

M(6) – 28 MAY 2024

# Ordinary Council Meeting

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Minutes

The **Ordinary Meeting** of the **Alpine Shire Council** was held in the Council Chambers, Great Alpine Road, Bright on **28 May 2024** and commenced at **5:00pm**.

## **PRESENT**

### **COUNCILLORS**

Cr Simon Kelley - Deputy Mayor (and Chairperson of the meeting)

Cr Katarina Hughes\*

Cr Ron Janas

Cr Tony Keeble\*

Cr Sarah Nicholas

Cr Kelli Prime

*\* attendance via electronic means*

### **OFFICERS**

Will Jeremy - Chief Executive Officer

Tony Cooper - Manager Corporate

Alan Rees - Director Assets

### **APOLOGIES**

Cr John Forsyth - Mayor

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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, the Deputy Mayor will read the following statement:*

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

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

## 3. Confirmation of minutes

### 3.1 ORDINARY COUNCIL MEETING – M(5) – 30 APRIL 2024

*Cr Prime*

*Cr Nicholas*

*That the minutes of Ordinary Council Meeting M(5) held on 30 April 2024 as circulated be confirmed.*

*Carried Unanimously*

## 4. Apologies

Cr John Forsyth - Mayor

## 5. 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 to obituaries and congratulations.

## 6. Declarations by Councillors of conflict of interest

Nil

## 7. Public questions

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

### **G5 Public Question Time**

- 1.1.1.a. GS3. Questions submitted to Council may be:
- 1.1.1.b. Submitted as a "Question on Notice" to the Chief Executive Officer in writing by 5pm on the day prior to the Council meeting, stating the name and contact details of the person submitting the question; or
- 1.1.1.c. During meetings held wholly in-person, at the Chairperson's discretion, asked directly by a member of the public gallery at the Council meeting during public question time.
- 1.1.1.d. GS4. No person may submit or ask more than two questions at any one meeting.
- 1.1.1.e. GS7. A question may be disallowed by the Chairperson if the Chairperson determines that it:
  - is not related to an item on the agenda;
  - relates to a matter outside the duties, functions and powers of Council;
  - is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
  - deals with a subject matter already answered;
  - is aimed at embarrassing a Councillor or a member of Council staff;
  - relates to confidential information as defined in s3 of the Act;
  - relates to the personal hardship of any resident or ratepayer; or
  - relates to any other matter which the Council considers would prejudice the Council or any person.

Refer to Alpine Shire Council's website [www.alpineshire.vic.gov.au](http://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 under delegation by CEO**

Nothing to report.

## 8.1.2 Councillor and Staff Interaction Policy

### INTRODUCTION

A Councillor and Staff Interaction Policy has been developed and, following public exhibition, can be considered for adoption by Council.

*Cr Nicholas*

*Cr Prime*

*That Council:*

- 1. Notes that no public submissions were received;*
- 2. Adopts the Councillor and Staff Interaction Policy No. 129 (version 1);*
- 3. Delegates to the CEO the authority to make administrative updates at any time to the Appendix: 'Summary of Appropriate Councillor and Staff Interactions table' to reflect changes to the structure of the organisation, without affecting the intent of the policy; and*
- 4. Signs and Seals the Councillor and Staff Interaction Policy No. 129 (version 1) at the appropriate stage of this meeting.*

*Carried Unanimously*

### BACKGROUND

Section 46(3)c of the *Local Government Act 2020* (the Act) states that the Chief Executive Officer (CEO) is responsible for:

*"managing interactions between members of Council staff and Councillors and ensuring that policies, practices and protocols that support arrangements for interaction between members of Council staff and Councillors are developed and implemented."*

In January 2023, the Local Government Inspectorate (the Inspectorate) published a report titled *Checking Compliance; a review of council policies*. This report contains the following recommendations in relation to councillor relationships:

1. Councils are strongly encouraged to develop a policy to guide the relationships and interactions between councillors and council staff; and
2. Councils should also consider developing a policy for councillors interacting with third parties in an open and transparent way so that the public can be confident that decision-making is taking place in an unbiased way.

On top of the formal review of policies required under the Act, the Inspectorate also requested that councils provide a copy of internal policies that related to Councillor interactions with staff, other Councillors and external third parties. The following table shows the proportion of councils which had policies covering these different relationships:

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### Percentage of councils with policies covering councillor relationships

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Relationship covered by policy	Council staff	Other councillors	External third parties
Percentage of councils with a policy	49%	4%	0

The Inspectorate noted that nearly half of the councils developed and maintained a policy that addressed councillor and staff interactions, and that this document was separate to the respective codes of conduct. The Inspectorate noted that whilst there is no formal requirement to do so, it is recommended that a standalone policy be created.

The Inspectorate further noted that few councils have chosen to develop a standalone policy to guide the relationship between Councillors, and that no council provided a document that specifically addressed interactions with external third parties.

### ISSUES

The implementation of the Councillor and Staff Interaction Policy does not result in any requirement to change the way that Councillors and Council staff currently interact.

### POLICY IMPLICATIONS

The recommendations are in accordance with Section 46(3)c of the *Local Government Act 2020*. The development of a standalone Councillor and Staff Interaction Policy is aligned with the recommendation of the Local Government Inspectorate and will support Councillors and Council staff in meeting their obligations under their respective codes of conduct.

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

There are no financial or resource implications associated with the implementation of the Councillor and Staff Interaction Policy.



**RISK MANAGEMENT**

Risk	Likelihood	Impact	Mitigation Action / Control
Councillor directing or seeking to direct a member of Council staff in breach of Section 124 of the Act.	Possible	Minor	<ul style="list-style-type: none"> <li>Development of a Councillor and Staff Interaction Policy to guide interaction between Councillors and Council staff and support Councillors and Council staff in understanding and fulfilling their obligations.</li> </ul>

**CONSULTATION**

Consultation has been carried out with Councillors and selected Council staff in establishing the draft Councillor and Staff Interaction Policy.

The draft Policy was released for public consultation in accordance with the requirements of Council's Community Engagement Policy. There were no submissions received.

**CONCLUSION**

To manage interactions between Councillors and Council staff the Councillor and Staff Interaction Policy should now be adopted.

**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

**ATTACHMENT(S)**

8.1.2 Councillor and Staff Interaction Policy No. 129 (version 1).

## 8.2 DIRECTOR ASSETS – ALAN REES

### 8.2.1 Opportunity to acquire land at 1-3 Anderson Street, Bright

#### **INTRODUCTION**

This report relates to an opportunity for Council to purchase land at 1-3 Anderson Street, Bright. The site is occupied by a service station and an adjacent café.

*Cr Janas*

*Cr Nicholas*

*That Council:*

- 1. Notes the conclusion of the community consultation phase associated with the Expression of Interest for the purchase of land at 1-3 Anderson Street, Bright, held from February 2024 to March 2024; and*
- 2. Resolves to withdraw from the Expression of Interest process for the reasons outlined in this report.*

*Carried Unanimously*

#### **BACKGROUND**

In late 2023, land at 1-3 Anderson Street, Bright was offered for sale through an Expression of Interest (EOI) process.

Council officers considered that the land could assist in resolving expected saturation levels at the adjacent intersections of Gavan Street and Star Road, and Anderson Street and Gavan Street, see Figure 1. Gavan Street forms part of the Great Alpine Road and is an important arterial route.

