

M(13) – 26 NOVEMBER 2024

Ordinary Council Meeting

Minutes

The next **Ordinary Meeting** of the **Alpine Shire Council** was held in the Council Chambers, Great Alpine Road, Bright on **26 November 2024** and commenced at **5:00pm**.

PRESENT

COUNCILLORS

Cr John Andersen

Cr Dave Byrne

Cr Gareth Graham

Cr Sarah Nicholas

Cr Jean-Pierre Ronco

Cr Peter Smith

Cr Noah Tanzen*

** attendance via electronic means*

OFFICERS

Will Jeremy - Chief Executive Officer

Alan Rees - Director Assets

Nathalie Cooke - Director Corporate and Community

APOLOGIES

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1. Interim Chairperson

Section 25(3) of the *Local Government Act 2020* (LGA 2020) states that the election of Mayor must be chaired by the Chief Executive Officer (CEO), and be conducted in accordance with the Governance Rules.

Chapter 2 of Council's Governance Rules further steps out the process for the Election of Mayor and Deputy Mayor, including the requirement for the CEO to preside at the election of a Councillor to the office of Mayor. The elected Mayor will then preside over the election of Deputy Mayor.

The Chief Executive Officer will assume the role of Interim Chairperson to deal with Items 2 to 9.1.2 of this Agenda.

2. Recording and livestreaming of Council meetings

The CEO will read the following statement:

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

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

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

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

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

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

All to stand, the CEO will 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.

4. Confirmation of minutes

4.1 ORDINARY COUNCIL MEETING – M(12) – 22 OCTOBER 2024

Cr Nicholas

Cr Smith

That the minutes of Ordinary Council Meeting M(12) held on 22 October 2024 as circulated be confirmed.

Carried Unanimously

5. Apologies

Nil

6. Obituaries / congratulations

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

7. Declarations by Councillors of conflict of interest

Cr **Tanzen** declared a conflict of interest with respect to item number 9.3.2 Building Services Support Contract and will be moved into a virtual meeting room at the appropriate stage of the meeting.

8. Public questions

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

G5 Public Question Time

GS3. Questions submitted to Council may be:

- Submitted as a "Question on Notice" to the Chief Executive Officer in writing by 5pm on the day prior to the Council meeting, stating the name and contact details of the person submitting the question; or
- During meetings held wholly in-person, at the Chairperson's discretion, asked directly by a member of the public gallery at the Council meeting during public question time.

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

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

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

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

9. Presentation of reports by officers

9.1 CHIEF EXECUTIVE OFFICER – WILL JEREMY

9.1.1 Mayoral Term

INTRODUCTION

The *Local Government Act 2020* (LGA 2020) sets out several requirements for the election of Mayor including the timing of the election of Mayor and the length of the term.

Section 26(1) of the LGA 2020 requires the Mayor to be elected no later than one month after the date of a general election.

Section 26(3) further requires Council to resolve to elect a Mayor for a term of either one year or two years before electing the Mayor. Whether a Mayor is elected for a one year or two year term, the next election of the Mayor must be held on a day that is as close to the end of that term as is practicable. It is likely that the election of the Mayor will be considered at the relevant November Ordinary Council Meeting.

Chapter 2 of Council's Governance Rules further support the requirement to set the term of office prior to electing the Mayor.

The Chief Executive Officer will call for a motion to set the term of the Office of the Mayor (one year or two years).

Cr Nicholas

Cr Byrne

That the term of office of the Mayor be set for a one year term.

Carried Unanimously

9.1.2 Election of Mayor

Introduction

The *Local Government Act 2020* (LGA 2020) sets out the requirements for the election of Mayor.

Section 25(1) of the LGA 2020 requires the meeting to elect the Mayor to be open to the public.

Any Councillor is eligible for election or re-election to the office of Mayor.

Role of the Mayor

Section 18 of the LGA 2020 sets out the role of the Mayor:

1. The role of the Mayor is to—
 - a. chair Council meetings; and
 - b. be the principal spokesperson for the Council; and
 - c. lead engagement with the municipal community on the development of the Council Plan; and
 - d. report to the municipal community, at least once each year, on the implementation of the Council Plan; and
 - e. promote behaviour among Councillors that is consistent with the Model Councillor Code of Conduct; and
 - f. assist Councillors to understand their role; and
 - g. take a leadership role in ensuring the regular review of the performance of the Chief Executive Officer; and
 - h. provide advice to the Chief Executive Officer when the Chief Executive Officer is setting the agenda for Council meetings; and
 - i. perform civic and ceremonial duties on behalf of the Council.
2. The Mayor is not eligible to be elected to the office of Deputy Mayor.

