

M(12) – 22 OCTOBER 2024

# Ordinary Council Meeting

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Agenda

The **Ordinary Meeting** of the **Alpine Shire Council** was held in the Council Chambers, Great Alpine Road, Bright on **Tuesday 22 October 2024** and commenced at **5:00pm**.

## **PRESENT**

### **COUNCILLORS**

Cr John Forsyth - Mayor

Cr Simon Kelley - Deputy Mayor

Cr Katarina Hughes\*

Cr Ron Janas

Cr Tony Keeble

Cr Sarah Nicholas

Cr Kelli Prime

*\* attendance via electronic means*

### **OFFICERS**

Will Jeremy - Chief Executive Officer

Alan Rees - Director Assets

Nathalie Cooke - Director Corporate and Community

### **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.

In accordance with Alpine Shire Council Governance Rules adopted on 27 July 2024, Obituaries / congratulations, Question Time, Notices of Motion, General Business and Reports by Delegates will not be presented during the election period.

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

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

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

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

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

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

## 3. Confirmation of minutes

### 3.1 SPECIAL COUNCIL MEETING – SPM(11) – 8 OCTOBER 2024

*Cr Janas*

*Cr Prime*

*That the minutes of Special Council Meeting SPM(11) held on 8 October 2024 as circulated be confirmed.*

*Carried*

## 4. Apologies

Nil

## 5. Obituaries / congratulations

In accordance with Alpine Shire Council Governance Rules (2024), obituaries / congratulations will not be held during the election period.

## 6. Declarations by Councillors of conflict of interest

Nil

## 7. Public questions

In accordance with Alpine Shire Council Governance Rules (2024), question time will not be held during the election period.

## 8. Mayors Report

### 8.1.1 Alpine Shire Council Annual Report 2023/24

#### Election Period Statement

The recommendation is not a prohibited decision as defined by s69(2) or s69(3) of the *Local Government Act 2020*, nor is it a decision that could be reasonably deferred, or should not be made in accordance with Council's Election Period Policy.

#### INTRODUCTION

The purpose of this report is to present Council's 2023/24 Annual Report.

*Cr Nicholas*

*Cr Keeble*

*That Council:*

- 1. In accordance with section 100 of the Local Government Act 2020, receives and notes the Annual Report 2023/24; and*
- 2. Delegates to the Chief Executive Officer the authority to correct any typographical errors.*

*Carried Unanimously*

#### BACKGROUND

Section 98 of the *Local Government Act 2020* (LGA 2020) requires Council to prepare an Annual Report for each financial year that contains a report on the operations of the Council, an audited performance statement and audited financial statements.

Council approved the in-principle Financial and Performance Statements at a Special Council Meeting held on 8 October 2024.

Section 100 of the LGA 2020 requires the Mayor to report on the implementation of the Council Plan by presenting the Annual Report at a Council Meeting open to the public within four months of the end of financial year, however in a year where Council Elections are held, by the last day before the Election closes. For this year, this date is the 25 October 2024.

At the time of publishing the Council meeting agenda, Council had received clearance from the Victorian Auditor General's Office (VAGO) for the Financial Statements and Performance Statement for 2023/24.

Final certificates were received from VAGO prior to the Council meeting, and inserted into the Annual Report prior to noting at the Council meeting.

Certificates have been inserted into pages 70-71 and 130-131 of the Alpine Shire Council Annual Report 2023/24 (attachment 8.1.1).

The Annual Report contains all information required by the LGA 2020, and the *Local Government (Planning and Reporting) Regulations 2020*.

## ISSUES

### *Report of Operations*

This section of the Annual Report provides an overview of progress in delivering the Strategies contained in the Council Plan 2021-2025, and the Major Initiatives in the Budget 2023/24. A summary of key achievements in 2023/24 include:

#### **1. For those who live and visit**

- Engagement with the community and businesses provided essential feedback and input to inform Council's decision-making, including the annual Budget and Community Grants programs.
- Nineteen community groups received more than \$77,000 in community grants to deliver projects valued at more than \$180,000. A further five groups were awarded funding for environmental projects valued at \$80,000, made possible through the Bushfire Recovery Revitalising our Environments Grant.
- The Sport and Active Recreation Master Plan was undertaken, which included a full review of facilities and infrastructure for Pioneer Park (Bright), Mount Beauty Sport and Education Precinct, and Myrtleford town centre.