The site is occupied by a service station ('Shell Service Station') and an adjacent café. It is understood that a fuel service station has operated from this site since 1962 and that the site has been in the same ownership since 1992.

At the Ordinary Council Meeting held in December 2022, Council noted the findings and recommendations of the Bright Strategic Traffic Assessment 2022. The assessment was prepared to understand the impact that an increase in tourism as well as residential and commercial growth across Bright and surrounding areas had on the existing road network and parking supply.



**Figure 1: Aerial photograph with the land at 1-3 Anderson Street, Bright outlined in red.**

The assessment noted that daily and peak-hour traffic remained comfortably within capacity across the Bright Central Business District (CBD). The assessment made a series of recommendations to improve cycling facilities and connections as well as wayfinding for car parking. The assessment also noted that, based on high-level modelling, the capacity of Gavan Street to accommodate vehicular traffic during peak periods might be exceeded within the decade. To address this, solutions may need to include intersection upgrades and the investigation of an alternative route or bypass of the CBD.

In addition, some of the qualitative evidence that informed the assessment, particularly from the emergency services, noted consistent difficulty in travelling through the CBD during peak periods owing to congestion. Right turn movements in the vicinity of the Anderson Street and Gavan Street, and the Gavan Street and Star Road intersections were observed to impede traffic movement and result in moderate delays. This is often compounded by the movements to and from the Shell Service Station site.

As a result, Council officers considered that the site could serve an important strategic transport function in providing additional land to realise the ultimate intersection upgrade/s. Given this, an EOI was submitted on behalf of Council on 19 January 2024, subject to a number of conditions. It was intended that the site be acquired and, within a five-to-ten-year timeframe, the ultimate intersection treatment would then be constructed.

Following this, Council officers undertook a due diligence process to inform a future recommendation to Council on the purchase of the land. The most important piece of work is the Gavan Street / Anderson Street / Star Road, Bright Intersection Study 2024.

The intersection study built upon the findings of the Bright Car Parking Plan 2018, the Alpine Shire Cycle Safety Strategy 2019 and the Bright Strategic Traffic Assessment 2022.

The findings and recommendations of these reports are included in the Bright Strategic Road and Movement Action Plan 2022.

## **FINDINGS**

A traffic modelling consultant was engaged to undertake this intersection study to review the performance of the existing intersections of Gavan Street and Star Road, and Anderson Street and Gavan Street, and to assess options for alternative intersection arrangements, if considered appropriate.

The area caters for a range of road users providing important north-south movements for pedestrians crossing Gavan Street, east-west cyclist movements, east-west vehicle movements through the centre of the CBD and, critically, access within and around Bright for access to logging coups. Gavan Street is an approved b-double route, and Anderson Street is an approved route for logging purposes. Any proposed alterations to the transport network must consider these important access requirements. As a result, the area has the potential for significant conflict between the various modes of transport.

The intersection study found that the existing configuration of the Anderson Street and Gavan Street roundabout currently operates under 'Excellent' conditions, while the Gavan Street and Star Road intersection currently operates under 'Very Good' conditions.

Four alternate intersection design options were developed, with all proposed layouts capable of accommodating fully directional movements for a 19 metre semi-trailer and through movements along Gavan Street for a 26 metre b-double. The layouts are outlined in Figures 2 to 5 and include the:

- first option includes the realignment of Anderson Street on approach to Gavan Street and the construction of a four-way roundabout with raised pedestrian crossings on Anderson Street and Star Road. This intersection treatment was considered by the intersection study to be the preferred ultimate intersection treatment;
- second option includes the realignment of Anderson Street on approach to Gavan Street, and the construction of a four-way signalised intersection with signalised pedestrian crossings on each approach;
- third option utilises the existing road reserve to provide a staggered signalised intersection with signalised pedestrian crossings on each approach. Critically, this option does not require the land at 1-3 Anderson Street to fully realise; and
- fourth option was requested by Regional Roads Victoria and includes the realignment of the departure side of Anderson Street and the Gavan Street approach on the east leg with raised pedestrian crossings on Star Road.

The SIDRA analysis, which is used to inform the design of single or multiple intersections in the intersection study, indicates that upgrades to the intersection are not warranted on the grounds of traffic capacity as the existing intersection geometry is expected to continue to operate well into the future. If an upgrade is to be pursued, the intersection study recommends that the preferred ultimate intersection treatment is Option 1 Four-way Roundabout. These upgrades would allow for improvements to pedestrian access





Having considered the recommendations of the intersection study, which indicates that the existing intersection operates well into the future, the expected cost of the intersection upgrade and the fact that Regional Roads Victoria has indicated that it is unlikely that the Victorian government would contribute to any future upgrade, it is recommended not to proceed with this acquisition.

Aside from the strategic transport comments outlined above, Council officers considered additional items before reaching this recommendation. These included the:

- potential liability associated with the underground infrastructure; and
- cost and risks associated with managing the existing service station on the site whilst plans are developed and alternate funding opportunities explored, a process likely to take 5+ years.

Overall, this uncertainty and additional risk is a compounding factor in reaching this recommendation.

This assessment has highlighted that there are some short-term solutions that will assist in improving the existing intersection treatment. The intersection study has considered the following:

- improved pedestrian connectivity and access, including provision for pedestrian priority (particularly for the visually impaired);
- management of conflicts between turning movements from Star Road and the northern service station access;
- a large intersection footprint to cater for turning movements of large vehicles; and
- lack of dedicated cycling infrastructure.

In addition, Regional Roads Victoria has provided urban design principles that will be considered as part of the preparation of the future structure plan for Bright. These will assist with determining future infrastructure designs and upgrades to improve pedestrian and cyclist movements through this important area.

## **POLICY IMPLICATIONS**

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

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

## **FINANCIAL AND RESOURCE IMPLICATIONS**

There are no financial or resource implications associated with the recommendations of this report.

## **RISK MANAGEMENT**

There are no inherent risks associated with the recommendations of this report.

## **CONSULTATION**

### ***Internal Engagement***

The recommendations were informed by consultation with relevant departments within the Council administration team.

### ***Referral Agencies and Authorities Engagement***

Regional Roads Victoria was engaged extensively throughout the due diligence process.

### ***Community Engagement***

Council sought community feedback on the proposed acquisition of the land in early 2024 and a total of 83 contributions were made, with those who supported the proposal and those who did not roughly evenly split, albeit those who were unsupportive were slightly greater in number.

## **CONCLUSION**

Council officers submitted a non-binding EOI for the purchase of land at 1-3 Anderson Street, Bright in early 2024. It was considered that the site potentially provided an opportunity for Council to facilitate the upgrade the adjacent intersections of Gavan Street and Star Road, and Anderson Street and Gavan Street, which were considered to suffer from congestion at certain times and that this was expected to get worse in the future.

Following the completion of a due diligence exercise, it is recommended that Council does not proceed to purchase the site, and withdraws from the Expression of Interest process.

## **DECLARATION OF CONFLICT OF INTEREST**

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

- Director Assets
- Manager Growth and Future

## **ATTACHMENT(S)**

8.2.1 Gavan Street / Anderson Street / Star Road, Bright Intersection Study 2024



## 8.2.2 Bright Fish Passage Project Deferral

### INTRODUCTION

The North East Catchment Management Authority (NECMA) has advised that there is a significant shortfall in funding to deliver the Bright Fish Passage project and that there are no opportunities for alternative funding sources at this stage, despite efforts to source additional funding. It is recommended that Council supports NECMA's deferral of the project.

