULTATION

Section 119(2)(c) of the LGA 1989 stipulates that any person affected by a proposed Local Law may make a submission in accordance with s223 of that Act.

Council endorsed the proposed Governance Local Law (2020) for public submissions at the Ordinary Council meeting in July 2020. A Community Impact Statement was prepared to demonstrate how the proposed law would affect the community.

Public submissions were advertised on Council's website and in the Myrtleford Times / Alpine Observer on Wednesday 15 July, and the Victorian Government Gazette on Thursday 16 July, with submissions closing at 12pm on Friday 14 August. No submissions were received.

CONCLUSION

The Local Law No.1 Council Administration (2016) is no longer required to govern the conduct of Council meetings. The Governance Local Law (2020) now governs the use of the Common Seal, and offences relating to behaviour in a Council meeting.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate
- Manager Corporate
- Governance Officer

ATTACHMENT(S)

5.1.2 Governance Local Law (2020)

5.1.3 Public Transparency Policy

File Number: Vital Documents Register

INTRODUCTION

Council is required to develop a Public Transparency policy before 1 September 2020 in accordance with the requirements of section 57 of the *Local Government Act 2020* (LGA 2020). Council resolved to release a draft policy for public submissions at the Ordinary Council Meeting in July with submissions due by the 14 August.

Cr Janas

Cr Nicholas

That:

- 1. Council note that no submissions were received regarding the draft Public Transparency Policy;***
- 2. The Public Transparency Policy be adopted; and***
- 3. The Public Transparency Policy be signed and sealed at the appropriate stage of the meeting.***

Carried

BACKGROUND

Under the LGA 2020, Councils must develop a Public Transparency policy which gives effect to the Public Transparency principles described by section 58 of LGA 2020, and describe the ways in which Council information is to be made publicly available.

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

ISSUES

Development of the Public Transparency Policy

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

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

The policy clarifies what information, at minimum, will be published and what information will be made available to the public upon request, and outlines the mechanism for making a request. It also stipulates what information has been classed as confidential under relevant legislation. Finally, it describes how transparency is applied to Council's decision making processes.

Submissions

At the Ordinary Council meeting in July, Council resolved to release the proposed Governance Rules for public submissions, with submissions closing on 14 August. No submissions were received from the public.

POLICY IMPLICATIONS

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

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

- A high performing organisation

FINANCIAL AND RESOURCE IMPLICATIONS

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

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

CONSULTATION

Officers have consulted within the organisation in the development of the draft Public Transparency policy. Councillors have been briefed to ensure that related new legislative provisions are understood.

In accordance with the Public Transparency principles, Council has undertaken a process of community engagement in developing the Public Transparency policy. Public submissions were advertised in the Myrtleford Times / Alpine Observer on Wednesday 15 July, with submissions closing at 12pm on Friday 14 August. No external submissions were received.

CONCLUSION

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

DECLARATION OF CONFLICT OF INTEREST

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

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

ATTACHMENT(S)

5.1.3 Public Transparency Policy

5.1.4 Councillor Expenses Policy

File Number: Vital Documents register

INTRODUCTION

Council is required to develop an expenses policy for reimbursement of out-of-pocket expenses for Councillors and members of delegated committees before 1 September 2020 in accordance with the requirements of section 41 of the *Local Government Act 2020* (LGA 2020).

Council has developed a Council Expenses Policy to satisfy the requirements of LGA 2020 based on its existing Councillor Reimbursement of Expenses Policy.

Cr Janas moved an amendment to the original recommendation as presented to include:

"Make one change to the presented policy to stipulate that "Council will replace all lost or stolen devices only once during a council term and after the second loss of a device a replacement will be provided but Council will deduct the purchase price of the new device from the Councillor's stipend at the next due payment".

Cr Janas

Cr Keeble

That Council:

- 1. Note that the proposed Councillor Expenses Policy has been drafted based on a review of the Councillor Reimbursement of Expenses Policy No 076, Version 4;***
- 2. Council will replace all lost or stolen devices only once during a council term and after the second loss of a device a replacement will be provided but Council will deduct the purchase price of the new device from the Councillor's stipend at the next due payment;***
- 3. Revoke the Councillor Reimbursement of Expenses Policy No 076, Version 4;***
- 4. Adopt the Councillor Expenses Policy No 076, Version 5;***
- 5. Sign and seal the Councillor Expenses Policy No 076, Version 5 at the appropriate stage of this meeting.***

Carried

BACKGROUND

The current Councillor Reimbursement of Expenses Policy defines parameters for the reimbursement of necessary out of pocket expenses incurred while performing duties as a Councillor, as required by section 75B of the *Local Government Act 1989* (LGA 1989).

Under the new LGA 2020, Council must adopt and maintain an expenses policy in relation to the reimbursement of out-of-pocket expenses for Councillors and members of delegated committees. The policy must specify procedures to be followed in applying for reimbursement and in reimbursing expenses. The policy must also provide for the reimbursement of child care where reasonably required for a Councillor or a delegated committee to perform their role, and have particular regard to expenses incurred by a

councillor who is a carer within the meaning of section 4 of the *Carers Recognition Act 2012*.

Reimbursements must be provided where expenses are bona fide, have reasonably been incurred in the performance of the relevant role, and are reasonably necessary in the performance of that role. In addition, resources and facilities must be made available to the Mayor and the Councillors that are reasonably necessary for them to effectively perform their role.

ISSUES

Preparation of the Councillor Expenses Policy

A Councillor Expenses Policy has been drafted based on the existing Councillor Reimbursement of Expenses Policy which addresses most of the LGA 2020 requirements. The proposed Policy defines the parameters for reimbursement of expenses incurred while performing duties as a councillor or member of a delegated committee, and establishes the resources, facilities and support to be provided to councillors and the Mayor.

Amendments to the prior policy include:

- Extension of the scope to cover members of Council's delegated committees, noting that Council currently has no delegated committees;
- Updating of the policy intent to align with the requirements of LGA 2020;
- Clarification of support available in relation to childcare;
- Clarification of support available to councillors who are a carer in a care relationship;
- A review of the allowances available to councillors who use their own mobile phone, home wi-fi and / or mobile tablet in the performance of their role;
- Inclusion of remote area travel allowance entitlement and processes for making a claim;
- A new requirement that Councillors must describe the purpose and destination of their travel when booking a Council fleet vehicle;
- Clarification of the circumstances in which Councils may claim reimbursement of the use of private vehicles in the conduct of Council business;
- Clarification as to the procedure for reimbursement;
- A new requirement that quarterly reports of councillor and delegated committee member expenses will be provided to Council's Audit and Risk Committee.

POLICY IMPLICATIONS

Council must adopt a councillor expenses policy by 1 September in line with the requirements of the LGA 2020.

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

- A responsible and sustainable organisation

FINANCIAL AND RESOURCE IMPLICATIONS

Council allocates resources in its annual budget for councillor expenses, resources and allowances. The Councillor Expenses Policy includes revisions to Councillor allowances to align to market rates and clarifies support available for child care and carer arrangements and the inclusion of a remote area travel allowance entitlement. The financial impact of these changes is not expected to have a material impact on Council's budget.

CONSULTATION

Councillors were briefed to ensure that the proposed amendments were understood. Communications allowances were benchmarked against several SIM and data plans available on the market, and the childcare allowance cap was based on local childcare fees and the typical gap payment after childcare subsidies.

CONCLUSION

Development of a Councillor Expenses Policy is a requirement of the *Local Government Act 2020*. The proposed Policy has been drafted based on the existing Councillor Reimbursement of Expenses Policy with several minor amendments to align to the requirements of the new act, to update allowances in line with the market and to clarify reimbursement processes.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate
- Manager Corporate
- Governance Officer

ATTACHMENT(S)

5.1.4 Councillor Expenses Policy No 076, Version 5

5.1.5 Establishment and Charter - Audit and Risk Committee

File Number: SU0900.06

INTRODUCTION

The purpose of this report is to consider the establishment of an Audit and Risk Committee and the adoption of a charter for that Committee in accordance with the requirements of sections 53 and 54 of the *Local Government Act 2020*.

Cr Forsyth

Cr Knappstein

That:

- 1. An Audit and Risk Committee be established under section 53(1) of the Local Government Act 2020;***
- 2. The Audit and Risk Committee Charter, Version 4, as required by section 54(1) of the Local Government Act 2020 and recommended by the Audit Committee at its meeting held on 17 July 2020, be adopted;***
- 3. The Audit and Risk Committee Charter, Version 4:***
 - a. comes into force immediately the common seal of Council is affixed to the Charter; and***
 - b. remains in force until Council determines to vary or revoke it.***
- 4. The Audit and Risk Committee Charter, Version 4 be signed and sealed at the appropriate stage of this meeting;***
- 5. Independent members of the Audit Committee formed under section 139 (1) of the Local Government Act 1989 be appointed to the Audit and Risk Committee formed under section 53(1) the Local Government Act 2020 for the balance of their terms as follows:***
 - a. Mark Anderson, Sue Lebish and Gerard Moore until 30 April 2021; and***
 - b. Craig Covich and Sinead Ryan until 30 June 2022;***
- 6. Councillors Forsyth and Knappstein be reappointed as councillor members of the Audit and Risk Committee;***
- 7. Remuneration of independent members be set at:***
 - a. \$415.00 per meeting for the Committee chair; and***
 - b. \$320.00 per meeting for members;***
- 8. Remuneration of independent members be reviewed annually with any increases:***
 - a. effective from 1 July each year;***
 - b. calculated on the basis of CPI All Groups Melbourne June quarter to June quarter of the preceding year; and***
 - c. rounded up to the nearest five-dollar increment;***

- 9. It be noted that the Audit Committee established by Council under the repealed section 139 of the Local Government Act 1989 will cease operation on the establishment of an Audit and Risk Committee under section 53(1) of the Local Government Act 2020; and**
- 10. The Audit Committee Charter Version 3 adopted by Council on 7 May 2019 be revoked.**

Carried

BACKGROUND

The *Local Government Act 2020* (LGA 2020) received Royal Assent on 24 March 2020 with the reforms being proclaimed in stages. Provisions relating to Audit and Risk Committees took effect from 1 May 2020 and require Council to establish a new Committee and adopt a Committee Charter by 1 September 2020.

Council's existing Audit Committee was established under section 139 of the *Local Government Act 1989* (LGA 1989) and while this section of that Act has been repealed the Audit Committee, by virtue of section 54(8) of the LGA 2020, continues in operation until such time as Council establishes the first Audit and Risk Committee under section 53(1) of the LGA 2020.

ISSUES

Establishment of Audit and Risk Committee

Section 53(1) of the LGA 2020 requires Council to establish an Audit and Risk Committee that meets the following requirements:

- A majority of committee members must be independent of Council.
- The chair must not be a councillor.
- Members of Council staff must not be committee members.
- Collectively, the committee must have expertise in financial and risk management and experience in public sector management.

The independent membership of the existing Committee meets the LGA 2020 requirements. However, given that the Audit and Risk Committee is a new Committee rather than a continuation of the existing Committee, it does require external independent members to be "appointed" rather than assuming that the existing appointments simply carry over.

In the interests of continuity and stability, it is proposed that Council establish the new Committee by reappointing existing independent members for terms based on the remaining balance of their current three-year terms as follows:

Term expiry	Independent Member
30/04/2021	Mark Anderson, Sue Lebish, Gerard Moore
30/06/2022	Craig Covich, Sinead Ryan

The existing Audit Committee endorsed this approach at its July 2020 meeting and the independent members indicated their agreement to be appointed to the new Committee.

It is also proposed that Councillor members remain as presently appointed, until the commencement of the new Council term in October 2020.

It is also proposed that Councillor members remain as presently appointed until the end of the current Councillor term in October 2020. New appointments will be made following the beginning of the new Councillors' terms in November 2020.

Audit and Risk Committee Charter

The LGA 2020 requires Council to prepare and approve a Committee Charter before 1 September 2020. The Charter must specify the functions and responsibilities of the Committee including those prescribed in section 54(2) of the LGA 2020:

- Monitoring compliance of Council policies and procedures with the LGA 2020, regulations, governance principles and Ministerial directions.
- Monitoring Council financial and performance reporting.
- Monitoring and providing advice on risk management and fraud prevention systems and controls.
- Overseeing internal and external audit functions.

Council's existing Audit Committee Charter addresses most of the LGA 2020 prescribed requirements including financial and performance reporting, risk management, fraud, internal audit and external audit. The Charter has been reviewed and updated, taking into account Local Government Victoria's updated Good Practice Guide for Audit and Risk Committee Charters and model Charter, to ensure compliance with the LGA 2020 requirements.

The proposed Audit and Risk Committee Charter is similar in structure to the existing Charter with minor reorganisation of some sections, a more detailed functions and responsibilities section and the inclusion of three new additional sections:

- Values - the Committee will conduct itself in accordance with Council's ALPINE values.
- Misuse of position - the Committee and its members must not intentionally misuse their position in accordance with the provisions of section 123 of the LGA 2020.
- Communication - communication between Council and the Committee and any other party will at all times be open, transparent, direct and factual, recognising the need to comply with relevant privacy and confidentiality requirements.

The existing Audit Committee endorsed the proposed Audit and Risk Committee Charter at its July 2020 meeting.

Remuneration of Independent Committee Members

Council may pay a fee to the independent members of its Audit and Risk Committee under section 53(6) of the LGA 2020.

Council currently pays independent members of the existing Audit Committee a meeting attendance fee. The current fees were reviewed and approved by Council at its December 2019 meeting.

Given that the Audit and Risk Committee is a new Committee it is prudent that the fees to be paid to independent members under section 53(6) be reset by Council.

It is proposed that Council set the fees under section 53(6) at the current, 1 July 2020 rates of \$415.00 for the chair and \$320.00 for independent members. In line with existing arrangements, it is proposed that the fees be reviewed annually and CPI increases (rounded up to the nearest five-dollar increment) applied from 1 July each year, however it is recommended for clarity that the CPI applied is All Groups Melbourne June quarter to June quarter of the preceding year.

POLICY IMPLICATIONS

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

- A responsible and sustainable organisation

FINANCIAL AND RESOURCE IMPLICATIONS

There are no additional financial implications associated with the establishment of the New Audit and Risk Committee. Council allocates resources in its annual budget for the remuneration of the independent Committee members and operation of the Committee.

CONSULTATION

The proposals in relation to appointment of Committee members and the Audit and Risk Committee Charter were considered by the existing Audit Committee at its meeting held on 17 July 2020. The Committee endorsed the Charter for adoption by Council and the approach to appoint existing members to the new Committee.

CONCLUSION

As part of the implementation of the *Local Government Act 2020*, Council is required to establish an Audit and Risk Committee including appointing independent members to the Committee and adopt a Charter for the Committee. The recommendations in this report ensure that Council will meet its legislative responsibilities prior to the 1 September 2020 deadline.

DECLARATION OF CONFLICT OF INTEREST

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

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

ATTACHMENT(S)

5.1.5 Audit and Risk Committee Charter, Version 4

5.1.6 Community Asset Committees

File Number: Vital Documents Register

INTRODUCTION

The commencement of the *Local Government Act 2020* (LGA 2020) means that the committees Council previously used to manage some facilities must now be reviewed to ensure they are being managed in accordance with the new requirements.

Cr Nicholas

Cr Keeble

1. That the following committees formed under s86 of the Local Government Act 1989 be formally disbanded, and all previous Instruments of Delegation be revoked:

- a. Bright Senior Citizens' Centre Committee of Management**
- b. Mount Beauty Recreation Reserve Committee of Management**

2. That Council exercise the power conferred by s65 of the Local Government Act 2020, so that:

- a. The Bright Senior Citizens Centre Community Asset Committee (BSCC CAC) be established for the purpose of managing the Bright Senior Citizens Centre;**
- b. Membership of the BSCC CAC shall consist of:**

<i>Alpine Shire Council</i>	<i>1 representative</i>
<i>Bright and District Senior Citizens Club</i>	<i>7 representatives</i>
<i>General Public</i>	<i>2 representatives</i>

- c. A quorum of the Committee is a whole number that is an absolute majority, which is greater than half the total number of members of the BSCC CAC; and**
- d. All members of the BSCC CAC have voting rights on the committee.**

3. That Council exercise the power conferred by s65 of the Local Government Act 2020, so that:

- a. The Mount Beauty Recreation Reserve Community Asset Committee (MBRR CAC) be established for the purpose of managing the Mount Beauty Recreation Reserve;**
- b. Membership of the BSCC CAC shall be according with the following schedule and shall consist of no more than nine (9) and no less than five (5) representatives:**

<i>Alpine Shire Council</i>	<i>1 representative</i>
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<i>Dederang / Mount Beauty Football and Netball Club</i>	<i>1 representative</i>
<i>Mount Beauty Soccer Club</i>	<i>1 representative</i>
<i>Mount Beauty Cricket Club</i>	<i>1 representative</i>
<i>Mount Beauty Junior Football Club</i>	<i>1 representative</i>
<i>Mount Beauty Tennis Club</i>	<i>1 representative</i>
<i>General Public</i>	<i>2 representatives</i>

c. A quorum of the Committee is a whole number that is an absolute majority, which is greater than half the total number of members of the MBRR CAC; and

d. All members of the MBRR CAC have voting rights on the committee.

4. Instruments of Delegation for both the BSCC CAC and the MBRR CAC must be prepared and approved by the Chief Executive Officer no later than 1 September 2020.

Carried

BACKGROUND

Council's two 's86' committees were special committees formed under the *Local Government Act 1989* (LGA 1989), meaning that:

- They were established by Council, consisting of staff, other persons, or any combination of these, with membership appointed by Council;
- They acted under an Instrument of Delegation from Council to the committee; and
- Their meetings were governed by the LGA 1989, and Local Law No.1 Council Administration.

Delegations made under the LGA 1989 remain in force until 1 September 2020, therefore any existing committees operating under delegation will not have the power to exercise these delegations after this date, until new committees are established, and new instruments of delegation are made.

ISSUES

Options under the LGA 2020

There are two relevant committee types under the LGA, being Delegated Committees, and Community Asset Committees.

Community Asset Committees

Council may only establish a Community Asset Committee (CAC) under s65 of the LGA 2020 to manage a community asset (a hall, recreation reserve, etc) in the municipal district.

- CAC members are delegated their powers, duties and / or functions by the CEO. Committee members can only exercise their delegation while acting as a member of the CAC at a meeting of the CAC. Delegation may be to the holder of an office or position, rather than a named person.
- Council must appoint as many members as is considered necessary, however there is no further prescription as to membership.
- Delegation must include any specified financial limit, specified monitoring and reporting of the activities of the committee, and compliance with any governance requirements.
- The CEO must submit an annual report to the Council in relation to the activities and performance of the CAC relating to their delegated duties. Committee members are bound by conflict of interest provisions.

Delegated Committees

Delegated Committees are a very formal style of committee. They must include two Councillors, be chaired by the Mayor, with meetings governed by Council's Governance Rules (2020). Members must disclose conflicts of interest, lodge personal interest returns, and are bound by misuse of position and confidentiality requirements. Council delegates its power directly to the committee via an Instrument of Delegation. Meetings must remain open to the public.

Proposal

In order to ensure continued management of the facilities considered in this report, Council has determined that Community Asset Committees are the best option in the short term.

Instrument of Delegation

The Chief Executive Officer must prepare an Instrument of Delegation to the CACs by 1 September to ensure they can continue to manage the facilities on behalf of Council.

POLICY IMPLICATIONS

The commencement of s65 the LGA 2020, and repeal of s86 of the LGA 1989 means that Council must make a determination regarding management of the facilities previously operating as s86 committees.

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

- Highly utilised and well managed community facilities

FINANCIAL AND RESOURCE IMPLICATIONS

Preparation of the Instrument of Delegation is at the CEO's discretion. Council subscribes to the Maddocks Delegations and Authorisations service, which provides standardised templates. Costs for this service are covered in Council's annual budget.

CONSULTATION

Council's Manager Facilities has been consulting with the two existing committees to determine their preferred management structure going forward. Formation of the CACs as an interim measure gives the committees time to discuss whether they wish to stay as CACs or move towards Incorporated Associations operating under Council service agreements.

Councillors have been briefed on the options available under the LGA 2020 for committees managing facilities on behalf of Council.

CONCLUSION

Delegations made under the LGA 1989 cease to operate on 1 September 2020. Council must therefore determine the best way forward to ensure continued management of the Bright and District Senior Citizens Centre, and the Mount Beauty Recreation Reserve. The proposed formation of Community Asset Committees under the LGA 2020 ensures these facilities can continue to be managed on behalf of Council into the future.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate
- Manager Corporate
- Manager Facilities
- Governance Officer

ATTACHMENT(S)

- Nil

5.1.7 Mount Buffalo Reactivation Planning Scheme Amendment

File Number: 150.05

INTRODUCTION

The purpose of this item is to recommend that Council seek the Minister for Planning's intervention and assistance to prepare and approve a Planning Scheme amendment to enable the reactivation of the Mount Buffalo Chalet complex.

Cr Janas

Cr Nicholas

That Council:

- 1. Request the Minister for planning to intervene to prepare and approve, without exhibition, pursuant to Section 20(4) of the Planning and Environment Act 1987, an appropriate planning scheme amendment to the Alpine Planning Scheme, to enable leased land to be used for the purposes envisaged in the Food and beverage concept (café in the Chalet) in the Mount Buffalo Business Case Assessment and Activation Report 2018; and***
- 2. Authorise Council officers to liaise with officers of the Department of Environment, Land Water and Planning (DELWP), Parks Victoria (PV), Regional Development Victoria (RDV), the Country Fire Authority (CFA) and Heritage Victoria (HV) regarding the provision of supporting documentation and the form to be adopted for the amendment.***

Carried

BACKGROUND

The planning controls that currently apply to the Mount Buffalo Chalet complex do not allow for the future use of the Chalet complex legislated lease area (see figure 1 below), in the event that leases are granted.

This anomaly is due to the lapsing of existing use rights established over many decades that allowed the uses to continue operating even though the planning controls did not allow for such uses.

The Mount Buffalo Chalet Complex is a community asset of national, state, regional and local significance and the current situation in relation to land use for leased land is anomalous, un-intentional and counterproductive.

There has been extensive consultation and collaboration involving many stakeholders regarding the reactivation of the Chalet complex (see figure 2 below).

It is appropriate that Council, as Planning Authority, request the Minister to prepare and approve, without exhibition, an amendment to the Alpine Planning Scheme pursuant to Section 20(4) of the Act; to allow for the use, maintenance and development of the complex generally in accordance with its historical usage.



Figure 1: Aerial photo of the Chalet complex with the legislated area able to be leased outlined in red. Only a small portion of this area at the front of the complex is currently proposed to be leased for the proposed café/office and self-guided tours area.

Activation Area Map

Area Schedule	sqm
Outdoor Deck	77
Café Dining	64
Kitchen / Bar	49
Dining / Lounge	58
Mens + Womens WC	34
Disabled WC	7
Staff WC	11
Store	17
Lobby	48
Lounge	59
Ballroom	128
Chalet Tours Office	27
Circulation	97
Internal Area	599
Total Area	676

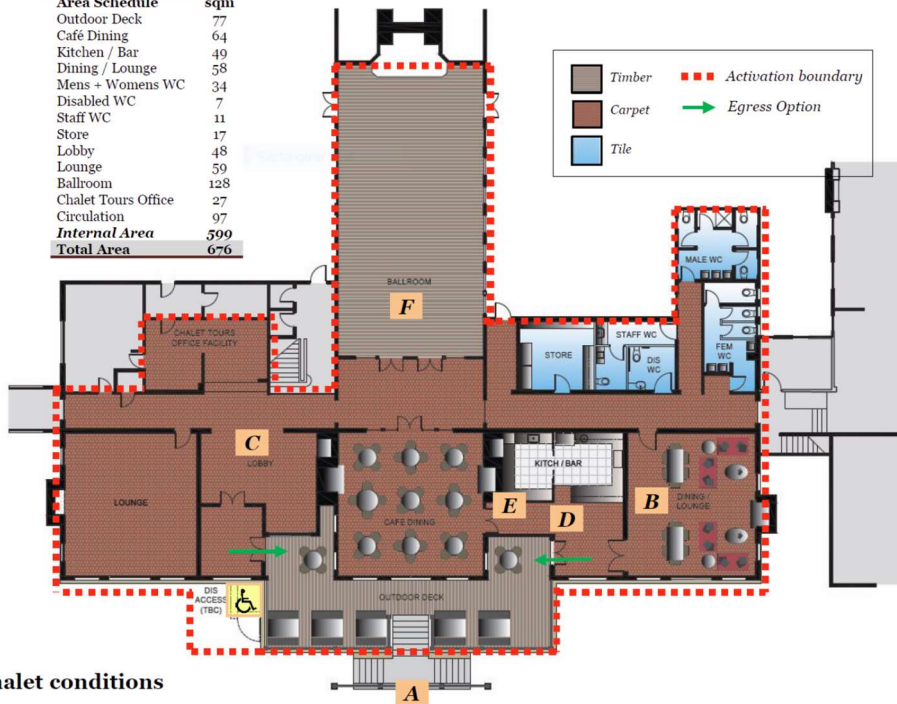


Figure2: Plan showing the portion of the Chalet complex proposed to be reactivated.

Historical Significance

The Chalet, situated in the Mt Buffalo National Park, was variously constructed from 1910 to the 1930s, and remains relatively unchanged.

Together with the surrounding park Mount Buffalo Chalet is one of Australia's most significant cultural and natural heritage places.

Originally managed by the Victorian Railways until 1986, it is currently managed by Parks Victoria.

Victorian Heritage Register

The Mount Buffalo Chalet is included on the Victorian Heritage Register, maintained by the Victorian Heritage Council (Reference H901).

The extent of registration includes: the Mount Buffalo Chalet, chalet garage, engine room, firewood store, carpenter's shop, tractor shed, lockup garages, staff amenities building (but excluding communications towers and sheds Nos. 1 and 2, pump house, swimming pool, courts, and staff quarters), and the land as defined by the Heritage Council.

Permits will be required from Heritage Victoria for subdivision, new buildings and works.

Register of the National Estate

The Mount Buffalo Chalet was included as an historic place on the Register of the National Estate, maintained by the Australian Heritage Commission in 1980.

Mount Buffalo National Park and adjacent areas were registered as a natural place at the same time as the Chalet.

The listing of Mount Buffalo was maintained when the Register of the National Estate was replaced in 2004 by the National Heritage List administered by the Department of Agriculture, Water and the Environment for which the Australian Heritage Council is the principal adviser.

National Trust of Australia (Victoria)

The Chalet building was registered by the National Trust of Australia (Vic) in 1991 as a building of state significance. There are no statutory requirements of this registration.

Alpine Shire

Mt Buffalo Chalet is identified as HO21 in the Heritage Overlay Schedule to the Alpine Shire Planning Scheme

ISSUES

Current Planning Controls Inappropriate for Leased Land

In the event of leases being granted for the legislated lease area covering the Mount Buffalo Chalet complex, current planning controls in the Public Conservation and

Resource Zone (PCRZ) serve to prevent the complex being used, maintained or developed in a manner consistent with its long term historical use due to the lapsing of the existing use rights under the *Planning and Environment Act 1987*.

Historical uses of the site as currently defined in the planning scheme include:

- Accommodation
- Food and drink premises
- Leisure and Recreation, Informal Outdoor Recreation, Restricted Recreation Facility
- Place of Assembly, including, Exhibition Centre, Art Gallery, Museum, Function Centre, and Conference Centre.
- Industry (maintenance and machinery repairs)

These uses are for the most part, no longer occurring on the site and have lost their existing use rights.

The current planning controls over the complex are therefore excessively restrictive for the Chalet complex lease area and do not allow for the original long-term use or development to continue, or for appropriate new uses to establish.

It is appropriate that the Alpine Planning Scheme be amended to reflect the historical long-term use and development of the Mount Buffalo Chalet complex and allow for the continued productive use of the chalet.

The Food and Beverage concept outlined in the Mount Buffalo Business Case Assessment and Activation Report 2018 consisting of a Café/Restaurant, self-guided tours of part of the complex (defined as museum in the planning scheme), a small office, and occasional use for functions. This report was prepared for the Mount Buffalo Activation Task Force.

Form of the Amendment

Considerable discussion and background work have been undertaken by Council officers in conjunction with DELWP, Parks Victoria, Heritage Victoria and CFA officers regarding the form of the amendment and the type of justifying documentation required to support an amendment.

There have been several options canvassed as to the form of the amendment that would be supported by DELWP.

Options for planning controls to achieve Council's objectives include the option of introducing a Specific Control Overlay (SCO) to allow the potential uses envisaged; this is considered the most appropriate option at present.

The SCO can override other controls in the planning scheme to achieve specific outcomes. It is designed to apply in very specific circumstances when other controls in the planning scheme are not able to achieve the desired outcomes. It also results in the simplest and most legible form of planning control.

The SCO is only applied in very limited circumstances.

It is considered that the Mount Buffalo reactivation presents the very limited circumstances that are demanded by DELWP and the Victoria Planning Provisions.

However, the Minister is at liberty to use whatever statutory tool it wishes to allow reactivation to occur as the Minister will be the Planning Authority for the amendment, so, the final form of an amendment may differ from the current concept.

Justification of the Amendment

There have been considerable Council and State Government resources applied to the justification of the amendment. This justification has been aimed at achieving confidence that the Chalet complex can be adequately prepared and managed to deal with the level of bushfire risk on and around the site. This justification is a specific requirement of Clause 13.02 of the planning scheme.

In support of the justification process, Council commissioned a consultant study to address bushfire risk at the Chalet with State Government funding for this purpose. This study is nearing completion and will help to justify the amendment and guide the actions to be taken to maximise fire safety at the Chalet.

Based on the information provided to date it is considered likely that the site can be managed in such a way that the risks to life and property are acceptable. A major advantage of Mount Buffalo in this respect is the fact that the mountain can be closed to the public when fire danger is above defined levels. There are further advantages in that a large proportion of the mountain is made up of boulder fields which support less vegetation than normal forests. It is also possible to confine uses to certain times of the year outside of fire danger periods.

Reasons for the Minister's Intervention

The specific reasons to justify the Minister's intervention and to undertake an amendment exempt from the notification requirements of sections 17,18 and 19 of the Act in accordance with section 20(4) of Act are:

- *Compliance with any of those requirements (of sections 17, 18 and 19) is not warranted:*

As the proposal has already been subject to widespread and intensive consultation with a wide range of stakeholders as part of the consultation by the Mount Buffalo Activation Taskforce, a multi-stakeholder Task Force led by Parliamentary Secretary Danielle Green; compliance with the notification requirements is considered unwarranted.

- *The interests of Victoria or any part of Victoria make such an exemption appropriate:*

As the proposal recognises the significance of the Mount Buffalo Chalet as a major Victorian heritage asset and provides for activities which will lead to the preservation and enhancement of that heritage asset; the proposal is considered to be in the interests of Victoria.

As the proposal also creates a significant tourist attraction and generator of economic activity for the locality and the region and is therefore considered to be in the interests of this part of Victoria.

POLICY IMPLICATIONS

Rectification of the Alpine Planning Scheme anomaly outlined above is considered appropriate because the current situation does not reflect the true policy intention of the State Government for the future of the Chalet.

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

- A well planned and safe community

FINANCIAL AND RESOURCE IMPLICATIONS

Council has devoted considerable officer time and availed itself of State Government grant funds of over \$50,000 devoted to preparing the amendment and supporting information.

DELWP officers advise that as the project is supported by the government there will be no fee applied to the request for the Minister to prepare the amendment.

The potential for the Mount Buffalo Chalet complex to be re-established as a functioning entity is in the economic interests of the Shire and would boost employment and economic activity in the area and at the same time strengthen the profile of the Shire as a tourist destination.

CONSULTATION

An amendment under Section 20(4) of the Act is intentionally an amendment that does not require exhibition and notification in cases where it is considered that it is not in the interests of the State of Victoria, or a part of the State of Victoria to do so.

