



Alpine Shire

ORDINARY COUNCIL MEETING

AGENDA

M10 – 3 October 2017

Bright Council Chambers

7:00pm



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 **3 October 2017** commencing at **7:00pm**.

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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.

By speaking during question time, or at any time during the meeting, you consent to your voice and any comments you make being recorded.

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 CEO will read the following statement:

The Alpine Shire Council acknowledges the traditional owners of the land we are now on.

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 – M9 – 5 SEPTEMBER 2017

RECOMMENDATION

That the minutes of Ordinary Council Meeting M9 held on 5 September 2017 as circulated be confirmed

4 APOLOGIES

5 OBITUARIES / CONGRATULATIONS

6 DECLARATIONS BY COUNCILLORS OF CONFLICT OF INTEREST



7 PUBLIC QUESTIONS ON AGENDA ITEMS

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

Questions on Notice can be written or from the floor.

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



8 PRESENTATION OF REPORTS BY OFFICERS

8.1 CHIEF EXECUTIVE OFFICER – CHARLIE BIRD

8.1.1 Alpine Shire Council Annual Report 2016/17

File Number: 900.01

INTRODUCTION

The *Local Government Act 1989* (the Act) requires Council to:

- prepare an Annual Report within three months of the end of the financial year; and
- hold a meeting to consider the report within one month of submitting the report to the Minister for Local Government.

Council's 2016/17 Annual Report was submitted to the Minister for Local Government by the legislated date of 30 September, and must now be considered by Council.

RECOMMENDATION

That in accordance with section 134 (1) of the Local Government Act 1989, Council note the Alpine Shire Council 2016/17 Annual Report containing the audited financial and performance statements for the year ended 30 June 2017.

BACKGROUND

The Annual Report for the year ended 30 June 2017 contains the following statutory information:

- A report of Council's operations;
- Audited financial statements;
- Audited performance statement;
- A copy of the report from the auditor; and
- Other matters as required by the *Local Government (Planning and Reporting) Regulations 2014* and *Local Government (General) Regulations 2015*.

The key statutory information is contained in the following three sections of the report:

- Performance Report;
- Governance Report; and
- Financial Report.



PERFORMANCE REPORT

This section of the 2016/17 Annual Report is structured to correspond with the five strategic themes outlined in the 2013-2017 Council Plan. This is the final year of reporting against the old Council Plan. The Annual Report provides a written analysis of the year and reports against the strategic objectives. Strategies and actions contained in the Council Plan and corresponding Annual Action plan for the 2016/17 period. Key achievements for each area are:

Inspired Community Leadership

- Successful transition to Council-operated Branch libraries in Bright, Mount Beauty and Myrtleford.
- Response and recovery from October 2016 flood event.
- Preparation of the new Council Plan, incorporating the Municipal Public Health and Wellbeing Plan.

Enhancing the Environment and Liveability

- Completion of the RecLess project, assisting in identification of plant species resistant to climate change. These details are available for the public, and are used in Council's open spaces management.
- Adoption of Planning Scheme Amendment C51, adding 86 new places to the Planning Scheme Heritage Overlay.

Strengthening the Community

- Improved visitation to outdoor pools as a result of Early Bird Family Season Pass uptake.
- Delivery of youth-driven projects such as the 'Brighten the Park' refurbishment of the Apex Park amenities building in Myrtleford, and Engage programs designed specifically for students across the Shire.

Prosperous Economy, Employment and Investment

- Successful event attraction during 2016/17, including the Spartan Trifecta event held during November 2016, which has been renewed for October 2017.

Performance Focused Organisation

- Update of Council's Long Term Financial Plan (10 years), and preparation to implement an electronic-based Accounts Payable system ready for 1 July 2017.

Local Government Performance Reporting Framework

The 2016/17 Annual Report is the third time that the indicators that form part of the Local Government Performance Reporting Framework have been reported.

GOVERNANCE REPORT

This section of the Annual Report contains reports against statutory information.



FINANCIAL REPORT

This section of the Annual Report contains the audited Financial and Standard Statements, Audit Certificate, Performance Statement and Independent Auditors report.

