

M(9) – 6 SEPTEMBER 2022

Ordinary Council Meeting

Minutes

The **Ordinary Meeting** of the **Alpine Shire Council** was held in the Council Chambers, Great Alpine Road, Bright on **6 September 2022** and commenced at **5:00pm**.

PRESENT

COUNCILLORS

Cr Sarah Nicholas - Mayor

Cr Katarina Hughes - Deputy Mayor

Cr John Forsyth

Cr Ron Janas

Cr Tony Keeble

Cr Simon Kelley

Cr Kelli Prime

OFFICERS

Will Jeremy - Chief Executive Officer

Elaine Burridge - A/Director Assets

Helen Havercroft - Director Corporate Performance

APOLOGIES

Nil

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1. 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.

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

All to stand, and the Mayor 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 their Elders, past and present.

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

3. Confirmation of minutes

3.1 ORDINARY COUNCIL MEETING – M(8) – 2 AUGUST 2022

Cr Hughes

Cr Prime

That the minutes of Ordinary Council Meeting M(8) held on 2 August 2022 as circulated be confirmed.

Carried

4. Apologies

Nil

5. Obituaries / congratulations

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

6. Declarations by Councillors of conflict of interest

7. Public questions

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

Questions on Notice can be written or from the floor.

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

8. Presentation of reports by officers

8.1 CHIEF EXECUTIVE OFFICER – WILL JEREMY

8.1.1 Contracts approved by the CEO

Cr Forsyth

Cr Prime

That the Contracts approved by the CEO be noted.

<i>Contract No:</i>	<i>CQ22050</i>	<i>Process:</i>	<i>RFQ</i>
<i>Title:</i>	<i>Kerb and Channel Works (Deacon Avenue Bright)</i>		
<i>Tenderer:</i>	<i>McPhersons Earthmoving Contractors</i>		
<i>\$ (excl. GST):</i>	<i>\$57,675.00</i>		

Carried

8.2 ACTING DIRECTOR ASSETS – ELAINE BURRIDGE

8.2.1 Sport and Active Recreation Master Planning

File Number: CT21137

INTRODUCTION

This report relates to the award of a contract to undertake the Sport and Active Recreation Master Planning of Pioneer Park, Mount Beauty Sports and Education Precinct, and Myrtleford Township.

Cr Hughes

Cr Kelley

That Council awards Contract No. 2113701 "Sport and Active Recreation Master Planning" to GroupGSA for \$226,300 (GST Exclusive).

Carried

BACKGROUND

A Sport and Active Recreation Plan was adopted by Council in March 2022.

Through the development of this plan, three key community locations have been identified as a medium to high priority for master planning to ensure they meet the existing and future needs of the community:

1. Pioneer Park, Bright
2. Mount Beauty Sports and Education Precinct, Mount Beauty
3. Myrtleford town centre sport and active recreation facilities

A funding opportunity through Bushfire Recovery Victoria has enabled Sport and Active Recreation Master Planning for these locations to be fast tracked.

A tender for the engagement of a consultant to support the delivery of the of the Sport and Active Recreation Master Planning project was advertised in the Herald Sun on 3 May 2022, as well as on tenders.net and Council's website. The tender documents were downloaded by 29 prospective tenderers with six conforming responses being received by the closing date.

EVALUATION

The evaluation panel consisted of the Manager Asset Development, Manager Facilities and Project Officers.

The tenders were evaluated according to 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 GroupGSA best met the selection criteria.

ISSUES

Council will engage with the Department of Education and Training to seek alignment during the master planning of the Mount Beauty Sports and Education Precinct.

POLICY IMPLICATIONS

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

- 1.1 A community that is active, connected and supported

FINANCIAL AND RESOURCE IMPLICATIONS

This project is fully funded by Bushfire Recovery Victoria. No co-contribution of Council's funds is required.

There is sufficient allocation within the project budget to deliver master planning through award of this contract.

CONSULTATION

Alpine Shire communities have been engaged throughout the development of the Sport and Active Recreation Master Planning

Engagement with residents, community organisations and health services occurred through:

- 199 community survey responses
- 504 unique visits online
- 2 community sessions
- 34 responses on social media
- 42 clubs surveyed
- 11 stakeholder meetings with clubs
- 8 State Sporting Associations, schools and LGAs surveyed
- 28 Day Public Exhibition

Consultation with the key stakeholders for the master planning projects will build on this previous consultation and engagement and is planned to commence in October 2022, with the wider community engagement occurring towards the end of 2022.

CONCLUSION

Following a comprehensive assessment, the tender from GroupGSA is considered to represent the best value option for the project and Council.

It is recommended that the Council awards the contract for the Sport and Active Recreation Master Planning to GroupGSA.

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.

- Acting Director Assets
- Manager Asset Development
- Manager Facilities
- Project Officer

ATTACHMENT(S)

Nil

8.2.2 Draft Alpine Better Places Tawonga Concept Plans

INTRODUCTION

This report relates to the public exhibition of the Draft Alpine Better Places Tawonga Concept Plans.