No formal statutory consultation has taken place in relation to the amendment as the current situation is anomalous and it is in the interests of the State of Victoria that the matter be addressed without undue delay.

However, there has been considerable consultation with DELWP regarding the process to be followed and with Parks Victoria as the Public Land Manager, CFA regarding fire risk, Heritage Victoria and Regional Development Victoria.

There has been substantial consultation undertaken by the Mount Buffalo Activation Taskforce was led by Parliamentary Secretary Danielle Green and included representatives from Council, Parks Victoria, Rural Development Victoria, Tourism North East, Taungurung Clans Aboriginal Corporation, the Mount Buffalo Destination Advisory Group and Community Action for the Chalet Group.

There has been substantial consultation undertaken by the Mount Buffalo Destination Advisory Group, which prepared the Vision for Mount Buffalo document.

Both Parks Victoria and Taungurung Clans Aboriginal Corporation have indicated strong support for the proposed planning scheme amendment and establishing a café in the Mount Buffalo Chalet.

The Minister may require further limited consultation as part of the approval process.

CONCLUSION

It is appropriate that Council initiate a request to the Minister for Planning to prepare an amendment to the Alpine Planning Scheme under Section 20(4) of the Act to allow for the use and maintenance and development of the complex generally in accordance with the Café in the Chalet concept in the Mount Buffalo Business Case Assessment and Activation Report 2018.

It is also appropriate that Council Authorise officers to liaise with DELWP officers regarding the final form of such an amendment, and co-operate in supplying appropriate amendment documentation in support of the request to expedite the matter.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate
- Manger Building and Amenity
- Strategic Planner

ATTACHMENT(S)

- Nil

6. Documents for sealing

Cr Knappstein

Cr Pearce

That the following documents be signed and sealed.

- 1. The Governance Rules be signed and sealed.*
- 2. The Governance Local Law (2020) be signed and sealed.*
- 3. The Public Transparency Policy be signed and sealed.*
- 4. Councillor Expenses Policy No 076, Version 5 be signed and sealed.*
- 5. The Audit and Risk Committee Charter, Version 4 be signed and sealed.*

Carried

There being no further business the Chairperson declared the meeting closed at 4.29 p.m.

.....

Chairperson



INSTRUMENT OF DELEGATION

Council to
Chief Executive Officer

Local Government Act 2020

1 September 2020

Instrument of Delegation

In exercise of the power conferred by s 11(1) of the *Local Government Act 2020* (the Act) and all other powers enabling it, the Alpine Shire Council (Council) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

- 1. this Instrument of Delegation is authorised by a Resolution of Council passed on **1 September 2020**;
- 2. the delegation
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 is subject to any conditions and limitations set out in the Schedule;
 - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 2.4 remains in force until Council resolves to vary or revoke it.

THE COMMON SEAL OF THE
ALPINE SHIRE COUNCIL was
Hereunto affixed this 1st day of
September 2020 in the presence of:

.....
COUNCILLOR

.....
Name

.....
COUNCILLOR

.....
Name

.....
CHIEF EXECUTIVE OFFICER

.....
Name

Schedule

The power to

1. determine any issue;
2. take any action; or
3. do any act or thing

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing

1. if the issue, action, act or thing is an issue, action, act or thing which involves
 - 1.1. entering into a contract or making any expenditure that exceeds the value of \$150,000 (including GST);
 - 1.2. appointing an Acting Chief Executive Officer for a period exceeding 28 days;
 - 1.3. electing a Mayor or Deputy Mayor;
 - 1.4. granting a reasonable request for leave under s35 of the Act;
 - 1.5. making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
 - 1.6. approving or amending the Council Plan;
 - 1.7. adopting or amending any policy that Council is required to adopt under the Act;
 - 1.8. adopting or amending the Governance Rules;
 - 1.9. appointing the chair or the members to a delegated committee;
 - 1.10. making, amending or revoking a local law;
 - 1.11. approving the Budget or Revised Budget;
 - 1.12. approving the borrowing of money;
 - 1.13. subject to section 181H(1)(b) of the *Local Government Act 1989*, declaring general rates, municipal charges, service rates and charges and specified rates and charges;
or
2. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
3. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;

4. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - 4.1. policy; or
 - 4.2. strategy
adopted by Council;
5. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of s 11(2)(a)-(n) (inclusive) of the Act or otherwise; or
6. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.



INSTRUMENT OF DELEGATION

Council to

Members of Council Staff

1 September 2020

Instrument of Delegation

In exercise of the powers conferred by the legislation referred to in the attached Schedule, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. record that references in the Schedule are as follows:

DELEGATE	TITLE
ACC	Accountant
AOBEH	Administration Officer (Building and Environmental Health)
AOP	Administration Officer (Planning)
AOSLL	Administration Officer (Subdivision and Local Laws)
BI	Building Inspector
BS	Building Surveyor
CEO	Chief Executive Officer
CPO	Compliance Officer
CWC	Civil Works Coordinator
DA	Director Assets
DC	Director Corporate
DSD	Director Sustainable Development
EACEO	Executive Assistant (CEO)
EC	Engineering Coordinator
EHO	Environmental Health Officer
EMC	Emergency Management Coordinator
FO	Finance Officer
FOVICH	Facilities Officer (VICs and Holiday Parks)
GISAO	GIS and Assets Officer
GO	Governance Officer
LLO	Local Laws Officer
LLO2	Local Laws Officer
MAD	Manager Asset Development
MAM	Manager Asset Maintenance
MBA	Manager Building and Amenity
MC	Manager Corporate
MF	Manager Facilities
MP	Manager Planning

DELEGATE	TITLE
OSEC	Open Spaces and Environment Coordinator
PO	Planning Officer
PC	Planning Coordinator
POD	Project Officer (Delivery)
PRO	Prosecutor
PRO2	Prosecutor
RC	Rates Coordinator
SP	Strategic Planner
SPO	Senior Planning Officer
TOA	Technical Officer (Assets)
TOAM	Technical Officer (Asset Maintenance)

3. declares that:

3.1 this Instrument of Delegation is authorised by a resolution of Council passed on **1 September 2020**; and

3.2 the delegation:

3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;

3.2.2 remains in force until varied or revoked;

3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and

3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

3.3 the delegate must not determine the issue, take the action or do the act or thing:

3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;

3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a

(a) policy; or

(b) strategy

adopted by Council; or

3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or

3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

Instrument of Delegation to Members of Council Staff – September 2020

THE COMMON SEAL OF THE
ALPINE SHIRE COUNCIL was
hereunto affixed this 1st day of
September 2020
in the presence of:

COUNCILLOR NAME

SIGNATURE

COUNCILLOR NAME

SIGNATURE

CHIEF EXECUTIVE OFFICER NAME

SIGNATURE

SCHEDULE

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CEMETERIES AND CREMATORIA ACT 2003

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under

Column 1	Column 2	DELEGATE	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 8(1)(a)(ii)	Power to manage one or more public cemeteries	DC, MF	<i>Note: Alpine Shire Council is defined as a Class B cemetery trust - only those clauses that apply to this class is delegated in this document</i>
s 12(1)	Function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act	DC, MF	Where Council is a Class B cemetery trust
s 12(2)	Duty to have regard to the matters set out in paragraphs (a) – (c) in exercising its functions	DC, MF	Where Council is a Class B cemetery trust
s 12A(1)	Function to do the activities set out in paragraphs (a) – (n)	not delegated	Where Council is a Class A cemetery trust
s 12A(2)	Duty to have regard to matters set out in paragraphs (a) – (e) in exercising its functions	not delegated	Where Council is a Class A cemetery trust
s 13	Duty to do anything necessary or convenient to enable it to carry out its functions	DC, MF	
s 14	Power to manage multiple public cemeteries as if they are one cemetery	not delegated	
s 15(1) and (2)	Power to delegate powers or functions other than those listed	DC, MF	
s 15(4)	Duty to keep records of delegations	DC, MF	
s 17(1)	Power to employ any persons necessary	not delegated	
s 17(2)	Power to engage any professional, technical or other assistance considered necessary	DC, MF	
s 17(3)	Power to determine the terms and conditions of employment or engagement	not delegated	Subject to any guidelines or directions of the Secretary
s 18(3)	Duty to comply with a direction from the Secretary	DC, MF	
s 18B(1) & (2)	Duty to establish governance committees within 12 months of becoming a Class A cemetery trust and power to establish other governance committees from time to time	not delegated	Where Council is a Class A cemetery trust
s 18C	Power to determine the membership of the governance committee	not delegated	Where Council is a Class A cemetery trust
s 18D	Power to determine procedure of governance committee	not delegated	Where Council is a Class A cemetery trust

CEMETERIES AND CREMATORIA ACT 2003

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under

Column 1	Column 2	DELEGATE	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 18D(1)(a)	Duty to appoint community advisory committee for the purpose of liaising with communities	not delegated	Where Council is a Class A cemetery trust
s 18D(1)(b)	Power to appoint any additional community advisory committees	not delegated	Where Council is a Class A cemetery trust
s 18D(2)	Duty to establish a community advisory committee under s 18D(1)(a) within 12 months of becoming a Class A cemetery trust.	not delegated	Where Council is a Class A cemetery trust
s 18D(3)	Duty to include a report on the activities of the community advisory committees in its report of operations under Part 7 of the <i>Financial Management Act 1994</i>	not delegated	Where Council is a Class A cemetery trust
s 18F(2)	Duty to give preference to a person who is not a funeral director of a stonemason (or a similar position) when appointing a person to a community advisory committee	not delegated	Where Council is a Class A cemetery trust
s 18H(1)	Duty to hold an annual meeting before 30 December in each calendar year	not delegated	Where Council is a Class A cemetery trust
s 18I	Duty to publish a public notice of annual meeting in a newspaper, a reasonable time before the date of the annual meeting	not delegated	Where Council is a Class A cemetery trust
s 18J	Duty to provide leadership, assistance and advice in relation to operational and governance matters relating to cemeteries (including the matters set out in s 18J(2))	not delegated	Where Council is a Class A cemetery trust
s 18L(1)	Duty to employ a person as the chief executive officer (by whatever title called) of the Class A cemetery trust	not delegated	Where Council is a Class A cemetery trust
s 18N(1)	Duty to prepare an annual plan for each financial year that specifies the items set out in paragraphs (a)-(d)	not delegated	Where Council is a Class A cemetery trust
s 18N(3)	Duty to give a copy of the proposed annual plan to the Secretary on or before 30 September each year for the Secretary's approval	not delegated	Where Council is a Class A cemetery trust
s 18N(5)	Duty to make amendments as required by the Secretary and deliver the completed plan to the Secretary within 3 months	not delegated	Where Council is a Class A cemetery trust
s 18N(7)	Duty to ensure that an approved annual plan is available to members of the public on request	not delegated	Where Council is a Class A cemetery trust
s 18O(1)	Duty to prepare a strategic plan and submit the plan to the Secretary for approval	not delegated	Where Council is a Class A cemetery trust

CEMETERIES AND CREMATORIA ACT 2003

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under

Column 1	Column 2	DELEGATE	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 18O(4)	Duty to advise the Secretary if the trust wishes to exercise its functions in a manner inconsistent with its approved strategic plan	not delegated	Where Council is a Class A cemetery trust
s 18O(5)	Duty to ensure that an approved strategic plan is available to members of the public on request	not delegated	Where Council is a Class A cemetery trust
s 18Q(1)	Duty to pay an annual levy on gross earnings as reported in the annual financial statements for the previous financial year	not delegated	Where Council is a Class A cemetery trust
s 19	Power to carry out or permit the carrying out of works	DC, MF	
s 20(1)	Duty to set aside areas for the interment of human remains	DC, MF	
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	DC, MF	
s 20(3)	Power to set aside areas for those things in paragraphs (a) – (e)	DC, MF	
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	not delegated	
s 36	Power to grant licences to enter and use part of the land or building in a public cemetery in accordance with s 36	not delegated	Subject to the approval of the Minister
s 37	Power to grant leases over land in a public cemetery in accordance with s 37	not delegated	Subject to the Minister approving the purpose
s 40	Duty to notify Secretary of fees and charges fixed under s 39	DC, MF	
s 47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	not delegated	Provided the street was constructed pursuant to the <i>Local Government Act 2020</i>
s 57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	DC, MF	Report must contain the particulars listed in s 57(2)
s 59	Duty to keep records for each public cemetery	DC, MF	
s 60(1)	Duty to make information in records available to the public for historical or research purposes	DC, MF	
s 60(2)	Power to charge fees for providing information	DC, MF	
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	DC, MF	
s 64B(d)	Power to permit interments at a reopened cemetery	DC, MF	
s 66(1)	Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	not delegated	The application must include the requirements listed in s 66(2)(a)–(d)

CEMETERIES AND CREMATORIA ACT 2003

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under

Column 1	Column 2	DELEGATE	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 69	Duty to take reasonable steps to notify of conversion to historic cemetery park	DC, MF	
s 70(1)	Duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	DC, MF	
s 70(2)	Duty to make plans of existing place of interment available to the public	DC, MF	
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	DC, MF	
s 71(2)	Power to dispose of any memorial or other structure removed	DC, MF	
s 72(2)	Duty to comply with request received under s 72	DC, MF	
s 73(1)	Power to grant a right of interment	DC, MF	
s 73(2)	Power to impose conditions on the right of interment	DC, MF	
s 75	Power to grant the rights of interment set out in s 75(a) and (b)	DC, MF	
s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	DC, MF	
s 77(4)	Power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application	DC, MF	
s 80(1)	Function of receiving notification and payment of transfer of right of interment	DC, MF	
s 80(2)	Function of recording transfer of right of interment	DC, MF	
s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	DC, MF	
s 83(2)	Duty to pay refund on the surrender of an unexercised right of interment (sole holder)	DC, MF	
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	DC, MF	
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	DC, MF	
s 85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	DC, MF	The notice must be in writing and contain the requirements listed in s 85(2)

CEMETERIES AND CREMATORIA ACT 2003

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under

Column 1	Column 2	DELEGATE	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 85(2)(b)	Duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry	DC, MF	Does not apply where right of interment relates to remains of a deceased veteran.
85(2)(c)	Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of interment or; remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location	DC, MF	May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of interment is not extended or converted to a perpetual right of interment
s 86	Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	DC, MF	
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	DC, MF	
s 86(3)(a)	Power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	DC, MF	
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	DC, MF	
s 86(4)	Power to take action under s 86(4) relating to removing and re-intering cremated human remains	DC, MF	
s 86(5)	Duty to provide notification before taking action under s 86(4)	DC, MF	
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)	DC, MF	
s 87(3)	Duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	DC, MF	
s 88	Function to receive applications to carry out a lift and re-position procedure at a place of interment	DC, MF	
s 91(1)	Power to cancel a right of interment in accordance with s 91	DC, MF	
s 91(3)	Duty to publish notice of intention to cancel right of interment	DC, MF	
s 92	Power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	DC, MF	

CEMETERIES AND CREMATORIA ACT 2003

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under

Column 1	Column 2	DELEGATE	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	DC, MF	
s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	DC, MF	
s 99(4)	Duty to make a decision on an application under s 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	DC, MF	
s 100(1)	Power to require a person to remove memorials or places of interment	DC, MF	
s 100(2)	Power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with s 100(1)	DC, MF	
s 100(3)	Power to recover costs of taking action under s 100(2)	DC, MF	
s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	DC, MF	
s 102(1)	Power to approve or refuse an application under s 101, if satisfied of the matters in (b) and (c)	DC, MF	
s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)	DC, MF	
s 103(1)	Power to require a person to remove a building for ceremonies	DC, MF	
s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)	DC, MF	
s 103(3)	Power to recover costs of taking action under s 103(2)	DC, MF	
s 106(1)	Power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	DC, MF	
s 106(2)	Power to require the holder of the right of interment to provide for an examination	DC, MF	
s 106(3)	Power to open and examine the place of interment if s 106(2) not complied with	DC, MF	
s 106(4)	Power to repair or – with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under s 106(1) is not complied with	DC, MF	

CEMETERIES AND CREMATORIA ACT 2003

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under

Column 1	Column 2	DELEGATE	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	DC, MF	
s 107(2)	Power to repair or take down, remove and dispose any building for ceremonies if notice under s 107(1) is not complied with	DC, MF	
s 108	Power to recover costs and expenses	DC, MF	
s 109(1)(a)	Power to open, examine and repair a place of interment	DC, MF	Where the holder of right of interment or responsible person cannot be found
s 109(1)(b)	Power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	DC, MF	Where the holder of right of interment or responsible person cannot be found
s 109(2)	Power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	DC, MF	Where the holder of right of interment or responsible person cannot be found
s 110(1)	Power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder with consent of the Secretary	DC, MF	
s 110(2)	Power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	DC, MF	
s 110A	Power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran	DC, MF	
s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	DC, MF	
s 112	Power to sell and supply memorials	DC, MF	
s 116(4)	Duty to notify the Secretary of an interment authorisation granted	DC, MF	
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	DC, MF	
s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	DC, MF	
s 119	Power to set terms and conditions for interment authorisations	DC, MF	
s 131	Function of receiving an application for cremation authorisation	DC, MF	

CEMETERIES AND CREMATORIA ACT 2003

The provisions of this Act apply to Councils appointed as a cemetery trust under section 5 of this Act, and also apply to Councils appointed to manage a public cemetery under

Column 1	Column 2	DELEGATE	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 133(1)	Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with	DC, MF	Subject to s 133(2)
s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	DC, MF	
s 146	Power to dispose of bodily remains by a method other than interment or cremation	DC, MF	Subject to the approval of the Secretary
s 147	Power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	DC, MF	
s 149	Duty to cease using method of disposal if approval revoked by the Secretary	DC, MF	
s 150 & 152(1)	Power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met	DC, MF	
s 151	Function of receiving applications to inter or cremate body parts	DC, MF	
s 152(2)	Power to impose terms and conditions on authorisation granted under s 150	DC, MF	
SCHEDULE 1 cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	DC, MF	
SCHEDULE 1 cl 8(8)	Power to regulate own proceedings	DC, MF	Subject to cl 8
SCHEDULE 1A cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	not delegated	Where Council is a Class A cemetery trust
SCHEDULE 1A cl 8(8)	Power to regulate own proceedings	not delegated	Where Council is a Class A cemetery trust. Subject to cl 8.

CEMETERIES AND CREMATORIA REGULATIONS 2015

These provisions apply to Councils appointed as a cemetery trust under section 5 of the *Cemeteries and Crematoria Act 2003*, and also apply to Councils appointed to manage

Column 1	Column 2	DELEGATE	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 24	Duty to ensure that cemetery complies with depth of burial requirements	DC, MF	
r 25	Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	DC, MF	
r 27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	not delegated	
r 28(1)	Power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator	not delegated	
r 28(2)	Duty to ensure any fittings removed or are disposed in an appropriate manner	not delegated	
r 29	Power to dispose of any metal substance or non-human substance recovered from a cremator	not delegated	
r 30(2)	Power to release cremated human remains to certain persons	not delegated	Subject to any order of a court
r 31(1)	Duty to make cremated human remains available for collection within 2 working days after the cremation	not delegated	
r 31(2)	Duty to hold cremated human remains for at least 12 months from the date of cremation	not delegated	
r 31(3)	Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	not delegated	
r 31(4)	Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	not delegated	
r 32	Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	DC, MF	
r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	DC, MF	
r 33(2)	Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	DC, MF	
r 34	Duty to ensure that a crypt space in a mausoleum is sealed in accordance with paragraphs (a)-(b)	DC, MF	
r 36	Duty to provide statement that alternative vendors or supplier of monuments exist	not delegated	
r 40	Power to approve a person to play sport within a public cemetery	DC, MF	
r 41(1)	Power to approve fishing and bathing within a public cemetery	DC, MF	

CEMETERIES AND CREMATORIA REGULATIONS 2015

These provisions apply to Councils appointed as a cemetery trust under section 5 of the *Cemeteries and Crematoria Act 2003*, and also apply to Councils appointed to manage

Column 1	Column 2	DELEGATE	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 42(1)	Power to approve hunting within a public cemetery	DC, MF	
r 43	Power to approve camping within a public cemetery	DC, MF	
r 45(1)	Power to approve the removal of plants within a public cemetery	DC, MF	
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	DC, MF	
r 47(3)	Power to approve the use of fire in a public cemetery	DC, MF	
r 48(2)	Power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	DC, MF	
Note: SCHEDULE 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules			
sch 2 cl 4	Power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of sch 2	DC, MF	See note above regarding model rules
sch 2 cl 5(1)	Duty to display the hours during which pedestrian access is available to the cemetery	DC, MF	See note above regarding model rules
sch 2 cl 5(2)	Duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	DC, MF	See note above regarding model rules
sch 2 cl 6(1)	Power to give directions regarding the manner in which a funeral is to be conducted	DC, MF	See note above regarding model rules
sch 2 cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	DC, MF	See note above regarding model rules
sch 2 cl 8	Power to approve certain mementos on a memorial	DC, MF	See note above regarding model rules
sch 2 cl 11(1)	Power to remove objects from a memorial or place of interment	DC, MF	See note above regarding model rules
sch 2 cl 11(2)	Duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	DC, MF	See note above regarding model rules
sch 2 cl 12	Power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	DC, MF	See note above regarding model rules
sch 2 cl 14	Power to approve an animal to enter into or remain in a cemetery	DC, MF	See note above regarding model rules
sch 2 cl 16(1)	Power to approve construction and building within a cemetery	DC, MF	See note above regarding model rules
sch 2 cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	DC, MF	See note above regarding model rules
sch 2 cl 18(1)	Power to approve digging or planting within a cemetery	DC, MF	See note above regarding model rules

DOMESTIC ANIMALS ACT 1994

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
s 41A(1)	Power to declare a dog to be a menacing dog	DC, MBA, LLO, LLO2, CPO	Council may delegate this power to a Council authorised officer

<u>ENVIRONMENT PROTECTION ACT 1970</u>			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 53M(3)	Power to require further information	DC, MBA, EHO	
s 53M(4)	Duty to advise applicant that application is not to be dealt with	DC, MBA, EHO	
s 53M(5)	Duty to approve plans, issue permit or refuse permit	DC, MBA, EHO	Refusal must be ratified by Council or it is of no effect
s 53M(6)	Power to refuse to issue septic tank permit	DC, MBA, EHO	Refusal must be ratified by Council or it is of no effect
s 53M(7)	Duty to refuse to issue a permit in circumstances in (a)-(c)	DC, MBA, EHO	Refusal must be ratified by Council or it is of no effect

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	DC, MBA, EHO	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	DC, MBA, EHO	If s 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	DC, MBA, EHO	If s 19(1) applies. Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	DC, MBA, EHO	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under s 19 if satisfied that an order has been complied with	DC, MBA, EHO	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under s 19(6)(a) if satisfied that an order has been complied with	DC, MBA, EHO	If s 19(1) applies
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	DC, MBA, EHO	Where Council is the registration authority
s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	DC, MBA, EHO	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	DC, MBA, EHO	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	DC, MBA, EHO	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	DC, MBA, EHO	Where Council is the registration authority
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	DC, MBA, EHO	Where Council is the registration authority
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	DC, MBA, EHO	Where Council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19NA(1)	Power to request food safety audit reports	DC, MBA, EHO	Where Council is the registration authority
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	DC, MBA, EHO	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	DC, MBA, EHO	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	DC, MBA, EHO	Where Council is the registration authority
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	DC, MBA, EHO	Where Council is the registration authority
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	DC, MBA, EHO	Where Council is the registration authority
---	Power to register, renew or transfer registration	DC, MBA, EHO	Where Council is the registration authority. Refusal to grant/renew/transfer registration must be ratified by Council or the CEO (see s 58A(2))
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	DC, MBA, EHO	Where Council is the registration authority
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	DC, MBA, EHO	Where Council is the registration authority
s 38A(4)	Power to request a copy of a completed food safety program template	DC, MBA, EHO	Where Council is the registration authority
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	DC, MBA, EHO	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	DC, MBA, EHO	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	DC, MBA, EHO	Where Council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	DC, MBA, EHO	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	DC, MBA, EHO	Where Council is the registration authority
s 38D(3)	Power to request copies of any audit reports	DC, MBA, EHO	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	DC, MBA, EHO	Where Council is the registration authority. Not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	DC, MBA, EHO	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	DC, MBA, EHO	Where Council is the registration authority
s 39A	Power to register, renew or transfer food premises despite minor defects	DC, MBA, EHO	Where Council is the registration authority. Only if satisfied of matters in s 39A(2)(a)-(c)
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the <i>Public Health and Wellbeing Act 2008</i>	DC, MBA, EHO	
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	DC, MBA, EHO	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	DC, MBA, EHO	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering, transferring or renewing registration of a component of a food business	DC, MBA, EHO	Where Council is the registration authority
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	DC, MBA, EHO	Where Council is the registration authority

FOOD ACT 1984			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	DC, MBA, EHO, PRO	Where Council is the registration authority

<u>HERITAGE ACT 2017</u>			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 116	Power to sub-delegate Executive Director's functions, duties or powers	CEO	Must first obtain Executive Director's written consent. Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation

<u>LOCAL GOVERNMENT ACT 1989</u>			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 181H	Power to enter into an environmental upgrade agreement on behalf of Council and declare and levy an environmental upgrade charge	CEO[1]	
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO[1]	

[\[1\]](#) The only member of staff who can be a delegate in Column 3 is the CEO.

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	DC, MP, PC, SP	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	DC, MP, PC, SP, PO, CPO, CPO, CPO, AOSLL, AOP	
s 4H	Duty to make amendment to Victorian Planning Provisions available	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	
s 4I	Duty to keep Victorian Planning Provisions and other documents available	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	DC, MP, PC, SP	
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	DC, MP, PC, SP	
s 8A(5)	Function of receiving notice of the Minister's decision	DC, MP, PC, SP	
s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	DC, MP, PC, SP	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	DC, MP, PC, SP	
s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	CEO, DC, MP, PC, SP	
s 12A(1)	Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s 19 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>)	CEO, DC, MP, PC, SP	
s 12B(1)	Duty to review planning scheme	CEO, DC, MP, PC, SP, PO, CPO	
s 12B(2)	Duty to review planning scheme at direction of Minister	CEO, DC, MP, PC, SP, PO, CPO	
s 12B(5)	Duty to report findings of review of planning scheme to Minister without delay	DC, MP, PC, SP, PO, CPO	
s 14	duties of a Responsible Authority as set out in s 14(a) to (d)	DC, MP, PC, SP, PO, CPO	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 17(1)	Duty of giving copy amendment to the planning scheme	DC, MP, PC, SP, PO, CPO	
s 17(2)	Duty of giving copy s 173 agreement	DC, MP, PC, SP, PO, CPO	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	DC, MP, PC, SP, PO, CPO	
s 18	Duty to make amendment etc. available	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	DC, MP, PC, SP, PO, CPO	
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	DC, MP, PC, SP, PO, CPO	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	DC, MP, PC, SP, PO, CPO	
s 21(2)	Duty to make submissions available	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	
s 21A(4)	Duty to publish notice	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	
s 22	Duty to consider all submissions	DC, MP, PC, SP, PO, CPO	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	DC, MP, PC, SP, PO, CPO	
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	DC, MP, PC, SP, PO, CPO	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	DC, MP, PC, SP, PO, CPO	
s 26(1)	Power to make report available for inspection	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	
s 26(2)	Duty to keep report of panel available for inspection	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	
s 27(2)	Power to apply for exemption if panel's report not received	DC, MP, PC, SP, PO, CPO	
s 28	Duty to notify the Minister if abandoning an amendment	DC, MP, PC, SP, PO, CPO	Note: the power to make a decision to abandon an amendment cannot be delegated
s 30(4)(a)	Duty to say if amendment has lapsed	DC, MP, PC, SP, PO, CPO	
s 30(4)(b)	Duty to provide information in writing upon request	DC, MP, PC, SP, PO, CPO	
s 32(2)	Duty to give more notice if required	DC, MP, PC, SP, PO, CPO	
s 33(1)	Duty to give more notice of changes to an amendment	DC, MP, PC, SP, PO, CPO	
s 36(2)	Duty to give notice of approval of amendment	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	
s 38(5)	Duty to give notice of revocation of an amendment	DC, MP, PC, SP, PO, CPO	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	DC, MP, PC, SP	
s 40(1)	Function of lodging copy of approved amendment	DC, MP, PC, SP, PO, CPO	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 41	Duty to make approved amendment available	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	
s 42	Duty to make copy of planning scheme available	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	not delegated	Where Council is a responsible public entity and is a planning authority. Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils - <i>and does not affect Alpine Shire Council.</i>
s 46AW	Function of being consulted by the Minister	DC, MP, PC	Where Council is a responsible public entity
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy. Power to <u>endorse the draft Statement of Planning Policy</u>	DC, MP, PC	Where Council is a responsible public entity
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed <u>to be binding on the responsible public entity</u>	DC, MP, PC	Where Council is a responsible public entity
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty <u>or exercising a power in relation to the declared area</u>	DC, MP, PC	Where Council is a responsible public entity

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	not delegated	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency. <i>There are no Development Contribution Plans incorporated in the Alpine Planning Scheme. Currently, Infrastructure Contribution Plans only apply to the Metropolitan Greenfield Growth Area surrounding Melbourne. Therefore, no delegations are made regarding these provisions for Alpine Shire Council.</i>
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	not delegated	
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	not delegated	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	not delegated	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	not delegated	
s 46GP	Function of receiving a notice under s 46GO	not delegated	Where Council is the collecting agency
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	not delegated	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	not delegated	
s 46GR(2)	Power to consider a late submission. Duty to consider a late submission if directed to do so by the Minister	not delegated	
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	not delegated	

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	not delegated	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	not delegated	
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the <u>estimated value of the inner public purpose land</u>	not delegated	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	not delegated	
s 46GU	Duty not to adopt an amendment under s 29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	not delegated	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution. <u>Power to specify the manner in which the payment is to be made</u>	not delegated	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	not delegated	Where Council is the collecting agency
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	not delegated	Where Council is the development agency
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	not delegated	Where Council is the collecting agency
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	not delegated	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	not delegated	Where Council is the collecting agency
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	not delegated	Where Council is the collecting agency

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	not delegated	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	not delegated	Where Council is the collecting agency
s 46GY(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	not delegated	Where Council is the collecting agency
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan. This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	not delegated	Where the Council is the planning authority. This duty does not apply where Council is also the collecting agency
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan as responsible for those works, services or facilities	not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan. This provision does not apply where Council is also the relevant development agency
s 46GZ(2)(b)	Function of receiving the monetary component	not delegated	Where Council is the development agency under an approved infrastructure contributions plan. This provision does not apply where Council is also the collecting agency
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan. This provision does not apply where Council is also the relevant development agency
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	not delegated	Where Council is the development agency specified in the approved infrastructure contributions plan. This provision does not apply where Council is also the collecting agency
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan.
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	not delegated	If any inner public purpose land is vested in Council under the <i>Subdivision Act 1988</i> or acquired by Council before the time it is required to be provided to Council under s 46GV(4). Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s 46GZ(9)	Function of receiving the fee simple in the land	not delegated	Where Council is the development agency under an approved infrastructure contributions plan. This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	not delegated	Where Council is a development agency under an approved infrastructure contributions plan

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZA(2)	Duty to keep the accounts and records in accordance with the <i>Local Government Act 2020</i>	not delegated	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	not delegated	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	not delegated	If the VPA is the collecting agency under an approved infrastructure contributions plan. Where Council is a development agency under an approved infrastructure contributions plan
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	not delegated	Where Council is the development agency under an approved infrastructure contributions plan.
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan.
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	not delegated	Where Council is the development agency under an approved infrastructure contributions plan. This duty does not apply where Council is also the collecting agency