Specific powers of the Mayor

Section 19 of the LGA 2020 sets out the specific powers of the Mayor:

1. The Mayor has the following specific powers—
 - a. to appoint a Councillor to be the chair of a delegated committee;
 - b. to direct a Councillor, subject to any procedures or limitations specified in the Governance Rules, to leave a Council meeting if the behaviour of the Councillor is preventing the Council from conducting its business;
 - c. to require the Chief Executive Officer to report to the Council on the implementation of a Council decision.
2. An appointment under subsection (1)(a) prevails over any appointment of a chair of a delegated committee by the Council.

The Chief Executive Officer will call for nominations and a seconder for the Office of Mayor in accordance with Chapter 2 of Council's Governance Rules.

The Chief Executive Officer will invite the newly elected Mayor to address the meeting.

Cr Byrne nominated Cr Nicholas

Cr Graham seconded the nomination.

Cr Nicholas accepted the nomination.

Cr Nicholas was elected as Mayor unopposed.

Chief Executive Officer vacated the role as Interim Chair and the Mayor assumes role as Chair.

9.1.3 Office and term of Deputy Mayor

Introduction

Section 20A of the *Local Government Act 2020* (LGA 2020) provides that Council may establish an office of Deputy Mayor.

The LGA 2020 requires Council to establish the term of office of Deputy Mayor for either one year or two years prior to electing the Deputy Mayor.

As for the Mayor, the next election of Deputy Mayor must be held on a day that is as close to the end of that term as possible.

The election of the Deputy Mayor will be considered at the relevant November Ordinary Council meeting.

Where Council chooses not to appoint a Deputy Mayor, it must follow the provisions of 20B of the LGA 2020, and appoint an Acting Mayor where:

- a. The Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
- b. The Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
- c. The office of Mayor is vacant.

Where Council appoints a Deputy Mayor under s20A of the LGA 2020, the Deputy Mayor must perform the role of the Mayor, and may exercise any of the powers of the Mayor in the situations a-c above.

Council has historically set the term of Deputy Mayor to match the term of the Mayor.

The Mayor will call for a motion to create an office of Deputy Mayor, and set the term of the Office of the Deputy Mayor (one year or two years).

Cr Andersen

Cr Graham

That:

- 1. Council establishes an office of Deputy Mayor; and*
- 2. The term of office of the Deputy Mayor be aligned to the term of office of the Mayor.*

Carried Unanimously

9.1.4 Election of Deputy Mayor

Introduction

The *Local Government Act 2020* (LGA 2020) requires that the steps for election of Deputy Mayor must follow the same process as for the election of Mayor.

Any Councillor is eligible for election or re-election to the office of Deputy Mayor.

Role of the Deputy Mayor

Section 21 of the LGA 2020 sets out the role and powers of the Deputy Mayor:

The Deputy Mayor must perform the role of the Mayor and may exercise any of the powers of the Mayor if—

- a. the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
- b. the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
- c. the office of Mayor is vacant.

The role of Mayor is set out in item 9.1.2 of this meeting.

The Mayor will call for nominations and a seconder for the Office of Deputy Mayor in accordance with Chapter 2 of Council's Governance Rules.

Cr Ronco nominated Cr Smith

Cr Anderson seconded the nomination.

Cr Smith accepted the nomination.

Cr Tanzen nominated Cr Graham

There was no seconder for this nomination and it therefore lapsed.

Cr Smith elected as Deputy Mayor.

9.1.5 Councillor Oaths or Affirmations of Office

INTRODUCTION

The *Local Government Act 2020* LGA 2020 specifies that a person elected to be a Councillor is not capable of acting as a Councillor unless he or she has taken the oath or affirmation of office in the manner prescribed by the regulations.

Cr Byrne

Cr Andersen

That the Oaths or Affirmations of Office signed on 14 November 2024 be received and recorded in the minutes of this Council meeting.