Council's Financial Performance

Income

Council ended the 2016/17 year with a surplus of \$9.0 million, which is in greater than that predicted in the 2016/17 Annual Budget.

The favourable surplus is largely attributed to Council receiving additional income in 2016/17 of \$6.0 million which wasn't included in the 2016/17 budget, including:

- Receiving half of the allocation of the Financial Assistance Grants from the Victorian Grants Commission for the 2017/18 financial year within the 2016/17 year, being an unbudgeted payment of \$1.8 million;
- Successful grant applications awarded during 2016/17;
- \$890,000 was received by Council in the form of road and drainage assets associated with new subdivisions; and
- An additional 21km of assets identified as a result of mapping Council's drainage assets, and recognised as income which is calculated to a value of \$2.5 million.

Expenditure

Employee costs were lower than budgeted by \$918,000. A wage freeze included in Council's Enterprise Agreement, approved in December 2016, as well as a number of budgeted positions remaining vacant during the year contributed to this result.

Materials and services expenditure is higher than budgeted. Influencing this result was \$2.4 million of project expenditure identified as operating expenditure and expensed to materials and services instead of capitalised, including repairing flood damaged infrastructure, Alpine Better Places Porepunkah (landscaping), Alpine Better Places Mafeking Square (landscaping). Excluding the \$2.4 million of project works that were not capitalised, the materials and services budget would have seen a \$1.0 million favourable result.

Capital Works

Significant capital works have been undertaken during the year. These projects included:

- Alpine Better Places - Mafeking Square, Bright;
- Alpine Better Places – Porepunkah;
- Myrtleford swimming pool renewal;
- Mystic Mountain Bike Park Hero Trail;
- Mount Beauty Library refurbishment.



PERFORMANCE STATEMENT

Performance Statements are required to be prepared according to the *Local Government Act and the Local Government (Planning and Reporting) Regulations 2014*.

The performance statement comprises:

- Sustainable Capacity Indicators;
- Service Performance Indicators; and
- Financial Performance Indicators.

2017 is the third year of the 'performance statement' framework, with the current year result compared against two previous year results.

COMMUNICATION

Council's 2016/17 Annual Report will be made available electronically on Council's website on Tuesday 3 October 2017.

Printed hard copies will also be available for inspection at the following Customer Service Centres:

- Alpine Shire Council, Great Alpine Road, Bright;
- Mount Beauty Customer Service Centre, Lakeside Avenue, Mount Beauty; and
- Myrtleford Customer Service Centre, O'Donnell Avenue, Myrtleford.

CONCLUSION

That Council note the 2016/17 Annual Report as required by the *Local Government Act 1989*, as a record of Council's operations and audited financial performance.

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.

- Chief Executive Officer
- Director Corporate
- Governance Officer
- Accountant

ATTACHMENT(S)

- 8.1.1 2016/17 Annual Report



8.2 ACTING DIRECTOR ASSETS – WILLIAM JEREMY

8.2.1 Provision of Contracted Services at Dinner Plain Village

File Number: 01821.00

INTRODUCTION

This report relates to the award of Contract 1707401 for the provision of maintenance, waste management, snow grooming and snow clearing services at Dinner Plain Village.

RECOMMENDATION

That Council:

- 1. Awards Contract No. 1707401 'Provision of Contracted Services at Dinner Plain Village' to GF and AM Peterson for maintenance, waste management and snow grooming services for a 5 year term with the option of one 5 year extension, and a year 1 lump sum price of \$334,620 + GST;*
- 2. Accepts an annual peppercorn lease payment of \$4,320 + GST for the use of Council's office and storage shed at Scrubbers End;*
- 3. Continues to work with the shortlisted tenderers to establish a cost-effective model for delivery of snow clearing services, and presents a recommendation to award a Contract for this service to the December 2017 Ordinary Council Meeting.*

BACKGROUND

At the October 2007 Council meeting, Council awarded Contract 0702801 for the 'provision of maintenance, waste and recycling services at Dinner Plain' to GF and AM Peterson. The contract was awarded for an initial five year term through to 30 November 2012 with an option for a five year extension.

At the September 2012 Council meeting, Council endorsed a three year extension of the contract term to 30 November 2015, with an option for a further two year extension.