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan. This duty does not apply where Council is also the development agency
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	not delegated	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	Duty, if land is sold under s 46GZF(2)(b), to follow the steps in s 46GZF(3)(a) and (b)	not delegated	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	s 46GZF(3)(a) function of receiving proceeds of sale	not delegated	Where Council is the collection agency under an approved infrastructure contributions plan. This provision does not apply where Council is also the development agency
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	not delegated	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	not delegated	Where Council is a collecting agency or development agency

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	not delegated	Where Council is a collecting agency or development agency
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	not delegated	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	not delegated	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	not delegated	
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	not delegated	
s 46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	not delegated	
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	not delegated	
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	not delegated	
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	not delegated	
s 46Q(1)	Duty to keep proper accounts of levies paid	not delegated	
s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency	not delegated	
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	not delegated	
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	not delegated	Only applies when levy is paid to Council as a 'development agency'
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal Council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	not delegated	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	not delegated	Must be done in accordance with Part 3
s 46Q(4)(e)	Duty to expend that amount on other works etc.	not delegated	With the consent of, and in the manner approved by, the Minister
s 46QC	Power to recover any amount of levy payable under Part 3B	not delegated	
s 46QD	Duty to prepare report and give a report to the Minister	not delegated	Where Council is a collecting agency or development agency.
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	not delegated	<i>Does not apply to Alpine Shire Council</i>
s 46Y	Duty to carry out works in conformity with the approved strategy plan	not delegated	<i>Does not apply to Alpine Shire Council</i>
s 47	Power to decide that an application for a planning permit does not comply with that Act	DC, MP, PC, SP, PO, CPO	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	
s 49(2)	Duty to make register available for inspection	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	
s 50(4)	Duty to amend application	DC, MP, MBA, PC, SP, PO, CPO, AOSLL, AOP, AOBEH	
s 50(5)	Power to refuse to amend application	DC, MP, PC, SP, SPO, CPO	
s 50(6)	Duty to make note of amendment to application in register	DC, MP, MBA, PC, SP, PO, CPO, AOSLL, AOP, AOBEH	

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 50A(1)	Power to make amendment to application	DC, MP, MBA, PC, SP, PO, CPO, AOSLL, AOP, AOBEH	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	DC, MP, MBA, PC, SP, PO, CPO, AOSLL, AOP, AOBEH	
s 50A(4)	Duty to note amendment to application in register	DC, MP, MBA, PC, SP, PO, CPO, AOSLL, AOP, AOBEH	
s 51	Duty to make copy of application available for inspection	DC, MP, MBA, PC, SP, PO, CPO, AOSLL, AOP, AOBEH	
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	DC, MP, MBA, PC, SP, PO, CPO, AOSLL, AOP, AOBEH	
s 52(1)(b)	Duty to give notice of the application to other municipal Council where appropriate	DC, MP, MBA, PC, SP, PO, CPO, AOSLL, AOP, AOBEH	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	DC, MP, MBA, PC, SP, PO, CPO, AOSLL, AOP, AOBEH	
s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	DC, MP, MBA, PC, SP, PO, CPO, AOSLL, AOP, AOBEH	

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	DC, MP, MBA, PC, SP, PO, CPO, AOSLL, AOP, AOREH	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	DC, MP, MBA, PC, SP, PO, CPO, AOSLL, AOP, AOREH	
s 52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	DC, MP, MBA, PC, SP, PO, CPO, AOSLL, AOP, AOREH	
s 52(3)	Power to give any further notice of an application where appropriate	DC, MP, MBA, PC, SP, PO, CPO, AOSLL, AOP, AOREH	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	DC, MP, MBA, PC, SP, PO, CPO, AOSLL, AOP, AOREH	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	DC, MP, MBA, PC, SP, PO, CPO, AOSLL, AOP, AOREH	
s 54(1)	Power to require the applicant to provide more information	DC, MP, MBA, PC, SP, PO, CPO, AOSLL, AOP, AOREH	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	DC, MP, MBA, PC, SP, PO, CPO, AOSLL, AOP, AOREH	

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 54(1B)	Duty to specify the lapse date for an application	DC, MP, MBA, PC, SP, PO, CPO, AOSLL, AOP, AOBEH	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	DC, MP, MBA, PC, SP, PO, CPO, AOSLL, AOP, AOBEH	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time und s 54A(3)	DC, MP, MBA, PC, SP, PO, CPO, AOSLL, AOP, AOBEH	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	DC, MP, MBA, PC, SP, PO, CPO, AOSLL, AOP, AOBEH	
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	DC, MP	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	
s 57(5)	Duty to make available for inspection copy of all objections	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	
s 57A(5)	Power to refuse to amend application	DC, MP, PC, SP, SPO, CPO	
s 57A(6)	Duty to note amendments to application in register	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 57B(1)	Duty to determine whether and to whom notice should be given	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	
s 57C(1)	Duty to give copy of amended application to referral authority	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	
s 58	Duty to consider every application for a permit	DC, MP, PC, SP, PO, CPO	
s 58A	Power to request advice from the Planning Application Committee	DC, MP, PC, SP, PO, CPO	
s 60	Duty to consider certain matters	DC, MP, PC, SP, PO, CPO, OSEC	
s 60(1A)	Duty to consider certain matters	DC, MP, PC, SP, PO, CPO	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	DC, MP, PC, SP, PO, CPO	
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	DC, MP, PC, SP, PO, CPO	The permit must not be inconsistent with a cultural heritage management plan under the <i>Aboriginal Heritage Act 2006</i>
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	DC, MP, PC, SPO, CPO	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	DC, MP, PC, SPO, CPO	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	not delegated	
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	not delegated	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	DC, MP, PC, SPO, CPO	

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PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 62(1)	Duty to include certain conditions in deciding to grant a permit	DC, MP, PC, SPO, CPO, PO, CPO, SP	
s 62(2)	Power to include other conditions	DC, MP, PC, SPO, CPO, PO, CPO, SP	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	DC, MP, PC, SPO, CPO, PO, CPO, SP	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	DC, MP, PC, SPO, CPO, PO, CPO, SP	
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	DC, MP, PC, SPO, CPO, PO, CPO, SP	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	DC, MP, PC, SPO, CPO, PO, CPO, SP	
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	DC, MP, PC, SPO, CPO, PO, CPO, SP	
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	DC, MP, PC, SPO, CPO, PO, CPO, SP	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	DC, MP, PC, SPO, CPO, PO, CPO, SP	

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	not delegated	This provision applies also to a decision to grant an amendment to a permit - see s 75 <i>Where there are objections, the decision regarding the permit is presented to a Council meeting.</i>
s 64(3)	Duty not to issue a permit until after the specified period	not delegated	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	not delegated	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	DC, MP, PC, SPO, CPO, PO, CPO, SP	This provision applies also to a decision to grant an amendment to a permit - see s 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority

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Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s 69(1)	Function of receiving application for extension of time of permit	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	
s 69(1A)	Function of receiving application for extension of time to complete development	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	
s 69(2)	Power to extend time	DC, MP, PC, SP, PO, CPO	
s 70	Duty to make copy permit available for inspection	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	
s 71(1)	Power to correct certain mistakes	DC, MP, PC, SP, PO, CPO	
s 71(2)	Duty to note corrections in register	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	
s 73	Power to decide to grant amendment subject to conditions	DC, MP, PC, SP, PO, CPO	
s 74	Duty to issue amended permit to applicant if no objectors	DC, MP, PC, SP, PO, CPO	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s 76D	Duty to comply with direction of Minister to issue amended permit	DC, MP, PC, SP, PO, CPO	
s 83	Function of being respondent to an appeal	DC, MP, PC, SP, PO, CPO	
s 83B	Duty to give or publish notice of application for review	DC, MP, PC, SP, PO, CPO	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	DC, MP, PC, SP, PO, CPO	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	DC, MP, PC, SP, PO, CPO	
s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	DC, MP, PC, SP, PO, CPO	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	DC, MP, PC, SP, PO, CPO	
s 84AB	Power to agree to confining a review by the Tribunal	not delegated	
s 86	Duty to issue a permit at order of Tribunal within 3 working days	DC, MP, PC, SP, PO, CPO	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	DC, MP, PC, SP, PO, CPO	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	DC, MP, PC, SP, PO, CPO	
s 91(2)	Duty to comply with the directions of VCAT	DC, MP, PC, SP, PO, CPO	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	DC, MP, PC, SP, PO, CPO	
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	DC, MP, PC, SP, PO, CPO	
s 93(2)	Duty to give notice of VCAT order to stop development	DC, MP, PC, SP, PO, CPO	
s 95(3)	Function of referring certain applications to the Minister	DC, MP, PC, SP, PO, CPO	
s 95(4)	Duty to comply with an order or direction	DC, MP, PC, SP, PO, CPO	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	DC, MP, PC, SP, PO, CPO	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	CEO, DC, MP	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	DC, MP, PC, SP, PO, CPO	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	DC, MP, PC, SP, PO, CPO	
s 96F	Duty to consider the panel's report under s 96E	DC, MP, PC, SP, PO, CPO	
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the <i>Planning and Environment (Planning Schemes) Act 1996</i>)	DC, MP, PC, SP, PO, CPO	
s 96H(3)	Power to give notice in compliance with Minister's direction	DC, MP, PC, SP, PO, CPO	
s 96J	Power to issue permit as directed by the Minister	DC, MP, PC, SP, PO, CPO	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	DC, MP, PC, SP, PO, CPO	
s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	DC, MP, PC, SP, PO, CPO	
s 97C	Power to request Minister to decide the application	DC, MP, PC, SP, PO, CPO	
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	DC, MP, PC, SP, PO, CPO	
s 97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	DC, MP, PC, SP, PO, CPO	
s 97G(6)	Duty to make a copy of permits issued under s 97F available for inspection	DC, MP, PC, SP, PO, CPO	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	DC, MP, PC, SP, PO, CPO	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	DC, MP, PC, SP, PO, CPO	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	DC, MP, PC, SP, PO, CPO	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	DC, MP, PC, SP, PO, CPO	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	DC, MP, PC, SP, PO, CPO	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	DC, MP, PC, SP, PO, CPO	
s 97Q(4)	Duty to comply with directions of VCAT	DC, MP, PC, SP, PO, CPO	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	DC, MP, PC, SP, PO, CPO	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	DC, MP, PC, SP, PO, CPO	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	DC, MP, PC, SP, PO, CPO	
s 101	Function of receiving claim for expenses in conjunction with claim	DC, MP, PC, SP, PO, CPO	
s 103	Power to reject a claim for compensation in certain circumstances	DC, MP, PC, SP, PO, CPO	
s 107(1)	Function of receiving claim for compensation	DC, MP, PC, SP, PO, CPO	
s 107(3)	Power to agree to extend time for making claim	DC, MP, PC, SP, PO, CPO	
s 114(1)	Power to apply to the VCAT for an enforcement order	DC, MP, PC, SP, PO, CPO	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	DC, MP, PC, SP, PO, CPO	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	DC, MP, PC, SP, PO, CPO	
s 123(1)	Power to carry out work required by enforcement order and recover costs	DC, MP, PC, SP, PO, CPO	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	DC, MP, PC, SP, PO, CPO	Except Crown Land
s 129	Function of recovering penalties	DC, MP, PC, SP, PO, CPO	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 130(5)	Power to allow person served with an infringement notice further time	DC, MP, PC, SP, PO, CPO	
s 149A(1)	Power to refer a matter to the VCAT for determination	DC, MP, PC, SP, PO, CPO	
s 149A(1A)	Power to apply to VCAT for the determination of a matter relating to the interpretation of a s 173 agreement	DC, MP, PC, SP, PO, CPO	
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B) power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	DC, MP, PC, SP, PO, CPO	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	DC, MP, PC, SP, PO, CPO	
s 171(2)(g)	Power to grant and reserve easements	CEO, DC, MP	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	not delegated	Where Council is a development agency specified in an approved infrastructure contributions plan <i>As previously stated, ICPs do not apply to Alpine Shire Council</i>
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	not delegated	Where Council is a collecting agency specified in an approved infrastructure contributions plan
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	not delegated	Where Council is the development agency specified in an approved infrastructure contributions plan
s 173(1)	Power to enter into agreement covering matters set out in s 174	CEO	
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	not delegated	Where Council is the relevant responsible authority
---	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires something to be to the satisfaction of Council or Responsible Authority	DC, MP, PC, SP, PO, CPO	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
---	Power to give consent on behalf of Council, where an agreement made under s 173 of the <i>Planning and Environment Act 1987</i> requires that something may not be done <u>without the consent of Council or Responsible Authority</u>	DC, MP, PC, SP, PO, CPO	
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	DC, MP	
s 178	Power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	DC, MP, PC, SP, PO, CPO	
s 178A(1)	Function of receiving application to amend or end an agreement	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	DC, MP, PC, SP, PO, CPO	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	DC, MP, PC, SP, PO, CPO	
s 178A(5)	Power to propose to amend or end an agreement	DC, MP, PC, SP, PO, CPO	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	DC, MP, PC, SP, PO, CPO	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	DC, MP, PC, SP, PO, CPO	
s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	
s 178C(4)	Function of determining how to give notice under s 178C(2)	DC, MP, PC, SP, PO, CPO	
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	DC, MP, PC, SP, PO, CPO	
s 178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	DC, MP, PC, SP, PO, CPO	If no objections are made under s 178D. Must consider matters in s 178B
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DC, MP, PC, SP, PO, CPO	If no objections are made under s 178D. Must consider matters in s 178B

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 178E(2)(c)	Power to refuse to amend or end the agreement	DC, MP, PC, SP, PO, CPO	If no objections are made under s 178D. Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	DC, MP, PC, SP, PO, CPO	After considering objections, submissions and matters in s 178B.
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	DC, MP, PC, SP, PO, CPO	After considering objections, submissions and matters in s 178B
s 178E(3)(c)	Power to amend or end the agreement in a manner that is substantively different from the proposal	DC, MP, PC, SP, PO, CPO	After considering objections, submissions and matters in s 178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	DC, MP, PC, SP, PO, CPO	After considering objections, submissions and matters in s 178B
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	
s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	DC, MP, PC, SP, PO, CPO	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	DC, MP, PC, SP, PO, CPO	
s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	DC, MP, PC, SP, PO, CPO	
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	
s 179(2)	Duty to make available for inspection copy agreement	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	DC, MP, PC, SP, PO, CPO	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	DC, MP, PC, SP, PO, CPO	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	DC, MP, PC, SP, PO, CPO	
s 182	Power to enforce an agreement	DC, MP, PC, SP, PO, CPO	
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	DC, MP, PC, SP, PO, CPO	
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	DC, MP, PC, SP, PO, CPO	
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	DC, MP, PC, SP, PO, CPO	
s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	DC, MP, PC, SP, PO, CPO	
s 184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	
s 184G(2)	Duty to comply with a direction of the Tribunal	DC, MP, PC, SP, PO, CPO	
s 184G(3)	Duty to give notice as directed by the Tribunal	DC, MP, PC, SP, PO, CPO	
s 198(1)	Function to receive application for planning certificate	DC, MP, PC, SP, PO, CPO	
s 199(1)	Duty to give planning certificate to applicant	DC, MP, PC, SP, PO, CPO	
s 201(1)	Function of receiving application for declaration of underlying zoning	DC, MP, PC, SP, PO, CPO	
s 201(3)	Duty to make declaration	DC, MP, PC, SP, PO, CPO	

PLANNING AND ENVIRONMENT ACT 1987

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
-	Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	DC, MP, PC, SP, PO, CPO, OSEC	
	Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	DC, MP, PC, SP, PO, CPO, OSEC	
	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	DC, MP, PC, SP, PO, CPO, OSEC	
-	Power to give written authorisation in accordance with a provision of a planning scheme	DC, MP, PC, SP, PO, CPO, OSEC	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	

PLANNING AND ENVIRONMENT REGULATIONS 2015			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS AND LIMITATIONS
r 6	Function of receiving notice, under s 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	DC, MP, PC, SP, PO, AOSLL, AOP	Where Council is not the planning authority and the amendment affects land within its municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r 21	Power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under s 54 of the Act	DC, MP, PC, SP, PO, CPO, AOSLL, AOP	
r 25(a)	Duty to make copy of matter considered under s 60(1A)(g) available for inspection free of charge	DC, MP, PC, SP, PO, AOSLL, AOP	Where Council is the responsible authority
r 25(b))	Function of receiving a copy of any document considered under s 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	DC, MP, PC, SP, PO, AOSLL, AOP	Where Council is not the responsible authority but the relevant land is within Council's municipal district
r 42	Function of receiving notice under s 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	DC, MP, PC, SP, PO, AOSLL, AOP	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority

PLANNING AND ENVIRONMENT (FEES) REGULATIONS 2016

		Column 3	
Column 1	Column 2	DELEGATE	Column 4
PROVISION	THING DELEGATED		CONDITIONS AND LIMITATIONS
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	DC, MP	
r20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	DC, MP	
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r19 or 20	DC, MP	

<u>RESIDENTIAL TENANCIES ACT 1997</u>			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 91ZU(1)	Power to give a renter a notice to vacate rented premises	not delegated	Where Council is a public statutory authority engaged in the provision of housing.
s 91ZZC(1)	Power to give a renter a notice to vacate rented premises	not delegated	Where Council is a public statutory authority authorised to acquire land compulsorily for its purposes.
s 91ZZE(1)	Power to give a renter a notice to vacate rented premises	not delegated	Where Council is a public statutory authority engaged in the provision of housing.
s 91ZZE(3)	Power to publish Council's criteria for eligibility for the provision of housing	not delegated	Where Council is a public statutory authority engaged in the provision of housing.
s 142D	Function of receiving notice regarding an unregistered rooming house	MBA, EHO	
s 142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district	MBA, EHO, AOBEH	
s 142G(2)	Power to enter certain information in the Rooming House Register	MBA, EHO, AOBEH	
s 142I(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	MBA, EHO, AOBEH	
s 206AZA(2)	Function of receiving written notification	DC, MBA, MF	
s 207ZE(2)	Function of receiving written notification	DC, MBA, MF	
s 311A(2)	Function of receiving written notification	DC, MBA, MF	
s 317ZDA(2)	Function of receiving written notification	DC, MBA, MF	
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	CEO, DC, MBA, MF, LLO, LLO2, CPO, EHO, EMC, FOVICH.P. EC	
s 522(1)	Power to give a compliance notice to a person	CEO, DC, MBA, MF, EHO, FOVICH.P. EC	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	CEO	

RESIDENTIAL TENANCIES ACT 1997

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 525(4)	Duty to issue identity card to authorised officers	GO	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	MBA, MF, EHO. AOBEH, FOVICH	
s 526A(3)	Function of receiving report of inspection	CEO	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CEO	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 7	Function of entering into a written agreement with a caravan park owner	CEO, DC, MBA, EHO	
r 11	Function of receiving application for registration	MBA, EHO, AOBEL	
r 13(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	MBA, EHO	
r 13(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	MBA, EHO	
r 13(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	MBA, EHO	
r 13(4) & (5)	Duty to issue certificate of registration	MBA, EHO	
r 15(1)	Function of receiving notice of transfer of ownership	MBA, EHO, AOBEL	
r 15(3)	Power to determine where notice of transfer is displayed	MBA, EHO	
r 16(1)	Duty to transfer registration to new caravan park owner	MBA, EHO	
r 16(2)	Duty to issue a certificate of transfer of registration	MBA, EHO	
r 17(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	MBA, EHO, AOBEL	
r 18	Duty to keep register of caravan parks	MBA, EHO, AOBEL	
r 19(4)	Power to determine where the emergency contact person's details are displayed	MBA, EHO	
r 19(6)	Power to determine where certain information is displayed	MBA, EHO	
r 22A(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	MBA, EHO	
r 22A(2)	Duty to consult with relevant emergency services agencies	MBA, EHO	
r 23	Power to determine places in which caravan park owner must display a copy of emergency procedures	MBA, EHO, BS	
r 24	Power to determine places in which caravan park owner must display copy of public emergency warnings	MBA, EHO, BS	

RESIDENTIAL TENANCIES (CARAVAN PARKS AND MOVABLE DWELLINGS REGISTRATION AND STANDARDS) REGULATIONS 2010

Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 25(3)	Duty to consult with relevant floodplain management authority	MBA, EHO, BS	
r26	Duty to have regard to any report of the relevant fire authority	MBA, EHO, BS	
r28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	MBA, EHO	
r 39	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	MBA, EHO, AOBEL	
r 39(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	MBA, EHO	
r 40(4)	Function of receiving installation certificate	MBA, EHO, AOBEL	
r 42	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	MBA, EHO, BS, MP, SPO, PO	
SCHEDULE 3 cl 4(3)	Power to approve the removal of wheels and axles from unregistrable movable dwelling	MBA, EHO	

<u>ROAD MANAGEMENT ACT 2004</u>			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	CEO	Obtain consent in circumstances specified in s 11(2)
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	CEO	
s 11(9)(b)	Duty to advise Registrar	DA, DC, MAD, MAM, MBA, MP	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	DA, DC, MAD, MAM, MBA, MP	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	DA, DC, MAD, MAM, MBA, MP	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	CEO, DA	Where Council is the coordinating road authority
s 12(4)	Power to publish, and provide copy, notice of proposed discontinuance	CEO, DA, MAD, MAM	Power of coordinating road authority where it is the discontinuing body. Unless s 12(11) applies
s 12(5)	Duty to consider written submissions received within 28 days of notice	CEO, DA, MAD, MAM	Duty of coordinating road authority where it is the discontinuing body. Unless s 12(11) applies
s 12(6)	Function of hearing a person in support of their written submission	CEO, DA, MAD, MAM	Function of coordinating road authority where it is the discontinuing body. Unless s 12(11) applies
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	DA, MAD, MAM	Duty of coordinating road authority where it is the discontinuing body. Unless s 12(11) applies
s 12(10)	Duty to notify of decision made	DA, MAD, MAM	Duty of coordinating road authority where it is the discontinuing body. Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	CEO, DA, MAD, MAM	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate

<u>ROAD MANAGEMENT ACT 2004</u>			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	CEO, DA	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	CEO, DA	
s 15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	CEO, DA	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	CEO, DA	
s 15(2)	Duty to include details of arrangement in public roads register	DA, MAM, GISAO, EC, ED	
s 16(7)	Power to enter into an arrangement under s 15	CEO, DA, DC	
s 16(8)	Duty to enter details of determination in public roads register	DA, MAM, GISAO, EC, ED	
s 17(2)	Duty to register public road in public roads register	DA, MAM, GISAO, EC, ED	Where Council is the coordinating road authority
s 17(3)	Power to decide that a road is reasonably required for general public use	CEO, DA	Where Council is the coordinating road authority
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	DA, MAM, GISAO, EC, ED	Where Council is the coordinating road authority
s 17(4)	Power to decide that a road is no longer reasonably required for general public use	CEO, DA, DC	Where Council is the coordinating road authority
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	DA, MAM, GISAO, EC, ED	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	CEO, DA	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
s 18(3)	Duty to record designation in public roads register	DA, MAM, GISAO, EC	Where Council is the coordinating road authority
s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	DA, MAM, GISAO, EC	
s 19(4)	Duty to specify details of discontinuance in public roads register	DA, MAM, GISAO, EC, ED	

<u>ROAD MANAGEMENT ACT 2004</u>			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 19(5)	Duty to ensure public roads register is available for public inspection	DA, MAM, GISAO, EC	
s 21	Function of replying to request for information or advice	CEO, DA, MAD, MAM	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	CEO, DA, MAD, MAM	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	CEO, DA, MAD, MAM, GO	
s 22(5)	Duty to give effect to a direction under s 22	CEO, DA MAD, MAM	
s 40(1)	Duty to inspect, maintain and repair a public road.	DA, MAM, CWC, EC	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	DA, MAM, CWC, EC	
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	DA, MAM, MAD, EC, ED, POD	
s 42(1)	Power to declare a public road as a controlled access road	CEO, DA	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	CEO, DA	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with VicRoads before road is specified	DA, MAM	Where Council is the coordinating road authority. If road is a municipal road or part thereof
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	CEO, DA	Where Council is the coordinating road authority. If road is a municipal road or part thereof and where road is to be specified a freight road
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	DA, MAD, MAM	Where Council is the responsible road authority, infrastructure manager or works manager
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	DA, DC, MAD, MAM, MP	

<u>ROAD MANAGEMENT ACT 2004</u>			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 49	Power to develop and publish a road management plan	CEO, DA, MAM	
s 51	Power to determine standards by incorporating the standards in a road management plan	CEO, DA, MAM	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	CEO, DA	
s 54(2)	Duty to give notice of proposal to make a road management plan	CEO, DA, MAM	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	CEO, DA, MAM	
s 54(6)	Power to amend road management plan	CEO, DA, MAM	
s 54(7)	Duty to incorporate the amendments into the road management plan	DA, MAM	
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	DA, MAM	
s 63(1)	Power to consent to conduct of works on road	DA, MAM, EC, MAD	Where Council is the coordinating road authority
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	CEO, DA, MAM, CWC, EC, ED, TOA	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	DA, MAD, MAM	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	DA, DC, MAD, MAM, MBA, LLO, CPO	Where Council is the coordinating road authority
s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	DA, DC, MAD, MAM, MBA, LLO, CPO	Where Council is the coordinating road authority
s 67(3)	Power to request information	DA, DC, MAD, MAM, MBA, LLO, CPO	Where Council is the coordinating road authority
s 68(2)	Power to request information	DA, DC, MAD, MAM, MBA, LLO, CPO	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	CEO	

<u>ROAD MANAGEMENT ACT 2004</u>			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
s 72	Duty to issue an identity card to each authorised officer	MC, GO	
s 85	Function of receiving report from authorised officer	DA, DC, MAD, MAM, MBA, GO	
s 86	Duty to keep register re s 85 matters	MAD, MAM, MC, GO	
s 87(1)	Function of receiving complaints	CEO, DA	
s 87(2)	Duty to investigate complaint and provide report	CEO, DA, DC, MAM, MAD	
s 112(2)	Power to recover damages in court	CEO, DA	
s 116	Power to cause or carry out inspection	DA, MAD, MAM	
s 119(2)	Function of consulting with the Head, Transport for Victoria	DA, MAD, MAM	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	DA, MAD, MAM	
s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	DA, MAD, MAM	
s 121(1)	Power to enter into an agreement in respect of works	DA, MAD, MAM	
s 122(1)	Power to charge and recover fees	DA, DC, MAM, MBA, MC	
s 123(1)	Power to charge for any service	DA, DC, MAM, MBA, MC	
SCHEDULE 2 cl 2(1)	Power to make a decision in respect of controlled access roads	CEO, DA	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	CEO, DA	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	CEO, DA	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	CEO, DA	
sch 2 cl 5	Duty to publish notice of declaration	CEO, DA	
sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	DA, MAD, MAM	Where Council is the infrastructure manager or works manager

<u>ROAD MANAGEMENT ACT 2004</u>			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	DA, MAD, MAM	Where Council is the infrastructure manager or works manager
SCHEDULE 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	DA, MAD, MAM, EC, ED	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	DA, MAD, MAM, POD, EC, ED, GISAO	Where Council is the infrastructure manager or works manager
sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	DA, MAD, MAM, POD, EC, ED, GISAO	Where Council is the infrastructure manager or works manager
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	DA, MAD, MAM, POD, EC, ED	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	DA, MAD, MAM, POD, EC, ED	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	DA, MAD, MAM, POD, EC, ED	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	DA, DC, MAD, MAM, MC, ACC	Where Council is the coordinating road authority
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	DA, MAD, MAM, POD, EC, ED	Where Council is the works manager
sch 7 cl 13(2)	Power to vary notice period	CEO, DA	Where Council is the coordinating road authority
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	DA, MAD, POD, MAM, POD, EC, ED	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	DA, MAD, MAM, POD, EC, ED	Where Council is the coordinating road authority

<u>ROAD MANAGEMENT ACT 2004</u>			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
sch 7 cl 16(4)	Duty to consult	DA, MAD, MAM, POD, EC, ED	Where Council is the coordinating road authority, responsible authority or <u>infrastructure manager</u>
sch 7 cl 16(5)	Power to consent to proposed works	DA, MAD, MAM, POD, EC, ED	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	DA, MAD, MAM, POD, EC, ED	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	DA, MAD, MAM, POD, EC, ED	Where Council is the coordinating road authority
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	DA, MAD, MAM, POD, EC, ED	Where Council is the coordinating road authority
sch 7 cl 18(1)	Power to enter into an agreement	DA, MAD, MAM, POD, EC, ED	Where Council is the coordinating road authority
sch 7 cl 19(1)	Power to give notice requiring rectification of works	DA, MAD, MAM, POD, EC, ED	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	DA, MAD, MAM, POD, EC, ED	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	DA, MAD, MAM, POD, EC, ED	Where Council is the coordinating road authority
SCHEDULE 7A cl 2	Power to cause street lights to be installed on roads	DA, MAD, MAM, POD, EC, ED	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch 7A cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	DA, MAD, MAM, MC, ACC	Where Council is the responsible road authority
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas	DA, MAD, MAM, MC, ACC	Where Council is the responsible road authority
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with cls 3(2) and 4	DA, MAD, MAM, MC, ACC	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

ROAD MANAGEMENT (GENERAL) REGULATIONS 2016			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 8(1)	Duty to conduct reviews of road management plan	DA, MAM	
r 9(2)	Duty to produce written report of review of road management plan and make report available	DA, MAM	
r 9(3)	Duty to give notice where road management review is completed and no amendments will be made (or no amendments for which notice is required)	DA, MAM	Where Council is the coordinating road authority
r 10	Duty to give notice of amendment which relates to standard of construction, inspection, maintenance or repair under s 41 of the Act	DA, MAM	
r 13(1)	Duty to publish notice of amendments to road management plan	DA, MAM	Where Council is the coordinating road authority
r 13(3)	Duty to record on road management plan the substance and date of effect of amendment	DA, MAM	
r 16(3)	Power to issue permit	DA, MAD, MAM, POD, EC, ED	Where Council is the coordinating road authority
r 18(1)	Power to give written consent re damage to road	DA, MAD, MAM, POD, EC, ED	Where Council is the coordinating road authority
r 23(2)	Power to make submission to Tribunal	CEO, DA, DC, MAD, MAM, MBA	Where Council is the coordinating road authority
r 23(4)	Power to charge a fee for application under s 66(1) <i>Road Management Act</i>	DA, DC, MC	Where Council is the coordinating road authority
r 25(1)	Power to remove objects, refuse, rubbish or other material deposited or left on road	DA, MAD, MAM, TOA, CWC, TOAM, LLO, LLO2, CPO, EC, ED, POD	Where Council is the responsible road authority
r 25(2)	Power to sell or dispose of things removed from road or part of road (after first complying with regulation 25(3))	DA, DC, MAM, MC, MAD	Where Council is the responsible road authority
r 25(5)	Power to recover in the Magistrates' Court, expenses from person responsible	DA, DC, MAM, MC, MAD	

<u>ROAD MANAGEMENT (WORKS AND INFRASTRUCTURE) REGULATIONS 2015</u>			
Column 1	Column 2	Column 3	Column 4
PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS
r 15	Power to exempt a person from requirement under cl 13(1) of sch 7 of the Act to give notice as to the completion of those works	DA, MAD, MAM, POD, EC, ED	Where Council is the coordinating road authority and where consent given under s 63(1) of the Act
r 22(2)	Power to waive whole or part of fee in certain circumstances	DA, DC, MAD, MAM, MC	Where Council is the coordinating road authority



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

Director Corporate

Nathalie Cooke – September 2020

Instrument of Appointment and Authorisation

In this Instrument 'officer' means –

OFFICER	TITLE	NAME
DC	Director Corporate	Nathalie COOKE

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

- Under s147(4) of the *Planning and Environment Act 1987* – appoints the **DC** 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 **DC** 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 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 **1 September 2020**.

