

M(11) – 8 NOVEMBER 2022

# Ordinary Council Meeting

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Minutes

The next **Ordinary Meeting** of the **Alpine Shire Council** was held in the Council Chambers, Great Alpine Road, Bright on **8 November 2022** and commenced at **5:00pm**.

**PRESENT**

**COUNCILLORS**

Cr John Forsyth

Cr Ron Janas

Cr Katarina Hughes

Cr Tony Keeble

Cr Simon Kelley

Cr Sarah Nicholas

Cr Kelli Prime

**OFFICERS**

Will Jeremy - Chief Executive Officer

Alan Rees - Director Assets

Helen Havercroft - Director Corporate Performance

**APOLOGIES**

Nil

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## 1. Interim Chairperson

Section 25(3) of the *Local Government Act 2020* (LGA 2020) states that the election of the 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 Procedure for 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 the Deputy Mayor.

The Chief Executive Officer will assume the role of Interim Chairperson to deal with item 2 through to item 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:*

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

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

## 4. Confirmation of minutes

### 4.1 ORDINARY COUNCIL MEETING – M(10) – 4 OCTOBER 2022

*Cr Hughes*

*Cr Kelley*

*That the minutes of Ordinary Council Meeting M(10) held on 4 October 2022 as circulated be confirmed.*

*Carried*

## 5. Apologies

Nil

## 6. Obituaries / congratulations

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

## 7. Declarations by Councillors of conflict of interest

Cr Keeble declared a conflict of interest with respect to item 9.2.2 Dinner Plain Activation Phase 2 and snow making as he is employed with the Department of Education who have objected to this proposal.

## 8. Public questions

Questions from the public will be limited to two questions per person.

Written Questions on Notice will be tabled ahead of questions from the floor.

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

## 9. Presentation of reports by officers

### 9.1 CHIEF EXECUTIVE OFFICER – WILL JEREMY

#### 9.1.1 Mayoral Term

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

Section 26(3) 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. The Mayoral election was last held in November 2021 and set as a one year term; hence this election is scheduled for November 2022.

#### **Procedure for election of Mayor and Deputy Mayor**

Chapter 2 of Council's Governance Rules contains the procedure for the election of Mayor and Deputy Mayor. This includes the requirement for a quorum of at least four Councillors to be in attendance at the meeting to enable a vote to be taken, and a requirement that all Councillors in attendance at the time of the meeting must vote.

A sole candidate must be elected with an absolute majority of votes, and there are no casting votes for the election of the Mayor or Deputy Mayor. If an absolute majority of votes cannot be obtained, Council may resolve to conduct a new election at a later specified time and date.

Section 25(1) of the LGA 2020 requires the meeting to elect the Mayor to be open to the public, where members of the public must be able to attend either in person or by watching the broadcast being livestreamed on the internet.

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 Prime***

***That the term of office of the Mayor be set for a one (1) year term.***

***Carried***

## 9.1.2 Election of Mayor

### **Introduction**

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

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 meets the standards of conduct set out in the 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:

3. 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.
4. 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 Hughes nominated Cr Nicholas.*

*Cr Kelley seconded the nomination.*

*Cr Nicholas accepted the nomination.*

*Cr Janas nominated Cr Forsyth.*

*Cr Hughes seconded the nomination.*

*Cr Forsyth accepted the nomination.*

Vote on the first nominated person Cr Nicholas received three (3) votes.

Vote on the second nominated person Cr Forsyth received four (4) votes.

*Cr Forsyth was elected as Mayor.*

The Chief Executive Officer vacated the Interim Chair, and the Mayor assumed the 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 Deputy Mayor election was last held in November 2021 and set as a one year term, hence this election is scheduled for November 2022.