Cr Prime

Cr Keeble

That Council:

- 1. Endorses the Draft Alpine Better Places Tawonga Concept Plans to be placed on public exhibition for a minimum period of 28 days;***
- 2. Invites public submissions regarding the Draft Alpine Better Places Tawonga Concept Plans; and***
- 3. Reviews and considers any submissions received as part of the Draft Alpine Better Places Tawonga Concept Plans to be adopted at a future meeting.***

Carried

BACKGROUND

The Alpine Better Places Tawonga Project commenced in March 2020. The key project outcomes described in the design brief included:

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

The Tawonga plans were developed to focus on two key areas identified by the community in the phase one consultation:

- Create a centralised 'focus' or heart to the township in Pioneer Park; and
- Improve the circulation and safety for pedestrians.

Following the inception of the project, the next steps were as follows:

- July 2020 – community consultation session 1
- February 2021 – community consultation session 2
- July 2021 – community consultation session 3
- August 2021 – project paused pending outcome of Scout Hall sale
- January 2022 – Scout Hall acquired by Council
- February 2022 – Scout Hall building assessment undertaken and determined it would not be cost effective to renew the Scout Hall building
- March 2022 - project restarted and four draft concept designs created for the Scout Hall site based on community feedback from prior engagement sessions
- April 2022 - community consultation session 4

- May 2022 - community consultation session 5
- July 2022 - survey results show a strong preference for a pump track on the Scout Hall site.
- July 2022 - alignment with Team Mount Beauty to ensure a pump track at Tawonga would provide for different ability levels and ages compared with the track being constructed in Mount Beauty.
- July 2022 - further concept designs created, presenting various options for the location of a pump track within the park
- August 2022 - final concept design created showing a shortened pump track adjacent to the playground with a suitable gradient for beginner levels and younger children

ISSUES

Feedback received on concept designs to date has focused on items in the following key areas:

- Pedestrian circulation and crossing points on the Kiewa Valley Highway.
- Carparking on the Kiewa Valley Highway adjacent to the Old Tawonga Store.
- Playground shade trees and natural elements.

During consultation with the community (in particular parents with young children) it was identified that pedestrians were most likely to cross the Kiewa Valley Highway at the Old Tawonga Store, which provides the shortest and most direct route into Pioneer Park. Therefore, the pedestrian crossing point is located at this location.

The proposed adjustment to the kerb has considered both the existing bus stop and the maximisation of car parking, with the priority being the safety of those crossing the road.

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

There are no financial or resource implications associated with the public exhibition of the Draft Alpine Better Places Tawonga Concept Plans.

Council will investigate funding opportunities to progress the project to detailed design and construction.

CONSULTATION

Consultation has occurred throughout the development of the concept plan. Residents, community organisations, and internal stakeholders were engaged throughout the process.

Five rounds of community consultation have been conducted as follows:

- July 2020 - Consultation session 1: via Zoom webinar. The community provided feedback on the preliminary plans and areas of focus.
- February 2021 – Consultation session 2: Tawonga Memorial Hall lunch and evening sessions. The community was invited to provide comment on the draft concept designs and proposed project priority list. The presentation and plans were made available online and the feedback period was open for two weeks. A further third round of consultation was supported by the community.
- July 2021 - Consultation session 3: Tawonga Memorial Hall lunch and evening sessions. The community was invited to view and provide feedback on the third revision of the plans. The presentation and plans were made available online. The feedback period was open for five weeks.
- April 2022 - Consultation session 4: Tawonga Memorial Hall, evening session displaying four options of designs for the park and inviting the community to identify a preferred option.
- May 2022 - Consultation session 5: In person community engagement session held on 19 May to establish the communities preferred option for the Scout Hall. An online survey seeking feedback from residents was conducted between 9-26 May and the survey results showed strong support for a pump track.

CONCLUSION

It is recommended that Council endorses the Draft Alpine Better Places Tawonga Concept Plans for public exhibition.

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.

- Acting Director Assets
- Manager Asset Development
- Project Officer

ATTACHMENT(S)

8.2.2 Draft Alpine Better Places Tawonga Concept Plans - August 2022

8.3 DIRECTOR CORPORATE PERFORMANCE – HELEN HAVERCROFT

8.3.1 Audit and Risk Committee Meeting Minutes

File Number: 0900.06

INTRODUCTION

The purpose of the report is to present the minutes of the Audit and Risk Committee meeting No.2022/23-1 held on 22 July 2022.

The key items presented to and considered by the Audit and Risk Committee (Committee) at this meeting related to:

- Victorian Auditor-General's Office (VAGO) Interim Management Letter, Year Ending 30 June 2022,
- management of playground assets, and
- climate action plan

Council's regular quarterly reports were also presented to the Committee.

Cr Kelley

Cr Prime

That Council receives and notes the minutes of the Audit and Risk Committee meeting No. 2022/23-01 held on 22 July 2022.

Carried

REPORT OF MINUTES

VAGO Audit Strategy Memorandum and Interim Management Letter, Year Ending 30 June 2022

Auditor, Phil Delahunty, Partner, RSD Audit, Bendigo, attended the meeting via video conference to discuss the VAGO Audit Strategy Memorandum and Interim Management Letter, Year Ending 30 June 2022.