THE COMMON SEAL OF THE
ALPINE SHIRE COUNCIL was
hereunto affixed this 1st day of
September 2020
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)*

Planning Coordinator

Sam Porter – September 2020

Instrument of Appointment and Authorisation

In this Instrument 'officer' means –

OFFICER	TITLE	NAME
PC	Planning Coordinator	Sam PORTER

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

- Under s147(4) of the *Planning and Environment Act 1987* – appoints the **PC** 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 **PC** 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 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 **1 September 2020**.

THE COMMON SEAL OF THE
ALPINE SHIRE COUNCIL was
hereunto affixed this 1st day of
September 2020
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)*

Compliance Officer

Darrell Gascoyne – September 2020

Instrument of Appointment and Authorisation

In this Instrument 'officer' means –

OFFICER	TITLE	NAME
CPO	Compliance Officer	Darrell GASCOYNE

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

- Under s147(4) of the *Planning and Environment Act 1987* – appoints the **CPO** 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 **CPO** 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 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 **1 September 2020**.

THE COMMON SEAL OF THE
ALPINE SHIRE COUNCIL was
hereunto affixed this 1st day of
September 2020
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)*

Engineering Coordinator

Belinda MacLaughlin – September 2020

Instrument of Appointment and Authorisation

In this Instrument 'officer' means –

OFFICER	TITLE	NAME
EC	Engineering Coordinator	Belinda MacLAUGHLIN

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

- Under s147(4) of the *Planning and Environment Act 1987* – appoints the **EC** 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 **1 September 2020**.

THE COMMON SEAL OF THE
ALPINE SHIRE COUNCIL was
hereunto affixed this 1st day of
September 2020
in the presence of:

.....
COUNCILLOR NAME

.....
SIGNATURE

.....
COUNCILLOR NAME

.....
SIGNATURE

.....
CHIEF EXECUTIVE OFFICER NAME

.....
SIGNATURE



NO.2020/21-1 – 17 JULY 2020

Audit Committee Meeting

Minutes

In Attendance

COMMITTEE MEMBERS

Sue Lebish, Chair

Mark Anderson

Craig Covich

Gerard Moore

Sinead Ryan

Cr John Forsyth

Cr Kitty Knappstein

OFFICERS

Charlie Bird, Chief Executive Officer

Nathalie Cooke, Director Corporate

Will Jeremy, Director Assets

Emma Woolaston, Manager Corporate

APOLOGIES

Kirsten McDonald, Health, Safety and Risk Officer

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

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

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

2. Apologies

Kirsten McDonald

3. Declarations by Committee members of conflict of interest

Nil

4. Confirmation of minutes

4.1 AUDIT COMMITTEE MEETING NO.2019/20-5 22 MAY 2020

G Moore

J Forsyth

That the Audit Committee confirm the minutes of Audit Committee Meeting No.2019/20-5 held on 22 May 2020 as circulated.

Carried

Attachment(s)

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

4.2 BUSSINESS ARISING FROM PREVIOUS MEETING MINUTES

Nil

5. Standing items

5.1 PROGRESS OF AUDIT COMMITTEE ACTIONS

Introduction

The Audit Committee action sheet is a register of all Audit 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.

That the Audit Committee note the progress of the outstanding actions.

Noted

Actions

- ***Ensure that links are working correctly within the next set of Audit Committee papers***
- ***Combine actions relating to asset management plans and revaluations into a single action and attach a dashboard showing progress against detailed deliverables***

Attachment(s)

5.1 Audit Committee Action Sheet

6. Report by External Auditor

Introduction

- External Auditor, Phil Delahunty, Partner, Richmond Sinnott Delahunty Pty Ltd, Bendigo will attend the meeting at 9.30am to discuss the VAGO Interim Management Letter, Year Ending 30 June 2020.
- The discussion will be held in two sessions as follows:

Session	Participants	Items for discussion
1	Committee members and management	<ul style="list-style-type: none">• Interim Management Letter Findings• Any other specific queries raised by the Committee or the External Auditor
2	Committee members only	<ul style="list-style-type: none">• Matters raised by the Committee or External Auditor under section 8.7 of the Committee Charter

7. Reports by officers

7.1 INTERIM AUDIT YEAR ENDING 30 JUNE 2020

Introduction

Council's external auditors, RSD Audit, have completed the interim audit for the year ending 30 June 2020. The purpose of this report is to outline the auditor's findings.

That:

- 1. The VAGO Interim Management Letter, year ending 30 June 2020, be noted.**
- 2. The Management Action Plan for addressing the interim audit findings be monitored through the Audit Committee's action sheet.**

Noted

Actions

- **Council to return with an updated internal audit plan in order to inform the development of the future Audit and Risk Committee Workplan**
- **Council to return with an overview of its top 10 risks on a quarterly basis highlighting responsibility, controls and any changes that have occurred**

Interim audit findings

The interim audit identified two new findings. These items have been discussed with Council's executive and a response and action plan developed to address each recommendation are summarised below:

Ref	Finding	Risk	Management Response
2020.1	<p>Fraud Management</p> <p>A Fraud Management survey indicates that almost 50% of staff say that no fraud and corruption awareness training has been provided to them. In addition there is limited awareness of Council's fraud and corruption policy and controls.</p> <p>VAGO recommends that fraud training is provided to all Council employees to ensure that they are aware of Council's fraud and corruption policy and plan, and the new Public Interest Disclosures Act.</p>	Low	<p>Recommendation Accepted</p> <p>Responsible officer: Manager Corporate</p> <p>Implementation date: December 2020</p> <p>Management comment: Council is currently investigating online fraud training suppliers so that relevant training can be rolled out in the COVID-19 environment.</p>

Ref	Finding	Risk	Management Response
2020.2	<p>Preparation for New Accounting Standards Council should prepare a grant register and a lease register in order to make a detailed assessment of actions required to comply with new Accounting Standards, AASB 15 <i>Revenue from Contracts with Customers</i>, AASB 1058 <i>Income of Not-for-Profit Entities</i> and AASB 16 <i>Leases</i>. While a high-level review has been performed, a detailed assessment will mitigate end-of-year workload and the risk of material misstatements.</p>	Moderate	<p>Recommendation Accepted Responsible officer: Manager Corporate Implementation date: July 2020 Management comment: An initial review of grants and leases has been undertaken to ensure compliance with the new accounting standards. Formal registers are now under development to ensure that the assessment is thorough and that there is a clear audit trail.</p>

In addition VAGO reviewed the status of prior year findings and found that of six open items, three had been resolved, two were progressing and one was unresolved. Since the report was issued, work has progressed to resolve the 'unresolved' item pertaining to Council's approach to determining the provision for doubtful debts. An approach has been proposed and is under review by internal management and the auditor.

Open actions continue to be captured and monitored through the Committee's action sheet.

Ref	Finding	Risk	VAGO Status	Agreed Implementation Date
2020.1	Fraud management	Low	New	Dec 2020
2020.2	Preparation for new Accounting Standards	Moderate	New	Jul 2020
2019.3	Provision for doubtful debts	Low	Unresolved	Jun 2020
2018.1	IT general controls	Moderate	Progressing	Jun 2020
2015.2	Policies and procedures review	Low	Progressing	Dec 2020
2019.1	Performance reviews	Low	Resolved	Jun 2019
2019.2	CEO credit card	Low	Resolved	Jun 2019
2017.4	Other infrastructure valuation	Low	Resolved	Jun 2018

Risk management

Identified risk	Risk likelihood (H M L)	Impact of risk (H M L)	Strategy to manage risk
Failure to monitor and implement agreed actions	L	L	<ul style="list-style-type: none"> Open actions captured and monitored through the Audit Committee's action sheet

Policy implication

The report aligns with the following Strategic Objective of the Council Plan 2017-2021:

- A responsible and sustainable organisation

Conclusion

The VAGO Interim Management Letter Year Ending 30 June 2020 has been reviewed by management and the findings accepted. Management takes the internal and financial controls of Council very seriously and continues to action findings through to closure accordingly.

Declaration of conflict of interest

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

- Director Corporate
- Manager Corporate

Attachment(s)

7.1 VAGO Interim Management Letter, year ending 30 June 2020

7.2 LOCAL GOVERNMENT ACT 2020 – PROGRESS UPDATE

Introduction

The *Local Government Act 2020* (LGA 2020) received Royal Assent on 24 March 2020 and will replace the *Local Government Act 1989* (LGA 1989) in stages over the next 18 months. Following an overview briefing of the LGA 2020 at the May Audit Committee meeting, the purpose of this report is to review Council's progress in implementing LGA 2020 with additional focus on the first tranche of deliverables due by 1 September 2020.

That Council's progress in implementing the requirements of the Local Government Act 2020 be noted.

Noted

Actions

- ***Minor corrections to the Governance Rules were advised including consistent use of chair / chairperson, and replacement of 'he / she' with 'they'***

Overview – progress to date

Council has appointed a consultant to prepare a detailed implementation plan for both the LGA 2020 and the upcoming Election Period. The consultant, Tony Raven from CT Management, was selected through a Request for Quotation process and has extensive experience in Victorian Local Government governance related roles. He is currently undertaking similar work for the Rural City of Wangaratta and can draft Alpine deliverables with considerable speed and on a cost-effective basis.

The implementation plan is being drafted to include:

- A gap analysis identifying the areas of Council that need to adapt their activities and / or outcomes based on the detailed provisions of LGA 2020;
- Key stakeholders and the project governance approach as LGA 2020 is implemented and election requirements are executed;
- Detailed timelines and responsibilities for the development of each major LGA 2020 deliverable and delivery of 2020 election requirements. Consideration is to be given to internal and external consultation requirements, approval requirements, and interdependencies between LGA 2020 deliverables as well as other Council related projects;
- Timelines for release of any further regulations or provisions where known, and any key considerations relating to these.

An overall *Local Government Act 2020* Implementation Framework has been drafted as follows:

Governance	Elections and Integrity	Strategic Planning	Operations
By 1 Sep 2020	Sept 20 – Jun 21	Mar 21 – Oct 21	By 21 Dec 21
<ul style="list-style-type: none"> • Governance rules • Expenses policy • Delegated committees • Community asset committees • Audit and Risk Committee • Public transparency policy 	<ul style="list-style-type: none"> • Mandatory candidate training • Personal interests returns • Councillor code of conduct • Councillor gift policy • Councillor induction • Election 2020 	<ul style="list-style-type: none"> • Community engagement policy • Community vision • Revenue and rating plan • Financial plan • Council plan • Annual budget • Annual report • Asset plan (due 30 June 2022) 	<ul style="list-style-type: none"> • CEO employment and remuneration policy • Workforce plan • Recruitment policy • Staff code of conduct • Complaints policy • Procurement policy

In addition a detailed gap analysis and activities list has been drafted which is currently under internal review, with a view to determining any additional resourcing requirements.

Particular focus will be given to the development of a community engagement policy and it is likely that Council will engage an external expert to assist in the development of this policy. A number of staff are currently participating in community engagement training conducted by Rural Councils Victoria. The policy will be a precursor to the various strategic planning deliverables which will underpin Council objectives and activities over the coming Council term.

Progress against 1 September deliverables

A Special Council Meeting is planned for late August 2020 to focus on adoption of the Governance deliverables due by 1 September. Initial work has focused on preparing those deliverables requiring a public consultation period, including the Public Transparency Policy, Governance Rules and an associated Governance Local Law. These items were presented in draft to the July Council meeting and public submissions are due by the 14 August. In addition the Instrument of Delegation from Council to the CEO has been updated. Further detail is provided below. A separate update is provided on the proposed implementation of the Audit and Risk Committee.

Public Transparency Policy

The LGA 2020 has removed much prescription as to how documents must be made available, so as to avoid a 'tick the box' compliance mentality. This has been replaced by high level principles and a more explicit stipulation of what is to remain confidential. Any information which is not deemed confidential must be accessible to the public.

Information must be understandable and accessible, and Council must promote public awareness of its accessibility.

A Public Transparency Policy must now be put in place, dealing with how Council makes information publicly available, including all policies, plans and reports required under legislation. A draft has been prepared with reference to the Local Government Victoria model policy and other Councils' draft policies.

Council has drafted the Policy to clearly establish what information, at minimum, Council will publish for access by the public; what information, at minimum, will be provided on request; and what information is not available due to confidentiality. Where information is not listed explicitly in the policy as being available, a Freedom of Information Request may be made and assessed by Council's Governance Officer.

The Policy is now subject to a four-week consultation period.

Governance Rules

Governance Rules have been drafted and set out provisions encompassing the conduct of Council meetings and committee meetings, the Election Period Policy, and procedures for disclosure of a conflict of interest by a councillor, member of staff, or member of a delegated committee.

The Governance Rules will replace the existing Local Law No. 1 – Council Administration, the Election Period Policy, and the procedure for election of the Mayor and Deputy Mayor. These have been reused within the draft where possible and have been supplemented to:

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

The Governance Rules have been developed with reference to Local Government Victoria and Maddocks templates, as well as draft Rules shared by other Councils. Towong Shire Council is seeking to harmonise their Governance Rules with ours and a small number of amendments may be proposed prior to adoption to align the two Councils.

The Governance Rules are now subject to a four-week consultation period.

Through the process of development the Councillors have also been briefed on caretaker requirements under the Election Period Policy. The election period will run from nomination day (22 September 2020) until election day (24 October 2020).

Governance Local Law

In developing the Governance Rules it was determined that a Local Law needs to be retained to govern two specific items, in order to ensure legal enforceability:

- Use of the Common Seal
- Infringements for offences against the Governance Rules.

A Governance Local Law has been drafted. It is noted that the Local Law provisions of LGA 2020 have not yet come into effect and as such this Local Law will be made according to the provisions of LGA 1989. As such it is subject to an s223 consultation period of 28 days followed by a submissions hearing. According to LGA 2020, the Local Law will remain in force until revoked or amended by a local law made under LGA 2020, or until otherwise expired according to the standard 10-year sunset period.

Instrument of Delegation to the Chief Executive Officer (CEO)

A new Instrument of Delegation to the CEO was adopted at the July Council meeting, to realign to LGA 2020. The Instrument passes on all powers, duties and functions except those specified, including those items that are not able to be delegated under LGA 2020. It includes the power to appoint an acting CEO for a period of up to 20 days.

There was a COVID-19 emergency provision adopted in April 2020 giving the CEO additional powers in the case that Council could not obtain an 'in-person' quorum. This has been removed on the basis of the new LGA 2020 provisions allowing remote Council meetings during the COVID-19 period.

Under LGA 2020, the CEO will be able to sub-delegate directly to staff rather than requiring Council to do so. Council will utilise Maddocks templates to update delegations in line with the new Act; these are expected to be released during July.

Issues

Legislative issues

Council is on track to meet September 1 deadlines for implementation of the LGA 2020 and a project plan is under development to deliver the implementation of the remainder of the deliverables required under the Act.

Resource issues

Council has appointed a consultant for one day a week over a timeframe of approximately one month to deliver a detailed project plan for implementation of LGA 2020. As this plan is developed, Council will review the requirement for further resourcing. Council is part of a group of North East councils which is actively sharing draft deliverables and interpretive advice in relation to the Act, and is also consulting the legal firm Maddocks for ad-hoc legal advice and templates as appropriate. Council is working within budgeted funds for Local Government Act Implementation as adopted in its 2020-21 Budget.

Risk management

Identified risk	Risk likelihood (H M L)	Impact of risk (H M L)	Strategy to manage risk
Failure to meet deadlines for implementation of <i>Local Government Act 2020</i> requirements	L	L	<ul style="list-style-type: none"> Proposed Special Council Meeting in August 2020 to implement 1 September requirements Reviewing resource requirements to assist with implementation Seeking opportunities to share materials and resourcing with other councils

Policy implication

The report aligns with the following Strategic Objective of the Council Plan 2017-2021:

- A responsible and sustainable organisation

Conclusion

The implementation of LGA 2020 represents a significant focus area for Council over the coming 18-24 months. Council is focused on meeting September 1 requirements and planning for longer term requirements.

Declaration of conflict of interest

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

- Director Corporate
- Manager Corporate
- Governance Officer

Links

- Local Government Act 2020
<https://www.legislation.vic.gov.au/in-force/acts/local-government-act-2020/003>
- Engagement for development of LGA 2020 guidance documents
<https://engage.vic.gov.au/local-government-act-2020>
- Local Government Victoria
<https://www.localgovernment.vic.gov.au/our-programs/local-government-act-2020>

Attachment(s)

- 7.2.1 Draft Public Transparency Policy
- 7.2.2 Draft Governance Rules
- 7.2.3 Draft Governance Local Law
- 7.2.4 Instrument of Delegation to the Chief Executive Officer

7.3 ASSET MANAGEMENT – PROGRESS UPDATE

Introduction

This report provides an update on Council's progress in implementing an improved framework and governance structure to move towards best practice in asset management.

That this report be noted.

Noted

Background

Council has recognised the need to carry out a holistic review of its asset management framework and governance structure and to implement changes to address gaps in existing practices.

Issues

Resources

An experienced external consultant, Clive Brooker, has been providing asset management support to Council since late January 2020. A recruitment process to permanently fill the position of Assets Coordinator was undertaken in May and while the role attracted a number of applicants the panel decided not to make an offer to any of the interviewees.

Clive Brooker has agreed to backfill the Assets Coordinator position on a two-year temporary contract. This will ensure that Council continues to implement the actions required to further develop its Asset Management systems and structures.

Asset management and governance frameworks

The keystone document in the asset management framework is Council's Asset Management Policy. A newly drafted policy was presented to Council at the May Council meeting and subsequently adopted.

The establishment of a cross-functional Asset Management Steering Group (AMSG) has been agreed. A draft structure and proposed membership of the committee has been developed. A draft Asset Management Governance Framework and Terms of Reference have also been developed and it is expected that these documents will be reviewed by the AMSG at its first meeting and final drafts developed and adopted by the committee.

Asset management plans

Council has adopted the National Asset Management Strategy Plus (NAMS+) suite of tools and resources to ensure the plans are developed consistently, based on a proven methodology which is widely accepted both in Australia and overseas and is aligned with the International Infrastructure Management Manual and ISO 55000.

Council's suite of Asset Management Plans (AMP's) is currently under review. Draft AMP's have been developed for Bridges and Roads (incl. Kerb & Channel). New AMP's for Paths

and Drainage will be completed before the end of August. Plans for the remaining asset classes will follow.

Asset registers

As part of its end of year processes a number of Council's highest value asset classes are being revalued. These include Roads, Kerb & Channel, Paths and Drainage. The revaluation process includes reviewing the completeness and accuracy of the asset registers as well as ensuring the registers hold all the required physical attributes such as length, width, depth and material type as well as up to date condition data and reliable estimates of remaining useful life.

It has been accepted that Council's asset data is currently held on a number of different platforms and systems such as GIS, Moloney Asset System and Excel spreadsheets and there is no one 'source of truth' for asset data. The review of asset data undertaken as part of the revaluation process has confirmed this and has highlighted a low level of confidence in the current asset condition and useful lives. A review of asset data on a class by class basis will be a priority activity over the next 12 months.

Council is committed work towards identifying an off-the-shelf proprietary asset management system during the 2021/22 Financial Year.

Asset management processes and procedures

Polly Makim, Senior Project Engineer from Mosman Municipal Council has assisted in this area by developing draft Annual Asset Review and Asset Capitalisation Threshold policies.

Another issue raised by the revaluation process is the need for a documented asset inspection and data collection manual. This manual will ensure there is consistency across asset classes when recording asset attribute and condition data and that all the data required to enable renewal modelling is available.

Legislative compliance

Section 92 of the new *Local Government Act 2020* requires that:

- a Council must develop, adopt and keep in force an Asset Plan in accordance with its deliberative engagement practices.
- The scope of an Asset Plan is a period of at least the next 10 financial years.
- An Asset Plan must include the following -
 - information about maintenance, renewal, acquisition, expansion, upgrade, disposal and decommissioning in relation to each class of infrastructure asset under the control of the Council;

The Asset Plan has been identified in Council's *Local Government Act 2020* Implementation Framework to ensure delivery within the legislated timeframes.

Risk management

Identified risk	Risk likelihood (H M L)	Impact of risk (H M L)	Strategy to manage risk
A poor understanding of Council's asset networks may result in an inability to provide the agreed level of service in a financially responsible manner	H	H	<ul style="list-style-type: none"> Develop and implement asset management and governance frameworks that provide a sustainable pathway to service delivery.

Policy implication

The report aligns with the following Strategic Objective of the Council Plan 2017-2021:

- A responsible and sustainable organisation

Conclusion

Council is moving forward in addressing the recognised gaps in current asset management practices. The restructure of the Asset Maintenance Team and the extension of the engagement of Clive Brooker as Assets Coordinator for the next two years resources will ensure that progress in the implementation of the asset management framework and improved governance processes is continued.

Declaration of conflict of interest

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

- Director Assets
- Manager Asset Maintenance
- Assets Coordinator

Attachment(s)

Nil

7.4 AUDIT AND RISK COMMITTEE CHARTER AND ESTABLISHMENT

Introduction

The *Local Government Act 2020* received Royal Assent on 24 March 2020 with the reforms being proclaimed in stages. Provisions relating to Audit and Risk Committees took effect from 1 May 2020 and require Council to adopt a committee charter and establish a new committee by 1 September 2020.

This report outlines the draft charter and seeks the Committee's endorsement of the document and the proposal to establish the new committee.

G Moore

J Forsyth

That:

- 1. The draft Audit and Risk Committee Charter be endorsed for adoption by Council.***
- 2. The proposal to establish the new Audit and Risk Committee by reappointing existing Committee members to the new committee in line with the balance of their three-year terms be endorsed.***

Carried

Background

The scope of audit committees has been expanded by the *Local Government Act 2020* (LGA 2020), including support for the committee to assume a broader risk management role over and above financial auditing. Thus, the LGA 2020 refers to Audit and Risk Committees, a change from Audit Committees in the *Local Government Act 1989* (LGA 1989).

There are five new committee requirements in the LGA 2020 that must be met:

1. Membership
2. Audit and risk charter
3. Work program
4. Self-assessment
5. Reporting to Council

Issues

Charter

The LGA 2020 requires Council to prepare and approve a committee charter before 1 September 2020. The charter must specify the functions and responsibilities of the committee including those prescribed in section 54(2):

- Monitoring compliance of Council policies and procedures with the LGA 2020, regulations, governance principles and Ministerial directions.
- Monitoring Council financial and performance reporting.

- Monitoring and providing advice on risk management and fraud prevention systems and controls.
- Overseeing internal and external audit functions.

To assist councils, Local Government Victoria (LGV) has

- updated the Good Practice Guide for Audit and Risk Committee Charters, developed in 2011, to take into account the requirements of the LGA 2020
- released a new model Audit and Risk Advisory Committee Charter to provide guidance to councils in developing charters for their Audit and Risk Committees.

As advised at the May 2020 Audit Committee meeting, the current LGA 1989 Audit Committee Charter addresses most of the LGA 2020 prescribed requirements including financial and performance reporting, risk management, fraud, internal audit and external audit. The charter has been reviewed and updated to ensure compliance with the LGA 2020.

A summary comparison of the draft LGA 2020 charter to the current LGA 1989 charter is outlined in attachment 7.4.1.

The draft charter (attachment 7.4.2) is similar in structure to the existing charter with some minor reorganisation of some sections and includes three new additional sections: values; misuse of position; and communication. The functions and responsibilities section in the draft charter is more detailed than the responsibilities in the existing charter.

Establishment of new Audit and Risk Committee

Section 53(1) of the LGA 2020 requires Council to establish an Audit and Risk Committee that meets the following requirements:

- A majority of committee members must be independent of Council.
- The chair must not be a councillor.
- Members of council staff must not be committee members.
- Collectively, the committee must have expertise in financial and risk management and experience in public sector management.

The membership of the current Committee meets the LGA 2020 requirements. Subject to independent members agreement, it is proposed that Council establish the new Audit and Risk Committee by reappointing existing independent members for terms based on the remaining balance of their three years terms as follows:

Member	Term expiry
Mark Anderson	30/04/2021
Sue Lebish	30/04/2021
Gerard Moore	30/04/2021
Craig Covich	30/06/2022
Sinead Ryan	30/06/2022

Risk management

Identified risk	Risk likelihood (H M L)	Impact of risk (H M L)	Strategy to manage risk
Failure to establish Audit and Risk Committee in compliance with <i>Local Government Act 2020</i> requirements and by 1 September 2020 deadline	L	L	<ul style="list-style-type: none"> • Reappoint current independent committee members • Review and update current documentation to achieve compliance • Proposed Special Council Meeting in August 2020

Policy implication

The report aligns with the following Strategic Objective of the Council Plan 2017-2021:

- A responsible and sustainable organisation

Conclusion

Council is well placed to comply with the requirements of sections 53 and 54 of the LGA 2020 by 1 September 2020, and is seeking the Committee's endorsement of the draft Audit and Risk Committee Charter and the proposal to establish the new committee by reappointing current independent members.

Declaration of conflict of interest

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

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

Attachment(s)

7.4.1 Audit Committee Charter Comparison Summary

7.4.2 DRAFT Audit and Risk Committee Charter

7.5 VAGO REPORT: PERSONNEL SECURITY – DUE DILIGENCE OVER PUBLIC SERVICE EMPLOYEES

Introduction

This report provides an overview of the recommendations of the Victorian Auditor-General's Office Report on Personnel Security: Due Diligence over Public Service Employees, tabled 21 May 2020, and the relevance of the recommendations for Council.

That:

- 1. The working draft of the Recruitment, Selection and Appointment policy be reviewed to ensure that it addresses the various risk-based screening checks required.***
- 2. Ownership for contractor management be appropriately assigned in the organisation to ensure that procurement, appointment and induction procedures are appropriate, maintained and embedded in the organisation.***

Noted

Background

The Victorian Auditor General's Office (VAGO) examined personnel security and conflict of interest measures, including recruitment practices, screening policies and procedures, at all eight Victorian Government departments and the Victorian Public Sector Commission (VPSC) and undertook detailed file reviews at three agencies.

The audit objective was to determine whether fraud and corruption controls regarding personnel security are well-designed and operating as intended at the audited agencies.

- The audit report made a total of 13 recommendations, and while none of them relate to local government a number of them provide best practice guidance for Council.

Relevant Recommendations

In summary, the following VAGO recommendations are relevant for Council:

Ref	Recommendation
1.	<ul style="list-style-type: none"> • Update, and consolidate into a single location, pre-employment screening policy and other guidance on employment screening, which aligns with <i>Australian Standard 4811—2006 Employment screening</i>. • The policy and guidance material must provide clear instruction on risk-based employment screening practices, which allow for variation in workforce risk profiles. The policy and guidance should cover all aspects of employment screening, including but not limited to: <ul style="list-style-type: none"> • police checks • reference checks • eligibility to work checks • qualifications checks • role-specific checks

Ref	Recommendation
2.	Update pre-employment screening policy to provide clear guidance on employment screening requirements for candidates who are existing employees
3.	Review and update recruitment guidelines and toolkits to ensure that all recruitment guidance material incorporates employment screening and conflicts of interest
10.	Update recruitment and employment screening policies and procedures to clearly state that candidates who are existing employees should be subject to risk-based employment screening
11.	<ul style="list-style-type: none"> Update policies and procedures for directly engaging contractors and consultants to include: clear instructions and prompts for hiring managers to consider the risks associated with the contractor/consultant role and what screening may be required processes for hiring managers to ensure that they conduct any necessary screening
12.	Implement processes for identifying, declaring and managing conflicts of interest during recruitment. This should include that all selection panel members must identify, declare and manage any conflicts of interest and record this at the short-listing phase of recruitment, prior to interview.
13.	Review conflict of interest training for employees and include specific guidance on identifying, declaring and managing conflicts of interest during recruitment processes

Council's current practices and level of compliance with VAGO's recommendations is outlined in attachment 7.5 and indicates that Council's processes are sufficiently compliant with regards to recruitment of external and internal employees.

Opportunities for improvement

A review of Council's processes against the recommendations indicates that there are opportunities for improvement including:

- Review the working draft of the Recruitment, Selection and Appointment policy to ensure that it covers off on the various risk-based screening checks required.
- Assign ownership for contractor management in the organisation to ensure that procurement, appointment and induction procedures are appropriate, maintained and embedded in the organisation.

Risk management

Identified risk	Risk likelihood (H M L)	Impact of risk (H M L)	Strategy to manage risk
Failure to adequately screen potential employees exposing Council to fraud and corruption and compromising quality and safety of services	L	M	<ul style="list-style-type: none"> Update policy and procedure to articulate screening requirements Pre-entry employment documentation addresses screening

Policy implication

The report aligns with the following Strategic Objective of the Council Plan 2017-2021:

- A high performing organisation

Conclusion

The VAGO Report on Personnel Security: Due Diligence over Public Service Employees has been reviewed for application by Council to its own recruitment processes. Management takes recruitment very seriously and while Council's processes are generally compliant with the recommendations stemming from the VAGO report there are however opportunities for improvement of processes and documentation which can be addressed through a new recruitment policy as required by the *Local Government Act 2020* and the selection and management of contractors.

Declaration of conflict of interest

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

- Director Corporate
- Manager Corporate
- Human Resource Officer
- Health, Safety and Risk Officer

Links

[VAGO report on Personnel Security: Due Diligence over Public Service Employees](#)

Attachment(s)

7.5 VAGO Audit Report on Personnel Security – Compliance Summary

7.6 ANNUAL SELF-ASSESSMENT OF PERFORMANCE

Introduction

The purpose of this report is to present to the Audit Committee the outcome of the Committee and management surveys on the performance and administration of the Audit Committee.

That the 2019/20 self-assessment of performance survey results be noted.

Noted

Background

The current Audit Committee Charter requires the Committee to undertake a self-assessment of its performance each year. This is now embedded in section 54(4) of the *Local Government Act 2020* which stipulates that an Audit and Risk Committee must undertake an annual assessment of its performance against its charter and provide a copy of the assessment to the Chief Executive Officer to table at a Council meeting.

An online survey has been made available to Committee members since 2017 and was again provided in this format for the 2019/20 survey. In line with previous years, the Committee member survey comprised ten questions and utilised the rating scale introduced in 2016 for survey responses. The survey also allowed members to provide additional feedback on 9 out of the 10 questions.

In addition to the member survey, the key Council employees who were all involved in reporting to and attending Committee meetings during 2019/20 were also invited to complete a survey on the administration for the Committee and the guidance provided by the Committee. This survey is slightly different to the survey circulated to members.

Results

Committee member survey

The survey was circulated in June 2020 to the seven members of the Committee active during 2019/20. There was a 100% return rate of the survey.

The Committee member survey results are detailed in attachment 7.6.1.

Members are satisfied with the overall performance of the Committee There was recognition from members that the Committee:

- is functioning very well
- is flexible in its approach to enable compliance with changing requirements
- could provide a support and review role in the coming months due to current challenging conditions
- should focus on providing more guidance on priorities and significant agenda items
- is satisfied that management is across issues and able to respond to the Committee's questions.

Members have a positive level of satisfaction in relation to Council's financial controls and reporting, risk management framework and compliance processes.

While the feedback from the Committee this year has been very positive, members have made suggestions for management to consider including in relation to:

- the internal audit function especially a forward plan linked to risk and compliance
- routine updates/reporting on significant strategic risks
- embedding risk management responsibilities in the organisation.

Management survey

This is the third year that Council management involved in reporting to and attending, meetings have provided feedback on the administration and performance of the Audit Committee.

The survey was circulated to the Chief Executive Officer, Director Corporate, Director Assets, Manager Corporate and Manager Customer and Digital Projects. There was a 100% return rate.

The management survey results are detailed in attachment 7.6.2.

Overall management are of the view that the Committee's scrutiny and guidance adds value to Council's operations and management of its risks and the excellent relationship between Committee members and management results in open and productive discussion.

One improvement was raised and that relates to recognition of the size of the organisation and ensuring recommendations and guidance are prioritised accordingly.