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 Section 20A 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 Chief Executive Officer 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 Janas***

***Cr Prime***

***That:***

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

***Carried***

## 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 other than the Mayor is eligible for 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 Hughes nominated Cr Keeble.*

*Cr Nicholas seconded the nomination.*

*Cr Keeble accepted the nomination.*

*Cr Keeble was elected unopposed as Deputy Mayor.*

## 9.1.5 Contracts approved by the CEO and acting CEO

**Cr Keeble**

**Cr Hughes**

***That the Contracts approved by the CEO and acting CEO be noted.***

<b>Contract No:</b>	<b>CT22020</b>	<b>Process: RFQ</b>
<b>Title:</b>	<b>Flood Study of Myrtleford and the Ovens and Buffalo Rivers</b>	
<b>Tenderer:</b>	<b>Venant Solutions</b>	
<b>\$ (excl. GST):</b>	<b>\$123,700</b>	

<b>Contract No:</b>	<b>CQ22065</b>	<b>Process: RFQ</b>
<b>Title:</b>	<b>Stackey Gully Creek Upgrade</b>	
<b>Tenderer:</b>	<b>Partnear</b>	
<b>\$ (excl. GST):</b>	<b>\$109,405</b>	

<b>Contract No:</b>	<b>CQ22049</b>	<b>Process: RFQ</b>
<b>Title:</b>	<b>Road Condition Assessment</b>	
<b>Tenderer:</b>	<b>Infrastructure Management Group IMG</b>	
<b>\$ (excl. GST):</b>	<b>\$67,839</b>	

<b>Contract No:</b>	<b>CQ22038</b>	<b>Process: RFQ</b>
<b>Title:</b>	<b>Porepunkah Landfill</b>	
<b>Tenderer:</b>	<b>SMEC</b>	
<b>\$ (excl. GST):</b>	<b>\$123,649</b>	

***Carried***

## 9.2 DIRECTOR ASSETS – ALAN REES

### 9.2.1 Dinner Plain Activation Phase 1 Building Works

File Number: CT22073

#### **INTRODUCTION**

This report relates to the award of a contract for the construction of the Dinner Plain Activation Phase 1 building works.

*Cr Janas*

*Cr Kelley*

***That Council awards Contract No. CT22073 for 'Dinner Plain Activation Phase 1 Building Works Construction' to Midson Construction Pty Ltd for the lump sum price of \$503,644 (GST exclusive).***

*Carried*

#### **BACKGROUND**

In September 2020, Council secured \$500,000 of funding from the State Government 'Bushfire Tourism and Business Fund 2020' to deliver the Dinner Plain Activation Phase 1 Project. Council's co-contribution to this project was \$900,000 which was funded from the Dinner Plain reserve, bringing the total budget for this project to \$1,400,000.

The scope of this project includes the following elements:

1. Toboggan Run and MTB Trail Hub
2. Scrubbers Hut Hub Upgrade
3. Car Parking upgrades
4. Upgrades to key trail connections

The car parking upgrades were completed in May 2022.

The Tender for the remaining works was advertised in the Herald Sun and Border Mail on 7 September 2022, as well as on tenders.net and the Alpine Shire Council websites.

The Tender documents were downloaded by nine prospective tenderers and four responses were received by the closing date.

#### **EVALUATION**

The evaluation panel consisted of the Acting Manager Asset Development and the Project Officer.

The tender submissions received were conforming and evaluated in accordance with the key selection criteria listed in the Invitation to Tender:

- Price
- Qualifications and Previous Performance
- Delivery

- Social
- Environmental

Through this evaluation process it was determined that the tender from Midson Construction best met the selection criteria.

## **ISSUES**

Funding milestones require the works to be completed by 30 June 2023. The window of favourable weather conditions in which to complete the works is limited in Dinner Plain. The contractor has provided a tender program indicating they can complete the works within an acceptable timeframe.

Following an assessment of the tender submissions, the total project expenditure was forecasted to exceed the project budget by approximately \$150,000. The community was consulted, and they identified the mountain bike shelter adjacent to the toboggan slope as a low priority and this has been removed from the scope. The tender scope has been adjusted to ensure total project costs remain within budget.

## **POLICY IMPLICATIONS**

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

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

- 4.5 Assets for our current and future needs

## **FINANCIAL AND RESOURCE IMPLICATIONS**

The total budget for Dinner Plain Activation Phase 1 is \$1,400,000, which includes \$500,000 of State Government Funding, and \$900,000 of Council funds.