At the November 2015 Council meeting, Council endorsed a two year extension of the contract term through to the current expiry date of 30 November 2017.

Through the ten year period of this contract, the following changes have been implemented to the contracted scope of work:

- Additional snow grooming works being undertaken as a result of the introduction of snow mobile grooming. Snow mobile grooming allows for grooming to occur at minimal snow depths, therefore providing the opportunity for cross country trails to open when the snow cover is minimal;
- Grass mowing three times per year in the new subdivision of Dinner Plain;
- Snow clearing of Castran Corner walkways and stairs;



- Providing grit to commercial businesses to spread on walkways located on Council land immediately outside of commercial businesses; and
- Grooming of the Pea Shooter toboggan slope.

The contract incorporates a CPI adjustment which has been applied annually on the anniversary of the contract.

The year 10 lump-sum price for the provision of contracted services under the current contract is \$454,825 + GST.

The current contract incorporates an annual peppercorn lease payment of \$4,413 + GST for the use of Council's office and storage shed at Dinner Plain, and an annual lease of \$2,574 + GST for Council's snow blower.

In August 2017 Council advertised a tender for 'The Provision of Contracted Services at Dinner Plain Village.'

The scope of the services to be provided under the contract includes:

- Village maintenance works (including grass maintenance, stormwater drain maintenance, roads and carpark maintenance, signs and street lighting maintenance and street furniture maintenance);
- Waste management (collection, transfer and disposal of general and recyclable materials);
- Grooming of Nordic Trails and the Pea Shooter toboggan slope; and
- Snow clearing of roads and car parks.

The invitation to tender was advertised in the Border Mail on 19 August, Alpine Observer/Myrtleford Times and Herald Sun on Wednesday 23 August and on the Tenders.net and Alpine Shire Council websites.

EVALUATION

The key selection criteria listed in the Invitation to Tender are:

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

The evaluation panel consisted of the CEO, Acting Director Assets, Manager Asset Maintenance, Manager Economic and Community Development, Manager Facilities, and the Project Manager.

Following the initial assessment, the Tenders were shortlisted for further evaluation. A detailed review of the two preferred tenders was completed. Following the assessment of the shortlisted tenders by the evaluation panel it was determined that for the provision of maintenance, waste management and snow grooming services, the tender from GF and AM Peterson best met the selection criteria and could be demonstrated to offer the best value option for Council.



The evaluation team determined that further work is needed to demonstrate how best value can be achieved in the delivery of the snow clearing service through evaluating the use of different snow clearing technology and different ownership arrangements for snow blowing equipment.

ISSUES

Timing for award of contract

The current contract expires on 30 November 2017. Following award, the successful contractor has a lead-time necessary to prepare for delivery of the service which includes purchasing equipment and materials, establishing resources and implementing subcontracts. Delaying award of the maintenance and waste management components of the scope risks a lack of continuity in the current level of service provision during the transition to the new contract.

Maintenance

The scope and required level of service to be achieved through grass maintenance has been significantly increased under the proposed contract. This was a direct result of feedback received that the level of service being provided was failing to meet the expectations of residents and visitors, and was lower than that being delivered across other areas of the Shire. The key areas where the scope has been increased include:

- Grass maintenance around public recreational areas, including the playground, tennis courts, Community Centre, DP Hut, Scrubbers End Hut and Crisp's Hut;
- Grass maintenance along the trails; and
- Maintenance of recently established bushfire buffer zones.

As a result, the cost of grass maintenance has increased.

The scope of fire-fighting equipment maintenance has been reduced, as maintenance and out-of-hours callout is no longer required for the firefighting pump house equipment following a change to electric pumps. The cost of this service has dropped.

The scope of building maintenance has increased, with the addition of the DP Hut, Crisp's Hut, Scrubbers End shelter and the community primary school to the list of buildings to be maintained. The cost of this service has increased.

Whilst the Tender called for an annual cost for the installation of replacement street signs, the evaluation team has determined that given uncertainty in the scope of this item, it is more cost-effective for the service to be provided under day-rates rather than through a lump-sum annual cost.