Risk management

Identified risk	Risk likelihood (H M L)	Impact of risk (H M L)	Strategy to manage risk
Information presented to the Committee does not link to Charter or LGA 2020	L	L	<ul style="list-style-type: none"> • Annual Work Program to be adopted by Committee

Policy implication

The report aligns with the following Strategic Objective of the Council Plan 2017-2021:

- A high performing organisation

Conclusion

The member and management performance assessment surveys of the Audit Committee for 2019/20 are now complete. The general consensus is that the Committee is functioning well.

Declaration of conflict of interest

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

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

Attachment(s)

7.6.1 2019/20 Annual Performance Survey Results – Committee members

7.6.2 2019/20 Annual performance survey Results – Management

8. For information only

8.1 2019/20 QUARTER 4 PURCHASING AUDIT

- Quarterly purchasing audits are undertaken and reported to the Audit 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 \$1000, mandated services, utility services, credit cards, councillor expenses, levies payable to and money collected on behalf of other entities.

Attachment(s)

8.1 2019/20 Quarter 4 Purchasing Audit - **Confidential**

8.2 2019/20 QUARTER 4 HEALTH AND SAFETY REPORT

Council is committed, so far as is reasonably practical, to ensuring the health, safety and wellbeing of all employees. The quarterly health and safety report is prepared from the data in Council's employee health and safety register of events and is reported to management, the Audit Committee and Council.

Attachment(s)

8.2 2019/20 Quarter 4 Health and Safety Report - **Confidential**

8.3 2019/20 MAY – JUNE 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 Committee for periodic review.

Attachment(s)

8.3 2019/20 May – June CEO and Mayor Credit Card Report

8.4 POLICY REVIEW STATUS

- VAGO in its 2015 Interim Management Letter recommends that Council review the appropriateness and currency of all policies. The policy review log is reported to the Audit Committee to provide continuing assurance that Council is progressing the review and maintaining current policies.

Attachment(s)

8.4 Policy Review Status Summary

8.5 OHS MANAGEMENT SYSTEM REVIEW UPDATE

A review of Council's Health and Safety Management System (HSMS) has been underway by external provider HSE Management Australia. A new formalised HSMS documentation framework has been prepared to govern Council's OHS processes, inputs and outputs, including a HSMS manual, forms, registers, plans, instructions, and associated documentation.

A key artefact is the Compliance and Audit Register which summarises the inputs and outputs of the HSMS. The Compliance and Audit Register provides a foundation for systemisation of all OHS related activities across Council including both management and operational elements.

Work is underway to determine next steps to rollout the HSMS. It is anticipated that Council will continue to seek external assistance to drive rollout and embedding activities. The focus will initially be on rolling out the operational elements of the HSMS across selected high-risk areas while progressively implementing management elements in parallel. Full rollout is expected to be complete within six months and a review will be conducted following rollout to determine any gaps, weaknesses and subsequent improvement activities.

8.6 2020/21 BUDGET UPDATE

Council adopted its 2020/21 Budget at a Special Council Meeting on the 16 of June.

Two of ten external submissions were adopted including new budgeted items for Bright Railway Museum Exhibits and the Design of Myrtleford Soccer Facility Upgrades. Two submissions were questions only, and one submission to request a toilet facility upgrade will be managed using business-as-usual maintenance budgets. Responses have been provided to all submissions.

The Budget has been submitted to the Minister in accordance with s130 of the Local Government Act 1989

8.7 PROCUREMENT REVIEW

Procurement Policy review

The annual review of Council's Procurement Policy has been completed and the reviewed policy was adopted at the June Ordinary Council Meeting.

Two amendments were made to strengthen Council's procurement practises:

- All purchases between \$10,000-\$75,000 now require a Request for Quotation to be published on the open market, whereas previously these purchases required a Request for Quotation to be issued to at least three prospective suppliers.
- All supplier evaluations are to be approved by at least the recommending officer and their direct supervisor, whereas previously officers were able to approve their own evaluations up to their financial delegation. This enables remediation of any compliance requirements prior to purchasing taking place.

Commercial Officer

A Commercial Officer role has been approved at 0.6 FTE and will include scope to systemise Council's procurement activities and seek opportunities to drive strategic procurement.

Cumulative procurement spend

Internal audits have identified issues in relation to cumulative procurement spend. Council's Procurement Policy requires that regular small ongoing purchases of a reasonably predictable nature with a given supplier are aggregated over the course of the year to determine the overall value with respect to policy purchasing thresholds. This is not occurring consistently.

In response to this issue, work is underway to identify whether the use of vendor panels may be expedient across some parts of the organisation. This is likely to be of particular assistance where multiple low value purchases need to be made at short notice over the course of the year, and significant work and delay may be required by suppliers to provide each quotation. This situation most typically occurs in Asset Maintenance where trade services are required, for example plumbing or tree maintenance works. Trade services are often close to full capacity across the Shire and suppliers can be reluctant to spend the time to provide a quote on a relatively small work item. A panel-based approach would enable suppliers to quote rates for application to works across the course of the year on the basis that they would be likely to obtain a substantial volume of work. The rules of the panel may be established to waive the need for quotations on individual jobs beneath a given threshold. This approach is likely to drive best value and on a more efficient basis than seeking quotations on individual items.

Where a vendor panel approach is not deemed appropriate, procurement approaches are being reviewed to ensure compliance to Council's cumulative expenditure requirements.

8.8 COVID-19 AND COUNCIL OPERATIONS

Verbal update to be provided

8.9 LEGAL AND INSURANCE UPDATE

Verbal update to be provided

9. General business

10. Next meeting

The next meeting of the Audit Committee is scheduled to be held on Tuesday 1 September 2020 at 9.00am.



COUNCIL POLICY

Child Safe

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DOCUMENT UNCONTROLLED WHEN PRINTED

Document Control		
Policy number 108	Status Current	Approved by Council
Date approved 1 September 2020	Next review date September 2022	
Directorate Corporate	Department Corporate	External

REVISION RECORD

Date	Version	Revision description
18/12/2017	1.00	First version adopted by Council
01/09/2020	2.00	Reviewed, incorporated requirement for Councillors to hold a Working With Children Check

1. Purpose

The purpose of this Policy is to confirm Council's commitment to meeting its legislative responsibilities under the Victorian Government's Child Safe Standards and the Reportable Conduct Scheme so as to ensure that all of Council's operations provide an environment which keeps children safe from harm and abuse.

2. Scope

This Policy applies to all Council personnel, including Councillors, Council staff and agents of Council irrespective of whether they are directly or indirectly involved in the provision of child related duties.

The term 'agents' of Council includes contractors, members of delegated and advisory committees, volunteers, work experience students and graduate placements.

3. Policy details

3.1 STATEMENT OF COMMITMENT

Council is committed to child safety and to acting in the best interests of all children and will meet this commitment by:

- Upholding the right of all children who come into contact with Council to feel safe and protected;
- Actively listening to and empowering children who come into contact with Council;
- Having a zero level of tolerance for child abuse and taking all allegations of reportable conduct and safety concerns very seriously;
- Ensuring that systems are in place to anticipate risks, document incidents and identify appropriate responses consistently and in line with the law, policy and procedure; and
- Promoting cultural safety for Aboriginal children and children from culturally and/or linguistically diverse backgrounds, and providing a safe environment for children with a disability or who are considered to be vulnerable.

3.2 VICTORIAN CHILD SAFE STANDARDS

Council's Child Safe Policy has been developed to align with the Victorian Government's compulsory Child Safe Standards to prevent and respond to child abuse.

The seven child safe standards are:

- Standard 1:** Strategies to embed an organisational culture of child safety, including through effective leadership arrangements

- Standard 2:** A child safe policy or statement of commitment to child safety
- Standard 3:** A code of conduct that establishes clear expectations for appropriate behaviour with children
- Standard 4:** Screening, supervision, training and other human resource practices that reduce the risk of child abuse by new and existing personnel
- Standard 5:** Processes for responding to and reporting suspected child abuse
- Standard 6:** Strategies to identify and reduce or remove risks of child abuse
- Standard 7:** Strategies to promote the participation and empowerment of children.

3.3 CHILD SAFE CODE OF CONDUCT AND OBLIGATIONS

Councillors, Council staff and agents of Council are responsible for supporting the safety, participation, wellbeing and empowerment of children they come into contact with. This obligation includes:

- Adhering to the Council's Child Safe Policy at all times and abiding by the commitment and obligation to create a child safe organisation.
- Treating children with respect, by valuing their ideas and opinions, encouraging them to participate in activities and issues that are important to them and working with them in an open and transparent way.
- Being vigilant to signs of abuse, challenging unacceptable behaviour, reporting all allegations or suspicions of abuse and disclosing charges or convictions of abuse in accordance with the Criminal Records Check Policy.

3.4 RECRUITMENT AND WORKING CHECKS

Council will implement accurate and effective screening tools during the recruitment process to employ suitable personnel and volunteers. This will include conducting robust reference and criminal history checks as well as ensuring that all relevant persons, including Councillors hold a current Working with Children Check.

3.5 TRAINING AND SUPPORTING STAFF AND VOLUNTEERS

Training and education is critical in ensuring that everyone understands that child safety is of paramount importance. All staff will be made aware of their obligations and expectations of working in a child safe organisation via Council's Code of Conduct, induction training and ongoing developmental awareness and training sessions.

3.6 RISK MANAGEMENT

Council recognises the importance of adopting a risk based approach to minimising the potential for child abuse or harm to occur and uses this as a basis for forming Council policy and procedures. In addition to general occupational health and safety strategies, Council will proactively manage risks of abuse to children and ensure they comply with the Child Safe Standards.

3.7 REPORTING

If you believe a child is of immediate risk of abuse phone 000

Council is committed to complying with all legal requirements regarding child safety concerns in circumstances where a suspected incident occurs. Council takes allegations of abuse seriously and will investigate all allegations promptly, fairly and appropriately to protect and support the health and wellbeing of children.

Any staff member, Councillor, or agent of Council who suspects abusive behaviour or misconduct must immediately notify their Supervisor and the Health, Safety and Risk Officer who is responsible for notifying the appropriate child protection service and/or the police. All Council personnel are otherwise required to report child abuse or suspected child abuse.

3.8 REPORTABLE CONDUCT SCHEME OBLIGATIONS

The Victorian Government's Reportable Conduct Scheme, established under the *Child Wellbeing and Safety Act 2005* seeks to improve responses to allegations of child abuse and neglect by their workers and volunteers. The Reportable Conduct Scheme does not however replace the need to report allegations of child abuse to Victoria Police.

There are five types of reportable conduct:

1. A sexual offence committed against, with, or in the presence of a child, whether or not a criminal proceeding in relation to the offence has been commenced or concluded.
2. Sexual misconduct committed against, with, or in the presence of a child.
3. Physical violence committed against, with, or in the presence of a child.
4. Any behaviour that causes significant emotional or psychological harm to a child.
5. Significant neglect of a child.

It is the responsibility of the Chief Executive Officer (**CEO**) to ensure the Commission for Children and Young People is notified when they form, or become aware that another person has formed, a reasonable belief that reportable conduct has occurred.

Three day notification obligations

Within three business days of becoming aware of an allegation, the CEO must notify the Commission that a reportable allegation has been made against one of Council's staff, Councillors or agents of Council.

30 day notification obligations

Within 30 calendar days of becoming aware of an allegation, the CEO must provide certain detailed information about the allegations and our proposed response.

4. Roles and responsibilities

The following positions are responsible for:

Responsibility	Role / Position
To be aware of Council's commitment to this Policy and adopt that commitment within the Councillor Code of Conduct, including the obligation that all Councillors obtain a Working with Children Check	Councillors
To ensure that: <ul style="list-style-type: none"> - an appropriate policy is developed and adopted; - Council is committed to the safety of children; and - appropriate procedures and reporting mechanisms are developed, implemented and complied with. 	CEO
Responsible for providing an organisational contact for this policy and overseeing the implementation of the developed strategy, procedures and templates. Providing support to those who have reported an incident.	Director Corporate or their delegate (Health, Safety and Risk Officer)
Notifying the appropriate child protection service and/or the police	Health, Safety and Risk Officer
Implementation/Training/Recruitment of new staff	Directors, Managers, Coordinators, Team Leaders and Human Resource Officer
Compliance	All Employees, Councillors, Volunteers and Agents of Council
Development	Manager Corporate Manager Economic and Community Development Governance Officer Health, Safety and Risk Officer
Interpretation, providing advice and reporting	Health Safety and Risk Officer

5. Breaches

Any breaches of this Policy must be reported immediately to the Health, Safety and Risk Officer. Failure to comply with this Policy, supporting procedures or guidelines, will be subject to investigation which may lead to disciplinary action being taken.

6. Human Rights Charter compatibility

This Policy has been assessed as being compatible with the *Charter of Human Rights and Responsibilities Act 2006*.

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*
- *Local Government Act 2020*
- *Child Safety and Wellbeing Act 2005*
- *Victorian Charter of Human Rights and Responsibilities Act 2006*
- *Working with Children Act 2005*
- *Child Youth and Families Act 2005*
- United Nations Convention on the Rights of a Child

Related Organisational Documents

Alpine Shire Council – Employee Code of Conduct
Alpine Shire Council – Councillor Code of Conduct
Alpine Shire Council - Risk Management Policy
Alpine Shire Council – Staff Recruitment Policy
Alpine Shire Council – Criminal Records Check Policy
Alpine Shire Council – Child Safe Incident Reporting Procedure

Related Guidelines

Victorian Child Safe Standards
Victorian Reportable Conduct Scheme

8. Definitions and abbreviations

Term	Meaning
Aboriginal	Is a person who is of Aboriginal and Torres Strait Islander descent, identifies as Aboriginal or Torres Strait Islander, and is accepted as Aboriginal or Torres Strait Islander by an Aboriginal or Torres Strait Islander community
Child	A person who is under the age of 18 years
Child abuse	<p>Includes:</p> <ul style="list-style-type: none"> • Any act committed against a child involving: <ul style="list-style-type: none"> ◦ a sexual offence; or ◦ an offence under section 49B(2) of the <i>Crimes Act 1958</i>; • The infliction, on a child, of: <ul style="list-style-type: none"> ◦ physical violence; or ◦ serious emotional or psychological harm; and <p>The serious neglect of a child</p>
Child safe organisation	In the context of the child safe standards, a child safe organisation is one that meets the child safe standards by proactively taking measures to protect children from abuse
Children from culturally and / or linguistically diverse backgrounds	A child or young person who identifies as having a particular cultural or linguistic affiliations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred language or language spoken at home or because of their parents' identification on a similar basis
Children with a disability	A disability can be any physical, sensory, neurological disability, acquired brain injury or intellectual disability or developmental delay that affects a child's ability to undertake everyday activities. A disability can occur at any time in life. Children can be born with a disability or

Term	Meaning
	acquire a disability suddenly through an injury or illness. Some disabilities may be obvious while others are hidden
Commission	Commission for Children and Young People
Failure to disclose	Any adult who forms a reasonable belief that a sexual offence has been committed by an adult against a child under 16 years of age has an obligation to report that information to police, unless they have a reasonable excuse for not disclosing or exemptions apply. Failure to disclose the information to police is a criminal offence
Mandatory reporter	<p>Includes:</p> <ul style="list-style-type: none"> • Registered medical practitioners, registered nurses (including school nurses, Maternal and Child Health Nurses, midwives) • Early years, primary and secondary school teachers and principals • Police • Youth workers and social workers
Neglect	Is the continued failure to provide a child with the basic necessities of life, such as food, clothing, shelter, hygiene, medical attention or adequate supervision, to the extent that the child's health, safety and/or development is, or likely to be, jeopardised. Serious neglect can also occur if an adult fails to adequately ensure the safety of a child where the child is exposed to extremely dangerous or life threatening situations
Reasonable belief	Reasonable grounds for belief is a belief based on reasonable grounds that child abuse has occurred when all known considerations or facts relevant to the formation of a belief are taken into account and these are objectively

Term	Meaning
	<p>assessed. Factors contributing to reasonable belief may be:</p> <ul style="list-style-type: none"> • A child states that they, or someone they know, has been physically or sexually abused (noting that sometimes the child may in fact be talking about themselves) • Behaviour consistent with that of an abuse victim is observed • Someone else states that a child has been physically or sexually abused or is likely to be abused • Observing suspicious behaviour
Voluntary reporter	Any person

9. Approval

THE COMMON SEAL OF THE
ALPINE SHIRE COUNCIL was
hereunto affixed this 1 day of September
2020
in the presence of:

.....
COUNCILLOR

.....
COUNCILLOR

.....
CHIEF EXECUTIVE OFFICER



COUNCIL POLICY

Body Worn Camera

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DOCUMENT UNCONTROLLED WHEN PRINTED

Document Control		
Policy number 109	Status Revision 1.2	Draft for consideration by Council
Date approved	Next review date 1 September 2022	
Directorate Corporate	Department Building and Amenity	External

REVISION RECORD

MANDATORY – Use 1.0, 2.0 for adopted / approved versions and 1.1, 1.2 for drafts or revisions without change.

Date	Version	Revision description
1/5/2018	1.0	Council Adopted Version 1.0
11/8/2020	1.1	Draft Revised Version for adoption
24/8/2020	1.2	Updated revised version for adoption

1. Purpose

This policy provides guidance to Authorised Officers, employees, elected representatives, and other stakeholders on the ethical, lawful and efficient use of body-worn cameras and recorded data.

Body-worn camera technology is used by the Council to promote and maintain a safe work environment (eg. by discouraging and documenting occupational violence), and will assist Authorised Officers in carrying out their operational tasks related to investigation of breaches of acts, regulations and local laws.

2. Scope

This policy applies to:

- all Council employees who are Authorised Officers and have been approved to wear body-worn cameras by the Chief Executive Officer (CEO) in the course of performing their duties for the Council; and
- Council management and the Information Technology Coordinator insofar as they have supervisory and technical responsibilities in relation to body-worn camera data storage and disposal.

From time to time Council contracts Authorised Officers from other Councils or private organisations. This policy does not apply to contract Authorised Officers who are bound by their own organisation's policies and procedures.

3. Policy details

3.1 POLICIES AND PROCEDURES

Council has developed separate procedural guidelines to support the implementation of this policy and accommodate the use, auditing and management of body-worn cameras and recorded data in Council operations.

All Authorised Officers who are authorised to use a body worn camera must follow the Council's procedural guidelines in relation to its use.

3.2 RECORDING AN INCIDENT

Authorised Officers must activate camera recording, if deemed safe to do so, in accordance with the body-worn camera procedural guideline:

- where they have a reasonable concern for their safety or welfare (or that of another person); or
- if an occupational violence incident occurs or their assessment indicates the occurrence of an incident is imminent; or
- to gather evidence of a breach of an Act, legislation or local law the Council is responsible for; or
- as directed by their supervisor for purposes related to safety or welfare of employees or other persons, or for training purposes where none of the above apply and other

persons have been informed the reason for the activation and are a party to the training.

Camera recording must not be activated except in accordance with the policy above. If an Authorised Officer becomes aware that recording has commenced inadvertently, the camera must be turned off immediately and the activation reported.

Prior to activating camera recording, or as soon as practicable after recording begins, Authorised Officers must verbally advise any person in the vicinity that recording is being undertaken, if the conversation is likely to be considered a private conversation.

In public areas or circumstances where the conversation would not be considered private, the Authorised Officer may advise persons in the vicinity that the recording is being undertaken at their own discretion.

Activating camera recording for any unauthorised purpose may result in disciplinary action.

3.3 ACCESS, USE AND DISCLOSURE OF RECORDED DATA

Access to the master copy of recorded data for the purposes of reviewing and extracting the recorded data will be restricted to Authorised Officers, Manager Building and Amenity and the IT Coordinator.

Access to an extract of recorded data for the purposes of viewing, copying or disclosing the recorded data will be restricted to Council's CEO, Directors, Manager Building and Amenity, Health, Safety and Risk Officer, Governance Officer and or any other Council employee approved by the CEO.

Note that a private conversation is defined as, "a conversation carried on in circumstances that may reasonably be taken to indicate that the parties to it desire it to be heard only by themselves, but does not include a conversation made in any circumstances in which the parties to it ought reasonably to expect that it may be overheard by someone else".

Private conversations may not be listened to by anyone other than those that were a party to it. Therefore, to avoid recording any private conversations, Authorised Officers must always verbally advise any person that they are being recorded, if there is a chance that the conversation could be considered private.

Data recorded by an activated body-worn camera may be used and disclosed to a third party by the Council for the purposes of:

- incident monitoring;
- identification of Council employee or public safety issues;
- deterrence of aggressive behaviour towards Council officers;
- improved collection of evidence for prosecutions;
- prosecution of incidents of occupational violence;
- prosecution of illegal activity;
- providing evidence in court proceedings;

- investigation of incidents where claims or complaints have been made against Authorised Officers and employees.

Recorded data may be provided to a third party on the condition that the third party has an official role in investigating and/or prosecuting the incident or some other legitimate reason for requiring access to the recorded data.

Data recorded by an activated body-worn camera will be not be used to monitor employee performance. However, with consent of the relevant officer, the data may be used for training or coaching purposes.

Nothing in this policy affects or limits any:

- obligations the Council has under any State or Commonwealth laws to retain and/or refer-on details, documents and other material relating to employee and contractor conduct;
- lawful uses or disclosures that the Council may otherwise make of the camera data.

3.4 RETENTION AND STORAGE OF RECORDED DATA

Recorded data will be stored in a secure electronic location with restricted access.

Recorded data must be protected from unauthorised viewing, copying, alteration and disclosure.

All footage obtained from body worn cameras will be retained and disposed of by Council in accordance with the applicable standard made under the Public Records Act 1973. The period of data retention will vary depending upon the purpose for which it was recorded.

Recorded data that is not deemed to be relevant to the investigation of any matter is to be permanently deleted after a period not exceeding 30 days from the date of capture of the data.

3.5 PRIVACY AND COMPLIANCE

Confidentiality

Any personal information contained in recorded data will be kept confidential by all Council employees, contracted Authorised Officers and other parties to whom it is disclosed and otherwise handled in accordance with the Council's privacy policy and legal obligations.

Where the Council is permitted, authorised or required to use or disclose recorded data in accordance with this policy or a law of the State or Commonwealth, measures will be taken to minimise the unnecessary disclosure of personal information.

Access to personal information

A member of the public has the right to apply for access to their personal information held by Council under the *Freedom of Information Act 1982*.

Removal and alteration of personal information

A person can apply for their personal information to be altered (whether by way of corrections, deletions or additions) in accordance with the *Information Privacy Act 2000*.

Privacy complaints

Privacy complaints in relation to body-worn camera usage should be made directly to Council in the first instance.

Privacy complaints in relation to body-worn camera usage may also be made to the Office of the Victorian Information Commissioner (OVIC). The OVIC can investigate complaints about alleged violations of privacy where Council has not responded to the complaint in the first instance or the complainant is not satisfied with Council’s response to the complaint.

4. Roles and responsibilities

The following positions are responsible for implementing, complying with, monitoring, evaluating reviewing and providing advice on the policy and procedures:

Responsibility	Role / Position
Implementation	Authorised Officers who are approved and required to use body-worn cameras in the course of their duties are personally responsible for wearing and operating their allocated body-worn camera in accordance with this policy and any other applicable procedures of the Council.
Training and compliance	The Manager Building and Amenity is responsible for ensuring that employees and contractors receive adequate training in the operation and use of body-worn cameras and monitoring compliance with this and any other applicable procedures on an ongoing basis.
Data management and technical support	The Information Technology Co-ordinator is responsible for troubleshooting, secure storage of and access to recorded data, auditing and such other technical support and maintenance as is required to keep camera equipment and software functioning properly.
Development/Review	Director Corporate Manager Building and Amenity
Interpretation/Advice	Director Corporate Manager Building and Amenity

5. Breaches

Failure to comply with this Council policy, supporting procedures or guidelines, will be subject to investigation which may lead to disciplinary action.

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

- *Surveillance Devices Act 1999 (Vic)*
- *Privacy and Data Protection Act 2014 (Vic)*
- *Freedom of Information Act 1982*
- *Information Privacy Act 2000*
- *Charter for Human Rights and Responsibilities Act 2006 (Vic)*
- *Local Government Act 1989 [Vic]*
- *Local Government Act 2020 [Vic]*

Related Procedures

- *Alpine Shire Council Body-worn Camera Procedures (to be revised).*

8. Definitions and abbreviations

Definitions of terms used in the policy and explanations of any abbreviations and acronyms.

Term	Meaning
Authorised Officer	In the context of this policy, Authorised Officer is a person appointed by the Council for the purposes of the administration and enforcement of any Act, regulations or local law which relates to the function and powers of the Council who has been approved by the CEO to wear a body-worn camera. This does not include contracted Authorised Officers.
Body worn camera	A body-worn camera is a camera normally worn on the person that is capable of recording visual images or sound or both, whether or not the camera is being worn when the recording takes place.

Term	Meaning
	The camera stores digital files which, once recorded, cannot be deleted or amended by the operator. Each file carries a unique identifier and is time and date stamped throughout.
CEO	Chief Executive Officer
Council	Alpine Shire Council
Management	Council's Chief Executive Officer, directors and managers.

9. Approval

THE COMMON SEAL OF THE
ALPINE SHIRE COUNCIL was
hereunto affixed this 1 day of September
2020
in the presence of:

.....
COUNCILLOR

.....
COUNCILLOR

.....
CHIEF EXECUTIVE OFFICER



ALPINE

SHIRE COUNCIL

ANNUAL FINANCIAL REPORT
For the year ended 30 June 2020

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Certification of the Financial Report

In my opinion, the accompanying financial statements have been prepared in accordance with the *Local Government Act 1989*, the *Local Government (Planning and Reporting) Regulations 2014*, Australian Accounting Standards, and other mandatory professional reporting requirements.

Emma Woolaston
PRINCIPAL ACCOUNTING OFFICER

Date:

In our opinion, the accompanying financial statements present fairly the financial transactions of Alpine Shire Council for the year ended 30 June 2020 and the financial position of the Council as at that date.

As at the date of signing, we are not aware of any circumstances which would render any particulars in the financial statements to be misleading or inaccurate.

We have been authorised by the Council and by the *Local Government (Planning and Reporting) Regulations 2014* to certify the financial statements in their final form.

COUNCILLOR

Date:

COUNCILLOR

Date:

Charles Bird
CHIEF EXECUTIVE OFFICER

Date:

Victorian Auditor-General's Office Report

Comprehensive Income Statement

For the year ended 30 June 2020

	Note	2020 \$'000	2019 \$'000
Income			
Rates and charges	3.1	18,581	17,949
Statutory fees and fines	3.2	540	579
User fees	3.3	1,018	1,225
Grants - operating	3.4	8,690	5,403
Grants - capital	3.4	3,093	3,904
Contributions - monetary	3.5	711	1,002
Contributions - non monetary	3.5	265	582
Other income	3.6	1,039	1,036
Share of net profits of associates	6.3	-	19
Total income		33,937	31,699
Expenses			
Employee costs	4.1	(8,186)	(7,417)
Materials and services	4.2	(10,896)	(12,218)
Depreciation	4.3	(5,015)	(4,405)
Bad and doubtful debts	4.4	4	(6)
Other expenses	4.5	(1,835)	(760)
Net loss on disposal of property, infrastructure, plant and equipment	4.6	(64)	(3,339)
Landfill rehabilitation expense	4.7	(48)	(1,047)
Assets written-off / impaired	6.2	-	(89)
Total expenses		(26,040)	(29,281)
Surplus for the year		7,897	2,418
Other comprehensive income			
Items that will not be reclassified to surplus or deficit in future periods			
Net asset revaluation (decrement)/increment	9.1	(3,251)	4,215
Total comprehensive result		4,646	6,633

The above comprehensive income statement should be read in conjunction with the accompanying notes.

Balance Sheet

As at 30 June 2020

	Note	2020 \$'000	2019 \$'000
Assets			
Current assets			
Cash and cash equivalents	5.1	1,277	1,699
Other financial assets	5.1	24,000	15,000
Trade and other receivables	5.1	1,882	2,328
Inventories	5.2	122	169
Other assets	5.2	504	227
Non-current assets classified as held for sale	6.1	515	515
Total current assets		28,300	19,938
Non-current assets			
Property, infrastructure, plant and equipment	6.2	217,685	219,825
Investments in associates	6.3	76	76
Investment property	6.4	3,260	3,260
Total non-current assets		221,021	223,161
Total assets		249,321	243,099
Liabilities			
Current liabilities			
Trade and other payables	5.3	2,424	2,871
Trust funds and deposits	5.3	414	373
Income received in advance	5.3	36	36
Unearned income	5.3	2,247	-
Provisions	5.4	2,459	2,395
Total current liabilities		7,580	5,675
Non-current liabilities			
Income received in advance	5.3	458	494
Provisions	5.4	3,860	3,842
Total non-current liabilities		4,318	4,336
Total liabilities		11,898	10,011
Net assets		237,423	233,088
Equity			
Accumulated surplus		115,093	108,130
Reserves	9.1	122,330	124,958
Total equity		237,423	233,088

The above balance sheet should be read in conjunction with the accompanying notes.

Statement of Changes in Equity

For the year ended 30 June 2020

		Total \$'000	Accumulated Surplus \$'000	Revaluation Reserve \$'000	Other Reserves \$'000
2020					
Balance at the beginning of the financial year		233,088	108,130	121,457	3,501
Impact of change in accounting policy - AASB 15 Revenue from Contracts with Customers		(311)	(311)	-	-
Adjusted balance at the beginning of the financial year		232,777	107,819	121,457	3,501
Surplus for the year		7,897	7,897	-	-
Net asset revaluation increment	6.2	(3,251)	-	(3,251)	-
Transfers to other reserves	9.1	-	(651)	-	651
Transfers from other reserves	9.1	-	28	-	(28)
Balance at the end of the financial year		237,423	115,093	118,206	4,124

		Total \$'000	Accumulated Surplus \$'000	Revaluation Reserve \$'000	Other Reserves \$'000
2019					
Balance at the beginning of the financial year		226,455	107,255	117,242	1,958
Surplus for the year		2,418	2,418	-	-
Net asset revaluation decrement		4,215	-	4,215	-
Transfers to other reserves	9.1	-	(1,868)	-	1,868
Transfers from other reserves	9.1	-	325	-	(325)
Balance at the end of the financial year		233,088	108,130	121,457	3,501

The above statement of changes in equity should be read in conjunction with the accompanying notes.

Statement of Cash Flows

For the year ended 30 June 2020

	Notes	2020 Inflows/ (Outflows) \$'000	2019 Inflows/ (Outflows) \$'000
Cash flows from operating activities			
Rates and charges		17,653	18,043
Statutory fees and fines		550	579
User fees		1,050	1,161
Grants - operating		8,853	5,403
Grants - capital		5,206	3,641
Contributions - monetary		919	1,090
Interest received		364	387
Rent received		602	589
Trust funds and deposits taken		2,749	2,982
Other receipts		47	319
Net GST refund		1,299	1,772
Materials and services		(13,222)	(13,214)
Employee costs		(8,018)	(7,453)
Trust funds and deposits repaid		(2,704)	(2,867)
Other payments		(844)	(831)
Net cash provided by operating activities	9.2	14,504	11,601
Cash flows from investing activities			
Payments for investments		(9,000)	(500)
Payments for property, infrastructure, plant and equipment	6.2	(5,986)	(11,096)
Proceeds from sale of property, infrastructure, plant and equipment	4.6	60	109
Net cash used in investing activities		(14,926)	(11,487)
Net decrease in cash and cash equivalents		(422)	114
Cash and cash equivalents at the beginning of the financial year		1,699	1,585
Cash and cash equivalents at the end of the financial year	5.1	1,277	1,699
Financing arrangements - total facilities	5.5	315	315
Restrictions on cash assets	5.1	414	373

The above statement of cash flows should be read in conjunction with the accompanying notes.