Based on the revised scope, there is sufficient allocation within the project budget to deliver the works in this contract.

## **CONSULTATION**

The scope of the Dinner Plain Activation Phase 1 Project is the result of a thorough process of engagement undertaken with the Dinner Plain community in the development of the Dinner Plain Village Detailed Design Project. The designs were adopted by Council in July 2020.

A community stakeholder committee has been established to represent the community's contribution to the detailed design and delivery of proposed works in Dinner Plain. Consultation was undertaken with the community stakeholder committee, relating to proposed building works to ensure the identified scope of works aligns with the community expectations.

Extensive consultation has been conducted with a wide range of stakeholders who all support the project, including Regional Development Victoria and Dinner Plain Community Stakeholder Committee.

## **CONCLUSION**

Following a comprehensive assessment, the Tender submission from Midson Construction Pty Ltd is considered to present the best value option for Council.

## **DECLARATION OF CONFLICT OF INTEREST**

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

- Director Assets
- Acting Manager Asset Development
- Project Officer

## **ATTACHMENT(S)**

Nil

*Cr Keeble declared a conflict of interest with item 9.2.2 and left Council Chambers at 5.40 pm.*

## 9.2.2 Dinner Plain Activation Phase 2 and Snowmaking

### INTRODUCTION

The purpose of this report is to update Council on the results of the community survey and project delivery timelines for the Dinner Plain Activation Phase 2 and Dinner Plain Snowmaking projects and to seek Council's approval to proceed with detailed design for both projects.

*Cr Kelley moved an alternative motion*

***Cr Kelley***  
***Cr Nicholas***

***For the recommendation to separated (split) and for item 3a to be considered as part of recommendation 1,2& 3.a and that recommendation 3b be considered as a stand-alone recommendation.***

***Carried***

***Cr Hughes***  
***Cr Kelley***

***That Council:***

- 1. Notes the community engagement undertaken on the project to date and the results of the community survey;***
- 2. Acknowledges the community's feedback for incorporation into the detailed design; and***
- 3. Approves the project to proceed with detailed design for***
  - a. Dinner Plain Activation Phase 2***

***Carried***

*A vote was taken with respect to recommendation 3b.*

***Cr Nicholas***  
***Cr Hughes***

- 3. Approves the project to proceed with detailed design for***
  - b. Dinner Plain Snowmaking Hybrid Model that includes 2 snow guns and a snow factory***

***Carried***

## **BACKGROUND**

### ***Dinner Plain Activation Phase 2***

In December 2020, Council sought funding of \$2.37 million from the State Government 'Bushfire Recovery Regional Economic Stimulus and Resilience' fund to deliver the Dinner Plain Activation Phase 2 Project.

In March 2021, Council received notification that it had been allocated \$2.0 million in funding from the State Government to deliver the Dinner Plain Activation Phase 2 Project.

At the July 2021 Council Meeting, Council committed a co-contribution of \$370,000 to the project, funded from the Dinner Plain reserve, in order to bring the total project budget back to the amount of the original application for funding.

### ***Dinner Plain Snowmaking***

On 2 April 2021, Council sought funding of \$3.0 million from the State Government 'Regional Infrastructure Fund' to deliver the 'Gateway to Alpine Adventure - Dinner Plain Snowmaking' project, comprising of new and upgraded snowmaking infrastructure including:

- Regrading of the existing toboggan run to allow for a consistent and level snow depth.
- New automatic and mobile snow guns.
- Light Towers for night lighting.
- New snowmaking infrastructure including pits, water supply, electrical and communications network.
- A covered magic carpet conveyor for transportation to the top of the run.
- A water storage tank for snowmaking.

On 15 June 2021, Council was notified that its funding application had been successful, and funding of \$3.0 million had been allocated to the project. There is no Council co-contribution to this project.

### ***Concept Designs***

Following the development of concept designs relating to Dinner Plain Activation Phase 2 and Dinner Plain Snowmaking projects, the Dinner Plain community was invited to provide feedback on the proposed designs through an online survey. The results of the survey are summarised within this report.