The audit approach is to:

- assess risks - identify material transactions, balances, disclosures, and significant events and assess risks of material misstatements and controls in place to mitigate
- respond to risks - execute procedures to obtain audit evidence including testing key manual and application controls
- report - provide observations and recommendations for improvement to internal controls and other key deficiencies identified.

The key risks and areas of audit focus for 2021/22 are:

1. Valuation of property, infrastructure, plant, and equipment
2. Non-monetary contributions

3. Impact of COVID-19 pandemic
4. Accounting for government grants
5. Landfill rehabilitation provisions
6. Implementation of new receipting and rating system

The Interim Management Letter provides a detailed overview of the matters raised by the auditors including one new finding and recommendations in relation to IT general control weaknesses.

The Committee noted the VAGO Interim Management Letter year ending 30 June 2022 and Council's plan for addressing the findings.

Playground maintenance

The Committee received a report on the management of Council's playground assets that outlined:

- Council's asset register includes 328 discrete playground 'components' across 18 playgrounds with an estimated replacement value of \$1.74 million.
- Council fulfils its obligations under the *Occupational Health and Safety Act 2004* by using the best practice approach of following the guidelines in Australian Standard AS 4685.0:2017 'Playground equipment and surfacing, Part 0: Development, installation, inspection, maintenance and operation'.
- Council inspects its playground assets every 12 months as a minimum and contracts this service to a qualified consultant.
- Identified defects programmed for action.
- Council's adopted 2022/23 Annual Budget included an increased allocation to playground maintenance to address defects.

The Committee noted that Council is currently up to date with its playground inspections and has good visibility on the status of outstanding actions to address identified defects.

Climate Change Risks

The Committee noted the report outlining Council's Climate Action Plan and its commitment to mitigate greenhouse gas emissions but deferred further consideration of the report to the Committee's November 2022 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

CONCLUSION

The Audit and Risk Committee, being satisfied with the detail provided in its agenda and the officer reports, submits the minutes of its meeting No.2022/23-1 held on 22 July 2022 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 Performance
- Manager Corporate
- Health, Safety and Risk Officer

ATTACHMENT(S)

8.3.1 Minutes of Audit and Risk Committee Meeting No.2022/23-01, 22 July 2022

8.3.2 Reappointment of Independent Audit and Risk Committee Member

INTRODUCTION

The Alpine Shire Council Audit and Risk Committee established under section 53(1) of the *Local Government Act 2020* (the Act) comprises councillor and independent members. This report recommends the reappointment of an independent member to Council's Audit and Risk Committee for a further three-year term.

Cr Forsyth

Cr Keeble

That Council reappoints Craig Covich to the Audit and Risk Committee for a three-year term.

Carried

BACKGROUND

The Audit and Risk Committee Charter (the Charter) requires that the Committee comprises a minimum of five members:

- no more than two councillors nominated and appointed by Council, and
- at least three or more independent persons.

The Audit and Risk Committee currently consists of six members: two councillors and four independent members.

The Charter provides for independent members to be appointed for an initial term of up to three-years.

Independent member Craig Covich has now fulfilled his initial three-year term.

REPORT

Reappointment of independent members

At the completion of an appointed term, section 3.4 of the Charter provides for independent members to apply for reappointment to the Committee with a maximum of three consecutive terms.

Craig Covich has made an application to be reappointed to the Committee for a second term.

Expertise and experience

Section 53(b) of the Act specifies that independent Committee members have, collectively, expertise in financial management and risk, and experience in public sector management. The Charter further specifies collective knowledge and strategic skills in the areas of audit, governance, control, and compliance and preference for at least one

independent member to be a member of CPA Australia (CPA status), the Institute of Chartered Accountants Australia (CA status) and/or the Institute of Internal Auditors.

As the focus and responsibilities of the Committee respond to emerging needs and regulatory, economic, and reporting developments, members' competencies, and the overall balance of skills on the Committee is re-evaluated in the appointment of new and returning members.

Craig Covich is currently the Director Environment and Planning at Mosman Municipal Council and is an engineer by trade with qualifications in Law, Science, and Management. He has over 18 years' experience in Local Government with a background in private consultancy. He has a proven track record in corporate risk management and probity particularly in the areas of asset management and procurement.

Craig has been a valuable member of the Committee over the past three years and brings direct local government experience to the Committee, particularly his expertise in bringing finance and asset management together to deliver best practice for local government.

Terms of appointment

The terms of appointment for each member are, where possible, arranged to provide an orderly rotation of membership. Current independent member terms expire in 2023 and 2024 so a further three-year term expiring in 2025 provides for stability and continuity on the Committee going forward.

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

Independent Audit and Risk Committee members receive a set fee for each meeting attended in accordance with the Audit and Risk Committee Charter and as set by Council. The 2022/23 fee is \$355.00 per meeting for independent members and \$460.00 per meeting for the Chair and is accounted for in Council's annual budget.

CONCLUSION

It is recommended that Council reappoints Craig Covich to the Audit and Risk Committee for a further three-year term.