Statement of Capital Works

For the year ended 30 June 2020

	Note	2020 \$'000	2019 \$'000
Property			
Buildings		1,134	5,083
Total property		1,134	5,083
Plant and equipment			
Plant, machinery and equipment		569	678
Fixtures, fittings and furniture		27	85
Computers and telecommunications		-	39
Library books		68	70
Total plant and equipment		664	872
Infrastructure			
Roads		2,293	2,582
Bridges		571	371
Footpaths and cycleways		714	1,468
Drainage		178	349
Recreational, leisure and community facilities		315	78
Parks, open space and streetscapes		30	211
Waste		86	82
Total infrastructure		4,187	5,141
Total capital works expenditure		5,985	11,096
Represented by:			
New asset expenditure		352	353
Asset renewal expenditure		2,926	4,064
Asset upgrade expenditure		2,707	6,679
Total capital works expenditure		5,985	11,096

The above statement of capital works should be read in conjunction with the accompanying notes.

Notes to the Financial Statements

For the year ended 30 June 2020

Overview

Introduction

The Alpine Shire Council (Council) was established by an Order of the Governor in Council on 18 November 1994 and is a body corporate. The Council's main office is located at 2 Churchill Avenue, Bright Victoria 3741.

Statement of compliance

These financial statements are a general purpose financial report that consists of a Comprehensive Income Statement, Balance Sheet, Statement of Changes in Equity, Statement of Cash Flows, Statement of Capital Works and Notes accompanying these financial statements. The report complies with the Australian Accounting Standards (AAS), other authoritative pronouncements of the Australian Accounting Standards Board, the *Local Government Act 1989*, and the *Local Government (Planning and Reporting) Regulations 2014*.

Significant accounting policies

Basis of accounting

The accrual basis of accounting has been used in the preparation of these financial statements, whereby assets, liabilities, equity, income and expenses are recognised in the reporting period to which they relate, regardless of when cash is received or paid.

Judgements, estimates and assumptions are required to be made about the carrying values of assets and liabilities that are not readily apparent from other sources. The estimates and associated judgements are based on professional judgement derived from historical experience and various other factors that are believed to be reasonable under the circumstances. Actual results may differ from these estimates.

Revisions to accounting estimates are recognised in the period in which the estimate is revised and also in future periods that are affected by the revision. Judgements and assumptions made by management in the application of AAS's that have significant effects on the financial statements and estimates relate to:

- the fair value of land, buildings, infrastructure, plant and equipment (refer to Note 6.2);
- the determination of depreciation for buildings, infrastructure, plant and equipment (refer to Note 6.2);
- the determination of employee provisions (refer to Note 5.4);
- the determination of landfill provisions (refer to Note 5.4).

Unless otherwise stated, all accounting policies are consistent with those applied in the prior year. Where appropriate, comparative figures have been amended to accord with current presentation, and disclosure has been made of any material changes to comparatives.

Notes to the Financial Statements

For the year ended 30 June 2020

Note 1 Performance against budget

The performance against budget note compares Council's financial plan, expressed through its annual budget, with actual performance. The *Local Government (Planning and Reporting) Regulations 2014* require explanation of any material variances. Council has adopted a materiality threshold of the greater of 10 percent or \$100,000 where further explanation is warranted. Explanations have not been provided for variations below the materiality threshold unless the variance is considered to be material because of its nature.

The budget figure details below are those adopted by Council on 18 June 2018. The budget was based on assumptions that were relevant at the time of adoption of the budget. Council set guidelines and parameters for income and expense targets in this budget in order to meet Council's planning and financial performance targets for both the short and long-term. The budget did not reflect any changes to equity resulting from asset revaluations, as their impacts were not considered predictable.

These notes are prepared to meet the requirements of the *Local Government Act 1989* and the *Local Government (Planning and Reporting) Regulations 2014*.

Notes to the Financial Statements

For the year ended 30 June 2020

1.1 Income and expenditure

	Budget	Actual	Variance	Variance	
	2020	2020	2020	2020	Ref
	\$'000	\$'000	\$'000	%	
Income					
Rates and charges	18,634	18,581	(53)	(0)	
Statutory fees and fines	541	540	(1)	(0)	
User fees	1,065	1,018	(47)	(4)	
Grants - Operating	4,701	8,690	3,989	85	1
Grants - Capital	4,250	3,093	(1,157)	(27)	2
Contributions - monetary	735	711	(24)	(3)	
Contributions - non monetary	210	265	55	26	
Other income	863	1,039	176	20	3
Share of net profits of associates	-	-	-	-	
Total income	30,999	33,937	2,938	9	
Expenses					
Employee costs	(8,476)	(8,186)	290	(3)	4
Materials and services	(10,688)	(10,896)	(208)	2	5
Bad and doubtful debts	-	4	4	-	
Depreciation	(5,088)	(5,015)	73	(1)	
Landfill rehabilitation expense	(107)	(48)	59	(55)	
Other expenses	(731)	(1,835)	(1,104)	151	6
Net loss on disposal of property, infrastructure, plant and equipment	(100)	(64)	36	(36)	
Total expenses	(25,190)	(26,040)	(850)	3	
Surplus for the year	5,809	7,897	2,088	36	

Notes to the Financial Statements

For the year ended 30 June 2020

1.1 Income and expenditure (continued)

Ref	Item	Explanation
1	Grants – Operating	<p>\$4.0m favourable to budget primarily due to:</p> <ul style="list-style-type: none"> • additional grant funding for bushfire recovery of \$3.4m • higher than expected funding from the 2019/20 Victorian Grants Commission by \$0.3m • additional grant funding for 2016 and 2018 flood damage remediation of \$0.2m
2	Grants - Capital	<p>Capital grants were \$1.2m unfavourable to budget primarily due to delays in the completion of the Buckland Bridge works. Although the project grant has been received, under new accounting standards it cannot be recognised as income until project milestones are met in 2020/21. The timeline has been extended due to delays in authority approvals as a result of summer bushfires, COVID-19, and a native title claim affecting the land on which the bridge is proposed to be built.</p>
3	Other income	<p>Other income was \$0.2m favourable to budget due to higher primarily due to:</p> <ul style="list-style-type: none"> • recognition of non-monetary contributions from volunteers of \$0.1m in line with updated accounting standards; offset by the recognition of the additional expense in Other expenses • unbudgeted insurance claims income
4	Employee costs	<p>\$0.3m lower than budgeted due to the ongoing impact of vacancies; offset by alternative resource expenses captured in the Materials and Services budget.</p>

Notes to the Financial Statements

For the year ended 30 June 2020

1.1 Income and expenditure (continued)

Ref	Item	Explanation
5	Materials and services	<p>Materials and services were \$10.9m, \$0.2m higher than the budgeted \$10.7m. Primary reasons for the increase versus budget included:</p> <ul style="list-style-type: none"> • The reclassification of \$1.3m in capital expenses as operating expenditure • \$0.3m expenditure on alternative resources to support employee vacancies • \$0.2m in unanticipated Bushfire Recovery related expenses including destination marketing and support for community resilience. <p>These increases were in part offset by:</p> <ul style="list-style-type: none"> • \$0.3m lower than budgeted road, drainage and tree maintenance expenditure due to reduced dependency on external contractors, bushfire and COVID-19 impacts on the completion of work, and some delays in procuring materials • An error in the budget as a result of internal charges of \$0.3m not being eliminated • \$0.2m lower than budgeted business systems costs • \$0.2m lower than anticipated visitor information centre, pool and tourism costs due to the impact of bushfires and COVID-19 • Carry forward of Land Development Strategy expenditure of \$0.1m • \$0.1m lower than anticipated comingled waste processing costs.
6	Other expenses	<p>Other expenses were over budget by \$1.1m due to:</p> <ul style="list-style-type: none"> • \$1.1m of grant funded funding being passed on directly to the community by way of rates and fees relief • Recognition of non-monetary service contributions from volunteers of \$0.1m in line with updated accounting standards; offset by the recognition of the additional income in Other income.

Notes to the Financial Statements

For the year ended 30 June 2020

1.2 Capital works

	Budget 2020 \$'000	Actual 2020 \$'000	Variance 2020 \$'000	Variance 2020 %	Ref
Property					
Buildings	1,735	1,134	(601)	(35)	1
Total buildings	1,735	1,134	(601)	(35)	
Total property	1,735	1,134	(601)	(35)	
Plant and equipment					
Plant, machinery and equipment	651	569	(82)	(13)	
Fixtures, fittings and furniture	-	27	27	100	
Computers and telecommunications	276	-	(276)	-	2
Library Books	81	68	(13)	(16)	
Total plant and equipment	1,008	664	(344)	(34)	
Infrastructure					
Roads	3,293	2,293	(1,000)	(30)	3
Bridges	2,545	571	(1,974)	(78)	4
Footpaths and cycleways	1,250	714	(536)	(43)	5
Drainage	74	178	104	141	6
Recreational, leisure and community facilities	402	315	(87)	(22)	
Parks, open space and streetscapes	365	30	(335)	(92)	7
Waste management	84	86	2	-	
Total infrastructure	8,013	4,187	(3,826)	(48)	
Total capital works expenditure	10,756	5,985	(4,771)	(44)	
Represented by:					
New asset expenditure	1,433	352	(1,081)	(75)	
Asset renewal expenditure	6,975	2,926	(4,049)	(58)	
Asset upgrade expenditure	2,348	2,707	359	15	
Total capital works expenditure	10,756	5,985	(4,771)	(44)	

Expenditure on uncompleted works has been included in the relevant categories in the above table. For further information refer to Note 6.2 Summary of work in progress - additions.

Notes to the Financial Statements

For the year ended 30 June 2020

1.2 Capital works (continued)

Ref	Item	Explanation
1	Buildings	<p>\$0.6m under budget due to:</p> <ul style="list-style-type: none"> Delays in completing the Myrtleford Memorial Hall Renewal, Mount Beauty Depot and Bright Railway Museum Renewal projects The reclassification of \$0.2m of various project expenditure as operating expenditure.
2	Computers and telecommunications	\$0.3m under budget due to the delay in implementation of various software replacements.
3	Roads	<p>\$1.0m less than budgeted primarily due to:</p> <ul style="list-style-type: none"> Delays in completing the Gavan Street Pedestrian Crossings, Alpine Better Places Harrietville And Tawonga and Bright Car Parking Improvements projects The reclassification of \$0.2m of various project expenditure as operating expenditure.
4	Bridges	\$2.0m under budget primarily due to delays in completing the Buckland Bridge renewal project.
5	Footpaths and cycleways	\$0.5m under budget primarily due to delays in completing the Great Valley Trail project.
6	Drainage	\$0.1m over budget primarily due to expenditure on the Ranch Road Drainage Upgrade project not being carried forward from 2018/19.
7	Parks, open space and streetscapes	<p>\$0.3m favourable to budget due to:</p> <ul style="list-style-type: none"> Reclassification of the \$0.2m Rotary Pines Preliminary Landscaping project as operating expenditure Delays in completing the Howitt Park Playground Design and Riverside Park Barbeque Shelter Renewal projects.

Notes to the Financial Statements

For the year ended 30 June 2020

Note 2 Analysis of Council results by program

2.1 Analysis of Council results by program

Summary of revenues, expenses, assets and capital expenses by program

	Income	Expenses	Surplus/ (Deficit)	Grants included in income	Total assets
2020	\$'000	\$'000	\$'000	\$'000	\$'000
Councillors and Executive	39	8,939	(8,900)	39	76
Asset Development	3,347	1,148	2,199	3,287	-
Asset Maintenance	375	7,531	(7,156)	112	220,653
Economic and Community Development	796	1,268	(472)	699	-
Bushfire Recovery	2,261	225	2,036	2,261	-
Corporate Services	21,659	2,304	19,355	5,342	28,415
Customer and Digital Projects	51	706	(655)	-	108
Facilities	4,660	3,765	895	37	69
Planning Services	251	78	173	-	-
Building and Amenity	498	76	422	6	-
	33,937	26,040	7,897	11,783	249,321

	Income	Expenses	Surplus/ (Deficit)	Grants included in income	Total assets
2019	\$'000	\$'000	\$'000	\$'000	\$'000
Councillors and Executive	48	7,935	(7,887)	3	76
Asset Development	4,087	2,175	1,912	4,062	-
Asset Maintenance	858	10,508	(9,650)	108	222,213
Economic and Community Development	1,068	1,726	(658)	958	-
Corporate Services	20,058	2,043	18,015	4,152	20,746
Facilities	4,581	4,706	(125)	19	64
Planning Services	494	106	388	-	-
Building and Amenity	505	82	423	5	-
	31,699	29,281	2,418	9,307	243,099

Notes to the Financial Statements

For the year ended 30 June 2020

2.1 Analysis of Council results by program (continued)

Asset Development

Asset Development delivers the critical projects to develop, renew and upgrade our community assets.

Asset Maintenance

Asset Maintenance is responsible for maintaining our vital civil assets in order to underpin the wellbeing of the community. Services include local roads, bridges and drainage, footpaths, open spaces, building maintenance, operations, and emergency management.

Bushfire Recovery

Bushfire Recovery is a new function in place to support communities and businesses to recover from the 2019/2020 bushfires.

Corporate Services

Corporate Services manages the supporting functions that help Council to deliver services in a responsible and sustainable manner. Services include financial control and planning, revenue collection, governance, libraries, health and safety and risk management.

Customer and Digital Projects

Customer and Digital Projects manages the information technology and customer service functions that underpin the effective operation of Council.

Councillors and Executive

Includes all human resources support, marketing and communications activities, and advocacy activities. This area also includes remuneration for the Council workforce, the Mayor and the Councillors.

Economic and Community Development

Economic and Community Development supports a thriving, connected community and focuses on building economic and community capacity. It plays a role in facilitating festivals, events and tourism, and manages community services such as youth activities, community grants and the Maternal and Child Health service.

Facilities

Council operates a range of facilities and services for the benefit of our residents and visitors. These include airports, waste facilities, swimming pools, community centres, recreation facilities, public amenity facilities, school crossings and visitor information centres.

Planning Services

Planning Services develops frameworks and plans for the ongoing development of land across the Shire and assesses planning applications submitted by individuals and businesses.

Building and Amenity

Building and Amenity provides various services to uphold the amenity and safety of the community such as assessment of building and waste water applications, conduct of fire safety and environmental health inspections, registration of food premises, management of animals and enforcement of local laws.

Notes to the Financial Statements

For the year ended 30 June 2020

Note 3 Funding for the delivery of our services

3.1 Rates and charges

	2020 \$'000	2019 \$'000
General rates	14,598	14,056
Waste charges	3,216	3,160
Dinner Plain special rate	178	172
Supplementary rates and rate adjustments	237	196
Interest on rates and charges	74	88
Revenue in lieu of rates	278	277
Total rates and charges	18,581	17,949

Council uses capital improved value (CIV) as the basis of valuation of all properties within the shire. The CIV of a property is the total market value of the land plus buildings and other improvements.

The valuation base used to calculate general rates for 2019/2020 was \$3,555 million (\$3,199 million in 2018/2019). The 2019/2020 rate in the dollar was 0.004158 for residential, 0.0030350 for farm and 0.005946 for commercial/industrial (2018/19 0.004424 for residential, 0.003230 for farm and 0.006326 for commercial/industrial).

The date of the latest general revaluation of land for rating purposes within the shire was 1 January 2019, and the valuation was first applied in the rating year commencing 1 July 2019.

Annual rates and charges are recognised as revenues when Council issues annual rates notices.

Supplementary rates are recognised when a valuation and reassessment is completed and a supplementary rates notice issued.

3.2 Statutory fees and fines

	2020 \$'000	2019 \$'000
Town planning fees	239	279
Health services	123	132
Animal and roadside trading permits	96	124
Infringements and costs	62	29
Land information certificates	19	14
Election Fines	1	1
Total statutory fees and fines	540	579

Statutory fees and fines are recognised as revenue when the service has been provided, the payment is received, or when the penalty has been applied, whichever first occurs.

Notes to the Financial Statements

For the year ended 30 June 2020

3.3 User fees

	2020	2019
	\$'000	\$'000
Building services	243	244
Waste management services	360	375
Engineering works	8	118
Leisure centre and recreation	180	209
Community centres	42	26
Legal costs recovered	22	32
Visitor information centres	151	209
Library income	8	8
Other fees and charges	4	4
Total user fees	1,018	1,225

User fees are recognised as revenue when the service has been provided or the payment is received, whichever first occurs.

Notes to the Financial Statements

For the year ended 30 June 2020

3.4 Funding from other levels of government

	2020 \$'000	2019 \$'000
Grants were received in respect of the following:		
Summary of grants		
Commonwealth funded grants	4,801	6,439
State funded grants	6,982	3,102
Total	11,783	9,307
(a) Operating recurrent grants		
<i>Commonwealth Government</i>		
Financial assistance grant	4,091	3,792
Fuel rebate	30	29
<i>State Government</i>		
School crossing supervisors	37	36
Maternal and child health	296	282
Rates administration	-	184
Youth services	72	74
Senior citizen centres	49	45
Library services	160	176
Immunisation funding	6	7
Weed management	22	20
Tobacco activity	6	5
Total recurrent operating grants	4,769	4,650
Operating non-recurrent grants		
<i>State Government</i>		
Learning and development	6	3
Municipal emergency resourcing program	60	60
Economic development and tourism	125	226
Cycle Safety Strategy	5	20
Flood/storm incident and recovery	189	138
Community development	151	324
Recycling services	-	(18)
Mayor and Councillor Allowance	33	-
Bushfire Recovery	3,352	-
Total non-recurrent operating grants	3,921	753
Total operating grants	8,690	5,403

Notes to the Financial Statements

For the year ended 30 June 2020

3.4 Funding from other levels of government (continued)

	2020 \$'000	2019 \$'000
(b) Capital grants		
Capital recurrent grants		
<i>Commonwealth Government</i>		
Roads to Recovery	710	449
Total recurrent capital grants	710	449
Capital non-recurrent grants		
<i>State Government</i>		
Capital projects		
Roads	1,133	1,358
Bridges	260	93
Recreational, leisure	420	629
Pathways	164	40
Buildings	406	1,335
Total non-recurrent capital grants	2,383	3,455
Total capital grants	3,093	3,904
Unspent grants received on condition that they be spent in a specific manner		
Balance at start of year	520	455
Received during the financial year and remained unspent at balance date	2,151	520
Received in prior years and spent during the financial year	(510)	(455)
Balance at year end	2,161	520

Grant income is recognised at the point in time when the council satisfies its performance obligations as specified in the underlying agreement.

3.5 Contributions

	2020 \$'000	2019 \$'000
Monetary	711	1,002
Non-monetary	265	582
Total contributions	976	1,584
Contributions of non-monetary assets were received in relation to the following services:		
Land	2	17
Roads	111	372
Other infrastructure	152	193
Total non- monetary contributions	265	582

Monetary and non-monetary contributions are recognised as revenue when Council obtains control over the contributed asset.

Notes to the Financial Statements

For the year ended 30 June 2020

3.6 Other income

	2020 \$'000	2019 \$'000
Insurance claim reimbursement	47	28
Interest on investments	317	424
Rent	583	584
Non-monetary services received	92	-
Total other income	1,039	1,036

Interest is recognised as it is earned. Other income is measured at the fair value of the consideration received or receivable and is recognised when Council gains control over the right to receive the income.

Notes to the Financial Statements

For the year ended 30 June 2020

Note 4 Cost of delivering services

4.1 Employee costs

	2020 \$'000	2019 \$'000
a) Employee costs		
Wages and salaries - permanent	6,033	5,416
Workcover	106	153
Wages and salaries - casual	483	594
Annual leave and long service leave	844	589
Superannuation	699	645
Fringe benefits tax	21	20
Total employee costs	8,186	7,417
b) Superannuation		
Council has made contributions to the following funds:		
Defined benefit fund		
Employer contributions to Local Authorities Superannuation Fund (Vision Super)	27	26
Accumulated funds		
Employer contributions to Local Authorities Superannuation Fund (Vision Super)	310	324
Employer contributions - other funds	362	295
Total accumulated funds	672	619
Employer contributions payable at reporting date	29	28

Refer to note 9.3 for further information relating to Council's superannuation obligation.

4.2 Materials and services

	2020 \$'000	2019 \$'000
Administration	1,803	1,753
Operational	5,068	5,882
Asset maintenance	2,506	2,296
Non-recurrent projects	1,519	2,287
Total materials and services	10,896	12,218

Non-recurrent material and services expenditure refers to the portion of project expenditure that is not eligible to be capitalised.

Notes to the Financial Statements

For the year ended 30 June 2020

4.3 Depreciation

	2020 \$'000	2019 \$'000
Property	1,691	1,220
Plant and equipment	466	449
Infrastructure	2,858	2,736
Total Depreciation	5,015	4,405

Refer to note 6.2 for a more detailed breakdown of depreciation charges and accounting policy.

4.4 Bad and doubtful debts

	2020 \$'000	2019 \$'000
Other debtors	(4)	6
Total bad and doubtful debts	(4)	6

Provision for doubtful debt is recognised in accordance with the expected credit loss model, or when there is objective evidence that an impairment loss has occurred. Bad debts are written off when identified.

4.5 Other expenses

	2020 \$'000	2019 \$'000
Auditors remuneration - VAGO - audit of financial statements, performance statement and grant acquittals	37	37
Auditors remuneration - Internal	29	25
Councillors allowances	241	205
Council grants and contributions	345	488
Refund of rates	911	5
Refund of fees	114	-
Refund of rent income	66	-
Non-monetary services received	92	-
Total other expenses	1,835	760

4.6 Net loss on disposal of property, infrastructure, plant and equipment

	2020 \$'000	2019 \$'000
Proceeds of sale	(60)	(109)
Written down value of assets disposed	124	3,448
Total net loss on disposal of property, infrastructure, plant and equipment	64	3,339

The profit or loss on sale of an asset is determined when control of the asset has passed to the buyer.

Notes to the Financial Statements

For the year ended 30 June 2020

4.7 Landfill rehabilitation expenses

	2020 \$'000	2019 \$'000
Additional provisions	-	758
Increase in the discounted amount arising because of time and the effect of any change in the discount rate	48	289
Total landfill rehabilitation expenses	48	1,047

Notes to the Financial Statements

For the year ended 30 June 2020

Note 5 Our financial position

5.1 Financial assets

	2020 \$'000	2019 \$'000
(a) Cash and cash equivalents		
Cash on hand	2	2
Cash at bank	1,275	1,697
Total cash and cash equivalents	1,277	1,699
(b) Other financial assets		
Term deposits	24,000	15,000
Total other financial assets	24,000	15,000
Council's cash and cash equivalents are subject to restrictions that limit amounts available for discretionary use. These include:		
Trust funds and deposits Note 5.3(b)	414	373
Total unrestricted cash, cash equivalents and other financial assets	24,863	16,326
Intended allocations		
Although not externally restricted the following amounts have been allocated for specific future purposes by Council:		
Cash held to fund carried forward capital works	2,171	778
Dinner Plain reserve	699	727
Subdivision reserves	178	177
Waste reserve	3,247	2,597
Total funds subject to intended allocations	6,295	4,279

Cash and cash equivalents include cash on hand, deposits at call, and other highly liquid investments with original maturities of 90 days or less, net of outstanding bank overdrafts.

Other financial assets are valued at fair value, at balance date. Term deposits are measured at original cost. Any unrealised gains and losses on holdings at balance date are recognised as either a revenue or expense.

5.1 Financial assets

	2020 \$'000	2019 \$'000
(c) Trade and other receivables		
Current		
<i>Statutory receivables</i>		
Rates debtors	839	821
Net GST receivable	334	327
<i>Non statutory receivables</i>		
Other debtors	715	1,193
Provision for doubtful debts - other debtors	(6)	(13)
Total current trade and other receivables	1,882	2,328

Short term receivables are carried at invoice amount. A provision for doubtful debts is recognised in accordance with the expected credit loss model, or when there is objective evidence that impairment has occurred. Long term receivables are carried at amortised cost using the effective interest rate method.

Notes to the Financial Statements

For the year ended 30 June 2020

5.1 Financial assets (continued)

(d) Ageing of receivables

At balance date other debtors representing financial assets were past due but not impaired. The ageing of the Council's trade and other receivables (excluding statutory receivables) was:

	2020 \$'000	2019 \$'000
Current (not yet due)	600	1,107
Past due by up to 30 days	60	47
Past due between 31 and 180 days	24	17
Past due between 181 and 365 days	8	3
Past due more than 1 year	23	19
Total trade and other receivables	715	1,193

(e) Impaired receivables

At balance date, other debtors representing financial assets with a nominal value of \$13,000 (2018: \$12,000) were impaired. The amount of the provision raised against these debtors was \$13,000 (2018: \$12,000). In determining the value of the provision for doubtful debts, an expected credit loss model was used, incorporating a combination of historical trends, knowledge of individual issues and forward-looking expected losses. Many of the long outstanding past due amounts have been lodged with Council's debt collectors or are on payment arrangements.

5.2 Non-financial assets

(a) Inventories

Current

	2020 \$'000	2019 \$'000
Merchandise	69	64
Pavement materials	53	105
Total inventories	122	169

(b) Other assets

	2020 \$'000	2019 \$'000
Prepayments	400	105
Accrued income	104	122
Total other assets	504	227

Inventories held for distribution are measured at cost, adjusted when applicable for any loss of service potential. All other inventories are measured at the lower of cost and net realisable value. Where inventories are acquired for no cost or nominal consideration, they are measured at current replacement cost at the date of acquisition. Non-current pavement material is crushed rock expected to be used in road and pathway projects over the next ten years.

Notes to the Financial Statements

For the year ended 30 June 2020

5.3 Payables

	2020	2019
	\$'000	\$'000
(a) Trade and other payables		
Trade payables	2,156	2,474
Accrued expenses	263	388
Other creditors	5	9
Total trade and other payables	2,424	2,871
(b) Trust funds and deposits		
Fire services levy	143	83
Retention amounts	191	236
Subdivision works	28	52
Other deposits	52	2
Total trust funds and deposits	414	373
(c) Lease income received in advance		
Current	36	36
Non-current	458	494
Total lease income received in advance	494	530
(d) Unearned income		
Grants received in advance - operating	164	-
Grants received in advance - capital	1,977	-
Other	106	-
Total unearned income	2,247	-

Amounts received as deposits and retention amounts controlled by Council are recognised as trust funds until they are returned, transferred in accordance with the purpose of the receipt, or forfeited. Trust funds that are forfeited, resulting in Council gaining control of the funds, are to be recognised as revenue at the time of forfeit.

Purpose and nature of items

Other deposits - Deposits are taken by Council as a form of surety in a number of circumstances, including in relation to building works, tender deposits, contract deposits and the use of civic facilities.

Fire Services Levy - Council is the collection agent for the fire services levy on behalf of the State Government. Council remits amounts received on a quarterly basis. Amounts disclosed here will be remitted to the State Government in line with that process.

Retention amounts - Council has a contractual right to retain certain amounts until a contractor has met certain requirements or a related warrant or defect period has elapsed. Subject to the satisfactory completion of the contractual obligations, or the elapsing of time, these amounts will be paid to the relevant contractor in line with Council's contractual obligations.

Subdivision works - Council receives deposits as a form of surety from property developers until certain works are completed. Once the works are completed the amounts are refunded.

Lease income received in advance - This represents income received in advance for the Bright and Myrtleford Caravan Park leases at the start of the lease to be recognised on a straight line basis over the life of the leases (21 years).

Notes to the Financial Statements

For the year ended 30 June 2020

5.4 Provisions			
	Employee provisions	Landfill restoration	Total
	\$'000	\$'000	\$'000
2020			
Balance at beginning of the financial year	1,931	4,306	6,237
Additional provisions	983	-	983
Amounts used	(892)	(63)	(955)
Increase in the discounted amount arising because of time and the effect of any change in the discount rate	6	48	54
Balance at the end of the financial year	2,028	4,291	6,319
2019			
Balance at beginning of the financial year	1,967	3,311	5,278
Additional provisions	760	758	1,518
Amounts used	(858)	(52)	(910)
Increase/(decrease) in the discounted amount arising because of time and the effect of any change in the discount rate	62	289	351
Balance at the end of the financial year	1,931	4,306	6,237
		2020	2019
		\$'000	\$'000
a) Employee provisions			
Current provisions expected to be wholly settled within 12 months			
Annual leave		620	583
Long service leave		153	122
Other accrued and parental leave		86	138
		859	843
Current provisions expected to be wholly settled after 12 months			
Annual leave		163	100
Long service leave		742	757
		905	857
Total current provisions		1,764	1,700
Non-current			
Long service leave		264	231
		264	231
Total aggregate carrying amount of employee provisions		2,028	1,931
		2020	2019
The following assumptions were adopted in measuring the present value of employee benefits:			
Weighted average increase in employee costs		2.80%	2.80%
Weighted average discount rates		0.87%	1.32%
Weighted average settlement period		2 years	2 years

Notes to the Financial Statements

For the year ended 30 June 2020

5.4 Provisions (continued)

The calculation of employee costs and benefits includes all relevant on-costs and are calculated as follows at reporting date.

Wages and salaries and annual leave

Liabilities for wages and salaries, including non-monetary benefits, annual leave and accumulated sick leave expected to be wholly settled within 12 months of the reporting date are recognised in the provision for employee benefits in respect of employee services up to the reporting date, classified as current liabilities and measured at their nominal values. Liabilities that are not expected to be wholly settled within 12 months of the reporting date are recognised in the provision for employee benefits as current liabilities, measured at the present value of the amounts

expected to be paid when the liabilities are settled using the remuneration rate expected to apply at the time of settlement.

Long service leave

Liability for long service leave (LSL) is recognised in the provision for employee benefits. LSL is measured at present value. Unconditional LSL is disclosed as a current liability. Conditional LSL that has been accrued, where an employee is yet to reach a qualifying term of employment, is disclosed as a non-current liability.

5.4 Provisions (continued)

b) Landfill restoration

Current

Non-current

Total landfill restoration

	2020 \$'000	2019 \$'000
Current	695	695
Non-current	3,596	3,611
Total landfill restoration	4,291	4,306

The following assumptions were adopted in measuring the present value of landfill restoration:

Weighted average increase in restoration costs

Weighted average discount rates

Weighted average settlement period

	2020	2019
Weighted average increase in restoration costs	2.30%	2.48%
Weighted average discount rates	0.87%	1.32%
Weighted average settlement period	3 Years	3 Years

Council is obligated to restore former landfill sites at Myrtleford and Porepunkah to a particular standard. The provision for landfill restoration has been calculated based on the present value of the expected cost of works to be undertaken, which has been

estimated based on current understanding of work required to reinstate the sites to this standard. Accordingly, the estimation of the provision required is dependent on the accuracy of the forecast timing of the work, work required and related costs.

Notes to the Financial Statements

For the year ended 30 June 2020

5.6 Commitments

The Council has entered into the following commitments. Commitments are not recognised in the Balance Sheet. Commitments are disclosed at their nominal value and presented inclusive of the GST payable.

5.6 Commitments

	Not later than 1 year	Later than 1 year and not later than 2 years	Later than 2 years and not later than 5 years	Later than 5 years	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
2020					
Operating					
Waste management	1,930	1,717	1,849	-	5,496
Electricity	754	-	-	-	754
Dinner Plain bus	168	42	42	-	252
Cleaning	163	90	21	-	274
Consultancy	469	-	-	-	469
Other	211	-	-	-	211
Total	3,695	1,849	1,912	-	7,456
Capital					
Buildings	13	-	-	-	13
Bridges	1,122	-	-	-	1,122
Pathways	105	-	-	-	105
Roads	164	-	-	-	164
Total	1,404	-	-	-	1,404

	Not later than 1 year	Later than 1 year and not later than 2 years	Later than 2 years and not later than 5 years	Later than 5 years	Total
	\$'000	\$'000	\$'000	\$'000	\$'000
2019					
Operating					
Waste management	1,738	1,717	2,408	777	6,640
Electricity	680	680	-	-	1,360
Dinner Plain bus	168	42	42	-	252
Cleaning	225	42	11	-	278
Consultancy	81	-	-	-	81
Other	66	-	-	-	66
Total	2,958	2,481	2,461	777	8,677
Capital					
Buildings	494	-	-	-	494
Bridges	106	-	-	-	106
Other	21	-	-	-	21
Total	621	-	-	-	621

Notes to the Financial Statements

For the year ended 30 June 2020

5.6 Commitments (continued)

	2020	2019
	\$'000	\$'000
b) Operating lease receivables		
The Council has entered into commercial property leases on some properties, consisting caravan parks, a community centre, fitness centre and a cafe. These properties held under operating leases have remaining non-cancellable lease terms between 1 and 19 years. All leases include a CPI based revision of the rental charge annually.		
Future minimum rentals receivable under non-cancellable operating leases are as follows:		
Not later than one year	493	476
Later than one year and not later than five years	1,573	1,651
Later than five years	2,970	3,338
Total operating lease receivables	5,036	5,465

Lease payments for operating leases are required by the accounting standard to be recognised on a straight line basis, rather than expensed in the years in which they are incurred.