Carried Unanimously

BACKGROUND / ISSUES

Section 31 of the LGA 2020 states that the office of a Councillor becomes vacant if a person elected to be a Councillors does not take the Oath or Affirmation of Office within three months after the day on which the person was declared elected.

Oath or Affirmation of Office

Section 30 of the LGA 2020 requires the Oath or Affirmation of Office to be administered by the Chief Executive Officer (CEO); signed and dated before the CEO; and recorded in the minutes of a Council meeting, whether or not the Oath or Affirmation was taken at a Council meeting.

The Oath or Affirmation of Office ceremony was held on 14 November 2024 in the Bright Council Chambers and the signed Oaths / Affirmation are included with the minutes of this meeting.

Oaths and Affirmations were in accordance with the required format in the *Oaths and Affirmations Act 2018*, and the *Local Government (Governance and Integrity) Regulations 2020*, which required the following form:

"I will undertake the duties of the office of Councillor in the best interests of the municipal community.

I will abide by the Model Councillor Code of Conduct and uphold the standards of conduct set out in the Model Councillor Code of Conduct.

I will faithfully and impartially carry out and exercise the functions, powers, authorities and discretions vested in me under the Local Government Act 2020 and any other Acts to the best of my skill and judgement."

Policy Implications

Section 30(1) of the LGA 2020 states that a person elected to be a Councillor is not capable of acting as a Councillor until the person has taken the Oath or Affirmation of Office in the manner prescribed by the *Local Government (Governance and Integrity) Regulations 2020*.

Councillors-elect have now completed their Oaths and Affirmations of Office, and can now commence their roles as Councillors.

Financial And Resource Implications

Mayor and Councillors are entitled to receive allowances in accordance with the *Local Government Act 2020*, and reimbursement of expenses in accordance with the Councillor Expenses and Support Policy No. 76. Council has budgeted for these expenses in the Annual Budget.

Consultation

Councillors were able to choose their preferred version of Oath or Affirmation. As this is a statutory process, no community consultation was required.

Conclusion

Council is required to include a copy of signed Oaths and Affirmations in the minutes of a Council meeting. This report ensures that Council has complied with this LGA 2020 requirement.

Attachment(s)

9.1.5 Councillor Oaths / Affirmations of Office

9.2 DIRECTOR ASSETS – ALAN REES

9.2.1 Resealing Program

INTRODUCTION

This report relates to the award of a contract for the Resealing Program 2024/2025 financial year.

Cr Byrne

Cr Smith

That Council:

- 1. Awards Contract No. 2606801 to Rich River Asphalt for the lump sum price of \$446,884 (GST exclusive); and*
- 2. Delegates authority to the Chief Executive Officer to sign the contract at an appropriate time.*

Carried Unanimously

BACKGROUND

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

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

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

The Resealing Program is part of Council's road renewal program and the 2024/2025 resealing program is scheduled to be completed in the Lower Ovens region, which encompasses Myrtleford and surrounds. Council undertakes works each year on road segments identified through its routine condition inspection program.

EVALUATION

The 2024/2025 Resealing Program was placed on public tender and advertised on Tenders.net on 23 August 2024 and on Council's website.

The tender documents were downloaded by 16 prospective tenderers and three responses were received by the closing date.

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

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

Following the assessment of the tenders, it was determined that the tender from Rich River Asphalt best met the requirements of the selection criteria.

ISSUES

Council is not aware of any issues outside of the minor affect these works may have on traffic movements and the general public.

POLICY IMPLICATIONS

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

- 4.5 Assets for our current and future needs

FINANCIAL AND RESOURCE IMPLICATIONS

A total budget of \$550,000 has been allocated for the 2024-25 Resealing Program. The total contract value of the 2024/2025 Resealing Program is \$446,884 (GST exclusive). Spray sealing and the renewal of line marking is included in the resealing program.

The remaining budget amount will be utilised to carry out road shoulder, drainage and vegetation maintenance required in preparation for resealing.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Works hindering daily local traffic, school drop off, and pick up traffic and the general public	Almost certain	Minor	<ul style="list-style-type: none"> • Works have been scheduled to be carried out in late January across school holidays to avoid busier times

CONSULTATION

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

CONCLUSION

Following a comprehensive assessment, the tender from Rich River Asphalt is considered to present the best value option for Council.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Engineering and Assets
- Project Manager

ATTACHMENT(S)

Nil

9.3 DIRECTOR CORPORATE AND COMMUNITY – NATHALIE COOKE

9.3.1 Appointment of Councillors to represent Council on Committees and Boards

INTRODUCTION

Council operates and participates on a range of special, advisory and external committees and groups. Appointment of Councillors to the various committees and groups will enable good governance and decision making for the 2024-25 year.