DECLARATION OF CONFLICT OF INTEREST

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

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

ATTACHMENT(S)

Nil

8.3.3 Community Satisfaction Survey 2022

INTRODUCTION

The annual Community Satisfaction Survey provides a means for Victorian councils to benchmark their community's satisfaction with how services are delivered amongst other undertakings.

The purpose of this report is to note Council's results for this survey.

Cr Forsyth

Cr Hughes

That Council notes Alpine Shire Council's results for the 2022 Community Satisfaction Survey.

Carried

BACKGROUND

The annual Community Satisfaction Survey is coordinated by Local Government Victoria (LGV) and conducted by JWS Research on LGV's behalf. Councils across Victoria may 'opt in' to the survey, noting that three (3) of the measures in the survey are required under the Local Government Performance Reporting Framework (LGPRF).

The survey consists of a group of 'core' questions that are asked on behalf of every council that participates, plus a suite of 'optional' questions. Council asked the core questions and two additional 'open responses' to gauge residents' views on areas where Council is doing well, as well areas they consider Council needs to improve.

The 2022 Alpine Shire survey consisted of phone interviews with 400 residents selected to match to the demographic profile of the Alpine Shire according to the most recently available Australian Bureau of Statistics estimates. Surveys were conducted from late January through to late March 2022.

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

RESULTS

Measures	Alpine 2022	Alpine 2021	Alpine 2020	Alpine 2019	Small Rural 2022	State-wide 2022
Overall Performance	59	62	60	60	58	59
Value for Money	56 +*	54	n/a	n/a	51	53
Overall Council Direction	53 *	52	52	54	51	50
Customer Service	63 -/	70	65	69	67	68
% respondents having contact with Council	60%	62%	62%	59%	63%	60%
Waste Management	70	68	n/a	n/a	68	68
Sealed Local Roads	61 +*	63	61	64	50	53
Community Decisions	56	56	56	59	54	54
Consultation and Engagement	55	57	57	56	54	54

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

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

- *Alpine's result is significantly lower than the State-wide Average*

/ *Alpine's result is significantly lower than the Small Rural Average*

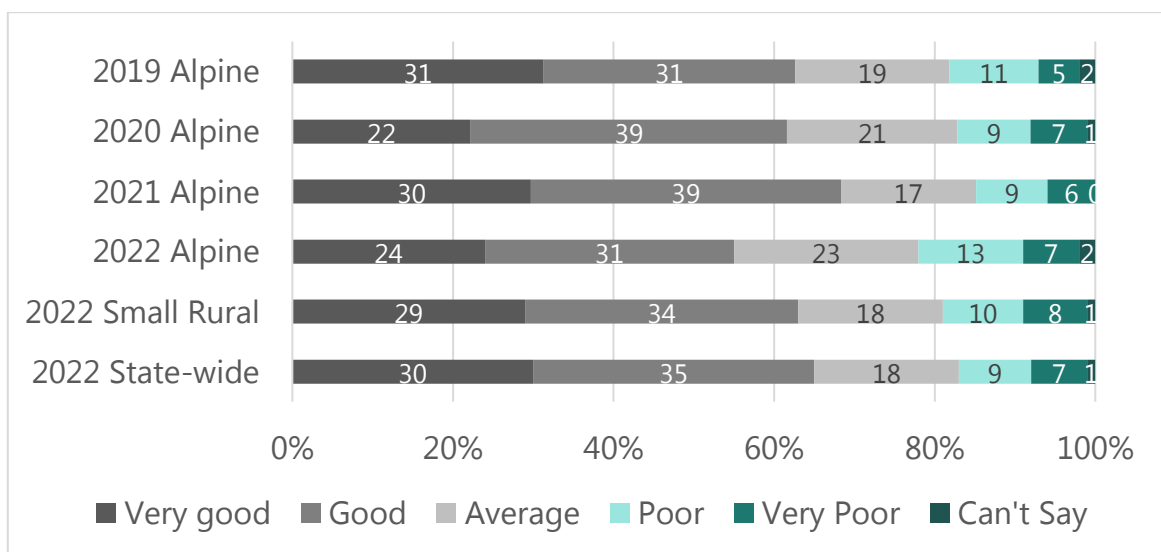
Note that 'Value for Money' and 'Waste Management' only became core questions in 2021, so do not have previous year results.

Top performing areas

- Sealed local roads: Council's index score of 61 remains significantly higher than both the Small Rural and State-wide averages (50 and 53 respectively). Sealed local roads continues to be an area where Council consistently performs well.
- Value for money: Introduced as a measure in 2021, Council's index score of 56 is significantly higher than both the Small rural and State-wide averages (51 and 53 respectively).
- Overall Council direction: Council's index score of 53 is significantly higher than the State-wide average (50).

Customer service

- Customer service: Council's index score of 63 was significantly lower than the Small Rural and State-wide averages (67 and 68 respectively). This result is also significantly lower than Council's result in 2021 (70).
- Residents in Lower Ovens had significantly less contact (48%) with Council than the Alpine average (60%).
- Residents aged 35-49 had significantly more contact with Council (73%) than the Alpine average.
- 55% of all residents surveyed rate Alpine’s customer service as ‘very good’ or ‘good’, a decrease from 69% in 2021, and compared to 63% for Small Rural and 65% for State-wide averages in 2022. See chart below for more details.