Notes to the Financial Statements

For the year ended 30 June 2020

Note 6 Assets we manage

6.1 Non current assets classified as held for sale

	2020 \$'000	2019 \$'000
Cost of acquisition	515	515
Total non-current assets classified as held for sale	515	515

Non-current assets classified as held for sale (including disposal groups) are measured at the lower of their carrying amount and fair value less costs of disposal, and are not subject to depreciation. Non-current assets, disposal groups and related liabilities and assets are treated as current and classified as held for sale if their carrying amount will be recovered through a sale transaction rather than through continuing use. This condition is regarded as met only when the sale is highly probable and the asset's sale (or disposal group sale) is expected to be completed within 12 months from the date of classification.

Notes to the Financial Statements

For the year ended 30 June 2020

6.2 Property, infrastructure, plant and equipment

Summary of property, infrastructure, plant and equipment	At written down fair value 30 June 2019 \$'000	Acquisitions \$'000	Contributions \$'000	Revaluation \$'000	Depreciation \$'000	Disposal \$'000	Transfers \$'000	At written down fair value 30 June 2020 \$'000
Land	32,017	-	2	-	-	-	-	32,019
Buildings	30,864	1,134	-	-	(1,691)	(31)	2,405	32,681
Plant and equipment	3,386	664	-	(69)	(466)	(53)	-	3,462
Infrastructure	150,891	3,754	263	(3,182)	(2,858)	(40)	172	149,000
Work in progress	2,667	433	-	-	-	-	(2,577)	523
Total	219,825	5,985	265	(3,251)	(5,015)	(124)	-	217,685

Summary of work in progress	Opening WIP \$'000	Additions \$'000	Transfers \$'000	Closing WIP \$'000
Buildings	2,289	-	(2,289)	-
Plant and equipment	-	-	-	-
Infrastructure	378	433	(288)	523
Total	2,667	433	(2,577)	523

Notes to the Financial Statements

For the year ended 30 June 2020

6.2 Property infrastructure plant and equipment (continued)

	Land	Land under roads	Total land	Buildings	Total buildings	Work in progress	Total property
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
a) Property							
At fair value 1 July 2019	24,424	7,593	32,017	73,043	73,043	2,289	107,349
Accumulated depreciation at 30 June 2019	-	-	-	(42,179)	(42,179)	-	(42,179)
	24,424	7,593	32,017	30,864	30,864	2,289	65,170
Movements in fair value							
Acquisition of assets at fair value	-	-	-	1,134	1,134	-	1,134
Contributed assets	-	2	2	-	-	-	2
Fair value of assets disposed	-	-	-	(1,702)	(1,702)	-	(1,702)
Transfers	-	-	-	2,405	2,405	(2,289)	116
Assets reclassified as non-current assets held for sale	-	-	-	-	-	-	-
	-	2	2	1,837	1,837	(2,289)	(450)
Movements in accumulated depreciation							
Depreciation and amortisation	-	-	-	(1,691)	(1,691)	-	(1,691)
Accumulated depreciation of disposals	-	-	-	1,671	1,671	-	1,671
	-	-	-	(20)	(20)	-	(20)
At fair value 30 June 2020	24,424	7,595	32,019	74,880	74,880	-	106,899
Accumulated depreciation at 30 June 2020	-	-	-	(42,199)	(42,199)	-	(42,199)
	24,424	7,595	32,019	32,681	32,681	-	64,700

Notes to the Financial Statements

For the year ended 30 June 2020

6.2 Property infrastructure plant and equipment (continued)

	Plant, machinery and equipment	Fixtures, fittings and furniture	Computers and telecomms	Library Books	Work in progress	Total plant and equipment
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
b) Plant and equipment						
At fair value 1 July 2019	5,501	444	460	816	-	7,221
Accumulated depreciation at 30 June 2019	(2,855)	(223)	(300)	(457)	-	(3,835)
	2,646	221	160	359	-	3,386
Movements in fair value						
Acquisition of assets at fair value	569	27	-	68	-	664
Revaluation increments/(decrements)	-	-	-	(70)	-	(70)
Fair value of assets disposed	(211)	-	-	(151)	-	(362)
	358	27	-	(153)	-	232
Movements in accumulated depreciation						
Depreciation and amortisation	(292)	(33)	(53)	(88)	-	(466)
Revaluation increments/(decrements)	-	-	-	1	-	1
Accumulated depreciation of disposals	191	-	-	118	-	309
	(101)	(33)	(53)	31	-	(156)
At fair value 30 June 2020	5,859	471	460	663	-	7,453
Accumulated depreciation at 30 June 2020	(2,956)	(256)	(353)	(426)	-	(3,991)
	2,903	215	107	237	-	3,462

Notes to the Financial Statements

For the year ended 30 June 2020

6.2 Property, infrastructure, plant and equipment (continued)

	Roads	Bridges	Footpaths and cycleways	Drainage	Waste	Recreational, leisure and community facilities	Parks, open spaces and streetscapes	Work in progress	Total infrastructure
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
c) Infrastructure									
At fair value 1 July 2019	133,342	27,826	10,582	22,031	876	4,614	2,846	378	202,495
Accumulated depreciation at 30 June 2019	(29,888)	(7,796)	(3,373)	(7,098)	(213)	(1,602)	(1,256)	-	(51,226)
	103,454	20,030	7,209	14,933	663	3,012	1,590	378	151,269
Movements in fair value									
Acquisition of assets at fair value	2,114	379	652	178	86	315	30	433	4,187
Contributed assets	111	-	25	127	-	-	-	-	263
Revaluation increments/(decrements)	9,057	(2,532)	-	1,541	-	-	-	-	8,066
Fair value of assets disposed/written off	(159)	-	-	-	-	-	-	-	(159)
Transfers	(1,247)	154	1,265	-	-	-	-	(288)	(116)
	9,876	(1,999)	1,942	1,846	86	315	30	145	12,241
Movements in accumulated depreciation									
Depreciation and amortisation	(1,810)	(279)	(181)	(223)	(60)	(165)	(140)	-	(2,858)
Revaluation increments/(decrements)	(9,531)	634	-	(2,351)	-	-	-	-	(11,248)
Accumulated depreciation of disposals	119	-	-	-	-	-	-	-	119
Transfers	422	-	(422)	-	-	-	-	-	-
	(10,800)	355	(603)	(2,574)	(60)	(165)	(140)	-	(13,987)
At fair value 30 June 2020	143,218	25,827	12,524	23,877	962	4,929	2,876	523	214,736
Accumulated depreciation at 30 June 2020	(40,688)	(7,441)	(3,976)	(9,672)	(273)	(1,767)	(1,396)	-	(65,213)
	102,530	18,386	8,548	14,205	689	3,162	1,480	523	149,523

Notes to the Financial Statements

For the year ended 30 June 2019

6.2 Property, infrastructure, plant and equipment (continued)

Acquisition

The purchase method of accounting is used for all acquisitions of assets, being the fair value of assets provided as consideration at the date of acquisition plus any incidental costs attributable to the acquisition. Fair value is the price that would be received to sell an asset (or paid to transfer a liability) in an orderly transaction between market participants at the measurement date.

Where assets are constructed by Council, cost includes all materials used in construction, direct labour, borrowing costs incurred during construction, and an appropriate share of directly attributable variable and fixed overheads.

In accordance with Council's policy, the threshold limits have applied when recognising assets within an applicable asset class and unless otherwise stated are consistent with the prior year.

Asset recognition thresholds and depreciation periods

Class of Asset	Depreciation period	Threshold limit \$'000
Land	-	-
Land under roads	-	5
Buildings	15 to 100 years	5
Roads	25 to 80 years	5
Bridges	70 years	5
Drainage	50 to 100 years	5
Footpaths and cycleways	22 to 97 years	5
Recreational, leisure and community facilities	15 to 50 years	5
Parks, open space and streetscapes	20 to 50 years	5
Waste management	12 to 20 years	-
Plant, machinery and equipment	3 to 20 years	2
Fixtures, fittings and furniture	5 to 20 years	2
Computers and telecomms	3 to 10 years	2

Land under roads

Council recognises land under roads it controls at fair value.

Depreciation

Buildings, land improvements, plant and equipment, infrastructure, and other assets having limited useful lives are systematically depreciated over their useful lives to the Council in a manner which reflects consumption of the service potential embodied in those assets. Estimates of remaining useful lives and residual values are made on a regular basis with major asset classes reassessed annually. Depreciation rates and methods are reviewed annually.

Where assets have separate identifiable components that are subject to regular replacement, these components are assigned distinct useful lives and residual values and a separate depreciation rate is determined for each component.

Road earthworks are not depreciated on the basis that they are assessed as not having a limited useful life.

Straight line depreciation is charged based on the residual useful life as determined each year.

Depreciation periods used are listed above and are consistent with the prior year unless otherwise stated.

Repairs and maintenance

Where the repair relates to the replacement of a component of an asset and the cost exceeds the capitalisation threshold the cost is capitalised and depreciated. The carrying value of the replaced asset is expensed.

Notes to the Financial Statements

For the year ended 30 June 2019

6.2 Property, infrastructure, plant and equipment (continued)

Valuation of land

Valuation of land was undertaken by a qualified independent valuer Martin Burns AAPI (Liquid Pacific). The valuation of land is at fair value, being market value based on highest and best use permitted by relevant land planning provisions. Where land use is restricted through existing planning provisions the valuation is reduced to reflect this limitation. This adjustment is an unobservable input in the valuation. The adjustment has no impact on the comprehensive income statement.

Any significant movements in the unobservable inputs for land and land under roads will have a significant impact on the fair value of these assets.

The date of the current valuation is detailed in the following table.

Details of the Council's land and information about the fair value hierarchy as at 30 June 2019 are detailed on the following page.

Valuation of land under roads

An indexed based revaluation was conducted in the current year for land under roads; this valuation was based on the change in the capital improved value for properties in the Alpine Shire which is used by Council to calculate land rate charges, a full revaluation of these assets will be conducted in 2020/21.

Valuation of buildings

Valuation of Council's building assets was performed by a qualified independent valuer Martin Burns AAPI (Liquid Pacific). The date of the current valuation is detailed in the following table.

The valuation is at fair value based on replacement cost less accumulated depreciation as at the date of valuation.

	Level 1 \$'000	Level 2 \$'000	Level 3 \$'000	Date of valuation
Land	-	13,134	11,290	Jun-2019
Land under roads	-	-	7,593	Jun-2019
Buildings	-	9,541	21,323	Jun-2019
Total	-	22,675	40,206	

Notes to the Financial Statements

For the year ended 30 June 2019

6.2 Property, infrastructure, plant and equipment (continued)

Valuation of infrastructure

Valuation of Council's infrastructure assets was performed by an asset management consultant Andrew Bainbridge, Bachelor of Engineering (Civil). The date of the current valuation is detailed in the following table.

The valuation is at fair value based on replacement cost less accumulated depreciation as at the date of valuation.

Details of Council's infrastructure and information about the fair value hierarchy as at 30 June 2019 are as follows:

	Level 1 \$'000	Level 2 \$'000	Level 3 \$'000	Date of valuation
Roads	-	-	102,530	Jun-2020
Bridges	-	-	18,386	Jun-2020
Footpaths and cycleways	-	-	8,548	Jun-2017
Drainage	-	-	14,205	Jun-2020
Waste management	-	-	689	Jun-2019
Recreational, leisure and community facilities	-	-	3,162	Jun-2018
Parks, open space and streetscapes	-	-	1,480	Jun-2019
Total	-	-	149,000	

Description of significant unobservable inputs into level 3 valuations

Specialised land and land under roads is valued using a market based direct comparison technique. Significant unobservable inputs include the extent and impact of restriction of use and the market cost of land per square metre. The extent and impact of restrictions on use varies and results in a reduction to surrounding land values between 10% and 95%. The market value of land varies significantly depending on the location of the land and the current market conditions. Currently land values range between \$6.60 and \$650 per square metre.

Specialised buildings are valued using a depreciated replacement cost technique. Significant unobservable inputs include the current replacement cost and remaining useful lives of buildings. Current replacement cost is calculated on a square metre basis and ranges from \$200 to \$4,000 per square metre. The remaining useful lives of buildings are determined on the basis of the current condition of buildings and vary from 15 years

to 100 years. Replacement cost is sensitive to changes in market conditions, with any increase or decrease in cost flowing through to the valuation. Useful lives of buildings are sensitive to changes in expectations or requirements that could either shorten or extend the useful lives of buildings.

Infrastructure assets are valued based on the depreciated replacement cost. Significant unobservable inputs include the current replacement cost and remaining useful lives of infrastructure. The remaining useful lives of infrastructure assets are determined on the basis of the current condition of the asset and vary from 5 years to 100 years. Replacement cost is sensitive to changes in market conditions, with any increase or decrease in cost flowing through to the valuation. Useful lives of infrastructure are sensitive to changes in use, expectations or requirements that could either shorten or extend the useful lives of infrastructure assets.

Reconciliation of specialised land

Land under roads
Parks and reserves
Facilities
Office/depots
Total specialised land

	2020 \$'000	2019 \$'000
	7,595	7,593
	5,205	5,205
	4,260	4,260
	1,825	1,825
	18,885	18,883

Notes to the Financial Statements

For the year ended 30 June 2019

6.3 Investments in associates

	2020 \$'000	2019 \$'000
Investment in associates accounted for by the equity method are:		
MomentumOne Shared Services Pty Ltd		
A 50% Interest is held in the MomentumOne Shared Services Pty Ltd.		
Fair value of Council's investment in MomentumOne Shared Services Pty Ltd	76	76
Council's share of accumulated surplus		
Council's share of accumulated surplus at start of year	57	35
Reported profit/(deficit) for year	-	19
Council's share of accumulated surplus at end of year	57	57
Movement in carrying value of investment in associates		
Carrying value of investment at start of year	76	57
Distributions for the year	-	-
Share of profit/(deficit) for year	-	19
Carrying value of investment at end of year	76	76
Council's share of expenditure commitments		
Operating commitments	-	-
Capital commitments	-	-
Council's share of expenditure commitments	-	-

Associates are entities over which Council has significant influence but not control or joint control. Investments in associates are accounted for using the equity method of accounting, after initially being recognised at cost.

Committees of management

All entities controlled by Council that have material revenues, expenses, assets or liabilities, such as

committees of management, have been included in this financial report. Any transactions between these entities and Council have been eliminated in full.

Notes to the Financial Statements

For the year ended 30 June 2019

6.4 Investment property

	2020	2019
	\$'000	\$'000
Balance at beginning of financial year	3,260	3,260
Transferred from property infrastructure plant and equipment	-	-
Fair value adjustments	-	-
Balance at end of financial year	3,260	3,260

Investment property is held to generate long-term rental yields. Investment property is measured initially at cost, including transaction costs. Costs incurred subsequent to initial acquisition are capitalised when it is probable that future economic benefit in excess of the originally assessed performance of the asset will flow to the Council. Subsequent to initial recognition at cost, investment property is carried at fair value, determined annually by independent valuers. Changes to fair value are recorded in the comprehensive income statement in the period that they arise.

Valuation of investment property

Valuation of investment property has been determined in accordance with an independent valuation by a qualified independent valuer LG Valuation Services Pty Ltd (API Registration no. 62901) who has recent experience in the location and category of the property being valued. The valuation is at fair value, based on the current market value for the property as at 30 June 2018.

Notes to the Financial Statements

For the year ended 30 June 2019

Note 7 People and relationships

7.1 Council and key management remuneration

a) Related Parties

Interests in associates are detailed in Note 6.3.

b) Key management personnel

Details of persons holding the position of Councillor or other members of key management personnel at any time during the year are:

Councillors

Ron Janas - Mayor

Sarah Nicholas – Deputy Mayor

Peter Roper - Mayor

Daryl Pearce

Tony Keeble

John Forsyth

Kitty Knappstein

Chief executive officer and other key management personnel

Charlie Bird- Chief Executive Officer

Nathalie Cooke - Director

William Jeremy - Director

Notes to the Financial Statements

For the year ended 30 June 2019

7.1 Council and key management remuneration (continued)

	2020	2019
The numbers of key management personnel whose total remuneration from Council and any related entities, fall within the following bands:	No.	No.
\$20,000 - \$29,999	5	6
\$40,000 - \$49,999	1	-
\$60,000 - \$69,999	1	1
\$180,000 - \$189,999	2	2
\$230,000 - \$239,999	1	1
	10	10
	2020	2019
	No.	No.
Total Number of Councillors	7	7
Chief Executive Officer and other Key Management Personnel	3	3
Total Key Management Personnel	10	10
	2020	2019
	\$'000	\$'000
Total remuneration of key management personnel was as follows:		
Short-term benefits	771	715
Long-term benefits	13	12
Termination benefits	-	-
Post-employment benefits	49	47
Total	833	774

(c) Remuneration of Key Management Personnel

(d) Senior officer Remuneration

A Senior Officer is an officer of Council, other than Key Management Personnel, who:

- a) has management responsibilities and reports directly to the Chief Executive; or
- b) whose total annual remuneration exceeds \$148,000.

There were no officers meeting this definition.

Notes to the Financial Statements

For the year ended 30 June 2019

7.2 Related party disclosure

(a) Transactions with related parties

	2020 \$'000	2019 \$'000
<i>Rural City of Wangaratta</i>		
Council provides a library hub service to Rural City of Wangaratta, in addition to a various other transactions.		
Paid to Rural City of Wangaratta	80	11
Received from Rural City of Wangaratta	363	388
<i>MomentumOne</i>		
Momentumone provides a labour hire services mainly for the operating of Council's swimming pool facilities.		
Paid to MomentumOne Shared Services Pty Ltd	288	302
<i>Alpine Community Plantations</i>		
Transactions with Alpine Community Plantations have been predominately related to the maintenance of a mountain bike trails.		
Paid to Alpine Community Plantations	13	25
<i>Tourism North East</i>		
Tourism North East provides marketing and advertising services for Council.		
Paid To Tourism North East	291	202
Received from Tourism North East	-	30
<i>Partners of key management personnel that are employed by Council</i>		
Council employed partners of key management personnel. This is a normal Council employee/contractor relationship.		
	6	18
(b) Outstanding balances with related parties		
The outstanding balances owing to related parties is to		
MomentumOne Shared Services Pty Ltd	2	4
Rural City of Wangaratta	5	1
The outstanding balances owing with related parties is to		
Tourism North East	-	30
Rural City of Wangaratta	-	-

(c) Loans to/from related parties

There were no loans either to or from related parties.

(d) Commitments to/from related parties

Council has contracted with MomentumOne to provide labour hire services for seasonal swimming pools for three years to September 2022. The commitments to these services are estimated at \$300,000 per year.

Notes to the Financial Statements

For the year ended 30 June 2020

Note 8 Managing uncertainties

8.1 Contingent assets and liabilities

Contingent liabilities

Contingent assets and contingent liabilities are not recognised in the Balance Sheet, but are disclosed and if quantifiable, are measured at nominal value. Contingent assets and liabilities are presented inclusive of GST receivable or payable, respectively.

Landfill

Council is responsible for three small landfill sites that have been closed for more than twenty years at Myrtleford, Mount Beauty and Harrietteville. These sites are being monitored by Council and it may be required to perform rehabilitation works in the future. It is estimated that the works if required are likely to cost \$800,000.

Superannuation

Council has obligations under a defined benefit superannuation scheme that may result in the need to

make additional contributions to the scheme; matters relating to this potential obligation are outlined in note 9.3. As a result of the volatility in financial markets the likelihood of making such contributions in future periods exists.

Liability Mutual Insurance

Council is a participant of the MAV Liability Mutual Insurance (LMI) Scheme. The LMI scheme provides public liability and professional indemnity insurance cover. The LMI scheme states that each participant will remain liable to make further contributions to the scheme in respect of any insurance year in which it was a participant to the extent of its participant's share of any shortfall in the provision set aside in respect of that insurance year, and such liability will continue whether or not the participant remains a participant in future insurance years.

8.2 Change in accounting standards

The following AASs have been issued that are mandatory for the 30 June 2019 reporting period. Council has assessed these standards and has identified no material impacts from their application.

AASB 1059 Service Concession Arrangements: Grantors (AASB 1059) (applies 2020/21 for LG Sector)

AASB 1059 addresses the accounting for a service concession arrangement by a grantor that is a public sector entity by prescribing the accounting for the arrangement from the grantor's perspective. It requires the grantor to:

- recognise a service concession asset constructed, developed or acquired from a third party by the operator, including an upgrade to an existing asset of the grantor, when the grantor controls the asset;
- reclassify an existing asset (including recognising previously unrecognised identifiable intangible assets and land under roads) as a service concession asset when it meets the criteria for recognition as a service concession asset;
- initially measure a service concession asset constructed, developed or acquired by the operator or reclassified by the grantor at current replacement cost in accordance with the cost approach to fair value in AASB 13 Fair Value Measurement. Subsequent to the initial

recognition or reclassification of the asset, the service concession asset is accounted for in accordance with AASB 116 Property, Plant and Equipment or AASB 138 Intangible Assets, as appropriate, except as specified AASB 1059;

- recognise a corresponding liability measured initially at the fair value (current replacement cost) of the service concession asset, adjusted for any other consideration between the grantor and the operator; and
- disclose sufficient information to enable users of financial statements to understand the nature, amount, timing and uncertainty of assets, liabilities, revenue and cash flows arising from service concession arrangements.

Based on the Council's current assessment, there is expected to be no impact on the transactions and balances recognised in the financial statements as the Council is not a grantor in a service concession arrangement.

AASB 2018-7 Amendments to Australian Accounting Standards - Definition of Material (applies 2020/21 for LG Sector)

The Standard principally amends AASB 101 Presentation of Financial Statements and AASB 108 Accounting Policies, Changes in Accounting Estimates and Errors. The amendments refine the definition of material in AASB 101. The amendments clarify the definition of

Notes to the Financial Statements

For the year ended 30 June 2020

material and its application by improving the wording and aligning the definition across AASB Standards and other publications. The impacts on the local government sector are expected to be minimal.

AASB 2019-1 Amendments to Australian Accounting Standards - References to the Conceptual Framework (applies 2020/21 for LG Sector)

This Standard sets out amendments to Australian Accounting Standards, Interpretations and other pronouncements to reflect the issuance of the Conceptual Framework for Financial Reporting (Conceptual Framework) by the AASB. The impacts on the local government sector are expected to be minimal.

8.3 Financial instruments

(a) Objectives and policies

The Council's principal financial instruments comprise cash assets, term deposits, receivables (excluding statutory receivables), payables (excluding statutory payables) and bank borrowings. Details of the significant accounting policies and methods adopted, including the criteria for recognition, the basis of measurement and the basis on which income and expenses are recognised, in respect of each class of financial asset, financial liability and equity instrument is disclosed in the Notes of the financial statements. Risk management is carried out by senior management under policies approved by the Council. These policies include identification and analysis of the risk exposure to Council and appropriate procedures, controls and risk minimisation.

(b) Market risk

Market risk is the risk that the fair value or future cash flows of Council's financial instruments will fluctuate because of changes in market prices. The Council's exposure to market risk is primarily through interest rate risk with only insignificant exposure to other price risks and no exposure to foreign currency risk.

Interest rate risk

Interest rate risk refers to the risk that the value of a financial instrument or cash flows associated with the instrument will fluctuate due to changes in market interest rates. Council does not hold any interest bearing financial instruments that are measured at fair value, and therefore has no exposure to fair value interest rate risk. Cash flow interest rate risk is the risk that the future cash flows of a financial instrument will fluctuate because of changes in market interest rates. Council has minimal exposure to cash flow interest rate risk through its cash and deposits that are at floating rates.

Investment of surplus funds is made with approved financial institutions under the *Local Government Act 1989*. Council manages interest rate risk by adopting an investment policy that ensures:

- diversification of investment product;

- monitoring of return on investment; and
- benchmarking of returns and comparison with budget.

There has been no significant change in the Council's exposure, or its objectives, policies and processes for managing interest rate risk or the methods used to measure this risk from the previous reporting period.

Interest rate movements have not been sufficiently significant during the year to have an impact on the Council's year end result.

(c) Credit risk

Credit risk is the risk that a contracting entity will not complete its obligations under a financial instrument and cause Council to make a financial loss. Council has exposure to credit risk on some financial assets included in the balance sheet. To help manage this risk:

- Council has a policy for establishing credit limits for the entities Council deals with;
- Council may require collateral where appropriate; and
- Council only invests surplus funds with financial institutions which have a recognised credit rating specified in Council's investment policy.

Notes to the Financial Statements

For the year ended 30 June 2020

8.3 Financial instruments (continued)

Receivables consist of a large number of customers, spread across the ratepayer, business and government sectors. Credit risk associated with the Council's financial assets is minimal because the main debtor is secured by a charge over the rateable property.

There are no material financial assets which are individually determined to be impaired.

Council may also be subject to credit risk for transactions which are not included in the balance sheet, such as when Council provide a guarantee for another party. Details of our contingent liabilities are disclosed in Note 8.1.

The maximum exposure to credit risk at the reporting date to recognised financial assets is the carrying amount, net of any provisions for impairment of those assets, as disclosed in the balance sheet and notes to the financial statements. Council does not hold any collateral.

(d) Liquidity risk

Liquidity risk includes the risk that, as a result of Council's operational liquidity requirements it will not have sufficient funds to settle a transaction when required or will be forced to sell a financial asset at below value or may be unable to settle or recover a financial asset.

To help reduce these risks Council:

- has a liquidity policy which targets a minimum and average level of cash and cash equivalents to be maintained;
- has readily accessible standby facilities and other funding arrangements in place;
- monitors budget to actual performance on a regular basis; and

- sets limits on borrowings relating to the percentage of loans to rate revenue and percentage of loan principal repayments to rate revenue.

The Council's maximum exposure to liquidity risk is the carrying amounts of financial liabilities as disclosed on the face of the balance sheet, and is deemed insignificant based on prior periods' data and current assessment of risk.

There has been no significant change in Council's exposure, or its objectives, policies and processes for managing liquidity risk or the methods used to measure this risk from the previous reporting period.

All financial liabilities are expected to be settled within normal terms of trade.

Unless otherwise stated, the carrying amounts of financial instruments reflect their fair value.

(e) Sensitivity disclosure analysis

Taking into account past performance, future expectations, economic forecasts, and management's knowledge and experience of the financial markets, Council believes the following movements are 'reasonably possible' over the next 12 months:

A parallel shift of 1% and -1% in market interest rates (AUD) from year end rates of 1.9%.

These movements will not have a material impact on the valuation of Council's financial assets and liabilities, nor will they have a material impact on the results of Council's operations.

Notes to the Financial Statements

For the year ended 30 June 2020

8.4 Fair value measurement

Fair value hierarchy

Council's financial assets and liabilities are not valued in accordance with the fair value hierarchy, Council's financial assets and liabilities are measured at amortised cost.

Council measures certain assets and liabilities at fair value where required or permitted by Australian Accounting Standards. AASB 13 Fair value measurement, aims to improve consistency and reduce complexity by providing a definition of fair value and a single source of fair value measurement and disclosure requirements for use across Australian Accounting Standards.

AASB 13 defines fair value as the price that would be received to sell an asset or paid to transfer a liability in an orderly transaction between market participants at the measurement date. Fair value under AASB 13 is an exit price regardless of whether that price is directly observable or estimated using another valuation technique.

All assets and liabilities for which fair value is measured or disclosed in the financial statements are categorised within a fair value hierarchy, described as follows, based on the lowest level input that is significant to the fair value measurement as a whole:

Level 1 — Quoted (unadjusted) market prices in active markets for identical assets or liabilities;

Level 2 — Valuation techniques for which the lowest level input that is significant to the fair value measurement is directly or indirectly observable; and

Level 3 — Valuation techniques for which the lowest level input that is significant to the fair value measurement is unobservable.

For the purpose of fair value disclosures, Council has determined classes of assets and liabilities on the basis of the nature, characteristics and risks of the asset or liability and the level of the fair value hierarchy as explained above.

In addition, Council determines whether transfers have occurred between levels in the hierarchy by re-assessing categorisation (based on the lowest level input that is significant to the fair value measurement as a whole) at the end of each reporting period.

Revaluation

Subsequent to the initial recognition of assets, non-current physical assets, other than plant and equipment, are measured at their fair value, being the price that would be received to sell an asset (or paid to transfer a liability) in an orderly transaction between market participants at the measurement date. At balance date, the Council reviewed the carrying value of the individual classes of assets measured at fair value to ensure that each asset materially approximated its fair value. Where the carrying value materially differed from the fair value at balance date, the class of asset was revalued.

Fair value valuations are determined in accordance with a valuation hierarchy. Changes to the valuation hierarchy will only occur if an external change in the restrictions or limitations of use of an asset result in changes to the permissible or practical highest and best use of the asset. In addition, Council undertakes a formal revaluation of land, buildings, and infrastructure assets on a regular basis ranging from 2 to 4 years. The valuation is performed either by experienced council officers or independent experts.

Where the assets are revalued, the revaluation increments are credited directly to the asset revaluation reserve except to the extent that an increment reverses a prior year decrement for that class of asset that had been recognised as an expense in which case the increment is recognised as revenue up to the amount of the expense. Revaluation decrements are recognised as an expense except where prior increments are included in the asset revaluation reserve for that class of asset in which case the decrement is taken to the reserve to the extent of the remaining increments. Within the same class of assets, revaluation increments and decrements within the year are offset.

Impairment of assets

At each reporting date, the Council reviews the carrying value of its assets to determine whether there is any indication that these assets have been impaired. If such an indication exists, the recoverable amount of the asset, being the higher of the asset's fair value less costs of disposal and value in use, is compared to the assets carrying value. Any excess of the assets carrying value over its recoverable amount is expensed to the comprehensive income statement, unless the asset is carried at the revalued amount in which case, the impairment loss is recognised directly against the revaluation surplus in respect of the same class of asset to the extent that the impairment loss does not exceed the amount in the revaluation surplus for that same class of asset.

Notes to the Financial Statements

For the year ended 30 June 2020

8.5 Events occurring after the balance date

On the 6 August 2020 stage 3 COVID-19 restrictions were reintroduced in regional Victoria; as a result Council has

- closed or restricted access to some facilities including visitor information centres, libraries, and gymnasium.
- redeployed or requested impacted staff to take leave so this will have minimal impact on staffing costs.
- provided rent relief in the form of rent waiver to lessee's meeting the criteria under the Victorian Government Tenancy Relief Scheme.

The financial impact of this for 2020/21 is expected to be similar to 2019/20.

No other matters have occurred after balance date that require disclosure in the financial report.

8.6 Impact of COVID 19 crisis on council operations and 2019-20 financial report

On 30 January 2020, COVID 19 was declared as a global pandemic by world health organisation. Since then, various measures are taken by all three levels of Government in Australia to reduce the spread of COVID-19. This crisis and measures taken to mitigate it has impacted council operations in the following areas for the financial year ended 30 June 2020:

- VIC, swimming pool and library income were collectively \$0.1m less than budgeted
- VIC, swimming pool and tourism expenses were collectively \$0.2m less than budgeted
- There was minimal impact on staffing costs as the majority of impacted staff were redeployed or took leave
- Council has provided rent relief in the form of rent waiver to lessee's meeting the criteria under the Victorian Government Tenancy Relief Scheme at an estimated cost of \$0.1m.