Waste Management

Under the current contract arrangement, the Contractor is responsible for disposal of bulk general waste and comingled recyclables. Under the proposed contract, the Contractor will continue to dispose of bulk comingled recyclables. However, bulk general waste will be delivered to Council's Myrtleford Transfer Station, and Council will be responsible for the onward transportation and disposal of this waste.



The proposed arrangement for disposal of bulk general waste will result in a net reduction in the overall cost of the Dinner Plain waste management service, as Council has achieved a more competitive gate fee for disposal of bulk waste through a recently tendered contract than can be achieved by the recommended Contractor.

Snow Grooming

Use of the Nordic Trails has increased significantly since the previous contract was put in place. As well as an increase in the number of skiers, the number of walkers, skidoo operators and sled-dog users has also increased. This increased usage of the trails has increased the time needed to groom these trails to the required standard, which has increased the tendered cost of the service. Additional measures to manage risk to the public associated with the operation of the Pea Shooter toboggan slope have also been included in the category of 'snow grooming', which has contributed to a cost increase.

Snow Clearing

The tendered prices for delivery of the snow clearing service during the gazetted ski season have increased significantly on the prices in the current contract as a result of:

- Transfer of responsibility for the provision and maintenance of a snow blower from Council to the Contractor under the proposed contract; and
- The requirement for the Contractor to deliver the snow clearing service using soft-edged blades in order to minimise the potential for damage to Council's road infrastructure. Under the current contract, snow clearing is being delivered using a fixed steel blade, which cannot be retrofitted with a synthetic edge.

Two alternative proposals have been received for the purchase of Council's snow blower.

POLICY IMPLICATIONS

The tender was advertised and evaluated according to Council's Procurement Policy.

The recommendations are in accordance with the following Strategic Objectives of the Council Plan 2017-2021:

- A responsible and sustainable organisation; and
- Infrastructure and open space that our community is proud of.

FINANCIAL AND RESOURCE IMPLICATIONS

The annual lump-sum cost of maintenance services has increased by \$7,100 compared to the current contract. This is due to the increased scope of grass and building maintenance, offset by a reduction in fire-fighting equipment maintenance, the removal of Local Laws support, and the removal of a lump-sum provision for day-works.

The annual lump-sum cost of waste management under the contract has decreased by \$24,800, as a result of the change in disposal location for bulk general waste. However, Council will incur an additional estimated annual cost of \$15,000 for onward transportation and disposal of bulk waste from Myrtleford Transfer Station.



The net impact to Council will therefore be a reduction in the annual cost of providing this service of \$9,800.

The annual lump-sum cost of snow grooming has increased by \$4,600. This is a result of the increased time needed to groom the trails to the required condition due to increased use of the trails from skiers, walkers, snowmobiles and sled dogs; and inclusion of Pea Shooter toboggan run risk management.

In summary, it will cost \$1,900 more per annum to deliver maintenance, waste management and snow grooming services in comparison to the existing contract.

There is sufficient allocation within the applicable 2017/18 budgets for Dinner Plain maintenance, waste management and snow grooming services to deliver the planned scope through award of this contract.

The contract will incorporate a CPI adjustment to be applied annually on the anniversary of the contract.

CONSULTATION

The standards of service to be delivered through this contract have been established taking into account feedback received from the Dinner Plain community throughout the period in which the current contracted services have been delivered.

Extensive engagement has taken place with the existing provider of these services in Dinner Plain, in order to ensure that the current method of delivering these services is understood, and that opportunities to either improve service delivery or reduce the cost of the service have been explored and captured appropriately within the Tender documentation.

Consultation with internal staff was undertaken to collect and analyse data arising from delivery of the current services under the existing contract, to determine the capabilities of potential alternative service providers, and to evaluate the risks associated with different contracting arrangements for delivery of the required services.

CONCLUSION

Following a comprehensive tender evaluation, the tender from GF and AM Peterson is considered to present the best value option for Council for the provision of maintenance, waste management and snow grooming services in Dinner Plain Village.

Further work is needed to demonstrate how best value can be achieved in the delivery of the snow clearing service, through evaluating the use of different snow clearing technology and different ownership arrangements for snow blowing equipment. Awarding the contract for snow clearing services at the December 2017 Council meeting will provide sufficient time for the successful tenderer to mobilise resources ahead of the snow season.