Open response questions

In 2022, Council elected to include two open response questions to gauge residents' views regarding what they considered Council does well, compared to areas that they considered Council needs to improve.

- Parks and gardens, customer service and tourism were areas that were highlighted that Council did well.
- A request that 'all areas be treated the same' and community consultation were the highest results where respondents considered Council needed to improve.

Areas for focus

- The report suggests that the following areas should be a focus in 2022:
 - Customer service
 - Community decisions
 - Consultation and engagement

Full report

- Council's full report and more in-depth analysis of results can be found in Attachment 8.3.3.
- State-wide comparative results can be found at:
<https://www.localgovernment.vic.gov.au/our-programs/council-community-satisfaction-survey>.

POLICY IMPLICATIONS

While undertaking the Community Satisfaction Survey is not mandatory, the linkage between results for 'consultation and engagement', 'community decisions' and 'sealed local roads' with the Local Government Performance Reporting Framework (LGPRF) has meant that undertaking it not only gives Council an insight as to how the community thinks it is performing but means that Council is able to meet its annual reporting requirements.

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

- 5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

The cost to Council for the Community Satisfaction Survey was \$11,714 excluding GST.

CONSULTATION

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

All interviews were conducted by phone.

CONCLUSION

Council's results were slightly mixed in 2022, with some measures better than Small Rural and State-wide averages, while 'customer service' was lower than the Small Rural and State-wide averages. The report suggests that Council will need to focus on customer service in 2022 to address the decline in performance this year.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate Performance
- Manager Corporate
- Governance Officer

ATTACHMENT(S)

8.3.3 2022 Local Government Community Satisfaction Survey - Alpine Shire Council

8.3.4 Governance Rules

INTRODUCTION

In May 2020, temporary measures were introduced into the *Local Government Act 2020* (LGA 2020) to allow electronic attendance at Council meetings, as a way of dealing with the COVID-19 pandemic restrictions. However, those temporary measures were repealed on 2 September 2022, after which each Council must have amended its Governance Rules to allow Council to hold Council meetings by electronic means.

This report presents the updated Governance Rules for adoption.

Cr Keeble

Cr Kelley

That Council:

- 1. Notes that no public submissions were received regarding the proposed amendments to the Governance Rules (version 2);***
- 2. Revokes Governance Rules (version 1);***
- 3. Adopts Governance Rules (version 2; and***
- 4. Signs and seals Governance Rules (version 2) at the appropriate stage of this meeting.***

Carried

BACKGROUND

Council adopted its Governance Rules in August 2020, in accordance with section 60 of the LGA 2020. The Governance Rules set out the requirements for not only the conduct of Council meetings, but many other processes including the Election of Mayor and Deputy Mayor, declarations of conflict of interest, and an election period policy.

COVID-19 temporary measures

At the time that the Governance Rules were developed, the LGA 2020 required attendance at Council meetings to be 'in person'. Temporary measures were introduced into the LGA 2020 (sections 392-396) in May 2020 to allow council meeting attendance to occur by 'electronic means of communication'. This allowed councils to meet the requirements of the COVID-19 restrictions, while keeping council meetings operating. These provisions also allowed councils to close the meeting to an in-person public gallery as long as the meeting was being livestreamed on the council's website.

The provisions were originally due to be repealed in April 2021, but were extended to April 2022, and further to 1 September 2022. However, Councils were advised that the provisions would not be extended past 1 September 2022.

ISSUES

Legislative change

On 2 September 2022, sections 60, 61, and 66 of the LGA 2020 was amended to include attendance at Council meetings by electronic means of communication, and also note that Council meetings will be considered 'open to the public' as long as they are being livestreamed on Council's website.

Amendment of Governance Rules

Council's Governance Rules were reviewed in accordance with guidance from both Local Government Victoria (LGV) and from templates developed by Maddocks.

Changes included in version 2 are detailed below.

Election of Mayor

Section 25 of the LGA 2020 specifies that the Mayor must be elected by an absolute majority of Councillors. Chapter 2 "Procedure for the election of Mayor and Deputy Mayor" has been updated to make this requirement clear, and to provide further clarification for occasions where more than two nominees for the position of Mayor or Deputy Mayor occur.

Electronic Attendance

Chapter 3 "Meeting procedure for Council meetings" has been updated to allow for attendance by electronic means of communication. This included clarifying the means of voting so that it can be in a manner either visible or audible to the Chairperson and providing for a Councillor to request attendance by electronic means.

Mode of attendance at Council meetings was amended to:

- Wholly in person;
- Wholly by electronic means; or
- Partially in person and partially by electronic means.

Council does not currently have capacity to hold partial (hybrid) meetings, however the ability to hold Council meetings in this manner has been included so that once Council's systems allow this in the future, a further change in Governance Rules is not required.

The Governance Rules include the following statement: "*Council must endeavour to meet wholly in person where possible before electronic attendance is considered*".

Conflict of Interest

Chapter 7 "Disclosure of Conflicts of Interest" has been updated to require declarations to include whether they are 'general' or 'material' in accordance with definitions in the LGA 2020.