Cr Andersen

Cr Graham

That Councillors be appointed as Council's delegate on the following groups and committees:

<i>Committee</i>	<i>Councillor representative(s) to November 2025</i>
<i>Municipal Association of Victoria</i>	<i>Mayor Cr Nicholas Deputy Mayor Cr Smith</i>
<i>Hume Region Local Government Network</i>	<i>Mayor Cr Nicholas</i>
<i>CEO Employment and Remuneration Committee</i>	<i>Mayor Cr Nicholas Cr Andersen Cr Tanzen</i>
<i>Rural Councils Victoria (RCV)</i>	<i>Mayor Cr Nicholas</i>
<i>Taungurung - Local Government Forum</i>	<i>Mayor Cr Nicholas</i>
<i>Alpine Shire Council - Finance Committee</i>	<i>Cr Byrne Cr Smith</i>
<i>Alpine Shire Council – Audit and Risk Committee</i>	<i>Cr Byrne Cr Smith</i>
<i>Alpine Children's Services Inc.</i>	<i>Cr Andersen</i>
<i>Goulburn Murray Climate Alliance</i>	<i>Cr Graham Cr Andersen</i>
<i>Alpine Resilience Partnership</i>	<i>Cr Ronco</i>

Carried Unanimously

BACKGROUND

Council Representation

Councillor representation on committees is required for Council’s own committees / groups, as well as other external committees.

Appointments

Delegate and committee appointments are focussed on councillors’ experience and areas of interest, and in some cases, appointments may be made on the basis of maintaining consistency.

Roles and Responsibilities

The roles and responsibilities of councillors will vary depending on the position they are appointed to.

External Legal Entities

Where a councillor is nominated to the board or executive of a separate legal entity, the nominee may take on fiduciary responsibilities in accordance with the *Corporations (Victoria) Act 1990*, and they are required to act in the best interests of that company or entity.

Council Advisory Committees

There is no formal decision making that can be made in an advisory capacity on behalf of Council, but rather, recommendations arising from the deliberations of the committee may be presented to Council for consideration, deliberation and final adoption.

Responsibilities

Regardless of the type of appointment, councillors are bound by the Model Councillor Code of Conduct and must comply with requirements relating to:

- Declaring conflicts of interest.
- Maintaining confidentiality of information.
- Recognising and abiding by their extent of authority i.e., not making decisions on behalf of Council.

Council appointed delegates to groups and committees	
Committee	Overview
Municipal Association of Victoria (MAV)	Each member council of the MAV must appoint a representative to attend State Council meetings, exercise their council’s vote and provide regular reports to their council on MAV activities. Appointments for MAV representatives are made annually by each council. MAV is represented by the Mayor, and by the Deputy Mayor if the Mayor is unavailable.

Council appointed delegates to groups and committees	
Committee	Overview
Hume Region Local Government Network (HRLGN)	HRLGN is comprised of 12 member councils in the Hume Region. It represents a shared regional perspective on local government issues and can provide advocacy and submissions on issues of joint interest. The CEO and Mayor from each council participate in the HRLGN.
CEO Employment and Remuneration Committee	The purpose of the CEO Employment and Remuneration Policy is to consider and make recommendations to Council with respect to performance monitoring of the CEO's key performance indicators, CEO remuneration, and if required, appointment of an Acting CEO or recruitment / appointment of a CEO. The Committee consists of an Independent Chairperson, and at least three Councillors, one of whom must be the Mayor.
Taungurung - Local Government Forum	The Taungurung Land and Waters Council Aboriginal Corporation (TLaWC) is the recognised Traditional Owner group for an area of land within the Alpine Shire municipal boundaries. The purpose of this Forum is to foster and govern a constructive and meaningful operational partnership between TLaWC and local government authorities on Taungurung County. Mayor and CEO to attend a minimum of two meetings per year.
Rural Councils Victoria (RCV)	Rural Councils Victoria represents Victoria's 37 rural councils, supporting and promoting sustainable, liveable, prosperous rural communities.
Alpine Shire Council – Finance Committee	An advisory committee of Council that provides advice on the prudent, fair and transparent management of Council's finances.
Alpine Shire Council – Audit and Risk Committee	An advisory committee of Council responsible for: Monitoring compliance of Council policies and procedures with the LGA 2020, regulations, governance principles and Ministerial directions. Monitoring Council's financial and performance reporting. Monitoring and providing advice on risk management and fraud prevention systems and controls. Overseeing internal and external audit functions.