### **Communication Program**

The following communication program was undertaken to ensure the survey reached as many ratepayers and residents of Dinner Plain as possible:

- Hard copies placed in Dinner Plain Hut, Hoys Ski Hire, Dinner Plain Post Office, The Stables Café
- Website 'Have Your Say' page created, including plans



- Website content updated (major project page)
- Two Facebook posts and additional reminders of survey closing date
- Newsletters emailed directly to the Dinner Plain marketing email list
- Media release to news outlets and published on Council's website.
- Online survey
- Mailout to each household, ratepayer, resident

The survey was open for five weeks with 139 unique submissions received from business owners, residents, non-resident ratepayers and renters.

The survey results are as follows:

Topic	Survey Responses	Supportive	Unsupportive	Supportive (% of survey responses)
Dinner Plain Activation Phase 2	139	102	37	73%
Dinner Plain Snowmaking	130	100	30	77%

## ISSUES

The operating and maintenance costs of the snow guns and snow factory are anticipated to be significant and will be quantified during the detailed design process.

A number of suggestions were made by the community and these will be incorporated into the detailed design as follows:

### ***Key Issues:***

#### **Dinner Plain Activation Phase 2**

Item	Feedback for Detailed Design	Detailed Design Response
Entrance	Retain stone wall entrance as it is part of DP's 'identity' and provides an additional safety element in winter	Retain stone walls and make improvements to lighting to improve safety and appearance
Trails/outdoor activities	Improved trail connections will strengthen activation of open space areas and include seating and signage	Include trail connections and supporting infrastructure
Footpaths	Additional footpaths for public safety, ensuring lighting and snow clearing is considered	Design to consider pedestrian connections, including snow clearing operations and lighting

Item	Feedback for Detailed Design	Detailed Design Response
All-weather Shelter	Consider design, materials and location of shelter	Review design and materials, giving consideration to maintenance requirements.
Roads and Parking	Review traffic movements in village centre including parking and signage	Traffic engineers to review parking layouts, traffic movements, sight lines and suitable signage

### **Dinner Plain Snowmaking**

Item	Feedback for Detailed Design	Detailed Design Response
Noise and Lighting	Consider noise and light pollution in proximity to Alpine School	Review operational need for lighting. Ensure noise from snow guns is within EPA guidelines.
Water Supply	Concerns about high demand for water supply for snowmaking in winter	A new groundwater water bore supply is planned
Operational Considerations	Clarify operating model, costs and economic benefit to the community	Operational requirements to be reviewed with Council's operational teams

The funding agreement requires Council to meet specific project milestones and failure to achieve these milestones would put the funding at risk.

### **POLICY IMPLICATIONS**

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

- 4.5 Assets for our current and future needs

### **FINANCIAL AND RESOURCE IMPLICATIONS**

The total budget for Dinner Plain Activation Phase 2 is \$2.37 million, which includes \$2.0 million funding through the Local Economic Recovery (LER) Bushfire Recovery Regional Economic Stimulus and Resilience Grants Fund and \$370,000 financial contribution from Council funded from the Dinner Plain reserve.

Dinner Plain Snowmaking has a total budget of \$3.0 million funded through the Regional Infrastructure Fund (RIF) with no financial contribution required from Council.

The ongoing operating and maintenance costs will be included in the annual budget.

## CONSULTATION

Extensive community consultation has occurred throughout the development of the final concept plans, involving ratepayers, residents, community organisations, businesses and internal stakeholders.

### Community Engagement Process

Date	Engagement Process
July 2020	Masterplan designs adopted by Council
July 2021	Consultation: Dinner Plain Stakeholder Committee refine masterplan designs
March 2022	Design workshop #1 - Dinner Plain Stakeholder Committee comment on concept designs
August 2022	Design workshop #2: - Dinner Plain Stakeholder Committee comment on updated concept designs
August - October 2022	Public Consultation: community survey on updated concept design plans for Phase 2 Activation & Snowmaking

## CONCLUSION

Council has consulted extensively with the community on the development of the Dinner Plain Activation Concept Design Plans and Snowmaking. The community is supportive of the Final Concept Design and the specific suggestions will be incorporated into the detailed design.