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.

- CEO
- Acting Director Assets
- Manager Asset Maintenance
- Manager Economic and Community Development
- Manager Facilities
- Project Manager

ATTACHMENT(S)

- Nil



8.3 DIRECTOR CORPORATE – NATHALIE COOKE

8.3.1 Audit Committee Meeting - 5 September 2017 (Meeting 1)

File Number: 0900.06

INTRODUCTION

The purpose of this report is to present the minutes and recommendations of the Audit Committee meeting held on 5 September 2017.

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

- 2016/17 Annual Financial Report (Draft);
- 2016/17 Annual Performance Statement (Draft);
- Governance and risk review;
- Internal audit program; and
- Health and safety report.

RECOMMENDATION

That:

- 1. The minutes of the 5 September 2017 Audit Committee meeting be received and noted;*
- 2. The confidential 2016/17 Health and Safety Report be adopted.*

BACKGROUND

Council must establish an Audit Committee under section 139 of the *Local Government Act 1989*. The Committee's charter requires it to report to Council its activities, issues and related recommendations. This report relates to the Audit Committee meeting held on 5 September 2017.

ISSUES

External Auditor

The Audit Committee met with Kathy Teasdale, Audit Partner, Richmond Sinnott Delahunty Pty Ltd to discuss the 2016/17 year-end financial audit results, the performance statement and closing report. In addition the Committee and the Auditor discussed matters relating to infrastructure revaluations, landfill rehabilitation after care and related party transactions.

2016/2017 Annual Financial Report

Each year Council is required to prepare an Annual Financial Report containing financial statements that are audited according to Australian Accounting Standards.

The financial statements show Council's financial performance, financial position, and cash flows against the previous year and comprise a balance sheet and statements of income, changes in equity, cash flows and capital works.



The Committee noted and endorsed the draft 2016/17 annual financial report for adoption in principle by Council.

Annual Performance Statement

The annual performance statement is a specific requirement of section 131 of the *Local Government Act 1989*, and is generated from indicators and measures from the Local Government Performance Reporting Framework. It consists of six sustainable capacity indicators, 12 service performance indicators, and 12 financial performance indicators – all of which are subject to audit.

The Committee endorsed in principle the 2016/17 annual performance statement for adoption in principle by Council.

Governance and Risk Review

The Audit Committee reviewed draft governance and risk management documents including an updated risk policy, governance and risk framework, risk register and a governance action plan. The intention of the review is that governance and risk management is prioritised and the risk register and governance action plan regularly reviewed by the executive, the Audit Committee and Council ensuring key items are identified and addressed.

Internal Audit Program

The Audit Committee endorsed the proposed internal audit of the implementation of financial systems migration – phase 1 (accounts payable) and agreed the balance of the 2017/18 and longer term internal audit program be evaluated and agreed to after completion of the current risk assessment project.

Health and Safety Report (Confidential)

The Committee reviewed the 2016/17 Health and Safety Report (Confidential). Employee hazard, incident, injury and near-miss reporting in terms of numbers and seasonal trends throughout 2016/17 has remained consistent with previous years.

Throughout the year training has focused on mandatory training, responding to needs identified through injury trends as well as mental health and wellbeing. Compliance requirements were also met.

POLICY IMPLICATIONS

Council complies with the following sections of the *Local Government Act 1989*.

- Section 136: requires Council to implement the principles of sound financial management.
- Section 139: requires Council to have an audit committee and act within the guidelines made by the Minister for Audit Committees.

This report is consistent with the following strategic objective in the Council Plan 2017-2021:

- A responsible and sustainable organisation.



CONCLUSION

The Audit Committee, being satisfied with the detail provided in its agenda and the officer reports, recommends Council adopt the detailed resolutions.

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 Corporate
- Health, Safety and Risk Officer

ATTACHMENT(S)

- 8.3.1 (a) Audit Committee Meeting No. 1 Minutes, 5 September 2017
- 8.3.1 (b) 2016/2017 Health and Safety Report (CONFIDENTIAL)



8.3.2 Instruments of Delegation and Instruments of Appointment and Authorisation

File Number: Delegations Register

INTRODUCTION

Instruments of delegation and authorisation are an important means of Council delegating its powers duties and functions under the *Local Government Act 1989* and other legislation, to the Chief Executive Officer (CEO), and to members of staff.