#### **2. For a thriving economy**

- Forty-three funding applications were supported through the Event Funding Program, distributing more than \$180,000 to support events in the Alpine Shire.
- Council issued 143 event permits in 2023/24, supporting 56 markets, ten civic events, 13 youth and community events, and four events in Dinner Plain.
- In partnership with Tourism North East, Council undertook planning for the Murray to Mountains Rail Trail enhancements project, which will see public art installations, experiences, and infrastructure improvements along the Rail Trail.

#### **3. For the bold protection of our future**

- Net zero greenhouse gas emissions was achieved in 2023 by offsetting 569 tonnes of CO<sub>2</sub>-e residual emissions for 2022/23 through the purchase of Greenfleet offsets.
- Kerbside Food Organics Garden Organics (FOGO) collection was introduced on 1 July 2023, successfully diverting organic waste from landfill.
- Capping works at the Porepunkah Transfer Station were completed to ensure historic landfill is capped to Environment Protection Authority Best Practice Management standards.

#### **4. For the enjoyment and opportunities of our lifestyle**

- A planning permit was issued in November 2023 for a staged multi-lot subdivision for the Bright Valley Development.
- A Neighbourhood Character Strategy was developed for all townships, ready for public consultation in early 2024/25.

- Great Alpine Road Western Gateway Trees Heritage Overlay (Bright) was completed, ready for adoption in early 2024/25. A planning scheme amendment will be progressed to implement the Heritage Overlay.
- Land Development Strategy was finalised, ready for adoption in early 2024/25.
- Detailed designs for Alpine Better Places Harrietville were completed, which will deliver trail connections and upgrades, and new public amenities and car parking at the trail heads.

#### **5. For strong and informed leadership**

- Council launched the Engage Alpine online engagement platform in mid-October 2023. The platform attracted 860 members by 30 June 2024, and hosted a broad range of engagement projects throughout the year. The platform provides a valuable addition to Council's traditional engagement and communication methods.
- A new Enterprise Agreement was negotiated and voted on by staff during 2023/24, with the agreement approved by the Fair Work Commission in April 2024.
- Council continued its advocacy and participation in regional partnerships and groups.

#### ***Governance Report***

This section of the Annual Report contains required statutory information.

#### ***Financial Statements***

The Financial Statements show Council's financial performance, financial position, and cash flows against the previous year.

In summary, Council ended the 2023/24 year with an operating surplus of \$6.39m, which is \$0.09m higher than the \$6.30m surplus in 2022/2023.

The 2023/24 Annual Budget (the Budget) projected a surplus of \$2.67m, \$3.71m lower than the actual result.

The higher than budgeted result was primarily due to a number of factors which can be summarised as follows:

- An increase in other revenue associated with interest on investments and rental returns on investment properties;
- Higher non-monetary contributions; and
- Less attributed to depreciation.

The total comprehensive result for the 2023/24 Financial year is \$57.22m. This comprehensive result has been impacted by a combination of two asset revaluation processes detailed below which increased Council's asset base.

During 2023/24 Council changed to a new Asset Register. During the process of transferring information to the new system, Council changed the way it sourced its information. This led to some previously unrecorded assets being added to the register. In addition, in 2023/24 Council undertook formal valuations on three asset classes, as per Council's cyclical revaluation program. These classes were: Land, Land Under Roads and Buildings. The valuations were undertaken by a professional valuation organisation.



The combination of these two processes led to an identified increase in Council's asset base of \$91.57m. Of this amount, \$40.73m was related to the previously unrecorded assets being added to the register and defined as a prior year (2023/24) error. The remaining \$50.84 was related to the revaluation of current assets.

Details of the prior year error and the revaluation impacts can be found in note's 6 and 11 respectively of the Annual Financial Statement.

## **1. Income**

Altogether Council received \$40.75m in income which was \$2.30m favourable to the Budget projection of \$38.45m. Key variances to budget are as follows:

### *1.1 Grants - operating*

Council received total operating grant income of \$4.71m which was \$0.90m unfavourable to the budget of \$5.61m. This was due to the receipt of the majority of the 2023/24 Financial Assistance Grant in 2022/23 and the 2024/25 Financial Assistance Grant being received in 2024/25.