Petitions

Petitions were amended to include the ability for electronic / online petitions to be lodged. Previously, Council required petitions to be in hard copy.

Question time

Where Council meetings are advertised as being held electronically, questions on notice must be submitted ahead of the meeting and read out by the Chairperson.

Miscellaneous

Several miscellaneous amendments were made to Chapter 3 "Meeting procedure for Council meetings", including clarification when the Mayor is speaking to a motion, and clarification for minutes of confidential Council Meetings.

POLICY IMPLICATIONS

Once the amendments to Governance Rules are adopted, they will provide guidance for the conduct of Council meetings, including attendance by electronic means.

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

Council purchased the Maddocks template for the Governance Rules, with officers incorporating amendments to Council's Governance Rules. Costs of template purchase were provided for within Council's budget.

CONSULTATION

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

Council commenced a public exhibition period on the amendments to the Governance Rules commencing immediately following the August Council meeting, concluding on Friday 19 August 2022. The opportunity to comment on the proposed amendments was advertised via Council's Facebook page on 4 and 15 August and advertised in the Myrtleford Times / Alpine Observer on 10 August.

At the time of writing this report, no submissions had been received regarding the proposed amendments to the Governance Rules.

CONCLUSION

Amendment of the Governance Rules is necessary following changes to the *Local Government Act 2020*. The amended Governance Rules clarify the process for election of the Mayor and Deputy Mayor, and importantly, allow for Council meetings to be held electronically 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 Corporate
- Governance Officer

ATTACHMENT(S)

8.3.4 Alpine Shire Council Governance Rules (version 2)

8.3.5 Public Interest Disclosures Policy

File Number: Policy Register

INTRODUCTION

This report presents Council's Public Interest Disclosures Policy for adoption, following the regular cycle of policy reviews.

Cr Hughes

Cr Janas

That Council:

- 1. Revokes the Protected Disclosures Policy (No 92, version 3);***
- 2. Adopts the Protected Disclosures Policy (No 92, version 4); and***
- 3. Signs and seals the Protected Disclosures Policy (No 92, version 4) at the appropriate stage of this meeting.***

Carried

BACKGROUND

The Public Interest Disclosures Policy was last adopted in December 2019, with an effective date of 1 January 2020, which was required by legislative change introduced at that time. The policy is now due for review, following Council's regular cycle of policy reviews.

The *Public Interest Disclosures Act 2012 [Vic]* (PID Act) provides protections for people who make disclosures about improper conduct in the public sector.

ISSUES

Victoria's Public Interest Disclosure (PID) scheme is important in ensuring that people who report improper conduct and corruption in the Victorian public sector can do so with confidence that they will be protected.

Protections include keeping confidential the identity of the person reporting improper conduct and protecting them from possible reprisals including bullying, harassment or legal action.

Legislative change

On 1 January 2020, the PID Act introduced several changes, which required a change to Council's policy at the time. Since that time, the legislation has not significantly changed, other than to introduce the Office of the Special Investigator, relating to PIDs about Victoria Police. These amendments do not affect how Council must manage PIDs, and does not require a legislative update to Council's policy.

Changes to policy

Councils remain a body that can receive a PID and the Independent Broad-Based Anti-Corruption Commission (IBAC) is the body to assess and determine a PID that has been reported to Council.

To improve understanding of the context of the policy, there have been several inclusions, which do not change the scope or purpose of the policy but assist the reader in understanding both what a PID is, and how it can be made and managed. These sections include:

- What is a public interest disclosure;
- Who can a public interest disclosure be about;
- Who can make a disclosure;
- How can a disclosure be made;
- Misdirected disclosures;
- Adding definitions for: corrupt conduct, detrimental action, and misdirected disclosure;
- Assessment flow chart for assessing disclosures.

Council policy and procedures

It is a requirement that public sector bodies have adequate policies and systems for staff to make a disclosure, as well as information as to how to receive, assess and safely handle disclosures.

Council's Protected Disclosure Policy No.92 has been reviewed and updated in accordance with Council's regular cycle of policy reviews.

Council's procedures for the handling of disclosures will also be reviewed following adoption of the policy.

POLICY IMPLICATIONS

Updates to the Public Interest Disclosures Policy align with terminology in *the Public Interest Disclosures Act 2012*, and with PID guidance provided by the IBAC.

It is not considered that a Gender Impact Assessment is required on this policy, as all persons must be treated equally under the PID Act and policy, and all have the same rights of protection.

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

The Public Interest Disclosures policy was reviewed by Council employees, and there were no financial costs associated with this review.

CONSULTATION

Community engagement is not required on this policy, as it meets the requirements of section 3.2.4 of Council's Community Engagement Policy, where "Council will not engage where feedback received through community engagement is unable to impact decision making". The PID policy is following a legislative process, which is well documented and prescribed by both the PID Act and the guidelines issued by the IBAC.

Proposed changes have been discussed with senior management and presented to Councillors.