*Cr Janas*

*Cr Nicholas*

*That Council:*

- 1. Supports the North East Catchment Management Authority's deferral of the Bright Fish Passage project indefinitely until sufficient suitable funding becomes available; and*
- 2. Notes that the North East Catchment Management Authority will undertake an engineering and geotechnical assessment of the site to provide greater surety to the opinion of probable cost for the project.*

*Carried Unanimously*

### BACKGROUND

Alpine Shire Council is the asset owner and operator of the existing weirs on the Ovens River, located in the Bright and Porepunkah townships. The weir structures prevent fish from migrating into the upper Ovens catchment.

In May 2020, the North East Catchment Management Authority (NECMA) secured \$2.6 million of funding through the Victorian Government's 2020 Building Works Economic Stimulus Environmental Works Package to construct a fish passage at the Bright weir.

At the Ordinary Council Meeting held in June 2022, Council resolved to support the project and to move forward with completing the detailed design and construction of a fish passage structure at the Bright weir.

In February 2024, NECMA advised Alpine Shire Council that the tenders received significantly exceeded the available funding. Suitable additional funding sources have not been identified, as such the project cannot go ahead until sufficient funding is sourced.

Through discussions with the Department of Energy, Environment and Climate Action (DEECA), which is the funding body, NECMA has advised that the reallocation of the funding to another project must align with the original scope of the funding via the Victorian Government's 2020 Building Works Economic Stimulus Environmental Works Package. This includes:

*'The Waterway environmental works initiative will improve river and wetland health and benefit native fish populations in northern Victoria. This will occur through construction of fishways and fish exclusion screens on high value rivers and construction of regulators to manage flows into priority wetland systems.*

*The key outputs to be delivered include:*

- *Finalisation of detailed designs and completion of operation and maintenance plans*
- *Finalisation of statutory approvals*
- *Construction of on-ground works (regulators, fishways and fish exclusion screens)*
- *Engagement with key stakeholders, Traditional Owners and local communities'*

A number of alternative projects were proposed to DEECA by NECMA; however, DEECA, as the funding body, determined that these do not fit the funding criteria. DEECA has assessed the preparation of an engineering and geotechnical assessment of the Bright fishway site. This engineering and geotechnical assessment will be of benefit as it will provide greater surety of the probable cost for the project and the structural integrity of the existing weir to support the proposed design.

Council officers also sought funding to assist in meeting the shortfall through other funding bodies, including Regional Development Victoria and Regional Development Australia, but no suitable funding programs were identified.

## **ISSUES**

The Ovens River is home to one of the most significant populations of native fish in the Murray-Darling Basin, including several threatened species including Silver Perch, Flatheaded Galaxias, Trout Cod, Macquarie Perch and Murray Cod. It is one of only two rivers in the Basin with a near-natural flow regime. Providing fish passage at Bright Weir is identified in the NECMA's Regional Waterway Strategy 2014 as a lead action (UOV LA 1.5). This would allow an increase in movement from Bright Weir to the headwaters of the Ovens River measuring 42km and an additional 120km of tributaries.

The tenders received for the fish passage exceed the estimated amount which has been allocated through the funding program. Suitable additional funding sources have not been identified.

The only suitable alternative project to reallocate the funding along the upper Ovens River, or elsewhere within the Alpine Shire, that has been identified is an engineering and geotechnical assessment of the Bright fish passage site. This will include analysis of the structural integrity and stability of the weir and pedestrian bridge, as well as the riverbank conditions. This is essential to ensure that the integration of the fish passage does not compromise the current structures or vice versa. A request for tender for this assessment will be released in May and NECMA will seek a further extension to the project past 30 June 2024 to enable the assessment to be completed this calendar year.

## POLICY IMPLICATIONS

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

- 3.2 Stewardship and care of our natural environment

## FINANCIAL AND RESOURCE IMPLICATIONS

Resource implications to Council are minimal as NECMA will be managing the engineering and geotechnical assessment of the Bright fish passage site.

## RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Adequate funding is not found for completion of the fish passage project in the life of the Bright weir	Very likely	Major	<ul style="list-style-type: none"> <li>• A future weir renewal project considers fish passage</li> </ul>

## CONSULTATION

NECMA has been the lead for the delivery of the fish passage project, including the consultation processes. A Project Steering Group was established to provide project oversight and review as the detailed design was developed. The Project Steering Group comprises representatives of the following organisations:

- North East Catchment Management Authority (NECMA)
- Department of Energy, Environment and Climate Action (DEECA, formerly part of DELWP)
- Taungurung Land and Waters Aboriginal Council
- Upper Ovens Landcare Group
- Bright and District Chamber of Commerce
- Alpine Shire Council

## CONCLUSION

The construction of the fish passage cannot be delivered with the available grant funding. All attempts by Council and NECMA to secure additional funding have been unsuccessful. Council supports NECMA's deferral of the Bright Fish Passage and notes an engineering and geotechnical assessment will be undertaken.

## **DECLARATION OF CONFLICT OF INTEREST**

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

- Director Assets
- Manager Growth and Future
- Sustainability Coordinator

## **ATTACHMENT(S)**

Nil

## 8.2.3 Asset Management Policy

### INTRODUCTION

This report relates to the adoption of the Asset Management Policy No.49 Version 3.

*Cr Prime*

*Cr Keeble*

*That Council:*

- 1. Revokes Alpine Shire Council Asset Management Policy No. 49 (version 2);*
- 2. Adopts Alpine Shire Council Asset Management Policy No 49. (version 3); and*
- 3. Signs and Seals Alpine Shire Council Asset Management Policy No. 49 (version 3) at the appropriate stage of this meeting.*

*Carried Unanimously*

### BACKGROUND

Council's Asset Management Policy outlines Alpine Shire Council's approach to the management of those assets for which it is the custodian. The policy provides clear objectives, defines key principles and lists responsibilities that underpin asset management.

The Asset Management Policy has been reviewed as part of a required policy revision. The intent of this policy review is to ensure the policy details, roles and responsibilities are accurate and relevant for a further four year period.

### ISSUES

The *Local Government Act 2020*, which passed through Parliament on 17 March 2020, requires Local Government Authorities to undertake specific activities which directly impact on asset management.

#### *Changes to Asset Management Policy version 3*

Very minimal changes have been made to the Asset Management Policy. These are:

- Part 3.2 Asset Management Principles: Wording updated to clarify that the Asset Renewal schedule will inform the 10 year Long Term Financial Planning.
- Part 6: Gender Impact Assessment has been added to the policy.
- Part 7: Supporting Documents: updated reference to legislation.

### 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**

Council’s annual Budget ensures that sufficient funds and resources are allocated each year to manage Council’s assets in accordance with this policy.

**RISK MANAGEMENT**

Risk	Likelihood	Impact	Mitigation Action / Control
Council fails to manage Assets as per the attached policy	Possible	Minor	<ul style="list-style-type: none"> <li>To continually provide appropriate systems, education and information to staff on relevant Asset Management Policy's and Plans</li> </ul>

**CONSULTATION**

The equivalent policy documents of neighbouring councils and other small rural councils have been reviewed as part of the update of Council’s Asset Management Policy.

Relevant Council officers have been consulted and have provided feedback which has been incorporated into the updated policy.