Previous instruments of delegation and instruments of appointment and authorisation were approved by Council in March and August 2015.

RECOMMENDATION

That:

- 1. Council exercise the powers conferred by section 98(1) of the Local Government Act 1989, and all other legislation enabling it, so that:*
 - a. There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in attachment 8.3.2 (a) "S5 - Instrument of Delegation to the Chief Executive Officer" (the instrument), subject to the conditions and limitations specified in that instrument;*
 - b. The instrument comes into force immediately the common seal of Council is affixed to the instrument;*
 - c. On the coming into force of the instrument the previous delegation "S5 – Instrument to the Chief Executive Officer" signed on 3 March 2015 be revoked;*
 - d. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt;*
 - e. It is noted that the instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act; and*
 - f. The instrument be signed and sealed at the appropriate stage of this meeting.*
- 2. Council exercise the powers conferred by section 98(1) of the Local Government Act 1989 and the other legislation referred to in the attached instrument of delegation, so that:*
 - a. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in attachment 8.3.2 (b) "S6 - Instrument of Delegation to members of Council staff" (the instrument), the powers, duties and functions set*



- out in that instrument, subject to the conditions and limitations specified in that instrument;*
- b. The instrument comes into force immediately the common seal of Council is affixed to the instrument;*
 - c. On the coming into force of the instrument the previous "S6 - Instrument of Delegation to members of Council staff" signed on 3 March 2015 be revoked;*
 - d. The duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt; and*
 - e. The instrument be signed and sealed at the appropriate stage of this meeting.*
- 3. Council exercise the powers conferred by section 224 of the Local Government Act 1989, and by section 188 of the Planning and Environment Act 1987, so that:**
- a. The members of Council staff referred to in attachment 8.3.2 (c) "S11A – Instrument of Appointment and Authorisation – Planning and Environment Act 1987" (the instrument) be appointed and authorised as set out in the instrument;*
 - b. 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;*
 - c. On the coming into force of the instrument the previous "S11A – Instrument of Appointment and Authorisation – Planning and Environment Act 1987" signed on 4 August 2015 be revoked; and*
 - d. The instrument be signed and sealed at the appropriate stage of this meeting.*

BACKGROUND

Maddocks Delegation Service

Section 98(1) of the *Local Government Act 1989* (the Act) provides that a Council may, by instrument of delegation, delegate to a member of its staff any power, duty or function of a Council under the Act or any other Act, other than certain specified powers. Legislation other than the *Local Government Act 1989* also empowers a Council to delegate certain powers, duties or functions.

Council utilises the delegations 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.



Local Government Act 1989

Section 98 of the *Local Government Act 1989* provides for Council to delegate to a member of its staff any power, duty or function of a Council. Council can delegate the majority of its powers to the CEO via the "S5 - Instrument of Delegation to the Chief Executive Officer". This allows the CEO to further sub-delegate duties and authorise staff for the vast majority of Acts that Council operates under. However, some Acts do not allow for sub-delegation, requiring Council to delegate duties directly to staff via the "S6 – Instrument of Delegation to members of Council staff".

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.

ISSUES

Council's CEO and staff require current and accurate delegations and authorisations to fulfil their duties. Keeping up to date with legislative changes as well as changes in roles within the organisation is essential to ensuring that staff are appropriately delegated and authorised.

Once the "S5 – Instrument of Delegation to the Chief Executive Officer" is approved by Council, all other delegations and authorisations will be presented to the CEO for approval. Therefore, Council's entire suite of delegations and authorisations will be up to date.

Council to Chief Executive Officer Delegation

There have been no changes to the content of the "S5 – Instrument of Delegation to the Chief Executive Officer" however the re-signing of the instrument is part of best practice to coincide with updated delegations to staff, as recommended by Maddocks.

Council to Staff delegation

The addition or removal of provisions in the "S6 – Instrument of Delegation to members of Council Staff" has been made in line with advice from Maddocks. It is important to note that some new provisions are not yet in operation and will commence at a later date. These situations have been noted in the instrument of delegation, but have been included so that once the provisions are in place, there are staff delegated to undertake those duties.