Council appointed delegates to groups and committees	
Committee	Overview
Alpine Children's Services Inc.	A not-for-profit organisation that provides early childhood services to families throughout the Alpine Shire.
Goulburn Murray Climate Alliance	The Goulburn Murray Climate Alliance was established in 2007 to promote regional action on climate change and consists of representatives from regional Catchment Management Authorities, DEECA and thirteen local government municipalities and Alpine Resorts Victoria.
Alpine Resilience Partnership	<p>The Alpine Resilience Partnership (ARP) is a partnership of emergency management agencies, health and social welfare agencies plus community representatives that is hosted by Alpine Shire Council with a focus on planning to increase community resilience and preparedness for response and recovery.</p> <p>ARP is the forum for government and non-government agencies and community representatives to develop strategies and frameworks to support coordinated resilience planning for Alpine Shire communities and the adjoining alpine resorts.</p>

POLICY IMPLICATIONS

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

- 5.3 Bold leadership, strong partnerships and effective advocacy

FINANCIAL AND RESOURCE IMPLICATIONS

Councillors receive an annual allowance and do not receive additional payment for their involvement on Council-appointed committees. Resourcing of councillors attending meetings and participating in the activities of these committees is supported by Council's annual budget.

CONSULTATION

Once Council has appointed its representatives, appropriate communication actions will be undertaken.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Councillor circumstances change and they become unable to commit sufficient time to appropriately represent Council's interests as a delegate on a Committee or Board.	Possible	Minor	<ul style="list-style-type: none"> Where a councillor becomes unable to appropriately represent Council, Council will appoint a new delegate based on experience and areas of interest to maintain continuity.

CONCLUSION

Appointment of councillors as Council's representative on its own advisory committees and project / working groups as well as external entities, associations, advisory and advocacy groups committees must now be made.

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
- Governance Officer
- Executive Assistant to the CEO

Cr Tanzen declared a conflict of interest with respect to item number 9.3.2. Building Services Support Contract and was moved into the virtual meeting room online at 5:44pm.

9.3.2 Building Services Support Contract

INTRODUCTION

This report relates to a recommendation to award a contract to provide qualified and skilled support to the Building Services team to enable Council to deliver statutory functions under the *Building Act 1983*.

Cr Smith

Cr Andersen

That Council:

1. *Enters into a one-year contract with GovSS Pty Ltd (trading as Government Shared Services) under Contract No. CT21070 for the provision of building surveyor support services for an estimated total contract value of \$340,500 (GST exclusive);*
2. *Delegates authority to the Chief Executive Officer to approve any contract variations up to a cumulative value of \$200,000 (GST exclusive); and*
3. *Delegates authority to the Chief Executive Officer to sign the contract at the appropriate time.*

Carried

BACKGROUND

Building permits are issued under the *Building Act 1983*, and can be issued by either a private building surveyor or a municipal (Council) building surveyor.

- Aside from the issuing of permits (which may also be issued by private building surveyors), Council has significant building administration, compliance and enforcement roles and functions under the *Building Act 1993* (the Act) that relate to the safety of buildings, which must be carried out by the statutory office of the Municipal Building Surveyor (MBS). Every council in Victoria must appoint an MBS in order to fulfil these responsibilities.

The statutory role of an MBS is specified in the Act and an MBS has distinct responsibilities, particularly regarding matters of safety and risk to life and property. Specific functions of the MBS, under the Act and regulations, include:

- Responding and attending to building related emergencies, dangerous buildings and dangerous land within the scope of the Act and the building regulations;
- Investigating safety matters concerning buildings, pool safety barriers and the issuing of emergency orders, building notices, and building orders;
- Considering applications for building permits, the issuing of building permits, occupancy permits and the administration of permits;
- Administering the registration and compliance of swimming pools and spas within the municipality;
- Issuing siting consent for prescribed temporary structures and Places Of Public Entertainment occupancy permits (for events);

- Determining applications for Report and Consent under the regulations for proposals to vary requirements such as siting of buildings or buildings in flood prone areas;
- Appearing before the Building Appeals Board in relation to decisions of the MBS;
- Responding to regulatory modification applications; and
- Bringing court proceedings under the Act and the regulations.