The Asset Management Policy requires specific community consultation to be undertaken to inform Asset Management and Service Planning outcomes. When considering whether to consult the community about the minimal changes proposed to the policy, Council's Community Engagement Policy was considered. In this instance, as the minimal changes proposed do not alter the intent of the policy, consultation with the community about these changes is not being undertaken for this review. This is in accordance with part 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.

**CONCLUSION**

Review of the Asset Management Policy is now complete, minor amendments have been made to the content of the policy and the revised policy is being presented to Council for adoption.

## **DECLARATION OF CONFLICT OF INTEREST**

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

- Director Assets
- Manager Engineering and Assets
- Asset Management Coordinator

## **ATTACHMENT(S)**

8.2.3 Asset Management Policy No. 049 (version 3).

*CEO Will Jeremy declared a conflict of interest with respect to item 8.2.4, specifically the construction of new footpath in Martley Street, Porepunkah and left the Council Chamber at 5.52pm.*

## 8.2.4 Footpath Construction Program

File Number: CT26062

### INTRODUCTION

This report relates to the award of a contract for the construction of concrete footpaths in Myrtleford and Porepunkah.

*Cr Nicholas*

*Cr Prime*

*That Council:*

- 1. Awards Contract No. 26062 for the "Concrete Footpath Construction - Myrtleford and Porepunkah" to KR Hoysted Construction & Landscapes" for the lump sum price of \$156,555 (GST exclusive);*
- 2. Approves an unbudgeted expenditure of \$21,375 (GST exclusive) to enable the completion of these works; and*
- 3. Delegates authority to the Director Assets to sign the contract at the appropriate time.*

*Carried Unanimously*

### BACKGROUND

Council maintains a Footpath Register where it records all potential new footpaths identified through either strategic planning or requests by the public. The sections of footpath along Mummery Rd, Prince St and Martley St that are the subject of this contract have all been identified for delivery from this Register. The register is updated and reviewed on an ongoing basis, with new projects delivered every year and new requests added.

### EVALUATION

The tender was advertised on tenders.net and on Alpine Shire Council's website on 24 April 2024.

A total of 18 prospective tenderers downloaded the document and seven submissions were received by the closing date.

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 KR Hoysted Construction and Landscapes best met the selection criteria.



**POLICY IMPLICATIONS**

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

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**

The total adopted budget for the Footpath Renewal and Upgrade budget 23/24 FY was \$150,000 and to date \$14,820 has been spent on other minor footpath concreting works and project management costs. This leaves a shortfall of \$21,375 in the budget to complete the package of footpath concrete works for Mummery Rd, Prince St and Martley St.

A summary of the financial implications are provided in the table below.

Item	Item Amount
<b>Total Adopted Budget Footpath Renewal and Upgrade 23/24FY</b>	<b>\$150,000</b>
Total Minor works and project management costs to date	\$14,820
Total proposed Contract Award for Concrete Footpath Construction - Myrtleford and Porepunkah ( <i>KR Hoysted Construction &amp; Landscapes</i> )	\$156,555
Total Value of All Footpath Works	\$171,375
<b>Total Unbudgeted Expenditure Required (shortfall)</b>	<b>-\$21,375</b>

This unbudgeted expenditure will be offset by an underspend in the Development Engineering Roads Program.

**RISK MANAGEMENT**

Risk	Likelihood	Impact	Mitigation Action / Control
Users and residents continuing to want to use the nature strip during construction	Possible	Moderate	<ul style="list-style-type: none"> <li>• Advise community in advance of the changed conditions to expect during construction.</li> <li>• Deliver works outside of known busy periods to reduce impact on users.</li> </ul>

Risk	Likelihood	Impact	Mitigation Action / Control
Compromised access to properties during construction	Almost certain	Moderate	<ul style="list-style-type: none"> <li>Close consultation with property owners during construction to set expectations around short term changes to access.</li> </ul>

## CONSULTATION

The locations for this year's footpath program have been identified and prioritised on Council's footpath register through asset management planning and requests by the public. Consultation has been undertaken with Council's Operations Team to finalise the scope. Impacted residents and businesses will be informed prior to the works commencing to set expectations around short term disruptions and changes to property access.

## CONCLUSION

Following a comprehensive assessment, the Tender from KR Hoysted Construction and Landscaping is considered to present the best value option for Council.

## DECLARATION OF CONFLICT OF INTEREST

The CEO has declared a Conflict of Interest in relation to the recommendations in this report, specifically the construction of new footpath in Martley Street, Porepunkah.

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
- Manger Engineering and Assets
- Project Officer

## ATTACHMENT(S)

Nil

*CEO Will Jeremy returned to the Council Chamber at 5.57pm*

## 8.3 DIRECTOR CUSTOMER AND COMMUNITY – HELEN HAVERCROFT

### 8.3.1 Community Grant and Event Funding Programs

#### **INTRODUCTION**

This report is being represented to Council at the May Ordinary Council Meeting (OCM) as the recommendations were not clearly resolved at the April OCM. The meeting minutes and online recording show that recommendation 1 (That Council notes the Victorian Auditors General's Office report to Parliament in May 2022) was moved and voted upon but recommendation 2 remain unresolved. The report itself remains largely unchanged.

The purpose of this report is to recommend changes to the composition of the assessment panels in relation to the Community Grant and Event Funding Programs delivered by Alpine Shire Council.

*Cr Prime*

*Cr Hughes*

*That Council:*

1. *Excludes Councillors from Council's Community Grant Program assessment panel; and*
2. *Excludes Councillors from Council's Event Funding assessment panels.*

*Motion Lost Unanimously*

#### **BACKGROUND**

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

Council's Event Funding Program is also a long-established funding program committed to the development and support of community and commercial events and festivals that provide vibrant and diverse experiences for residents and visitors in the Alpine Shire.

From time-to-time Council delivers additional grant programs to meet the requirements of external funders.

The 2024-25 Community Grants and Events Funding Programs opened for applications on Friday 10 May 2024 and close Sunday 16 June 2024. The assessment of the applications will commence after that.

In May 2022 Victorian Auditor General's Office (VAGO) released a report to Parliament ['Fraud Control Over Local Government Grants'](#).

In 2023 Council appointed an independent auditor to undertake a review of Council's Community Grant Program and Event Funding Program against the VAGO report.

The internal review found that current controls in place over the management of Alpine Shire Council's Community Grants and Event Funding Programs are adequate and can be further strengthened. A range of controls were identified that could reduce identified weaknesses and exposures.

The review identified three high-risk issues:

1. The conflict of interest process needs to improve.
2. More detailed and comprehensive assessment criteria for Community Grant and Event Funding Programs should be developed.
3. Controls of 'out of round' request process and distribution of unallocated funds process needs to be strengthened.

## **ISSUES**

The internal audit identified thirteen areas for improvement with 23 recommendations made to improve oversight of the grants programs. Two recommendations were subsequently replaced with alternate recommendations.

Recommended areas for improvements include:

- a. Strengthen Conflict of Interest process
- b. Strengthen eligibility and assessment criteria for all grant and funding programs
- c. Exclude Councillors from assessing and making recommendations on grant applications
- d. Verify that all grant recipients use grant funds for their intended purpose
- e. Review reoccurring and non-reoccurring Grants process
- f. Centralised Grants Management System
- g. Develop an overarching Grants Management Policy
- h. Grant related fraud risks
- i. Mandatory training on Conflict of Interest, Fraud and internal policies
- j. Review CEO allocated funding governance and process
- k. Development of Funding Program Assessment Panel Charter
- l. Review assistance provided to Applicants and Frequently Asked Questions
- m. Availability of Grant and Funding Program outcomes

Council officers are addressing the recommendations made in the internal review.