Planning and Environment Act authorisation

There have been no changes to the content of the "S11A – Instrument of Appointment and Authorisation – Planning and Environment Act 1987", other than the updating of names and titles of the staff being authorised under the Act.



POLICY IMPLICATIONS

Section 98(6) of the *Local Government Act 1989* (the Act) requires councils to review all delegations in force within 12 months of a Council election. The review and adoption of updated delegations as part of this report ensures that Council is compliant with s98(6) of the Act, and that Council staff have all appropriate delegations and authorisation in order to fulfil their duties.

The review of delegations is consistent with the following strategic objective in the Council Plan 2017-21

- Strategic objective 1: To be a “High performing organisation

FINANCIAL AND RESOURCE IMPLICATIONS

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

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

CONSULTATION

The relevant directors and managers have been consulted throughout the review of the instruments of delegation and clarification sought from specific staff where required. No additional consultation is required.

There is no requirement to involve the community in the preparation of the instruments of delegation.

CONCLUSION

The instruments of delegation to the CEO and members of Council staff, and instrument of appointment and authorisation allow staff to fulfil their duties, and should therefore be supported. The instruments come into force immediately the common seal of Council is affixed to the instrument, and will remain in force until Council determines to vary or revoke them.

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 Corporate
- Director Assets
- Acting Manager Asset Development
- Manager Economic and Community Development
- Manager Facilities
- Manager Planning and Amenity
- Governance Officer



ATTACHMENT(S)

- 8.3.2 (a) S5 - Instrument of Delegation to the Chief Executive Officer
- 8.3.2 (b) S6 - Instrument of Delegation to members of Council staff
- 8.3.2 (c) S11A - Instrument of Appointment and Authorisation – *Planning and Environment Act 1987*



8.3.3 Review of Instrument of Delegation to Section 86 Committees

File Number: Delegations Register

INTRODUCTION

The purpose of this report is to present the findings of a review of the Instruments of Delegation to special committees under Section 86 of the *Local Government Act 1989*.

Section 86 of the *Local Government Act 1989* allows councils to delegate functions, duties or powers to special committees.

Councils are required to review Section 86 delegations within 12 months of a general election.

RECOMMENDATION

That having reviewed delegations to special committees in accordance with s86(6) of the Local Government Act 1989, Council:

- 1. Extend the Instruments of Delegation made under s86 of the Local Government Act 1989 until 31 October 2019 for the following Special Committees:*
 - (a) Bright Senior Citizens Centre Committee of Management; and*
 - (b) Mount Beauty Recreation Reserve Committee of Management.*
- 2. Revoke all other Instruments of Delegation for special committees formed under s86 of the Local Government Act 1989 (other than for those listed in item 1 above);*
- 3. Ensure that the powers, duties and functions conferred on the Committees by the Instruments of Delegation are exercised in accordance with any guidelines or policies Council may from time to time adopt;*
- 4. Implement the governance and reporting obligations as detailed in the Instruments of Delegation; and*
- 5. Sign and seal the Instruments of Delegation at the appropriate time of this meeting.*

BACKGROUND

Section 86(3) of the *Local Government Act 1989* (the Act) provides that a Council may, by instrument of delegation, delegate any of its functions, duties or powers under this or any other Act to a special committee.

Section 86(6) of the Act further stipulates that Council must review any delegations to a special committee in force under this section within the period of 12 months after a general election.

A detailed review of Committee of Management structures was undertaken between 2010 and 2013. Subsequent to this review only three s86 Committee Delegations remained active, these being the Bright Senior Citizens Committee of Management,



Mount Beauty Recreation Reserve Committee of Management and the Murray to Mountains Rail Trail Committee.

Through this process other delegated committees in force at the time have been replaced with alternate user group governance arrangements, which included the formation of agreements with Incorporated Associations, as well as Council taking direct responsibility for management of some reserves and facilities.

The s86 delegation to the Murray to Mountains Rail Trail Committee was revoked by Council in July 2016.

A review of the current Instrument of Delegation for the Bright Senior Citizens Centre Committee of Management and the Mount Beauty Recreation Reserve Committee of Management has now been undertaken.