CONCLUSION

A review of the Public Interest Disclosures Policy is in line with Council's regular cycle of policy reviews. Amendments in version 4 of this policy provide additional context for the reader about what a PID is, and how it can 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 Performance
- Manager Corporate
- Governance Officer

ATTACHMENT(S)

8.3.5 Alpine Shire Council Public Interest Disclosure Policy No.92, version 4

8.3.6 Approval in Principle - Financial Statements and Performance Statement

INTRODUCTION

The purpose of this report is to present the draft Financial Statements and Performance Statement for the year ended 30 June 2022 for review and seek approval in principle.

Cr Forsyth put forward that the recommendations be dealt with in separable parts once councillors had been nominated to certify the Financial Statements and Performance Statement.

***Cr Forsyth
Cr Kelley***

That Council:

Approves in principle the Financial Statements and the Performance Statement for the year ended 30 June 2022.

Carried

***Cr Forsyth
Cr Keeble***

Authorises Cr Nicholas and Cr Kelley to certify the Financial Statements and Performance Statement for the year ended 30 June 2022 on behalf of Council, once any amendments or changes are made as requested by the Victorian Auditor General.

Carried

BACKGROUND

Section 98 of the *Local Government Act 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.

Section 99 of the *Local Government Act 2020* requires Council to pass a resolution giving its approval in principle to the draft Financial Statements and draft Performance Statement prior to submitting the statements to the auditor so that they may prepare their reports.

This report provides an overview of the results in Council's draft Financial Statements and draft Performance Statement which are provided in full in the attachments.

Once approval in principle has been provided and Council has incorporated any changes recommended or agreed by the auditor, the Financial Statements and Performance Statement must be certified by two Councillors authorised by Council prior to the auditors signing their report.

ISSUES

Financial Statements

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

In summary, Council ended the 2021/22 year with an operating surplus of \$10.077m, which was \$3.47m higher than the \$6.607m surplus projected in the 2021/22 Annual Budget (the Budget).

The higher result was primarily due to the receipt of Federal Assistance Grants for 2022/23 received in advance in the 2021/22 financial year and lower than expected employee costs by \$0.603m due to the impact of vacant positions throughout the year together with a significant increase in Landfill Rehabilitation expense.

The total comprehensive result for the 2021/22 Financial year is \$32.917m and includes an asset revaluation increment of \$22.84m comprised of predominantly infrastructure assets and in particular bridges.

1. Income

Altogether Council received \$41.137m in income which was \$4.073m favourable to the Budget projection of \$37.064m. Key variances to budget were as follows:

1.1 Grants - operating

Council received total operating grant income of \$8.75m which was \$3.811m favourable to budget, primarily due to the receipt of higher-than-expected Federal Assistance Grants distributed by the Victorian Grants Commission.

1.2 Grants - capital

Council received total capital grant income of \$8.525m which was \$0.38m less than anticipated.

2. Expenses

Overall expenses were \$31.06m which was \$0.603m higher than Budget.

Significant expense variances included employee costs, which were \$9.959m vs budget of \$10.562m, primarily due to the impact of vacant positions throughout the year; and materials and services costs of \$14.238m vs budget of \$13.974m. In addition, as previously referred to, the Landfill Rehabilitation expense was significantly higher than budget because of additional provisions and an increase in the discount factor used in provision calculations.

2.1 Depreciation

Depreciation was \$5.406m which was \$0.313m unfavourable to Budget and reflects the revaluation of Bridges and Buildings assets.

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.

Several service performance indicators continued to be impacted by COVID-19, including:

- An early opening of aquatic facilities during 2021/22 saw a recovery in visitor numbers following a low the previous year.
- Active library members in the Alpine Shire increased in 2021/22, but the three-year average reduced in as the closures of previous years continue to impact performance report. Council expects active library members to return to pre-COVID-19 levels in due course.
- Staff shortages because of illness from COVID-19 or related complications have been felt throughout the organisation, particularly after restrictions lifted, resulting in impact on some service delivery outputs.

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

Audit progress

The Financial Statements and Performance Statement are still being audited at the time of writing this report. Whilst the Victorian Auditor General can still make changes, any changes would be expected to be minor in nature.

POLICY IMPLICATIONS

Council has prepared draft Financial Statements and a draft Performance Statement for Council Approval in Principle, in line with the requirements Sections 98 and 99 of the *Local Government Act 2020*, and the *Local Government (Planning and Reporting) Regulations 2020*.

The authorised Councillors are required to certify the final Financial Statements and Performance Statement after any amendments or changes requested by the Victorian Auditor General have been made, and prior to adoption by Council.

In a change from previous requirements, section 100 of the *Local Government Act 2020* now 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, no later than 31 October 2022. Council intends to present the Annual Report to the October Ordinary Council Meeting. It is anticipated that audit clearance from the Victorian Auditor General's Office could potentially be delayed due to a focus on auditing State Government departments prior to the State Government elections later this year. If Council does not receive audit clearance prior to the Ordinary Council Meeting scheduled for 4 October, it will need to hold a Special Council Meeting prior to the end of October.

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

- 5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

The draft Financial Statements and Performance Statement for the year ended 30 June 2022 show that Council is financially sustainable and that Council services are being delivered within expected parameters.