VAGO recommendations are documented on Council Audit and Risk Committee Integrity Organisation Recommendations / Actions Register.

## **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**

There are no financial or resource implications associated with this report.

## RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Councillors are not, or not seen as independent panel members to consider grant applications leading to inappropriate allocation of funds	Possible	Moderate	<ul style="list-style-type: none"> <li>• Adopt recommendations of internal review of Council grant and funding programs</li> <li>• Exclude Councillors from grant assessment panels</li> </ul>

## CONSULTATION

This report is based on review of VAGO 'Fraud Control Over Local Government Grants' report and subsequent independent review of Council's Community Grant and Event Funding Programs.

Extensive consultation with key internal stakeholders was undertaken as part of the independent review.

## CONCLUSION

VAGO 'Fraud Control Over Local Government Grants' report clearly recommends that Councillors should be excluded from participating in assessment of Council grants programs and this recommendation was reinforced in the independent review.

## 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 Customer and Community
- Manager Community Development
- Manager Customer Experience

## ATTACHMENT(S)

Nil

## 8.3.2 Draft Governance Rules and Election Period Policy

### INTRODUCTION

An internal review of Council's Governance Rules, incorporating the Election Period Policy, has been undertaken to ensure that the document remains current ahead of the Council general election scheduled for October 2024.

This report presents the proposed amendments to Council's Governance Rules and Election Period Policy for the purposes of public consultation.

*Cr Janas*

*Cr Prime*

*That Council:*

1. *Endorses the draft amendments to the Governance Rules and Election Period Policy (version 3) for the purpose of seeking public submissions on the proposed changes; and*
2. *Considers submissions and presents the Governance Rules and Election Period Policy (version 3) to Council for adoption at a future Ordinary Council Meeting.*

*Carried Unanimously*

### BACKGROUND

Council originally adopted its Governance Rules in August 2020 following the introduction of the *Local Government Act 2020* (LGA 2020), and updated them in September 2022 following amendments to the same Act.

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.

### ISSUES

#### *Council general elections*

The next Council general election will be held in October 2024. It is noted that the *Local Government Amendment (Governance and Integrity) Bill 2024* that is currently before Parliament is proposing some changes to electoral timelines, including bringing the commencement of the Election (Caretaker) Period forward by seven days.

The proposed amendments mean that it is possible for Alpine Shire Council to have two scheduled Ordinary Council Meetings within the Election Period, whereas under the previous Act and policy, this was likely to only affect one meeting. Slight changes in wording throughout the policy have been identified to allow for this proposed change.

#### *Operation Sandon*

The Operation Sandon special report was released by the Independent Broad-based Anti-corruption Commission (IBAC) in July 2023. In the report, there were eighteen

recommendations related to Council governance, including several specifically about Council meeting procedures. The report went further to recommend that model Governance Rules be developed to operate as the minimum standards for Council meeting procedures across the State. This would be a change from the current scheme in which each of the 79 Councils in Victoria are able to set their own Governance Rules.

Whilst the Victorian government has provided 'support in principle' to the recommendations that deal with model Governance Rules, the *Local Government Amendment (Governance and Integrity) Bill 2024* that is currently before Parliament has not imposed model Governance Rules for the sector.

Council has introduced those parts of the recommendations that are possible within its own Governance Rules, noting that any major change will be led by the potential introduction of model Governance Rules.

Changes proposed to Council's Governance Rules which relate to Operation Sandon recommendations are:

- Chapter 3, F2 - Prevention of voting en bloc - each agenda item must be considered individually, and must have a mover and a seconder.
- Chapter 3, G6 - Minutes - Recording of each motion that receives a unanimous vote, as being "carried unanimously". Therefore motions that are simply "carried" suggests that while there were sufficient votes for the motion to be carried, one or more Councillors opposed the motion or elected not to vote on the motion.

### ***Other amendments***

Some additional amendments have been proposed to assist Councillors and Officers in the interpretation of the Governance Rules:

- Chapter 3, C2 - Special Council Meetings - clarification to allow all Councillors in attendance at the meeting to unanimously agree to deal with a matter not previously advertised for a Special Council meeting.
- Chapter 3, G5 - Public Question Time - clarification that question time will not be held during the Election Period, regardless of the number of Ordinary Council meetings affected.
- Chapter 3, G5 - Public Question Time - clarification that where a question is taken 'on notice', that a formal response will be read out at the following Ordinary Council meeting. Also noting that question time is to allow for clarification of matters of public interest.
- Chapter 3, G6 - Minutes - clarification that the minutes must include the names of the mover and seconder of each motion or amendment.
- Chapter 8, A1 - Informal meetings of Councillors - clarification that it refers to meetings of three or more Councillors with at least one member of Council staff, where the business of Council is discussed.

There have also been minor typographical amendments throughout the document, which improve readability but do not affect the context.

**POLICY IMPLICATIONS**

Once the amendments to Governance Rules are adopted, they will provide improved clarity for the conduct of Council meetings, and the Election Period.

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**

Review of the Governance Rules and Election Period Policy has been undertaken by Council Officers, and have not incurred a Budgetary cost. The proposed amendments do not incur an additional cost to Council.

**RISK MANAGEMENT**

Risk	Likelihood	Impact	Mitigation Action / Control
Proposed amendments are not supported by Councillors or the community	Possible	Minor	<ul style="list-style-type: none"> <li>• Proposed amendments have been presented to Councillors, and the community will have an ability to provide submissions.</li> </ul>

**CONSULTATION**

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

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

Submissions will be open for a period of 28 days. These submissions will be taken into account prior to the Governance Rules and Election Period policy being presented for adoption at the Ordinary Council Meeting in July.

It is noted that in the year of a Council general election, that the Election (Caretaker) Period will commence in September 2024. Release of the Governance Rules and Election Period Policy at this Council meeting will ensure that they can be released for public comment and be considered for adoption prior to the election period commencing.



## **CONCLUSION**

Ensuring that Council's Governance Rules and Election Period Policy reflect the *Local Government Act 2020* as amended is important, particularly leading into the Council general elections in October 2024. Proposed changes clarify some processes, and provide minor administrative updates. Public submissions will be sought on the proposed changes and considered prior to adoption of the Governance Rules and Election Period Policy at the September Ordinary Council meeting.

## **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 Customer and Community
- Manager Corporate
- Governance Officer

## **ATTACHMENT(S)**

- 8.3.2 Draft amendments to Alpine Shire Council Governance Rules and Election Period Policy (version 3)

### 8.3.3 Draft Councillor Expenses and Support Policy

#### INTRODUCTION

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

Officers have reviewed the existing Council Expenses Policy, and have proposed additions to clarify the existing levels of support and entitlements available to Councillors.

*Cr Prime*

*Cr Janas*

*That Council:*

1. *Notes that the draft Councillor Expenses and Support Policy (version 6) has been drafted based on a benchmarking process across other councils in the Hume Region;*
2. *Endorses the draft Councillor Expenses and Support Policy (version 6) for the purposes of seeking public submissions on the proposed changes; and*
3. *Considers submissions and presents the final Councillor Expenses and Support Policy (version 6) at a future Ordinary Council Meeting.*

*Carried Unanimously*

#### BACKGROUND

The *Local Government Act 2020* requires each Council to maintain an expenses policy in relation to the reimbursement of out-of-pocket expenses for Councillors and members of delegated committees. The policy must specify procedures to be followed in applying for reimbursement and in reimbursing expenses. The policy must also provide for the reimbursement of childcare where reasonably required for a Councillor or a delegated committee to perform their role, and have particular regard to expenses incurred by a councillor who is a carer within the meaning of section 4 of the *Carers Recognition Act 2012*.