### *1.2 Grants - capital*

Council received total capital grant income of \$6.37m which was \$0.70m more than the budget of \$5.67m. This was due to the recognition of revenue related to a number of capital projects where works have not been completed yet milestones have been achieved.

### *1.3 Contribution - Non-Monetary*

Council budgeted for non-monetary contributions of \$1.30m. Council has received non-monetary contributions of \$3.22m, which includes land from subdivisions and the recognition of the inclusion of the Porepunkah Holiday Park in Council's accounts, provided by the State Government.

### *1.4 Fair Value Increment on Investment Property*

Council undertook valuations on the four investment properties under its control. The decrease in the accounts is due to the valuation of Tawonga Holiday Park being less than the amount spent on refurbishing the park, creating a write down of \$1.72m. This was partly offset by an upwards increase in the valuation for Myrtleford and Bright Holiday parks of \$0.95m.

## **2. Expenses**

Overall expenses were \$34.36m which was \$1.42m lower than Budget.

### *2.1 Depreciation*

Depreciation was \$5.33m which was \$1.92m favourable to Budget. Better depreciation schedules have meant that depreciation budgets are overstated.

### ***Performance Statement***

The Performance Statement provides an overview of Council progress against key performance indicators. The Local Government Performance Reporting Framework (LGPRF) provides the basis for these indicators to enable a uniform Performance Statement across all Victorian councils.

An overview of movement in results is provided below:

- Utilisation of aquatic facilities increased significantly in 2023/24, with increased membership and casual visitation in Bright and Mount Beauty, and warmer summer weather promoting increased visitation to the outdoor pools in Mount Beauty and Myrtleford.
- Community satisfaction with Council's community consultation and engagement mirrors a decline in both Small Rural Council and Statewide averages compared to previous years. Council has launched an online engagement platform, which complements traditional engagement and communication methods.
- Kerbside waste diverted from landfill has increased significantly compared to the previous year as a result of the introduction of the FOGO (kerbside collection introduced on 1 July 2023).

Generally, the financial indicators show that Council is financially sustainable and that services are being delivered within expected parameters.

### **POLICY IMPLICATIONS**

The Annual Report must be presented to a Council meeting open to the public within four months of the end of financial year.

The Financial Statements and Performance Statement have been prepared and audited in accordance with the *Local Government Act 2020*.

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

- 5.2 A responsible, transparent and responsive organisation

### **FINANCIAL AND RESOURCE IMPLICATIONS**

Final certificates were received from VAGO prior to the Council meeting, and inserted into the Annual Report prior to noting at the Council meeting.

Certificates have been inserted into pages 70-71 and 130-131 of the Alpine Shire Council Annual Report 2023/24 (attachment 8.1.1).

The Annual Report containing Financial Statements and Performance Statement for the year ended 30 June 2024 shows that Council remains financially sustainable.

## RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Inability to accurately plan and manage finances due to inaccurate financial data	Unlikely	Moderate	<ul style="list-style-type: none"> <li>Financial Plan</li> <li>Annual Budget</li> <li>Regular reporting</li> <li>Year-end controls and reconciliations</li> <li>Audit processes</li> </ul>
Failure to address changes in accounting standards and legislation	Rare	Minor	<ul style="list-style-type: none"> <li>Liaison with auditors</li> <li>Industry updates</li> <li>Staff ongoing professional development</li> </ul>

## CONSULTATION

The Audit and Risk Committee Charter states that the Committee is required to review the Annual Financial Report and consider whether it is complete, consistent with information known to Audit and Risk Committee members and reflects appropriate accounting principles.

The Audit and Risk Committee was presented with the in-principle Financial Statements and Performance Statement and received a briefing from Council's auditors following their review of these documents on 8 October 2024.

## CONCLUSION

Council ended the 2023/24 year with an operating surplus of \$6.39m, which is greater than that predicted in the 2023/24 Annual Budget.

## DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate and Customer
- Manager Corporate
- Governance Officer

## ATTACHMENT(S)

8.1.1 Alpine Shire Council Annual Report 2023/24

## 9. Presentation of reports by officers

### 9.1 DIRECTOR CORPORATE AND COMMUNITY – NATHALIE COOKE

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

File Number: Delegations register

#### **Election Period Statement**

The recommendation is not a prohibited decision as defined by s69(2) or s69(3) of the *Local Government Act 2020*, nor is it a decision that could be reasonably deferred, or should not be made in accordance with Council's Election Period Policy.

#### **INTRODUCTION**

Instruments of appointment and authorisation are an important means of Council ensuring that its officers are appropriately authorised under the relevant Acts that Council administers. This report provides for two permanent appointments to Council's Planning Team.

*Cr Kelley*

*Cr Prime*

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

- 1. The following members of Council staff referred to in attachment 9.1.1a & b "S11A – Instrument of Appointment and Authorisation – Planning & Environment Act 1987" (the Instrument) be appointed and authorised as set out in the Instrument;*
  - a. Statutory Planning Officer (a)*
  - b. Statutory Planning Officer (b)*
- 2. The instruments come into force immediately the common seal of Council is affixed to the instruments, and remain in force until Council determines to vary or revoke them; and*
- 3. The Instruments be signed and sealed at the appropriate stage of this meeting.*

*Carried Unanimously*

#### **BACKGROUND**

Election Period

During the Election Period, Council must ensure that it does not make any decisions that contravene sections 69(2) or 69(3) of the *Local Government Act 2020*. This means that Council is prohibited from making decisions relating to the appointment or

remuneration of the CEO, committing Council to expenditure exceeding \$220,000 (excluding GST), or making decisions that are defined in Council's Election Period Policy that could be reasonably deferred until after the election, or should not be made during the Election Period. Council's Election Period Policy does not prohibit Council from appointing Authorised Officers during the Election Period.

As outlined in the remainder of this report, Council officers require current and accurate authorisations to fulfil their duties. If Council chose to defer the decision to appoint and authorise staff to these statutory positions until after the Election, the officers would be unable to exercise the powers of an Authorised Officer under the *Planning and Environment Act 1987* until such time as the authorisation is approved.

The authorisation of staff with planning responsibilities is a routine process presented to a Council meeting, which has occurred at Council meetings held in the 2024 calendar year in January, February, June, August, and September. Changes in staff and position titles are the reason behind the regular presentation to Council.

## ISSUES

### *Authorised Officers*

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

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

### *Planning and Environment Act 1987*

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

### *Maddocks Delegations and Authorisations Service*

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

## POLICY IMPLICATIONS

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

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

- 5.2 A responsible, transparent and responsive organisation

## FINANCIAL AND RESOURCE IMPLICATIONS

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

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

## RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Authorisations are not in place or are out of date	Possible	Moderate	<ul style="list-style-type: none"> <li>• Ensure that all Council officers have up-to-date authorisations to ensure that they can undertake their duties.</li> </ul>

## CONSULTATION

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

## CONCLUSION

The appropriate appointment of authorised officers to enforce the *Planning and Environment Act 1987* is required to ensure that Council officers can undertake their statutory roles, and does not constitute a decision that is prohibited during the Election Period.

## DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate and Community
- Manager Corporate
- Governance Officer

## ATTACHMENT(S)

- 9.1.1a. S11A – Instrument of Appointment and Authorisation – *Planning & Environment Act 1987* – Statutory Planning Officer (a)
- 9.1.2b. S11A – Instrument of Appointment and Authorisation – *Planning & Environment Act 1987* – Statutory Planning Officer (b)

## 9.1.2 Audit and Risk Committee Meeting Minutes - September and October 2024

### Election Period Statement

The recommendation is not a prohibited decision as defined by s69(2) or s69(3) of the *Local Government Act 2020*, nor is it a decision that could be reasonably deferred, or should not be made in accordance with Council's Election Period Policy.

### INTRODUCTION

The purpose of the report is to present the (unconfirmed) minutes of the Audit and Risk Committee meetings No.2024/25-2 held on 20 September 2024, and No.2024/25-2a held on 8 October 2024.

There was one item presented to and considered by the Audit and Risk Committee (Committee) at both of these meetings, being the Draft Annual Financials and Performance Statement seeking approval in principle.