It is recommended that Council approves the project to proceed with the detailed design for:

- a. Dinner Plain Activation Phase 2; and
- b. Dinner Plain Snowmaking Hybrid Model that includes 2 snow guns and a snow factory

## 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
- Acting Manager Asset Development

## ATTACHMENT(S)

9.2.3.a. Dinner Plain Activation Phase 2 Concept Plans

9.2.3.b. Dinner Plain Snowmaking - Proposed Infrastructure Images

*Cr Keeble was returned to Council Chambers at 5.59pm.*

## 9.3 DIRECTOR CORPORATE PERFORMANCE – HELEN HAVERCROFT

### 9.3.1 Fly the Rainbow Flag Petition

#### **INTRODUCTION**

The purpose of the report is to provide a response to the petition from the Victorian Pride Lobby to fly the rainbow flag.

***Cr Keeble***

***Cr Kelley***

***That Council:***

- 1. Thanks the Victorian Pride Lobby for their petition to raise awareness of flying the Rainbow flag;***
- 2. Notes the current purpose of the three flag poles outside the Council building in Bright;***
- 3. Promotes the International Day Against Homophobia Biphobia Intersex discrimination and Transphobia on 17 May 2023 by displaying the Rainbow flag on the Council website and Facebook pages; and***
- 4. Explores the need for a flag policy to bring greater clarity to which flags are flown when and why.***

***Carried***

#### **BACKGROUND**

In 1995, both the Aboriginal and Torres Strait Islander flags were recognised as official flags of Australia under Commonwealth legislation.

In 2020 the Council installed two additional flag poles at the Bright Council Office to enable the Australian National Flag to be accompanied by the Aboriginal and Torres Strait Islander flags in accordance with Australian flag protocol.

In 2021 Council received a request to fly the rainbow flag for International Day Against Homophobia, Biphobia, Intersex and Transphobia (IDAHOBIT) in May 2022. It was decided that Council would show its support for IDAHOBIT by changing its Facebook page, website banner and email signature to show the rainbow flag.

Council received a petition signed by seventy seven (77) signatories requesting Council to show its support to fly the rainbow flag on 17 May 2023 to mark the International Day Against Homophobia Biphobia Intersex discrimination and Transphobia (IDAHOBIT).

## ISSUES

### ***National Flag Protocol***

Council does not currently have a policy setting out how Council flag poles across the municipality should be used. In lieu of that policy Council officers have followed the directions of the *Department of the Prime Minister and Cabinet* Australian Flag Protocol. These directions include the order of preference for the flying of flags.

The Council flag poles installed in 2020 mean that the Australian National flag, Aboriginal flag and Torres Strait Islander flag can all be flown simultaneously.

### ***Flying the Rainbow flag***

Council will promote Alpine Shire as a safe and inclusive environment for anyone by 'flying' the Rainbow flag on the Council website, amending the email signatures for all outgoing correspondence and adding a rainbow flag to Council Facebook pages.

Council will continue to follow National Flag Protocol for all Council flag poles until such time as Council policy provides guidance that is different from the National Flag Protocol.

Council does not have a community flag pole designated for community ensigns and pennants.

## POLICY IMPLICATIONS

Council does not currently have a flag policy to provide for flying flags other than in accordance with the National Flag Protocol.

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

- 1.3 A caring community

## FINANCIAL AND RESOURCE IMPLICATIONS

There are no financial implications with making changes as recommended in this report.

If the conclusion of the recommendation to explore a flag policy requires a flag policy to be created there will be a resource cost. This work could be proposed as a project for the 2023/2024 budget and therefore no flag policy would be in place for at least 19 months. There is no indication at this time of the costs associated with the preparation or maintenance of a flag policy.

## CONSULTATION

No public consultation has been undertaken.

## CONCLUSION

The Council office in Bright has three flag poles that will continue to fly Australian National, Aboriginal and Torres Strait Islander flags.

At IDAHOBIT on 17 May 2023 Council will show its support by displaying the Rainbow flag on our website banner, email signature and Facebook pages.