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

The current policy was adopted by Council in August 2020. While the *Local Government Act 2020* does not require or tie a review of the policy to the Council general elections, the policy is due for review as it has been in place for four years.

## ISSUES

### *Benchmarking of other Council policies*

Officers undertook a benchmarking process across all councils in the Hume Region, to compare the levels of support and entitlements available to Councillors. It is noted that across the region, there are both Category 1 (which includes Alpine) and Category 2 councils which are higher resourced. An effort to align practices with Category 1 councils has been made, while keeping aware of other opportunities that are available to better resourced councils.

It is noted that while Alpine's current policy was not out of alignment with other policies, it did lack detail of the types of support that are currently provided to Councillors, but had not previously been documented as they were not considered to be expense-based entitlements. The draft Councillor Expenses and Support Policy has been drafted to specifically include 'support' sections common among other council policies, which makes it clearer to Councillors, the organisation, and the community the entitlements and support that are available.

### *Inclusions in the draft Councillor Expenses and Support Policy*

#### Allowances

Annual allowances for the Mayor, Deputy Mayor, and Councillors are set by a Determination of the Victorian Independent Remuneration Tribunal (the Tribunal). Councils must pay the relevant allowance based on the Category of council and has no ability to alter these amounts. Reference to the allowances has now been added for clarity.

#### Resources and facilities

More detail about the Mayoral office, building access, meals and refreshments, communication equipment, and health and wellbeing has been added to the draft policy.

#### Administrative support

The list of administrative support currently available to Councillors has been added to the draft policy. Reference to the Councillor and Staff Interaction Policy (currently on public exhibition) is also included in this section.

#### Transport

Consideration of reimbursement for private use of vehicles has been reviewed. Whilst this was a previous inclusion in the policy, this has been discussed and reviewed with Councillors, and now provides better clarity on the circumstances under which Councillors can claim reimbursement for private use of vehicles.

#### Insurance, Legal Advice, and WorkCover

Sections to address insurance, legal advice, and WorkCover have been included - noting that they will be provided within the requirements / restrictions of the *Local Government Act 2020*. It is noted that proposed Local Government reforms may impact on this

section, with changes likely to be imposed via Regulations ahead of the next Council general elections.

Information and Communication Technology (ICT)

ICT allowances for use of personal devices, rather than use Council-provided equipment, have been reduced compared to the previous rates.

***Local Government Amendment (Governance and Integrity) Bill 2024***

Proposed amendments to the Local Government Act 2020 are currently being proposed by the Local Government Amendment (Governance and Integrity) Bill 2024. While this Bill has not yet received Royal Assent, the policy has been drafted to ensure that any additional requirements imposed by the Bill can be encompassed.

**POLICY IMPLICATIONS**

Council must review the existing Councillor Expenses policy by August 2024. Commencement of an earlier review is desirable to ensure that Council has completed the review ahead of the election period, which will commence in September 2024.

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 allocates resources in its annual budget for Councillor expenses, resources and allowances. As the majority of the proposed changes to the draft Councillor Expenses and Support Policy are already being provided to Councillors, the financial impact of these changes is not expected to have a material impact on Council's Budget. Adjustments to the annual allowances set by the Victorian Independent Remuneration Tribunal are catered for in each Budget.

**RISK MANAGEMENT**

Risk	Likelihood	Impact	Mitigation Action / Control
Council has an out-of-date policy in comparison to its peers across the Hume Region and Councillors feel they are unsupported in their role.	Possible	Moderate	<ul style="list-style-type: none"> <li>• Update the Councillor Expenses and Support Policy to document the entitlements already being provided to Councillors, and bring the current policy into line with others across the Hume Region.</li> </ul>

## **CONSULTATION**

Councillors were briefed to ensure that the proposed amendments were understood.

The draft Councillor Expenses and Support Policy will be placed on public exhibition for a period of 28 days to seek submissions from the public regarding the proposed changes.

The copy of the draft policy will clearly show the proposed changes to the existing policy, to assist the public in making submissions.

It is noted that in the year of a Council general election, that the election (caretaker) period will commence in September 2024. Release of the policy at this Council meeting will ensure that the policy can be released for public comment and be considered for adoption prior to the election period.

## **CONCLUSION**

Development of a Councillor Expenses Policy is a requirement of the *Local Government Act 2020*. The proposed Councillor Expenses and Support Policy has been drafted based on a benchmarking process across the Hume Region, and the inclusion of support that is currently being provided to Councillors but had not previously been documented. It is appropriate now to seek public submissions on the proposed changes to the 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.

- Director Customer and Community
- Manager Corporate
- Governance Officer

## **ATTACHMENT(S)**

8.3.3 Draft Councillor Expenses and Support Policy No 076, Version 6

## 8.3.4 Draft Dealing with Difficult Customers Policy

### INTRODUCTION

This report relates to the public exhibition of the draft Dealing with Difficult Customers Policy.

*Cr Hughes*

*Cr Nicholas*

*That Council:*

- 1. Endorses the draft Dealing with Difficult Customers Policy (version 1) for the purpose of seeking public submissions; and*
- 2. Considers submissions and presents the Dealing with Difficult Customers Policy (version 1) to Council for adoption at a future Ordinary Council Meeting.*

*Carried Unanimously*

### BACKGROUND

Alpine Shire Council staff, volunteers, contractors and Councillors interact with a diverse range of customers each day. At times customers exhibit complex behaviour which can be difficult to manage. This behaviour can range from slightly challenging to clearly unreasonable.

'Complex behaviour' is identified by the Victorian Ombudsman as any behaviour that officers find challenging. In the majority of cases, officers are equipped to deal with most types of behaviour using prevention and responding strategies.

Behaviour becomes 'unreasonable' when, because of its nature or frequency, it raises health, safety, resource or equity issues for employees, volunteers, contractors or Councillors and other people who use Council services.

### ISSUES

The Dealing with Difficult Customers Policy aims to assist Council employees with the management of complainants who respond to Council in a manner which can be considered threatening, intimidating or extreme and which can have occupational health and safety risks for Council employees, volunteers, contractors or Councillors.

It intends to maintain a balance between the needs and rights of customers, the organisation and the public, while ensuring the safety and wellbeing of staff members, volunteers, contractors and Councillors.

The draft Policy is based on the Victorian Ombudsman's 'Good Practice Guide: Managing Complex Complainant Behaviour' to ensure it represents best practice in complex customer behaviour management.

## POLICY IMPLICATIONS

The recommendations are 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

There are no financial or resource implications associated with the public exhibition of the draft Policy.

## RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Staff are not supported to manage the range of behaviours shown by our customers, with potential impact on their health and safety.	Possible	Moderate	<ul style="list-style-type: none"> <li>• Introduce a robust policy and implement the procedure and toolkit to support staff in managing complex customer behaviour.</li> </ul>

## CONSULTATION

The draft Dealing with Difficult Customers Policy has been developed in consultation with key internal stakeholders. This internal engagement will continue throughout the 28-day public exhibition period.