Council has been unable to source a resource to fill the full-time MBS role within Council's established employee structure, and the role has been vacant since November 2023. Recruitment for the vacancy has been ongoing since September 2023. In order to continue to deliver building functions throughout this time Council has been supported by contracted service providers.

Council will continue to recruit for a permanent, full-time MBS, however, to ensure the ongoing functioning of the Building Services department Council has concurrently sought tender submissions from suitably qualified and experienced contractors to deliver municipal building surveying services for a period of up to 12 months.

The tendered service is proposed to be made up of offsite MBS support of eight (8) hours per week and Building Surveyor - Limited support of up to 38 hours per week.

While the MBS support is to be provided remotely, it is preferred that supporting building surveyor services are provided with a mix of on-site and remote work to enable assistance to be provided with physical inspection requirements across the municipality.

EVALUATION

The tender was advertised on Tenders.net and the Alpine Shire Council website on 2 October 2024 and four (4) submissions were received by the closing date.

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

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

Following the assessment of the tenders, it was determined that the tender from Government Shared Services best met the selection criteria.

ISSUES

Skills shortages across the industry are impacting on Council's ability to recruit and maintain suitably skilled staff to deliver services.

An MBS must be registered with the Victorian Building Authority (VBA) as a Building Surveyor - Unlimited (BS-U) with no conditions, and a Building Surveyor - Limited (BS-L) must be registered with the VBA.

While Council is continuing to progress permanent recruitment for a permanent employee MBS, contracted support is required at this time to enable services to continue to be delivered.

Should Council be successful in recruiting a permanent MBS during the contracted period, a four (4) week notice period to terminate contract provisions has been included in the tender, which may be enacted in its entirety or in separable parts.

POLICY IMPLICATIONS

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

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

FINANCIAL AND RESOURCE IMPLICATIONS

The tender has been designed to provide for the minimum level of MBS support required to maintain statutory functions, supported by further contractor support which is at a lower per hour cost.

The building surveyor (limited) costs also includes provision for travel to site of one trip per week and one night's accommodation in the municipality, noting that the travel time required to enable this onsite presence forms part of our hourly allocation of contractor time, further reducing the resourcing availability in this area.

Although the contract is to support a shortfall in a current permanent vacancy, the contract costs exceed that budgeted for the vacant MBS role in the employee budget. All costs associated with delivering a service that would ordinarily be undertaken by permanent staffing are therefore accounted for within a dedicated workforce support budget to enable transparent tracking of the expense.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Council is unable to operate a Building Services team and to deliver legislated functions.	Very likely	Major	<ul style="list-style-type: none"> • Permanently recruit into staff vacancy; or • Contract registered Building Surveyor (Unlimited) to act as Council's MBS.

CONSULTATION

Consultation has been undertaken with the internal Building Services team. No external consultation is required.

CONCLUSION

It is recommended to award a maximum one-year contract to GovSS Pty Ltd (trading as Government Shared Services) for the provision of building surveyor support services for an estimated total contract value of \$340,500 (GST exclusive). Should the additional support no longer be required during the contract term then the contract can be cancelled (either in total, or in separable parts) by provision of a minimum of four (4) weeks' notice to the supplier.

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 & Community
- Deputy Municipal Building Surveyor

ATTACHMENT(S)

Nil

Cr Tanzen was virtually re-admitted to Council Chambers at 5:48pm.

9.3.3 Instruments of Appointment and Authorisation - *Planning and Environment Act 1987*

File Number: Delegations register

INTRODUCTION

Instruments of appointment and authorisation are an important means of Council ensuring that its officers are appropriately authorised under the relevant Acts that Council administers. This report provides for permanent appointments to Council's Manager Regulatory Services, Strategic Planning Team and Compliance and Local Laws Team.