Officers will explore if there is a need for a flag policy to bring greater clarity to which flags are to be flown on each Council flag pole in Alpine Shire.

Council thanks the Victorian Pride Lobby for their petition to raise awareness of flying the Rainbow flag.

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

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

- Director Corporate Performance

### **ATTACHMENT(S)**

Nil

## 9.3.2 Bright Senior Citizens Centre Community Asset Committee

### INTRODUCTION

The purpose of this report is to confirm that the Bright Senior Citizens Centre (BSCC) is to remain a Community Asset Committee (CAC), and to recommend the adoption of the amended Instrument of Delegation.

**Cr Janas**  
**Cr Keeble**

***That Council:***

- 1. Exercises the power conferred by s65 of the Local Government Act 2020, so that:**
  - a. The Bright Senior Citizens Centre Community Asset Committee (BSCC CAC) membership be amended to reflect current community needs for the management of the Bright Senior Citizens Centre;**
  - b. Membership of the BSCC CAC shall consist of:**

<b><i>Alpine Shire Council</i></b>	<b><i>1 Representative</i></b>
<b><i>Bright and District Senior Citizens Club</i></b>	<b><i>2 Representatives</i></b>
<b><i>U3A Bright District</i></b>	<b><i>2 Representatives</i></b>
<b><i>General Public</i></b>	<b><i>1 Representative</i></b>
  - c. A quorum of the Committee is the majority of voting members of the Committee, 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.**
- 2. Notes that in accordance with s47(1)(b) of the Local Government Act 2020, the Instrument of Delegation to the BSCC CAC will be updated by the Chief Executive Officer, following the formation of the committee by Council.**

***Carried***

### BACKGROUND

The Bright Senior Citizens Centre was previously a special committee of management under the provisions of Section 86 of the *Local Government Act 1989*.

Following the commencement of the *Local Government Act 2020*, the Bright senior Citizens Centre (section 86 special committee) was formally disbanded, and their Instruments of Delegation revoked at the Special Council Meeting August 2020.

It was also determined that the Bright Senior Citizens be established as a Community Asset Committee for the purpose of managing the Centre under s65 of the *Local Government Act 2020*.



In 2022 Council was approached by U3A Bright to move to the Bright Senior Citizens Centre as membership has outgrown the current space at the Bright Community Centre.

Meetings conducted between U3A, Bright Senior Citizens and Council determined a solution to amend the membership of the BSCC CAC to reflect the current needs of both clubs with a new membership structure.

The Bright Community Centre rooms will return to Council to maintain and operate.

## **ISSUES**

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

The Bright Senior Citizens Centre Community Asset Committee (BSSC CAC) was established at the Special Council Meeting on 25 August 2020. Once the BSCC CAC and its membership is determined by Council, the Instrument of Delegation to members of the Committee can be prepared for approval by the Chief Executive Officer, in accordance with s47(1)(b) of the *Local Government Act 2020*.

No changes, other than composition of the membership have been made.

## **POLICY IMPLICATIONS**

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

- 4.5 Assets for our current and future needs

## **FINANCIAL AND RESOURCE IMPLICATIONS**

Council subscribes to the Maddocks Delegations and Authorisations service, which provides standardised templates. Costs for this service are covered in Council's annual budget.

Council has allocated \$6,000 in the current financial year for the maintenance and operating costs of the Bright Senior Citizens Centre and will consider a suitable funding model for future financial years.

## **CONSULTATION**

Council Officers have been consulting with the Bright U3A and Bright Senior Citizens to determine their preferred management structure going forward.

## **CONCLUSION**

The proposed delegation ensures that the Bright Senior Citizens Centre can continue to be managed on behalf of Council into the future.

## **DECLARATION OF CONFLICT OF INTEREST**

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

- Director Corporate Performance
- Manager Facilities
- Community and Recreation Coordinator
- Governance Officer

## **ATTACHMENT(S)**

Nil

## 10. Mayors Report

### 10.1.1 Chief Executive Officer - Annual Performance Plan 2022/23

#### INTRODUCTION

This report relates to the requirement contained within the CEO Employment and Remuneration Policy for the Annual Performance Plan 2022/23 to be developed collaboratively between the Chief Executive Officer (CEO) and the CEO Employment and Remuneration Committee (CEO E&RC) during the first three months of the incumbent's tenure. The Annual Performance Plan has been endorsed and is now presented to Council for adoption.