The Policy draws heavily on the guidance provided by the Victorian Ombudsman.

The draft Policy is now ready to release for public consultation in accordance with the requirements of Council's Community Engagement Policy.

## CONCLUSION

The draft Dealing with Difficult Customers Policy is an important document to enable Council staff, volunteers, contractors and Councillors to manage difficult customers in a way that protects the rights, health and safety of all involved.

Feedback from the public exhibition period will be considered for inclusion in the final Policy prior to the policy being recommendation for adoption by Council at a future meeting.

## 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 Customer and Community
- Manager Customer Experience

**ATTACHMENT(S)**

8.3.4 Draft Dealing with Difficult Customers Policy



## 8.3.5 Draft Public Transparency Policy

### INTRODUCTION

Council's Public Transparency Policy was developed in August 2020, as required by the Local Government Act 2020. As the policy is approaching its four-year review cycle, it is timely that the policy is reviewed.

*Cr Prime*

*Cr Hughes*

*That Council:*

1. *Endorses the draft Public Transparency Policy (version 2) for the purposes of seeking public submissions on the proposed changes; and*
2. *Considers submissions and presents the final Public Transparency Policy (version 2) at a future Ordinary Council Meeting.*

*Carried Unanimously*

### BACKGROUND

Following the introduction of the *Local Government Act 2020* (LGA 2020), councils were required to develop their own public transparency policies. These policies were required to give effect to the Public Transparency principles described by section 58 of the LGA 2020 and describe the ways in which Council information was to be made publicly available.

Council's Public Transparency Policy was adopted in August 2020. The policy recognises Council's commitment to sound democratic governance and recognises the importance of providing transparency as a foundation for community confidence, community engagement and accountability.

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

### ISSUES

#### *Operation Sandon*

The Operation Sandon special report was released by the Independent Broad-based Anti-corruption Commission (IBAC) in July 2023. In the report, there were eighteen recommendations related to Council governance, including several specifically about Transparency Policies. The report went further to recommend that model Transparency Policies be developed to specify the minimum standards for council openness and transparency. This would be a change from the current scheme in which each of the 79 Councils in Victoria are able to set their own Public Transparency Policies.

Whilst the Victorian government has provided 'support in principle' to the recommendations that deal with model Transparency Policies, the *Local Government Amendment (Governance and Integrity) Bill 2024* that is currently before Parliament has not imposed model Transparency Policies for the sector.

### ***Review of the Public Transparency Policy***

Council's original Public Transparency policy was developed with reference to a Local Government Victoria (LGV) template. A desktop review of the original policy has been undertaken, with the following minor amendments proposed:

- Page 3: Document control: Version 2 added.
- Page 8: Section 3.3 Application to access information – added reference to part 3.2.3 of the policy.
- Page 9: Section 3.4.1 Decisions at Council meetings – added reference that recordings of Council meetings open to the public are made available on Council's website. This ensures consistency with the requirements of Council's Governance Rules.
- Page 9: Section 3.5.1 and 3.5.2 Disputes – Contact information for the Victorian Ombudsman and Office of the Victorian Information Commissioner has been included.
- Page 11: Section 7 Gender Impact Assessment – updated information on a Gender Impact Assessment has been included.
- Page 11: Section 8 Supporting Documents – policy references have been updated.

### **POLICY IMPLICATIONS**

The draft Public Transparency Policy (version 2) was developed in accordance with the Public Transparency principles of the LGA 2020 and has also been developed with reference to the *Freedom of Information Act 1982 [Vic]*, the *Privacy and Data Protection Act 2014 [Vic]*, and the *Public Records Act 1973 [Vic]*.

The 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**

Staff time is required to ensure that the information specified in the Public Transparency Policy is made available via the website, at Council Offices or in other formats as appropriate to the information type.

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

## RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Documents are released into the public domain without properly considering the policy for privacy and confidentiality provisions	Possible	Moderate	<ul style="list-style-type: none"> <li>Council officers are encouraged to seek advice from the governance team prior to releasing any documents to the public.</li> </ul>

## CONSULTATION

In accordance with the Public Transparency principles, Council will undertake a process of community engagement prior to adopting the final Public Transparency Policy (version 2).

## CONCLUSION

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

## DECLARATION OF CONFLICT OF INTEREST

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 Customer and Community
- Manager Corporate
- Governance Officer

## ATTACHMENT(S)

8.3.5 Draft Public Transparency Policy (version 2)

## 8.3.6 Fair Access Policy

### INTRODUCTION

The Fair Access Policy has been developed and, following public exhibition, can be considered for adoption by Council.

*Cr Nicholas*

*Cr Prime*

*That Council:*

- 1. Notes that one submission was received regarding the draft Fair Access Policy, which did not impact the intent of the policy;*
- 2. Adopts Fair Access Policy No. 130 (Version 1); and*
- 3. Signs and Seals Fair Access Policy No. 130 (Version 1) at the appropriate stage of this meeting.*

*Carried Unanimously*

### BACKGROUND

The Fair Access Policy Roadmap aims to develop a statewide foundation to improve the access to, and use of, community sports infrastructure for women and girls. From 1 July 2024, all Victorian councils will need to have gender equitable access and use policies in place to be considered eligible to receive infrastructure funding. These policies will ensure that women and girls can fully participate in and enjoy the benefits of community sport, with fair opportunity and access to their local facilities.

This Fair Access Policy has been developed with publicly available information and in consultation with key internal stakeholders.

### ISSUES

Adoption of this policy will influence the operational delivery of several departments of Council including promoting the policy and fair access framework to sporting clubs and groups; fair access audit of council owned and managed facilities; reviewing leases and licences and community grant guidelines.

### 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

Adoption of this policy will enable Council to apply for grants to build new, and upgrade existing sporting infrastructure and facilities in the Alpine Shire.

**RISK MANAGEMENT**

Risk	Likelihood	Impact	Mitigation Action / Control
Unable to secure funding for sport and recreation infrastructure	Possible	Moderate	<ul style="list-style-type: none"> <li>• Adopt Fair Access Policy</li> </ul>
Women and girls do not have equitable access to sport and recreation opportunities	Possible	Moderate	<ul style="list-style-type: none"> <li>• Adopt Fair Access Policy and associated action plan</li> </ul>

**CONSULTATION**

This Fair Access Policy has been developed in consultation with key internal stakeholders and with support of The Office for Women in Sport and Recreation, Sport and Recreation Victoria, and the Victorian Health Promotion Foundation (VicHealth).

This Fair Access Policy was on public exhibition for 35 days, and received one submission which did not impact the intent of the policy.

**CONCLUSION**

This Fair Access Policy aligns with the Fair Access Policy Roadmap developed by The Office for Women in Sport and Recreation, Sport and Recreation Victoria, and the Victorian Health Promotion Foundation (VicHealth) and intends to deliver equitable access to publicly owned community sports infrastructure across the Alpine Shire, helping to level the playing field for women and girls in community sport.

It is recommended that Council adopts this Fair Access 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.

- Director Customer and Community
- Manager Community Development
- Community Development Coordinator

**ATTACHMENT(S)**

8.3.6 Fair Access Policy No. 138 (version 1)

## 8.3.7 Quarterly Performance Report – Council Plan

### INTRODUCTION

The Alpine Shire Council Plan 2021-2025 was adopted by Council in October 2021, and sets out Council's direction for the next four years. This Quarterly Performance Report is the third update on progress in 2023/24.

*Cr Nicholas*

*Cr Keeble*

*That the Quarterly Performance Report ending 31 March 2024 be received and noted by Council.*

*Carried Unanimously*

### BACKGROUND

The Council Plan was adopted in October 2021, with the plan having effect from 1 July 2021.

The Council Plan lists strategic drivers, strategic objectives, strategies, strategic indicators, major initiatives, guiding legislation, and plans, that collectively provide direction to Council's endeavours during its term.

The Governance and Management Checklist that forms part of the Local Government Performance Reporting Framework (LGPRF) suggests that it is best practice to report on Council Plan progress at least on a six-monthly basis.

Where interim progress reporting of indicators does not generate meaningful results, these are reported at end of financial year as part of the annual report.

### HIGHLIGHTS

#### *Strategic Driver 1: For those who live and visit*

- Council launched the Business Hub on Engage Alpine ([engage.alpineshire.vic.gov.au](https://engage.alpineshire.vic.gov.au)) as an online source of information for the local chambers of commerce and businesses. Council also worked closely with community organisations and groups following severe storm events in the Alpine Shire, sharing important emergency messaging with the community through various groups and channels.
- Council's library branches in Bright, Mount Beauty, and Myrtleford, supported the Digital Literacy for Senior Program, and hosted several author visits, and Trove Talks during the quarter.
- In support of the Access and Inclusion Plan, a draft Fair Access Policy was presented to Council in March 2024, and released for public submissions.

***Strategic Driver 2: For a thriving economy***

- Event Funding Guidelines are being updated, along with funding application forms and allocation criteria. Event Funding applications will open in May 2024.
- Council confirmed that the Murray to the Mountains Project will include an upgrade to the cycle path and Roberts Creek Bridge between Bright and Porepunkah. These works were tendered in March 2024.
- An estimated 78,605 persons have attended events throughout the Alpine Shire in the first three quarters of 2023/24.

***Strategic Driver 3: For the bold protection of our future***

- The actions from the Community Climate Action Plan Roadmap are being progressed. A consultant was engaged to complete a community Greenhouse Gas emissions baseline, scheduled to be complete by 30 June 2024. Officers will shortly commence work on updating the corporate Climate Action Plan.
- Landfill capping works at Porepunkah are 80% completed, with final completion due in May 2024. Myrtleford Landfill rehabilitation design was approved by the Environment Protection Authority (Victoria).

***Strategic Driver 4: For the enjoyment and opportunities of our lifestyle***

- A Neighbourhood Character Strategy has commenced for all four major service towns, and a review of existing places in the Heritage Overlay has commenced.
- Draft planning scheme amendment documentation for the Alpine Shire Planning Scheme Review 2023 has been finalised. The amendment is expected to be authorised by the Victorian government shortly.

***Strategic Driver 5: For strong and informed leadership***

- Participation and member registrations for Engage Alpine grew significantly during the quarter, reaching 800 members and over 700 submissions.
- Staff voted in favour of a new Enterprise Agreement, which was submitted to the Fair Work Commission (FWC) on 28 March 2024. The Agreement was approved by the FWC on 11 April 2024.

**POLICY IMPLICATIONS**

The development of a Council Plan is a requirement of the *Local Government Act 2020*, and is a guiding document for Council until 30 June 2025.

Progress reporting aligns with the Alpine Shire Council Plan 2021-2025 Strategic Objective:

5.2: A responsible, transparent, and responsive organisation.

## FINANCIAL AND RESOURCE IMPLICATIONS

The Council Plan is a key document informing the financial and human resources required to achieve Council's objectives. Resources to support the Council Plan are detailed in the Financial Plan and annual Budget.

## RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Failure to deliver annual Council Plan commitments	Possible	Moderate	<ul style="list-style-type: none"> <li>Progress reporting ensures that the annual Council Plan commitments are regularly raised as priorities during the year, ensuring that their delivery is prioritised.</li> </ul>

## CONSULTATION

The Council Plan was established through deliberative engagement with the community and then subject to public exhibition prior to being adopted by Council.

Many of the individual initiatives and activities included in the Council Plan are subject to their own community participation and consultation processes.

## CONCLUSION

This progress report shows that progress is being made on the delivery of key Council Plan actions.

## 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:

- Directors
- Managers
- Governance Officer

## ATTACHMENT(S)

8.3.7 Quarterly Performance Report – ending 31 March 2024



## 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 Nicholas*

*Cr Prime*

*That the summary of informal meetings of Councillors for April / May 2024 be received.*

*Carried Unanimously*

### Background

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

Date	Meeting
30 April	Briefing Session
14 May	Briefing Session
21 May	Briefing Session

### Attachment(s)

- 9.0 Informal meetings of Councillors – April / May 2024

## **10. 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 reports by delegates.

## **11. 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 general business.

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

Nil

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

Nil

## 14. Documents for sealing

*Cr Janas*

*Cr Nicholas*

*That the following documents be signed and sealed.*

1. *Councillor and Staff Interaction Policy No. 129 (Version 1);*
2. *Fair Access Policy No. 130 (Version 1);*
3. *Asset Management Policy No. 49 (version 3); and*
4. *S173 Agreement – Kent Family Holdings*  
*This Section 173 Agreement is required by condition 12 of Planning Permit P.2022.001 for development and use of a dwelling, host farm and agricultural outbuilding at 1072 Morses Creek Road, Wandiligong being the land referred to in Certificate of Title Volume 11352 Folio 661 and described as Lots 1, 2, 3, 4 and 5 on plan of subdivision TP949954G.*  
*The Agreement provides for the implementation of a whole farm plan, linking the accommodation use of the land to the ongoing implementation of the whole farm plan and acknowledgment that the accommodation uses are within a rural area where agricultural activities occur, and adverse amenity impacts may be experienced.*
5. *S173 Agreement – RL and SJ Utting*  
*This Section 173 Agreement is required by conditions 2, 14 and 15 of Planning Permit P.2021.226 for a two (2) lot boundary realignment at 3-5 Sommer Avenue, Bright being the land referred to in Certificate of Title Volume 07986 Folio 105 and described as Lot 6 on plan of subdivision LP26804.*  
*The Agreement provides for bushfire management protection measures, including incorporating a Bushfire Management Plan, and an exemption from the planning permit requirement of clause 44.06-2 of the Alpine Planning Scheme. The Agreement is a mandatory requirement of the Bushfire Management Overlay of the Alpine Planning Scheme.*
6. *S173 Agreement – JA Herschell*  
*This Section 173 Agreement is required by conditions 4, 5, 6, 23, 61 and 62 of Planning Permit P.2021.204 for a six (6) lot subdivision at 18 Hawthorn Lane, Bright being the land referred to in Certificate of Title Volume 12206 Folio 503 and described as Lot 1 on plan of subdivision PS812525K.*  
*The Agreement provides for:*
  - *mandatory requirements of the Bushfire Management Overlay of the Alpine Planning Scheme including bushfire management protection measures incorporating a Bushfire Management Plan, and an exemption from the planning permit requirement of clause 44.06-2 of the Alpine Planning Scheme;*
  - *buildings and works to be contained within building and effluent disposal envelopes;*
  - *restricting access from the lots to the adjoining Council reserve; and*

- *drainage works in accordance with a drainage discharge plan.*

*Carried Unanimously*

There being no further business the Chairperson declared the meeting closed at 7.13p.m.

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Chairperson