Cr Byrne
Cr Graham

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 attachments 9.3.3a-c "S11A – Instrument of Appointment and Authorisation – Planning & Environment Act 1987" (the Instrument) be appointed and authorised as set out in the Instrument;*
 - a. Manager Regulatory Services*
 - b. Strategic Planning Coordinator*
 - c. Compliance Coordinator*
- 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;*
- 3. The Instruments be signed and sealed at the appropriate stage of this meeting.*
- 4. On the coming into force of the Instruments, the previous "S11A – Instrument of Appointment and Authorisation – Planning and Environment Act 1987" for the following member of Council staff, as dated, be revoked;*
 - a. Statutory Planning Coordinator, dated 27 February 2024*

Carried Unanimously

BACKGROUND

Council officers require current and accurate authorisations to fulfil their duties. The appointment of a new Manager Regulatory Services, Strategic Planning Coordinator and a new Compliance Coordinator means that updated authorisations under the *Planning and Environment Act 1987* are required.

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.

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, September, and October. Changes in staff and position titles are the reason behind the regular presentation to Council.

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"> Ensure that all Council officers have up-to-date authorisations to ensure that they can undertake their duties.

CONSULTATION

The relevant staff 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.

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)

- 9.3.3.a S11A – Instrument of Appointment and Authorisation – Planning & Environment Act 1987 – Manager Regulatory Services
- 9.3.3.b S11A – Instrument of Appointment and Authorisation – *Planning & Environment Act 1987* – Statutory Planning Coordinator

9.3.3.c S11A – Instrument of Appointment and Authorisation – Planning & Environment Act 1987 – Compliance Coordinator

10. Informal meetings of Councillors

Introduction

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

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

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

Cr Byrne

Cr Ronco

That informal meetings of Councillors for November 2024 be received.

Carried Unanimously

Background

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

Date	Meeting
21 November	Briefing Session

Attachment(s)

10.0 Informal meetings of Councillors – November 2024

11. Presentation of reports by delegates

Nil

12. General business

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

13. Motions for which notice has previously been given

Nil

14. Reception and reading of petitions

Cr Byrne

Cr Andersen

That Council notes and receives the petition containing 40 signatures from residents in Porepunkah and surrounding areas requesting that Council considers keeping the existing barriers to vehicular traffic along McCullough Street in Porepunkah into the future.

Carried Unanimously

Background

Council has received a petition containing 40 signatures from residents in Porepunkah and surrounds requesting that Council considers keeping McCullough Street closed to through traffic, as it is currently. A barrier is located approximately halfway along, which allows entry into McCullough Street from its north end via Station Street. Entry from Service Street allows access from the south end.

The petitioners have noted a preference to maintain the current status quo and have outlined arguments in support of this petition.

In accordance with Council's Governance Rules, a report will be prepared and presented at the next Ordinary Council Meeting.

15. Documents for sealing

Cr Smith
Cr Graham

That the following documents be signed and sealed.

1. *S173 Agreement – MR Davie, GM Woolf, KA Harkness and LE Whitecross*
This Section 173 Agreement is required by conditions 8, 9, 11, 38 and 39 of Planning Permit P.2022.108 for a seven (7) lot subdivision at 50-52 Service Street, Porepunkah being the land referred to in Certificate of Title Volume 12367 Folio 241 and described as Lot 1 on Plan of Subdivision TP668706.
Condition 8 is a mandatory requirement of the Bushfire Management Overlay of the Alpine Planning Scheme requiring an Agreement for bushfire management protection measures, including incorporating a Bushfire Management Plan, and an exemption from the planning permit requirement of clause 44.06-2 of the Alpine Planning Scheme.
Condition 9 requires rural style fencing between the private property and road reserve and Crown Land in response to submissions received to the proposal.
Condition 11 is a requirement of Council's Engineering Department to address on-site detention of stormwater from the site.
Conditions 38 and 39 are mandatory conditions by the Country Fire Authority as a Referral Authority requiring specific matters to be addressed in a Bushfire Management Plan that is annexed to the Agreement.
2. *Instrument of Appointment and Authorisation – Planning & Environment Act 1987 in favour of Manager Regulatory Services.*
3. *Instrument of Appointment and Authorisation – Planning & Environment Act 1987 in favour of Strategic Planning Coordinator.*
4. *Instrument of Appointment and Authorisation – Planning & Environment Act 1987 in favour of Compliance Coordinator.*

Carried Unanimously

There being no further business the Chairperson declared the meeting closed at 5:56pm.