Notes to the Financial Statements

For the year ended 30 June 2020

Note 9 Other matters

9.1 Reserves

	Balance at beginning of reporting period	Increment / (decrement)	Balance at end of reporting period
	\$'000	\$'000	\$'000
a) Asset revaluation reserve			
2020			
Property			
Land	21,559	-	21,559
Buildings	17,978	-	17,978
	39,537	-	39,537
Plant, machinery and equipment			
Books	91	(69)	22
Infrastructure			
Roads	55,214	(474)	54,740
Bridges	15,642	(1,898)	13,744
Footpaths and cycleways	1,239	-	1,239
Drainage	8,793	(810)	7,983
Waste	353	-	353
Recreational, leisure and community	159	-	159
Parks, open spaces and streetscapes	429	-	429
	81,829	(3,182)	78,647
Total asset revaluation reserve	121,457	(3,251)	118,206
2019			
Property			
Land	17,193	4,366	21,559
Buildings	19,002	(1,024)	17,978
	36,195	3,342	39,537
Plant, machinery and equipment			
Books	-	91	91
Infrastructure			
Roads	55,214	-	55,214
Bridges	15,642	-	15,642
Footpaths and cycleways	1,239	-	1,239
Waste	-	353	353
Drainage	8,793	-	8,793
Recreational, leisure and community	159	-	159
Parks, open spaces and streetscapes	-	429	429
	81,047	782	81,829
Total asset revaluation reserve	117,242	4,215	121,457

The asset revaluation reserve is used to record the increased (net) value of Council's assets over time.

Notes to the Financial Statements

For the year ended 30 June 2020

9.1 Reserves (continued)

	Balance at beginning of reporting period	Transfer from accumulated surplus	Transfer to accumulated surplus	Balance at end of reporting period
	\$'000	\$'000	\$'000	\$'000
b) Other reserves				
2020				
Dinner Plain	727	-	(28)	699
Waste	2,597	650	-	3,247
Subdivision recreation	177	1	-	178
Total other reserves	3,501	651	(28)	4,124
2019				
Dinner Plain	1,025	-	(298)	727
Gravel pit restoration	27	-	(27)	-
Waste	865	1,732	-	2,597
Subdivision recreation	41	136	-	177
Total other reserves	1,958	1,868	(325)	3,501

The **Dinner Plain reserve** is maintained to ensure all rates raised from Dinner Plain properties are quarantined and invested back into Dinner Plain.

The **gravel pit restoration reserve** has been closed as the Harrietville quarry is no longer in use and there is no requirement for restoration.

The **waste reserve** is maintained to fund landfill rehabilitation works. Where budgeted rehabilitation projects are not carried out in the financial year, funds are allocated to the reserve to fund future rehabilitation work.

The **subdivision recreation reserve** is maintained to account for contributions received under the *Subdivision Act 1988*. This reserve funds future recreational projects which meet the definition of the Act.

Notes to the Financial Statements

For the year ended 30 June 2020

9.2 Reconciliation of cash flows from operating activities to surplus (continued)

	2020	2019
	\$'000	\$'000
Surplus for the year	7,897	2,418
Depreciation	5,015	4,405
Net loss on disposal of property, infrastructure, plant and equipment	64	3,339
Contributions - non monetary assets	(265)	(582)
Proceeds from the sale of non-current assets classified as held for sale	-	141
Landfill rehabilitation expense	48	1,047
Assets written-off / impaired	-	89
Change in assets and liabilities:		
(Increase)/decrease in trade and other receivables	446	(317)
(Increase)/decrease in prepayments	(295)	92
(Increase)/decrease in accrued income	18	(37)
(Increase)/decrease in inventories	47	2
(Increase)/decrease in investment in associates	-	(19)
Increase/(decrease) in trade and other payables	(447)	1,032
Increase/(decrease) in trust funds and other deposits	41	7
Increase/(decrease) in employee provisions	97	(36)
Increase/(decrease) in unearned income	1,937	-
Increase/(decrease) in income in advance	(36)	72
Increase/(decrease) in landfill restoration provision	(63)	(52)
Net cash provided by operating activities	14,504	11,601

Notes to the Financial Statements

For the year ended 30 June 2020

9.3 Superannuation

Council makes the majority of its employer superannuation contributions in respect of its employees to the Local Authorities Superannuation Fund (the Fund). This Fund has two categories of membership, accumulation and defined benefit, each of which is funded differently. Obligations for contributions to the Fund are recognised as an expense in the Comprehensive Income Statement when they are made or due.

Accumulation

The Fund's accumulation categories, Vision MySuper / Vision Super Saver, receive both employer and employee contributions on a progressive basis. Employer contributions are normally based on a fixed percentage of employee earnings (for the year ended 30 June 2020, this was 9.5% as required under Superannuation Guarantee legislation).

Defined Benefit

Council does not use defined benefit accounting for its defined benefit obligations under the Fund's Defined Benefit category. This is because the Fund's Defined Benefit category is a pooled multi-employer sponsored plan.

There is no proportional split of the defined benefit liabilities, assets or costs between the participating employers as the defined benefit obligation is a floating obligation between the participating employers and the only time that the aggregate obligation is allocated to specific employers is when a call is made. As a result, the level of participation of Council in the Fund cannot be measured as a percentage compared with other participating employers. Therefore, the Fund Actuary is unable to allocate benefit liabilities, assets and costs between employers for the purposes of AASB 119.

Funding arrangements

Council makes employer contributions to the Defined Benefit category of the Fund at rates determined by the Trustee on the advice of the Fund Actuary.

As at 30 June 2019, an interim actuarial investigation was completed. The vested benefit index (VBI) of the Defined Benefit category of which Council is a contributing employer was 107.1%. To determine the VBI, the Fund Actuary used the following long-term assumptions:

- Net investment returns 6.0% pa
- Salary information 3.5% pa
- Price inflation (CPI) 2.0% pa.

Vision Super has advised that the estimated VBI at 30 June 2020 was 104.6%.

The VBI is to be used as the primary funding indicator. Because the VBI was above 100%, the 30 June 2019 actuarial investigation determined the Defined Benefit category was in a satisfactory financial position and that no change was necessary to the Defined Benefit category's funding arrangements from prior years.

Employer contributions

Regular contributions

On the basis of the results of the 2017 interim actuarial investigation conducted by the Fund Actuary, Council makes employer contributions to the Fund's Defined Benefit category at rates determined by the Fund's Trustee. For the year ended 30 June 2020, this rate was 9.5% of members' salaries (9.5% in 2018/2019). This rate will increase in line with any increases in the SG contribution rate. In addition, Council reimburses the Fund to cover the excess of the benefits paid as a consequence of retrenchment above the funded resignation or retirement benefit.

Funding calls

If the Defined Benefit category is in an unsatisfactory financial position at an actuarial investigation or the Defined Benefit category's VBI is below its shortfall limit at any time other than the date of the actuarial investigation, the Defined Benefit category has a shortfall for the purposes of SPS 160 and the Fund is required to put a plan in place so that the shortfall is fully funded within three years of the shortfall occurring. The Fund monitors its VBI on a quarterly basis and the Fund has set its shortfall limit at 97%.

In the event that the Fund Actuary determines that there is a shortfall based on the above requirement, the Fund's participating employers (including Council) are required to make an employer contribution to cover the shortfall. Using the agreed methodology, the shortfall amount is apportioned between the participating employers based on the pre-1 July 1993 and post-30 June 1993 service liabilities of the Fund's Defined Benefit category, together with the employer's payroll at 30 June 1993 and at the date the shortfall has been calculated.

Due to the nature of the contractual obligations between the participating employers and the Fund, and that the Fund includes lifetime pensioners and their reversionary beneficiaries, it is unlikely that the Fund will be wound up. If there is a surplus in the Fund, the surplus cannot be returned to the participating employers. In the event that a participating employer is wound-up, the defined benefit obligations of that employer will be transferred to that employer's successor.

Notes to the Financial Statements

For the year ended 30 June 2020

9.3 Superannuation (continued)

The 2019 interim actuarial investigation surplus amounts

An actuarial investigation is conducted annually for the Defined Benefit category of which Council is a contributing employer. Generally, a full actuarial investigation is conducted every three years and interim actuarial investigations are conducted for each intervening year. An interim investigation was conducted as at 30 June 2019 and a full actuarial investigation was conducted as at 30 June 2017.

The Fund's actuarial investigations identified the following in the defined benefit category of which Council is a contributing employer:

	2019 \$m	2017 \$m
A VBI surplus	151.3	69.8
A total service liability surplus	233.4	193.5
A discounted accrued benefits surplus	256.7	228.8

The VBI surplus means that the market value of the fund's assets supporting the defined benefit obligations exceed the vested benefits that the defined benefit members would have been entitled to if they had all exited on 30 June 2018. Council was notified of the 30 June 2018 VBI during August 2018.

The total service liability surplus means that the current value of the assets in the Fund's Defined Benefit category plus expected future contributions exceeds the value of expected future benefits and expenses.

The discounted accrued benefit surplus means that the current value of the assets in the Fund's Defined Benefit category exceeds the value of benefits payable in the future but accrued in respect of service to the investigation date.

The 2020 triennial actuarial investigation

A triennial actuarial investigation is being conducted for the Fund's position as at 30 June 2020. It is anticipated that this actuarial investigation will be completed by 31 December 2020. The financial assumptions for the purposes of this investigation are:

	2019	2017
Net investment return	5.6% pa	6.5% pa
Salary inflation	2.5% pa	3.5% pa
Price inflation	2.0% pa	2.5% pa

Notes to the Financial Statements

For the year ended 30 June 2020

Note 10 Change in accounting policy

Council has adopted AASB 15 Revenue from Contracts with Customers, AASB 16 Leases and AASB 1058 Income of Not-for-Profit Entities, from 1 July 2019. This has resulted in changes in accounting policies and adjustments to the amounts recognised in the financial statements.

Due to the transition methods chosen by Council in applying these standards, comparative information throughout these financial statements has not been restated to reflect the requirements of the new standards except in relation to contracts that were not complete at 1 July 2019. The transition impact of these are detailed below.

a) AASB 15 Revenue from Contracts with Customers - Impact of Adoption

AASB 15 Revenue from Contracts with Customers applies to revenue transactions where Council provides services or goods under contractual arrangements.

Council adopted AASB 15 Revenue from Contracts with Customers using the modified (cumulative catch up) method. Revenue for 2019 as reported under AASB 118 Revenue is not adjusted, because the new standard is only applied from the date of initial application.

AASB 15 Revenue from Contracts with Customers requires revenue from contracts with customers to be recognised as Council satisfies the performance obligations under the contract.

b) AASB 1058 Income of Not-for-Profit Entities

AASB 1058 Income of Not-for-Profit Entities applies to income received where no contract is in place. This includes statutory charges (such as rates) as well as most grant agreements.

Council adopted AASB 1058 Income of Not-for-Profit Entities using the modified (cumulative catch up) method. Income for 2019 is not adjusted, because the new standard is only applied from the date of initial application.

AASB 1058 Income of Not-for-Profit Entities requires income to be recognised as Council satisfies the performance obligations under the contract.

c) Transition impacts

The following table summarises the impact of transition to the new standards on retained earnings at 1 July 2019.

	2019 \$'000
Retained earnings at 30 June 2019	108,130
Revenue adjustment - impact of AASB 15 Revenue from Contracts with Customers	(311)
Retained earnings at 1 July 2019	107,819

The following table summarises the impacts of transition to the new standards on Council's balance sheet for the year ending 30 June 2019.

	As reported 30 June 2019 \$'000	Adjustments \$'000	Post adoption \$'000
Liabilities	-	311	311
Unearned income	-	311	311
	-	311	311



ALPINE

SHIRE COUNCIL

Alpine Shire Council

Performance Statement

For the year ended 30 June 2020

Performance Statement

For the year ended 30 June 2020

Description of municipality

The Alpine Shire Council is situated in north-east Victoria, approximately 300km from the Victorian state capital Melbourne, and 70km south of Albury-Wodonga. The area of the Alpine Shire is 4,790 square kilometres consisting of 92% public land.

The Shire extends from mountain ranges to the valley floor, where residents choose to live predominantly around the three main towns of Bright, Myrtleford and Mount Beauty. Other members of the populace live in the smaller towns, villages and surrounding farming communities that are spread throughout the Shire.

The region offers a diverse lifestyle with a mix of culture, history and experiences. The region is a well-known destination for tourists with festivals, markets, exhibitions, sporting and recreational activities held throughout the Alpine Shire; together with a range of cafes, restaurants and wineries.

The estimated resident population of the Shire is 12,814, a number which significantly increases with the seasonal influx of tourists. Population demographics show a lower population of 20-39 year olds, but a much higher population of persons aged 55 and over as compared to the Victorian averages.

Sustainable Capacity Indicators

For the year ended 30 June 2020

Indicator / measure	Results				Material Variations
	2016/17	2017/18	2018/19	2019/20	
Population					
<i>Expenses per head of municipal population</i> [Total expenses / Municipal population]	\$1,969	\$1,951	\$2,300	\$2,052	The 2018/19 expenses result was higher than trend due to the impact of a number of one-off items, including a) a write-down in the value of Council's open spaces and waste assets following a detailed revaluation exercise; b) an increase in the provision for the rehabilitation of the Myrtleford landfill following a review of future requirements; and c) a significant proportion of infrastructure project expenditure being operational in nature. The 2019/20 result is more reflective of the expected trend for expenses to increase in line with inflationary pressures.
<i>Infrastructure per head of municipal population</i> [Value of infrastructure / Municipal population]	\$15,021	\$14,727	\$14,753	\$14,738	
<i>Population density per length of road</i> [Municipal population / Kilometres of local roads]	21.5	21.7	22.0	22.4	
Own-source revenue					
<i>Own-source revenue per head of municipal population</i> [Own-source revenue / Municipal population]	\$1,584	\$1,701	\$1,635	\$1,653	There has been some minor impact on user fees due to the impact of COVID-19 and the 2019/20 bushfire season.

Sustainable Capacity Indicators (continued)

For the year ended 30 June 2020

<i>Indicator / measure</i>	Results				Material Variations
	2016/17	2017/18	2018/19	2019/20	
Recurrent grants <i>Recurrent grants per head of municipal population</i> [Recurrent grants / Municipal population]	\$573	\$421	\$401	\$428	The Roads to Recovery Grant and Financial Assistant Grant both increased by non-trivial amounts in 2019/20.
Disadvantage <i>Relative socio-economic disadvantage</i> [Index of Relative Socio-economic Disadvantage by decile]	5	5	5	5	
Workforce turnover <i>Percentage of staff turnover</i> [Number of permanent staff resignations and terminations / Average number of permanent staff for the financial year]x100	31.1 %	7.1 %	14.4 %	11.0 %	

Sustainable Capacity Indicators (continued)

For the year ended 30 June 2020

Definitions

"adjusted underlying revenue" means total income other than—

- (a) non-recurrent capital grants used to fund capital expenditure; and
- (b) non-monetary asset contributions; and
- (c) contributions to fund capital expenditure from sources other than those referred to in paragraphs (a) and (b)

"infrastructure" means non-current property, plant and equipment excluding land

"local road" means a sealed or unsealed road for which the council is the responsible road authority under the *Road Management Act 2004*.

"population" means the resident population estimated by council

"own-source revenue" means adjusted underlying revenue excluding revenue which is not under the control of council (including government grants)

"relative socio-economic disadvantage", in relation to a municipality, means the relative socio-economic disadvantage, expressed as a decile for the relevant financial year, of the area in which the municipality is located according to the Index of Relative Socio-Economic Disadvantage (Catalogue Number 2033.0.55.001) of SEIFA

"SEIFA" means the Socio-Economic Indexes for Areas published from time to time by the Australian Bureau of Statistics on its Internet website

"unrestricted cash" means all cash and cash equivalents other than restricted cash.

Service Performance Indicators

For the year ended 30 June 2020

Service / indicator / measure	Results				Material Variations
	2016/17	2017/18	2018/19	2019/20	
Aquatic facilities Utilisation <i>Utilisation of aquatic facilities</i> [Number of visits to aquatic facilities / Municipal population]	3.2	3.1	2.4	2.2	Pool attendance has been greatly impacted in 2019/20 due to Bushfires in January 2020, and COVID-19 restrictions from March 2020 onwards. Outdoor pool bookings would normally include swimming classes, water aerobics, visiting athletics groups, school holiday programs, and pool parties. In Mount Beauty and Myrtleford many of these were cancelled due to fires / air quality (smoke) closures in January and February. The timing for many school groups was also affected. COVID-19 restrictions have also led to the closure of the indoor pool at Bright Sports Centre.
Animal management Health and safety <i>Animal management prosecutions</i> [Number of successful animal management prosecutions]	New in 2020	New in 2020	New in 2020	0%	No animal management prosecutions were referred to court in 2019/20. (Note: indicator is replacing previous 'Animal management prosecutions' which was a measure of number, not proportion)
Food safety Health and safety <i>Critical and major non-compliance notifications</i> [Number of critical non-compliance notifications and major non-compliance notifications about a food premises followed up / Number of critical non-compliance notifications and major non-	45.5 %	33.3 %	82.9 %	95.8 %	Environmental Health staff focussed on following up non-compliance as a priority in 2019, to ensure that Environmental Health resources were appropriately allocated according to risk profiles of food premises.

Service Performance Indicators (continued)

For the year ended 30 June 2020

Service/indicator /measure	Results				Material Variations
	2016/17	2017/18	2018/19	2019/20	
Governance Satisfaction Satisfaction with council decisions [Community satisfaction rating out of 100 with how council has performed in making decisions in the interest of the community]	57	60	59	56	Community satisfaction with Council decisions fell slightly compared to the previous year, however performance remains higher than both the State-wide and Small Rural Council averages (both 53). Council's upcoming review of its approach to community engagement will have an objective of improving satisfaction with Council decisions.
Libraries Participation Active library members [Number of active library members / Municipal population] x100	20.7 %	20.0 %	18.8 %	18.4 %	The number of active library users has dropped slightly compared to the previous year. This is likely due to bushfires, library closures and social distancing measures impacting on services in 2019/20.

Service Performance Indicators (continued)

For the year ended 30 June 2020

Service/indicator /measure	Results				Material Variations
	2016/17	2017/18	2018/19	2019/20	
Maternal and child health Participation <i>Participation in the MCH service</i> [Number of children who attend the MCH service at least once (in the year) / Number of children enrolled in the MCH service] x100	88.7 %	86.6 %	84.5 %	74.4 %	Participation in the MCH service was greatly impacted during January - June 2020 due to bushfires and COVID-19 restrictions. As a result of these emergencies, restrictions to service delivery were imposed by the Department of Health and Human Services. Despite the restrictions imposed, the MCH team continued to support the community, with only a 10% point reduction in service participation.
Participation <i>Participation in the MCH service by Aboriginal children</i> [Number of Aboriginal children who attend the MCH service at least once (in the year) / Number of Aboriginal children enrolled in the MCH service] x100	84.6 %	95.7 %	79.2 %	58.8 %	Participation in the MCH service was greatly impacted during January - June 2020 due to bushfires and COVID-19 restrictions. As a result of these emergencies, restrictions to service delivery were imposed by the Department of Health and Human Services. Council has a small number of Aboriginal and Torres Strait Island enrolments, so a slight reduction in participation creates a greater reduction in overall results.

Service Performance Indicators (continued)

For the year ended 30 June 2020

Service/indicator /measure	Results				Material Variations
	2016/17	2017/18	2018/19	2019/20	
Roads Satisfaction <i>Satisfaction with sealed local roads</i> [Community satisfaction rating out of 100 with how council has performed on the condition of sealed local roads]	57	60	64	61	Community satisfaction with sealed local roads fell slightly compared to the previous year, however performance remains strong compared to both the State-wide average (54) and Small Rural Council average (51).
Statutory Planning Decision making <i>Council planning decisions upheld at VCAT</i> [Number of VCAT decisions that did not set aside council's decision in relation to a planning application / Number of VCAT decisions in relation to planning applications] x100	0 %	0 %	100 %	0 %	No statutory planning decisions were referred to VCAT during 2019/20.
Waste Collection Waste diversion <i>Kerbside collection waste diverted from landfill</i> [Weight of recyclables and green organics collected from kerbside bins / Weight of garbage, recyclables and green organics collected from kerbside bins] x100	49.6 %	45.9 %	39.4 %	40.4 %	

Service Performance Indicators (continued)

For the year ended 30 June 2020

Retired measures Service/indicator /measure	Results			
	2016/17	2017/18	2018/19	2019/20
Animal Management Health and Safety <i>Animal management prosecutions</i> [Number of successful animal management prosecutions]	#N/A	#N/A	#N/A	Retired in 2020

Service Performance Indicators (continued)

For the year ended 30 June 2020

Definitions

"Aboriginal child" means a child who is an Aboriginal person

"Aboriginal person" has the same meaning as in the *Aboriginal Heritage Act 2006*

"active library member" means a member of a library who has borrowed a book from the library

"annual report" means an annual report prepared by a council under sections 131, 132 and 133 of the Act

"CALD" means culturally and linguistically diverse and refers to persons born outside Australia in a country whose national language is not English.

"class 1 food premises" means food premises, within the meaning of the *Food Act 1984*, that have been declared as class 1 food premises under section 19C of that Act

"class 2 food premises" means food premises, within the meaning of the *Food Act 1984*, that have been declared as class 2 food premises under section 19C of that Act

"Community Care Common Standards" means the Community Care Common Standards for the delivery of HACC services, published from time to time by the Commonwealth to control the standards of HACC service provision.

"critical non-compliance outcome notification" means a notification received by council under section 19N(3) or (4) of the *Food Act 1984*, or advice given to council by an authorised officer under that Act, of a deficiency that poses an immediate serious threat to public health

"food premises" has the same meaning as in the *Food Act 1984*

"HACC program" means the Home and Community Care program established under the Agreement entered into for the purpose of the *Home and Community Care Act 1985* of the Commonwealth

"HACC service" means home help, personal care or community respite provided under the HACC program

"local road" means a sealed or unsealed road for which the council is the responsible road authority under the *Road Management Act 2004*

"major non-compliance outcome notification" means a notification received by a council under section 19N(3) or (4) of the *Food Act 1984*, or advice given to council by an authorised officer under that Act, of a deficiency that does not pose an immediate serious threat to public health but may do so if no remedial action is taken

"MCH" means the Maternal and Child Health Service provided by a council to support the health and development of children within the municipality from birth until school age

"population" means the resident population estimated by council

"target population" has the same meaning as in the Agreement entered into for the purposes of the *Home and Community Care Act 1985* of the Commonwealth

"WorkSafe reportable aquatic facility safety incident" means an incident relating to a council aquatic facility that is required to be notified to the Victorian WorkCover Authority under Part 5 of the *Occupational Health and Safety Act 2004*.

Financial Performance Indicators

For the year ended 30 June 2020

Dimension / indicator / measure	Results				Forecasts				Material Variations
	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	
Efficiency									
Expenditure level									
<i>Expenses per property assessment</i> [Total expenses / Number of property assessments]	\$2,875	\$2,803	\$3,361	\$2,985	\$3,130	\$2,966	\$3,003	\$3,065	The 2018/19 expenses result was higher than trend due to the impact of a number of one-off items, including a) a write-down in the value of Council's open spaces and waste assets following a detailed revaluation exercise; b) an increase in the provision for the rehabilitation of the Myrtleford landfill following a review of future requirements; and c) a significant proportion of infrastructure project expenditure being operational in nature. The 2019/20 result is more reflective of the expected trend for expenses to increase in line with inflationary pressures.
Revenue level									
<i>Average rate per property assessment</i> [General rates and Municipal charges / Number of property assessments]	New in 2020	New in 2020	New in 2020	\$1,684	\$1,735	\$1,755	\$1,799	\$1,826	

Financial Performance Indicators (continued)

For the year ended 30 June 2020

Dimension / indicator / measure	Results				Forecasts				Material Variations
	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	
Liquidity									
Working capital									
<i>Current assets compared to current liabilities</i> [Current assets / Current liabilities] x100	285.4 %	422.7 %	349.5 %	370.1 %	442.2 %	425.5 %	418.8 %	467.0 %	Cash balances have increased somewhat in 2019/20 due to the receipt of Bushfire Recovery funding.
Unrestricted cash									
<i>Unrestricted cash compared to current liabilities</i> [Unrestricted cash / Current liabilities] x100	32.7 %	1.4 %	4.8 %	-48.1 %	30.3 %	43.4 %	46.1 %	48.2 %	Council's commitment to carried-forward capital works and unspent conditional grants is greater than the amount of cash on hand. However Council holds a significant proportion of funds in term deposits with maturity dates staged throughout the year in order to support cashflow and there are no concerns regarding the availability of cash to meet these commitments.

Financial Performance Indicators (continued)

For the year ended 30 June 2020

Dimension / indicator / measure	Results				Forecasts				Material Variations
	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	
Obligations									
Loans and borrowings									
<i>Loans and borrowings compared to rates</i> [Interest bearing loans and borrowings / Rate revenue] x100	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	Council continues to operate free from borrowings and has no foreseeable need for loans in the future.
<i>Loans and borrowings repayments</i> [Interest and principal repayments on interest bearing loans and borrowings / Rate revenue] x100	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	
Indebtedness									
<i>Non-current liabilities compared to own source revenue</i> [Non-current liabilities / Own source revenue] x100	19.3 %	16.2 %	20.8 %	20.4 %	16.6 %	13.9 %	10.8 %	10.2 %	
Asset renewal and upgrade									
<i>Asset renewal and upgrade compared to depreciation</i> [Asset renewal and asset upgrade expense / Asset depreciation] x100	New in 2020	New in 2020	New in 2020	112.3 %	84.9 %	188.7 %	150.9 %	149.2 %	

Financial Performance Indicators (continued)

For the year ended 30 June 2020

Dimension / indicator / measure	Results				Forecasts				Material Variations
	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	
Operating position Adjusted underlying result Adjusted underlying surplus (or deficit) [Adjusted underlying surplus (deficit)/ Adjusted underlying revenue] x100	12.3 %	13.1 %	-6.3 %	16.0 %	0.6 %	-0.1 %	8.7 %	8.9 %	The 2018/19 surplus result was significantly lower than trend due to the impact of a number of one-off items, including a) a write-down in the value of Council's open spaces and waste assets following a detailed revaluation exercise; b) an increase in the provision for the rehabilitation of the Myrtleford landfill following a review of future requirements; and c) a significant proportion of infrastructure project expenditure being operational in nature.
Stability Rates concentration Rates compared to adjusted underlying revenue [Rate revenue / Adjusted underlying revenue] x100	59.1 %	62.2 %	64.5 %	58.8 %	68.4 %	73.6 %	68.0 %	68.7 %	Council received significant Bushfire Recovery funding of \$3.4m in 2019/20 which proportionately increased non-rates sources of revenue.
Rates effort Rates compared to property values [Rate revenue / Capital improved value of rateable properties in the municipality] x100	0.6 %	0.6 %	0.5 %	0.5 %	0.5 %	0.5 %	0.5 %	0.5 %	The overall value of property across the Shire significantly increased in 2019/20.

Financial Performance Indicators (continued)

For the year ended 30 June 2020

Retired measures Dimension / indicator / measure	Results			
	2016/17	2017/18	2018/19	2019/20
Efficiency Revenue level Average residential rate per residential property assessment [Residential rate revenue / Number of residential property assessments]	#N/A	#N/A	#N/A	Retired in 2020
Obligations Asset renewal Asset renewal compared to depreciation [Asset renewal expense / Asset depreciation] x100	#N/A	#N/A	#N/A	Retired in 2020

Financial Performance Indicators (continued)

For the year ended 30 June 2020

Definitions

"adjusted underlying revenue" means total income other than—

- (a) non-recurrent capital grants used to fund capital expenditure; and
- (b) non-monetary asset contributions; and
- (c) contributions to fund capital expenditure from sources other than those referred to in paragraphs (a) and (b)

"adjusted underlying surplus (or deficit)" means adjusted underlying revenue less total expenditure

"asset renewal expenditure" means expenditure on an existing asset or on replacing an existing asset that returns the service capability of the asset to its original capability

"current assets" has the same meaning as in the AAS

"current liabilities" has the same meaning as in the AAS

"non-current assets" means all assets other than current assets

"non-current liabilities" means all liabilities other than current liabilities

"non-recurrent grant" means a grant obtained on the condition that it be expended in a specified manner and is not expected to be received again during the period covered by a council's Strategic Resource Plan

"own-source revenue" means adjusted underlying revenue other than revenue that is not under the control of council (including government grants)

"population" means the resident population estimated by council

"rate revenue" means revenue from general rates, municipal charges, service rates and service charges

"recurrent grant" means a grant other than a non-recurrent grant

"residential rates" means revenue from general rates, municipal charges, service rates and service charges levied on residential properties

"restricted cash" means cash and cash equivalents, within the meaning of the AAS, that are not available for use other than for a purpose for which it is restricted, and includes cash to be used to fund capital works expenditure from the previous financial year

"unrestricted cash" means all cash and cash equivalents other than restricted cash.

Other Information

For the year ended 30 June 2020

1. Basis of preparation

Council is required to prepare and include a Performance Statement within its Annual Report. The Performance Statement includes the results of the prescribed sustainable capacity, service performance and financial performance indicators and measures together with a description of the municipal district and an explanation of material variations in the results. This statement has been prepared to meet the requirements of the *Local Government Act 1989* and *Local Government (Planning and Reporting) Regulations 2014*.

Where applicable the results in the Performance Statement have been prepared on accounting bases consistent with those reported in the Financial Statements. The other results are based on information drawn from council information systems or from third parties (e.g. Australian Bureau of Statistics).

The Performance Statement presents the actual results for the current year and for the prescribed financial performance indicators and measures, the results forecast by Council's Strategic Resource Plan. The *Local Government (Planning and Reporting) Regulations 2014* require explanation of any material variations in the results contained in the Performance Statement. Council has utilised materiality thresholds as described in the "Local Government Better Practice Guide 2018-19 - Performance Statement" relevant to each indicator and measure. Where Council's year on year result varies by more than 10% of the State-wide average (2018/19), Council has reported a material variance. Explanations have not been provided for variations below these materiality thresholds unless the variance is considered to be material because of its nature.

The forecast figures included in the Performance Statement are those adopted by Council in its Strategic Resource Plan on 16 June 2020 and which forms part of the Council Plan. The Strategic Resource Plan includes estimates based on key assumptions about the future that were relevant at the time of adoption and aimed at achieving sustainability over the long term. Detailed information on the actual financial results is contained in the General Purpose Financial Statements. The Strategic Resource Plan can be obtained by contacting Council.

Certification of the Performance Statement

For the year ended 30 June 2020

In my opinion, the accompanying Performance Statement has been prepared in accordance with the *Local Government Act 1989* and the *Local Government (Planning and Reporting) Regulations 2014*.

Principal Accounting Officer

Date:

In our opinion, the accompanying Performance Statement of the Alpine Shire Council for the year ended 30 June 2020 presents fairly the results of Council's performance in accordance with the *Local Government Act 1989* and the *Local Government (Planning and Reporting) Regulations 2014*.

The Performance Statement contains the relevant performance indicators, measures and results in relation to service performance, financial performance and sustainable capacity.

At the date of signing, we are not aware of any circumstances that would render any particulars in the Performance Statement to be misleading or inaccurate.

We have been authorised by the Council and by the *Local Government (Planning and Reporting) Regulations 2014* to certify this Performance Statement in its final form.

Councillor

Date:

Councillor

Date:

Chief Executive Officer

Date: