

M(5) – 4 MAY 2021

# Ordinary Council Meeting

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Agenda

Notice is hereby given that the next **Ordinary Meeting** of the **Alpine Shire Council** will be held in the Council Chambers, Great Alpine Road, Bright on **4 May 2021** commencing at **5:00pm**.

## Agenda

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## 1. Recording and livestreaming of Council meetings

*The CEO read the following statement:*

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

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

Due to social distancing requirements, public gallery attendance will be limited to eight people.

Question time will still be held, however it is requested that questions be submitted in writing prior to the meeting. By submitting a question, you consent to your question being read aloud at the meeting.

In common with all narrative during council meetings verbal responses to congratulations, obituaries and question time will not be recorded in the written minutes.

The reasoning behind recording council meetings is of course 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

*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 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(4) – 6 APRIL 2021

#### **RECOMMENDATION**

*That the minutes of Ordinary Council Meeting M(4) held on 6 April 2021 as circulated be confirmed.*

## 4. Apologies

## **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 for responses to questions.

## **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](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 – CHARLIE BIRD

#### 8.1.1 Contracts approved by the CEO

**RECOMMENDATION**

*That the capital works contracts approved by the CEO be noted.*

<i>Contract No:</i>	<i>CQ21005</i>	<i>Process: RFQ</i>
<i>Title:</i>	<i>Myrtleford Murray to the Mountains Rail Trail Upgrade</i>	
<i>Tenderer:</i>	<i>Stadelman Enterprises</i>	
<i>\$ (excl. GST):</i>	<i>\$102,004.65</i>	

## 8.2 DIRECTOR ASSETS – WILLIAM JEREMY

### 8.2.1 Contract 2102901: Guardrail Construction - Great Alpine Road

File Number: CT21029

#### **INTRODUCTION**

This report relates to the award of a contract for guardrail construction at various locations along the Great Alpine Road, between Freeburgh and Harrietville.

#### **RECOMMENDATION**

*That, subject to receiving consent from the Taungurung Land and Waters Council, Council awards Contract No. 2102901 for "Guardrail Construction - Great Alpine Road" to DDC Pty Ltd for the lump sum price of \$270,326.13 + GST.*

#### **BACKGROUND**

In January 2021, Council was awarded grant funding of \$250,000 from Regional Roads Victoria for the installation of guardrail along designated sections of the Great Alpine Road between Freeburgh and Harrietville. The works will improve safety along these sections of the road for all road users and for the users of the new Great Valley Trail shared path that is to be constructed behind the guardrail.

The Tender was advertised in the Herald Sun on 31 March 2021, as well as on tenders.net and the Alpine Shire Council websites.

The Tender documents were downloaded by 20 prospective tenderers and six responses were received by the closing date.

#### **EVALUATION**

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

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 DDC Pty Ltd best met the selection criteria.

#### **ISSUES**

Commencement of works is subject to the consent of the Taungurung Land and Waters Council.

## **POLICY IMPLICATIONS**

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

This recommendation is consistent with the following Strategic Objective of the Council Plan 2017-2021:

- Incredible places for our community and visitors

## **FINANCIAL AND RESOURCE IMPLICATIONS**

The total budget for the Great Valley Trail project is \$3,150,000, with Council's financial commitment to the project being \$500,000.

There is sufficient allocation within the project budget to deliver the guardrail construction works through award of this Contract.

## **CONSULTATION**

Regional Roads Victoria has endorsed the proposed guardrail design and designated locations along the Great Alpine Road.

The Taungurung Land and Waters Council has been engaged. The works have been assessed to be an 'advisory' activity under the terms of the Land Use Activity Agreement, and the formal consent of the Taungurung is required for the construction works to commence.

## **CONCLUSION**

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

## **DECLARATION OF CONFLICT OF INTEREST**

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

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

## **ATTACHMENT(S)**

Nil

## 8.2.2 Petition - Alpine Better Places Tawonga

### INTRODUCTION

This report is to inform Council and provide a response to a petition tabled at the April 2021 Council Meeting in relation to a request for revisions to the Alpine Better Places Tawonga Draft Detailed Concept Designs.

### RECOMMENDATION

*That Council:*

- 1. Notes the petition requesting amendments to the Alpine Better Places Tawonga Draft Detailed Concept Designs;*
- 2. Confirms that the information contained in this petition has been shared with the project teams and will be considered on its merits with other feedback received through the community engagement processes; and*
- 3. Advises the proponent of the petition of Council's decision.*

### BACKGROUND

In consultation with the community and supported by an experienced landscape architecture consultant, Council is developing detailed concept designs for the Alpine Better Places Tawonga and Harrietville projects. The process which is being followed closely mirrors the process followed for the successful Alpine Better Places projects in Myrtleford, Porepunkah and Bright, which have seen significant streetscape upgrade projects successfully funded and delivered over recent years.

A petition was received by Council on 19 March 2021 and was tabled at the April 2021 Council Meeting. The petition contains 152 signatures and formally requests:

*The Alpine Better Places Tawonga Design does not include a traffic island immediately in front of the Old Tawonga Store, nor that it removes 4 car parking spaces immediately in front of Old Tawonga Store.*

The key concerns noted in the petition are:

1. The lack of final community consultation for the Alpine Better Places Final Concept designs.
2. The impediment to traffic from the installation of a traffic island.
3. The loss of car parking space immediately in front of the Old Tawonga Store.
4. The loss of Australia Post Delivery access immediately in front of the Old Tawonga Store.

### ISSUES

The feedback contained within the petition is appreciated, has been shared with the project team including the consultant landscape architects, and will be considered on its merits with other feedback received through the community engagement process.



## **POLICY IMPLICATIONS**

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2017-2021:

- Incredible places for our community and visitors

## **FINANCIAL AND RESOURCE IMPLICATIONS**

None.

## **CONSULTATION**

The Draft Detailed Concept Designs are currently being updated based on feedback from the second round of community engagement, and considering traffic engineering input. The revised Draft Detailed Concept Designs will be shared with the community for feedback through a third round of engagement. Changes arising from this third round of engagement will be incorporated into the draft designs before being presented to Council for adoption at a public Council Meeting.

Australia Post has confirmed that their requirements are a clear line of sight and intact smooth pavement from the vehicle to post office door. The Australia Post vehicle is not required to park directly in front of the post office door.

The final designs for any road-related infrastructure will be subject to approval from Regional Roads Victoria, which is the responsible road authority for the Kiewa Valley Highway.

## **CONCLUSION**

Council has received a petition requesting amendments to the Draft Detailed Concept Designs for the Alpine Better Places Tawonga project. This feedback will be considered by the project team with other feedback received through the community consultation.

## **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 Asset Development

## **ATTACHMENT(S)**

8.2.3 Petition - Alpine Better Places Tawonga

## 8.3 DIRECTOR COMMERCIAL – RUTH KNEEBONE

### 8.3.1 Councillor and Mayoral allowance review

#### INTRODUCTION

The *Local Government Act 2020* provides for the Mayor and Councillors to receive an allowance during their four-year term. Until the first determination is made by the Victorian Independent Remuneration Tribunal, Council must review allowances in accordance with the *Local Government Act 1989*. This report completes the allowance review process for Councillors elected in October 2020.

#### RECOMMENDATION

*That Council:*

1. *having reviewed the Councillor and Mayoral allowances in accordance with s74(1) of the Local Government Act 1989, approves the following allowances:*
  - a. *Councillor allowance at \$20,046, which is less than the maximum allowance set by the Minister for Local Government for a Category 1 Council*
  - b. *Mayoral allowance at \$59,889, which is less than the maximum allowance set by the Minister for Local Government for a Category 1 Council*
  - c. *Increase the annual allowances by any adjustment factor specified by the Minister for Local Government under s73B of the Local Government Act 1989*
  - d. *Pay the equivalent of the Superannuation Guarantee Contribution in addition to the Councillor and Mayoral allowances as required by the Order in Council.*
2. *Notes that no submissions were received regarding the setting of Councillor and Mayor allowances.*

#### BACKGROUND

At the Ordinary Council meeting held in March 2021, Council proposed allowances that were below the maximum allowance limits set by the Minister for Local Government. This continued the previous Council's determination to not set the allowances at the maximum limit. Council then advertised these allowances for the purpose of seeking public submissions, in accordance with s223 of the LGA 1989. No submissions were received during the 28 day exhibition period.

#### ISSUES

##### **Statutory review of allowances**

Section 74 of the LGA 1989 requires that each Council review and determine the level of Councillor and Mayoral allowances within six (6) months of a general election or by the next 30 June, whichever is later.

In accordance with the most recent adjustment factors published in the Victorian Government Gazette for a Category 1 Council, allowance ranges are as follows:

**Table 1: Maximum allowance ranges for a Category 1 Council (as at 12/11/2019)**

	Allowance range	Superannuation Guarantee Contribution (9.5%)	Total payable
Councillors	\$8,833 - \$21,049	\$839 - \$2,000	\$9,672 - \$23,049
Mayor	up to \$62,884	up to \$5,974	up to \$68,858

### Previous allowances

Each Council can set their allowances within the range set by the Minister for Local Government. Alpine Shire Councillors elected in October 2016 chose to set their allowances slightly lower than the maximum. This was to counteract the effect of the mandatory annual increases to allowances, to mimic the effect of a three-year wage freeze that for Council staff at that time. Allowances set by the previous Council are payable until this review has been completed.

Table 2 shows allowances currently being paid to Councillors, which include annual adjustments specified by the Minister for Local Government since the last review in 2017.

**Table 2: Allowances currently paid by Alpine Shire Council (prior to review)**

	Allowance	Superannuation Guarantee Contribution (9.5%)	Total paid
Councillors	\$20,046	\$1,904	\$21,950
Mayor	\$59,889	\$5,689	\$65,578

### Annual increase to allowances

In previous years the Minister for Local Government has announced annual increases to allowance thresholds (historically 2.0-2.5% increases), however in October 2020, Local Government Victoria wrote to Councils to advise that there would be no adjustment or increase to allowances for the current year.

It is expected that the Victorian Independent Remuneration Tribunal will have made its first Determination prior to the next annual adjustment. To cater for any eventuality that this may not be the case, the ability to increase allowances in line with any annual adjustment has been built into the recommendation in this report.

## Acceptance of allowance

Under s39(5) of the LGA 2020, Councillors may elect to receive the entire allowance, a specified part of the allowance, or to receive no allowance. However, since s74A of the LGA 1989 is in force until the Victorian Independent Remuneration Tribunal makes its first determination, Councillors only have the option to either receive the allowance or elect not to receive an allowance (s74A(3)) under current arrangements.

## Superannuation Guarantee Contribution

Unless Council has unanimously resolved that the allowance be subject to tax withholding arrangements under Commonwealth taxation legislation, each allowance range or limit must be increased by a sum equivalent to the Superannuation Guarantee Contribution. In 2020/21 this is set at 9.5%.

It is up to each individual Councillor to determine whether they wish to make this contribution to their own personal superannuation fund.

## POLICY IMPLICATIONS

Until such time as the Victorian Independent Remuneration Tribunal makes a Determination, Councillor and Mayoral allowances and the requirement to review those allowances are governed by the *Local Government Act 1989*. Following the VIR Tribunal Determination, Councillor and Mayoral allowances will be governed by the *Local Government Act 2020*.

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2017-2021:

- A high performing organisation

## FINANCIAL AND RESOURCE IMPLICATIONS

Councillor and Mayoral Allowances are accounted for within Council's annual budget. The 2021/22 budget.

## CONSULTATION

In accordance with s74(4) of the LGA 1989, a person has a right to make a submission under s223 of the LGA 1989, regarding the Councillor and Mayor allowances.

A public notice appeared in the Alpine Observer / Myrtleford Times on Wednesday 10 April, and was made available on Council's "on exhibition" page on its website. Submissions closed on Friday 9 April. No formal submissions were received by Council during this time.

## **CONCLUSION**

Council must formally set allowances that will be in place until the Victorian Independent Remuneration Tribunal makes its first determination under the *Local Government Act 2020*. As there were no formal submissions were received regarding Councillor and Mayoral allowances, Council may adopt the allowances as proposed.

## **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 Commercial
- Manager Corporate
- Governance Officer

## **ATTACHMENT(S)**

Nil

### 8.3.2 VEC Election Report - 2020 Local Government Elections

File Number: Election

#### **INTRODUCTION**

The presentation of the Victorian Electoral Commission's (VEC) report on the 2020 Alpine Shire Council elections is a requirement of the Local Government (Electoral) Regulations 2020.

#### **RECOMMENDATION**

*That Council receives and notes the 'Alpine Shire Council Election Report' for 2020, prepared by the Victorian Electoral Commission.*

#### **BACKGROUND**

The Victorian Electoral Commission (VEC) is responsible for conducting elections under the *Local Government Act 2020*.

The general election for the Alpine Shire Council was held on 24 October 2020, by postal vote.

#### **ISSUES**

Regulation 83 of the *Local Government (Electoral) Regulations 2020* requires the VEC to prepare a report to the Chief Executive Officer (CEO) on the conduct of the election, within the period of 6 months after election day. The report must include a certified record of the number of ballot papers and declarations printed, issued, used, spoiled and returned. It also includes key changes since the last election including those required by the *Local Government Act 2020* and COVID-safe plans, and details on candidates, ballot packs and voting, election offices, advertising, results and election statistics.

The CEO must ensure that the report is submitted to Council at the earliest practicable meeting of the Council held after the report is received by the CEO. Council received the report on 19 April 2021.

#### **POLICY IMPLICATIONS**

The presentation of the VEC's report ensures that Council is compliant with the *Local Government (Electoral) Regulations 2020*.

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2017-2021:

- A high performing organisation

#### **FINANCIAL AND RESOURCE IMPLICATIONS**

The cost of the election was allocated in Council's 2020/21 annual budget. No further costs are associated with the presentation of this report.

## **CONSULTATION**

No consultation was required, as the presentation of the report is a statutory process.

## **CONCLUSION**

As the presentation of the VEC report is a requirement of the *Local Government (Electoral) Regulations 2020*, it is appropriate for Council to receive and note the report.

## **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 Commercial
- Governance Officer

## **ATTACHMENT(S)**

8.3.2 2020 Local Government Elections - Alpine Shire Council Election Report

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

File Number: Delegations register

#### **INTRODUCTION**

Instruments of appointment and authorisation are an important means of Council ensuring that its officers are appropriately authorised under the relevant Acts that Council administers. This report provides for a change in title for an officer with planning responsibilities.

#### **RECOMMENDATION**

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

- 1. The member of Council staff referred to in attachments 8.3.3 "S11A – Instrument of Appointment and Authorisation – Planning & Environment Act 1987" (the instruments) be appointed and authorised as set out in the instrument as Compliance Coordinator*
- 2. The instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it*
- 3. On the coming into force of the instrument, the previous "S11A – Instrument of Appointment and Authorisation – Planning and Environment Act 1987" for the Compliance Officer dated 1 September, be revoked*
- 4. The instrument be signed and sealed at the appropriate stage of this meeting.*

#### **BACKGROUND**

Council staff involved in planning roles require current and accurate authorisations to fulfil their duties. The Compliance Coordinator has had Planning and Environment Act authorisations in their previous role as Compliance Officer. Authorisations are provided to a named individual rather than a role, so while the previous authorisation remains current, it is considered prudent to update the authorisation to the current title.

#### **ISSUES**

##### *Authorised Officers*

Section 224(1) of the *Local Government Act 1989* (LGA 1989) provides that "a Council may, appoint any person other than a Councillor to be an authorised officer for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of Council". Legislation other than the LGA 1989 also empowers a Council to delegate certain powers, duties or functions, and appoint authorised officers.



It should be noted that the power to appoint authorised officers remains in the LGA 1989 and is not transitioning to the *Local Government Act 2020* (LGA 2020). However, the power to institute proceedings has been transitioned to the LGA 2020, meaning that staff who are likely to institute proceedings on behalf of Council require an updated authorisation. Council must utilise s224 of the LGA 1989 to appoint officers under various pieces of legislation, including the ability to institute proceedings under s313 of the LGA 2020.

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

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

### ***Planning and Environment Act 1987***

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

### ***Maddocks Delegations and Authorisations Service***

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

## **POLICY IMPLICATIONS**

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

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2017-2021:

- A well planned and safe community

## **FINANCIAL AND RESOURCE IMPLICATIONS**

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

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

## **CONSULTATION**

The relevant staff and director have been consulted during the preparation of the IoAAs. There is no requirement to consult the community in the preparation of these instruments.

## **CONCLUSION**

The appropriate appointment of authorised officers to enforce the *Planning and Environment Act 1987* is required to ensure that Council officers can undertake their statutory roles.

## **DECLARATION OF CONFLICT OF INTEREST**

Under Section 80C of the Local Government Act 1989, the following officers declare that they have no interests to disclose in providing this report.

- Director Commercial
- Manager Corporate
- Governance Officer

## **ATTACHMENT(S)**

8.3.3 S11A – Instrument of Appointment and Authorisation – *Planning & Environment Act 1987* - Compliance Coordinator

### 8.3.4 Audit and Risk Committee Meeting Minutes and Recommendations

File Number: 0900.06

#### **INTRODUCTION**

The purpose of the report is to present the minutes of the Audit and Risk Committee meeting held on 26 February 2021.

Key items presented to and considered by the Committee at this meeting included:

- the Committee's annual work program;
- proposed internal audit plan; and
- new asset management dashboard.

#### **RECOMMENDATION**

*That the minutes of Audit and Risk Committee Meeting No.2020/21-5 held 26 February 2021 be received and noted.*

#### **REPORT**

##### ***Audit and Risk Committee Annual Work Program***

Section 54(3) of the *Local Government Act 2020* requires the Committee to adopt an annual work program.

The work program outlines:

- the key functions and responsibilities of the Committee, as detailed in the *Local Government Act 2020* and the Committee's Charter
- key document/reports that management will present to the Committee
- the frequency of reporting
- the spread of reporting across the Committee's scheduled meetings.

The work program was adopted by the Committee in its current form but will be refined to consolidate and focus on key functions, endorsements and approvals of the Committee and include clear links to the *Local Government Act 2020* and Committee Charter requirements. The work program will be reviewed by the Committee annually or in the event of significant changes to the Committee or legislation.

##### ***Internal Audit Plan***

Section 54(2)(d) of the *Local Government Act 2020* requires the Committee to "oversee internal and external audit functions" and section 6.5 of the Committee's Charter requires the Committee to review and recommend an internal audit plan to Council for approval.

The internal audit plan is prepared having primary regard to Council's key strategic risks and changing and emerging risks identified by the Victorian Auditor General's Office (VAGO) annual audit and management letter findings and recommendations.

The internal audit plan is for the current financial year, 2020/21, and projects proposed audits for a subsequent two-year period to 2022/23. One of the audits identified for this current financial year, Pool Management – Safe Operations, has recently been completed.

### ***Asset Management Dashboard***

The Committee was briefed on a new "dashboard", the Asset Management Document Tracker. The Asset Management team has developed this dashboard to capture and monitor asset management related actions from various internal and external audits and reviews as well as Council's legislative requirements in relation to asset management.

The dashboard will be used internally by the Asset Management team, the Asset Management Steering Group, and the Committee to monitor progress against detailed deliverables.

### ***Independent Members - expiry of term***

The three year term of three of the independent members expired on 30 April 2021 and two of those members, Sue Lebish and Mark Anderson, advised the Committee that they would not be seeking reappointment. The Mayor and Chair of the Committee, on behalf of Council and Committee respectively, thanked members for their service to the Committee.

## **POLICY IMPLICATIONS**

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2017-2021:

- A responsible and sustainable 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 held on 26 February 2021 to Council for noting as well as acknowledging the contribution of two Independent Members whose terms have expired and have chosen not to seek reappointment to the Committee.

## **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 Commercial
- Manager Corporate
- Health, Safety and Risk Officer

## **ATTACHMENT(S)**

8.3.4 Minutes of Audit and Risk Committee Meeting No 2020/21-5, 26 February 2021

### 8.3.5 Appointment of Independent Audit and Risk Committee Members

File Number: 0900.06

#### INTRODUCTION

The Alpine Shire Council Audit and Risk Committee comprises councillor and independent members and 30 April 2021 sees the expiry of three independent members' three-year term. Council has sought expressions of interest for membership to the Committee and this process is now complete. This report recommends the appointment of two independent member to Council's Audit and Risk Committee for a three-year term.

#### RECOMMENDATION

*That Council*

1. *Appoint Gerard Moore and Jason Young to the Audit and Risk Committee for a term of three years commencing from 1 May 2021 pending satisfactory completion of pre-appointment paperwork.*
2. *Acknowledge and thank retiring committee members Sue Lebish and Mark Anderson for their service on the Audit and Risk Committee over the last six years.*

#### BACKGROUND

The Audit and Risk Committee Charter requires a minimum of five members:

- Two councillors nominated by Council and
- Three or more independent persons appointed by Council.

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

The independent members are appointed for a three-year term with the term expiry preferably being staggered to provide a level of continuity and stability.

The three-year term of independent members Mark Anderson, Sue Lebish and Gerard Moore, expires 30 April 2021.

The recruitment process for additional independent members in accordance with the Committee's Charter has now been completed.

#### ISSUES

##### *Expression of Interest*

Council issued an expression of interest in 22 February 2021 seeking respondents that could demonstrate:

- strong analytical skills, objectivity, and judgment

- an understanding of local government and audit functions
- qualifications in a finance, business, or related discipline
- experience in public sector management or the “not for profit” sector
- capacity to provide specialist knowledge in either accounting, financial management, audit, risk management, governance, or compliance
- previous experience on a committee or board.

The expression of interest was advertised in the local papers, on Council’s website and sent to FinPro and LGPro for circulation amongst their networks. There were three applications.

### ***Selection Process***

The applicants were interviewed by the Mayor and Chief Executive Officer and assessed against the listed selection criteria and consideration was also given to their industry experience and previous experience on a board or audit committee.

### ***Selected candidates***

The selection panel agreed to the appointment of two members, one returning and one new.

Returning member: Gerard Moore

New member: Jason Young

### ***Pre-appointment Documentation***

Pre-appointment documentation is currently being prepared for the new members including a formal letter of offer, police check, confidentiality agreement and conflict of interest declaration. Appointment by Council would be subject to the satisfactory completion and return of all documents prior to commencement and attendance at the next meeting of the Audit and Risk Committee scheduled for 28 May 2021.

### ***Term of Appointment***

The Audit and Risk Committee Charter provides for the appointment of independent members for a three-year term. It is proposed to appoint the recommended applicants for the three-year period commencing 1 May 2021 and expiring 30 April 2024.

## **POLICY IMPLICATIONS**

The recommendation is in accordance with the following Strategic Objective of the Council Plan 2017-2021:

- A responsible and sustainable 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. This fee is currently \$320 per meeting for independent members and \$415 per meeting for the Chair.

## **CONCLUSION**

A rigorous recruitment process was undertaken for independent Audit and Risk Committee members and it is recommended that Council appoint Gerard Moore and Jason Young to the Audit and Risk Committee for a 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 Commercial
- Manager Corporate
- Governance Officer

## **ATTACHMENT(S)**

Nil



## 8.4 DIRECTOR CORPORATE – NATHALIE COOKE

### 8.4.1 Nil

## 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.

### RECOMMENDATION

*That the summary of informal meetings of Councillors for March / April 2021 be received.*

### 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
23 March	Briefing Session
30 March	Briefing Session
6 April	Briefing Session
13 April	Tour of Albury Waste Facility
20 April	Briefing Session
27 April	Briefing Session

### Attachment(s)

- 9.0 Informal meetings of Councillors – March / April 2021

## **10. General business**

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

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

## 13. Documents for sealing

### RECOMMENDATION

*That the following documents be signed and sealed.*

- 1. Section 173 Agreement – Nola June Skey Lots 1 and 2 on Plan of Subdivision 425595U, Volume 10558 Folio 576 and Folio 577. Conditions 13 and 15 of Planning Permit 2020.4 for a two lot boundary realignment at 21-23 Buckland Street, Tawonga South. The Agreement incorporates bushfire protection measures.*
- 2. S11A – Instrument of Appointment and Authorisation – Planning & Environment Act 1987 - Compliance Coordinator.*

There being no further business the Chairperson declared the meeting closed at \_\_\_\_\_p.m.

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Chairperson