*Cr Ron Janas moved for a Point of Order for the removal of the CEO's name from the original recommendation.*

***Cr Janas***  
***Cr Prime***

***That Council:***

- 1. Notes that the Chief Executive Officer (CEO) Annual Performance Plan 2022/23 was developed collaboratively between the CEO and the CEO Employment and Remuneration Committee.***
- 2. Adopts the Chief Executive Officer Annual Performance Plan 2022/23; and***
- 3. Considers recommendations at the June Ordinary Council Meeting resulting from a review of the CEOs Annual Performance Plan, with this review commencing in May 2023 and being conducted by the CEO Employment and Remuneration Committee.***

***Carried***

#### BACKGROUND

Council's Chief Executive Officer (CEO) Will Jeremy was formally appointed by Council at a Special Council Meeting on 15 July 2022 and commenced in the position on 25 July 2022.

Council's CEO Employment and Remuneration Committee (the Committee) is an advisory committee to Council, and is tasked with considering and making recommendations to Council regarding:

- Performance monitoring of the CEO, including with respect to achievement of the Key Performance Indicators (KPIs); and
- Annual Review of the CEO's performance, including performance against the KPIs.

## ISSUES

### ***Performance Monitoring***

Part 4.5 "Performance Monitoring" of Council's CEO Employment and Remuneration Policy states that:

*"Council will adopt an annual Performance Plan for the CEO, which will include KPIs. The Performance Plan must be developed collectively between the CEO and the CEO Employment and Remuneration Committee (the Committee).*

*Following the initial three months of the CEO's term, a workshop with Councillors and the CEO should be coordinated so that:*

- *Council and CEO can agree to projects and priorities for inclusion in the CEO's Performance Plan and KPIs."*

### ***CEO Employment and Remuneration Committee***

Councillors and the CEO participated in a workshop on 28 October 2022, three months after Mr Jeremy's commencement as CEO, to finalise the CEO Annual Performance Plan which was developed by the members of the Committee in collaboration with the CEO. The Committee consists of an Independent Chairperson, and at least three Councillors, one of whom must be the Mayor. Following a workshop held on 28 October, the Annual Performance Plan is now presented to Council for consideration and adoption.

### ***Functions of the Chief Executive Officer***

In accordance with section 46 of the *Local Government Act 2020*, the CEO is responsible for ensuring the effective and efficient management of the day to day operations of the Council, ensuring that decisions of the Council are implemented without delay, and that Council receives timely and reliable advice, and is responsible for all staffing matters including appointing, directing, and managing members of Council staff.

### ***Key Performance Indicators***

Key Performance Indicators in the CEO Annual Performance Plan are linked closely to the Council Plan 2021-2025.

## POLICY IMPLICATIONS

Employment of the Chief Executive Officer is governed by Part 3, Division 7 of the *Local Government Act 2020*, and further by Council's CEO Employment and Remuneration Policy.

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**

The adoption of the CEO Annual Performance Plan 2022/23 includes budgeted commitments covered by Council's annual Budget.

## **CONSULTATION**

The CEO Employment and Remuneration Committee is responsible for ensuring that the CEO performance monitoring and KPIs are in place.

No consultation is required under Council's Community Engagement Policy or the *Local Government Act 2020*.

## **CONCLUSION**

The CEO Annual Performance Plan 2022/23 sets out the KPIs for the first year of the CEO's tenure. The Plan should be adopted, which will enable performance monitoring to occur in accordance with Council's CEO Employment and Remuneration Policy.

## **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.

- Chief Executive Officer
- Governance Officer
- Executive Assistant to CEO

## **ATTACHMENT(S)**

10.1. CEO Annual Performance Plan 2022/23

## 11. 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 Nicholas***

***Cr Hughes***

***That the summary of informal meetings of Councillors for September / October 2022 be received.***

***Carried***

### Background

The written records of the informal meetings of Councillors held during the previous month are summarised below. A summary can be found in Attachment 11.0 to this report.

Date	Meeting
27 September	Briefing Session
4 October	Briefing Session
18 October	Briefing Session
25 October	Briefing Session
28 October	Councillor and Executive workshop

### Attachment(s)

- 11.0 Informal meetings of Councillors – September / October 2022

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

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

## **13. General business**

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

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

Nil

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

Nil

## 16. Documents for sealing

*Cr Nicholas*

*Cr Keeble*

*That the following documents be signed and sealed.*

1. *Contract No. CT22054 in favour of Rich River Asphalt for the Asphalt Overlay 2022-23.*
2. *Contract No. CT22039 in favour of Exons Pty Ltd for the Porepunkah Landfill Rehabilitation Stage 2.*
3. *Section 173 Agreement – Goulburn Murray Water and KDHH Pty Ltd.  
The Section 173 Agreement relates to condition 21 of Planning Permit 2020.160 for Buildings and Works for the Construction of a Dwelling and a Carport at Lot 6 LP 221462 Mitchells Lane, Wandiligong (Volume 10011 Folio 109)  
The Agreement acknowledges and agrees that:
 
  - a. *If a community effluent disposal system or reticulated sewerage system becomes available, all wastewater from the dwelling must be disposed of via this system and the on-site wastewater treatment and disposal system must be decommissioned.*
  - b. *The owner of the property must enter into a contract with the relevant servicing agent for the lifetime of the wastewater management system entailing the following:
 
    - i. *Three monthly (quarterly) service and maintenance inspections of the wastewater management system must be undertaken by the relevant servicing agent.*
    - ii. *All inspections, repairs and maintenance of the wastewater management system, and any pump out events of the holding tank, must be documented and reported to the Responsible Authority on a 3 monthly (quarterly) basis.*
    - iii. *The owner must meet the costs of all three monthly (quarterly) service and maintenance inspections, repairs, pump out events and reports.**
  - c. *The owner shall meet the costs of the registration of the Agreement on the title of the land and provide evidence to Goulburn-Murray Water of this occurring within 3 months.*
  - d. *This agreement is cancelled if (a) above is satisfied.**
4. *Section 173 Agreement – AC & JA Maskell  
The Section 173 Agreement relates to conditions 21 and 33 of Planning Permit 2021.138 for a Six Lot Subdivision and Native Vegetation Removal at 29-35 Service Street, Porepunkah (Volume 9340 Folio 793)  
The Agreement acknowledges and agrees that:
 
  - a. *state that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Alpine Planning Scheme.**



- b. Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.*
  - c. State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.*
  - d. Explicitly exclude Lot 1 from the following exemption under Clause 44.06-2 of the Alpine Planning Scheme:*
  - e. A building or works consistent with an agreement under Section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of clause 44.06-5.*
- 5. Section 173 Agreement – AR & CG Monshing and Mi & Mo Pty Ltd**  
*The Section 173 Agreement relates to conditions 3, 8 and 10 of Planning Permit 2021.217 for a Subdivision (Two Lot Boundary Realignment) at 47 & 54 Rangeview Drive, Myrtleford (Volume 11918 Folio 763 and Volume 12304 Folio 428). The Agreement acknowledges and agrees that:*
- Condition 3**  
*The existing covenant and Section 173 agreement registered on Lot 11 PS744656V must be registered on the title of proposed Lot 11 forming part of this permit.*
- Condition 8**
- State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Alpine Planning Scheme.*
  - Incorporate the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme and approved under this permit.*
  - State that if a dwelling is constructed on the land without a planning permit that the bushfire protection measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.*
- Condition 10**  
*The Bushfire Management Plan (Mountain Planning, Bushfire Management Plan, 47 Rangeview Drive, Myrtleford, Rev: A, Date: 16 November 2021) must be endorsed to form part of the permit, be included as an annexure to the section 173 agreement and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.*

There being no further business the Chairperson declared the meeting closed at 6.37 p.m.

.....  
Chairperson