*Cr Janas*

*Cr Kelley*

*That Council receives and notes the (unconfirmed) minutes of the Audit and Risk Committee meeting No.2024/25-02 held on Friday 20 September 2024 and meeting No.2024/25-02a held on Friday 8 October 2024.*

*Carried Unanimously*

### REPORT

The Audit and Risk Committee meeting on the 20 September 2024 resolved not to endorse in principle the Draft Annual Financial and Performance Statement due to work still required to be undertaken between Council and our External Auditors. An additional meeting was scheduled for 8 October 2024.

The Audit and Risk Committee meeting on the 8 October 2024 reviewed the Draft Annual Financial and Performance Statement and discussed the Statement with our External Auditors. Feedback received included that a number of identified issues had been resolved, and one material change was identified and required by the auditors. This change was agreed to by Council. On the basis of this the Audit and Risk Committee resolved to endorse in principle the Draft Annual Financial and Performance Statement,

#### ***Annual Financial Statements***

The Financial Statements show Council's financial performance, financial position, and cash flow against the previous year.

Annual Financial Statement detail can be found in report 8.1.1 of this meeting.



***Annual Performance Statements***

The Performance Statement provides an overview of Council progress against key performance indicators. The Local Government Performance Reporting Framework (LGPRF) provides the basis for these indicators to enable a uniform Performance Statement across all Victorian councils.

Annual Performance Statement detail can be found in report 8.1.1. of this meeting.

**POLICY IMPLICATIONS**

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

- 5.2 A responsible, transparent and responsive organisation

**FINANCIAL AND RESOURCE IMPLICATIONS**

Members of the Audit and Risk Committee are remunerated for their time in accordance with the 2024/25 Budget.

Resources supporting the Committee are included in the annual approved Budget.

**RISK MANAGEMENT**

Risk	Likelihood	Impact	Mitigation Action / Control
The oversight function of the Audit and Risk Committee are not adequately presented to Council meeting.	Unlikely	Minor	Minutes are prepared within two weeks of the Audit and Risk Committee meeting and taken to the next available Ordinary Council Meeting.

**CONSULTATION**

Consultation occurred with the Audit and risk Committee.

**CONCLUSION**

Generally, the financial indicators show that Council is financially sustainable and that services are being delivered within expected parameters.

The Committee, being satisfied with the detail provided in its agenda and the officer reports, submit the (unconfirmed) minutes of meeting No.2024/25-02 held on 20 September 2024 and meeting No.2024/25-02a held on 8 October 2024 to Council for noting.

## DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate and Community
- Manager Corporate

## ATTACHMENT(S)

- 9.1.2a Minutes (unconfirmed) of Audit and Risk Committee Meeting No.2024/25-02, 20 September 2024
- 9.1.2b Minutes (unconfirmed) of Audit and Risk Committee Meeting No.2024/25-02a, 8 October 2024

## **10. Informal meetings of Councillors**

In accordance with Alpine Shire Council Governance Rules (2024) no Informal Meeting of Councillors is to be tabled during the election period.

## **11. Presentation of reports by delegates**

In accordance with Alpine Shire Council Governance Rules (2024) no Reports by Delegates will be tabled during the election period.

## **12. General business**

In accordance with Alpine Shire Council Governance Rules (2024) general business will not be held during the election period.

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

In accordance with Alpine Shire Council Governance Rules (2024) no Notices of Motion is to be received during the election period.

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

In accordance with Alpine Shire Council Governance Rules (2024), no Reception and reading of petitions is to be received during the election period.

## 15. Documents for sealing

### **Election Period Statement**

The recommendation is not a prohibited decision as defined by s69(2) or s69(3) of the *Local Government Act 2020*, nor is it a decision that could be reasonably deferred, or should not be made in accordance with Council's Election Period Policy.

*Cr Janas*

*Cr Keeble*

*That the following documents be signed and sealed.*

- 1. S11A - Instrument of Appointment and Authorisation - Planning & Environment Act 1987 - Statutory Planning Officer 9.2.1a.*
- 2. S11A - Instrument of Appointment and Authorisation - Planning & Environment Act 1987 - Statutory Planning Officer 9.2.1b.*

*Carried Unanimously*

There being no further business the Chairperson declared the meeting closed at 5:30 p.m.