CONSULTATION

The Audit 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 Committee members and reflects appropriate accounting principles. At the time of submitting this paper the key contents of the Annual Financial Report, comprising the Financial Statements and Performance Statement, have been submitted to the Audit Committee for review.

CONCLUSION

Council ended the 2021/22 year with an operating surplus of \$10.077 million, which is greater than that predicted in the 2021/22 Annual Budget. The higher operating surplus result is largely attributed to the receipt of Federal Assistance Grants for 2022/23 received in advance in 2021/22 financial year and lower than expected employee costs due to the impact of vacant positions throughout the year together with a significant increase in Landfill Rehabilitation expense.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate Performance
- Manager Corporate
- Accountant
- Governance Officer

ATTACHMENT(S)

- 8.3.6.a 2021/22 Financial Statements (Draft)
- 8.3.6.b 2021/22 Performance Statement (Draft)

9. 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 Keeble

Cr Prime

That the summary of informal meetings of Councillors for July / August 2022 be received.

Carried

Background

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

Date	Meeting
26 July	Briefing Session
2 August	Briefing Session
12 August	Community Meeting in Kiewa Valley / Tawonga South
16 August	Briefing Session
23 August	Briefing Session

Attachment(s)

- 9.0 Informal meetings of Councillors – July / August 2022

10. Presentation of reports by delegates

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

11. General business

The Municipal Association of Victoria (MAV) State Council is the MAV's governing body and is made up of representatives from each member Council. A special State Council meeting will be held on 16 September 2022 to consider the new MAV Rules, including the ability for the MAV State Council meetings to be held virtually. MAV representatives and Council CEOs from each Council are invited to attend. Where the two representatives nominated by Council (currently Cr Nicholas and Cr Forsyth) are unable to attend, Council must nominate a substitute representative. By formally nominating Cr Janas to act as Council's substitute representative, this will allow him to cast a vote at the meeting.

Cr Forsyth

Cr Hughes

That Cr Janas be nominated as Council's substitute representative to attend the Special State Council Meeting of the Municipal Association of Victoria being held on Friday 16 September 2022.

Carried

12. Motions for which notice has previously been given

Nil

13. Reception and reading of petitions

Nil

14. Documents for sealing

Cr Keeble

Cr Janas

That the following documents be signed and sealed.

1. *Contract No. 22031 in favour of GPE HV for the Energy Efficient Street Lighting Installation.*
2. *Contract No. 22021 in favour of DNA Live Experiences Pty Ltd.*
3. *Section 173 Agreement – Goulburn Murray Water and AJ & DH Robertson. The Section 173 Agreement relates to conditions 17, 20, 21 and 22 of Planning Permit 2021.187 for a Two lot Subdivision at 177 Simmonds Creek Road, Tawonga South. Lot 5 LP 27985, Volume 8063 Folio 445. The Agreement acknowledges and agrees that:*
 - a. *it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Alpine Shire Planning Scheme and incorporated with this Agreement is the plan prepared in accordance with Clause 53.02-4.4 of this planning scheme.*
 - b. *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.*
 - i. *Lot 1 as indicated on the plans endorsed under planning permit is explicitly excluded from the exemption under Clause 44.06-2 of the Alpine Shire Planning Scheme:*
 - c. *Any future development of Lot 2 as indicated on the endorsed plans, adheres to the wastewater management requirements outlined within the Land Capability Assessment AR09092021-1A prepared by Damien Porta, Porta Environmental Pty Ltd, December 2021. This includes the design, installation and maintenance of the wastewater management system, and the size and location of the wastewater disposal field. No buildings are to be constructed on Lot 2 within 30 metres of any waterways (including dams on waterways) or on any drainage lines.*
4. *Section 173 Agreement – Gilandos Pty Ltd and Alpine Spa Resorts Pty Ltd Crown Allotment 2060 Parish of Bright – Tyntynder Lane, Bright Amendment C61ALPI to the Alpine Planning Scheme – Surplus Victorian Government land in Bright. The amendment applies to land at Part CA 14L, Section C, Parish of Bright, Tyntynder Lane, Bright, and rezones the site from Public Conservation and Resource Zone to part Farming Zone and part General Residential Zone Schedule 1. The Section 173 Agreement is designed to address bushfire risk mitigation identified by the Country Fire Authority. The four parcels that are to*

be sold to the adjoining owners will require the owners to undertake 'defendable space vegetation management' to the entirety of the land, and no additional accommodation or buildings are permitted.

The parcel that is to be sold at auction is only to have a single dwelling build to achieve a radiant heat flux of less than 12.5 kilowatts per square meter and no less than BAL 29. The owners will also have to undertake a 'defendable space vegetation management' on the entirety of the land.

- 5. Protected Disclosures Policy (No 92, version 4).***
- 6. Governance Rules (version 2).***
- 7. Contract No. 22055 in favour of North East Civil Construction for Dargo High Plains Road Upgrade.***
- 8. Contract No. 2203601 in favour of Jackson's Earthmoving for 'Tawonga Caravan Park - Roads and Carpark Construction'.***

Carried

There being no further business the Chairperson declared the meeting closed at 6.22p.m.

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Chairperson