ISSUES

The review of Committees of Management undertaken between 2010 and 2013 recommended that s86 special committee delegation was appropriate for the Bright Senior Citizens Centre, as Council is appointed as the Committee of Management of the Crown Reserve. The Committee has not been incorporated and therefore cannot be issued a licence, and the facility has multiple users thereby ruling out the establishment of a lease agreement.

This review has confirmed that these reasons still remain in force and the current best approach to ongoing management of the Bright Senior Citizens Centre is to continue to appoint a committee under s86 of the *Local Government Act 1989*.

The 2013 review recommended consideration to alternate management arrangements for the Mount Beauty Recreation Reserve, although agreement has not been reached with the existing Committee of Management regarding this. Until such time as agreement is reached on alternate management arrangements for the Reserve the best approach for ongoing management of the Reserve is to continue to appoint a committee under s86 of the *Local Government Act 1989*.

In order to facilitate continuous improvement for both the Bright Senior Citizens Centre and the Mount Beauty Recreation Reserve further consultation will occur with the current committees, Council and the wider community users of the facility so that the best model for future governance of the site can be determined.



POLICY IMPLICATIONS

The review of delegations to s86 committees ensures that Council is compliant with the requirements of s86(6) of the *Local Government Act 1989*, to review the delegations to all special committees within 12 months of the election.

This report is consistent with the following strategic objective in the Council Plan 2017-2021:

- Highly utilised and well managed community facilities.

FINANCIAL AND RESOURCE IMPLICATIONS

There are no financial and resource implications identified with the recommendations of this report.

CONSULTATION

Existing members of the Bright Senior Citizens Centre Committee of Management and Mount Beauty Recreation Reserve Committee have been consulted regarding the extension of the current delegation for an additional two years.

CONCLUSION

The current best approach to the ongoing management of the Bright Senior Citizens Centre and the Mount Beauty Recreation Reserve is through delegation to them as special committees under s86 of the *Local Government Act 1989*. These delegations are being extended until 31 October 2019, unless varied or revoked earlier, and subject to the ongoing review of the performance of the Committee's in meeting their obligations under the Instruments of Delegation.

Further consultation will continue to occur with the current committees, Council and the wider community users of the facility so that the best model for future governance of the site can be determined.

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 Corporate
- Manager Facilities
- Governance Officer

ATTACHMENT(S)

- 8.3.3(a) Instrument of Delegation - Bright Senior Citizens Centre Committee of Management
- 8.3.3(b) Instrument of Delegation - Mount Beauty Recreation Reserve Committee of Management



8.3.4 Proposed Memorial Bench located adjacent to Mount Beauty Pondage Walk

File Number: Memorials

INTRODUCTION

The purpose of this report is to advise Council of a request to install a memorial bench adjacent to the Mount Beauty Pondage Walk.

Under Policy 57: Place, Road and Memorial Naming Policy 2005 any request for a memorial bench or stone must go to Council for a decision.

RECOMMENDATION

That Council approve the installation of the Ernie Pantling Memorial Bench Seat to be located adjacent to the Mount Beauty Pondage Walk

BACKGROUND

A request for a memorial bench was received by the family of Ernie Pantling (deceased). The request was for a bench with plaque on it in memory of Ernie who was a member of the Mount Beauty/Tawonga community for many years and made a contribution to the community through his volunteer work. This work included:

- Mount Beauty Visitor Information Centre – inaugural volunteer and ambassador;
- Rotary Club of Mount Beauty, (Pres 2009/10);
- Mount Beauty Music Festival Committee;
- Tutor in Latin and Ballroom Dancing at Neighbourhood Centre (raising money for the hospital); and
- Falls Creek Ski instructor.

Letters of support have been provided from Probus, Rotary and the Visitor Information Centre in Mount Beauty. The family has requested that the bench be put along the Mount Beauty Pondage Walk (the Embankment) looking towards Mount Bogong.

The family contacted AGL as the landowner of the proposed bench site for permission. AGL gave her the advice that whilst the pondage is an AGL asset there is a licensing agreement with the Alpine Shire for the path maintenance and liability. AGL indicated that the bench seat would be a fitting memorial and were supportive of the application.

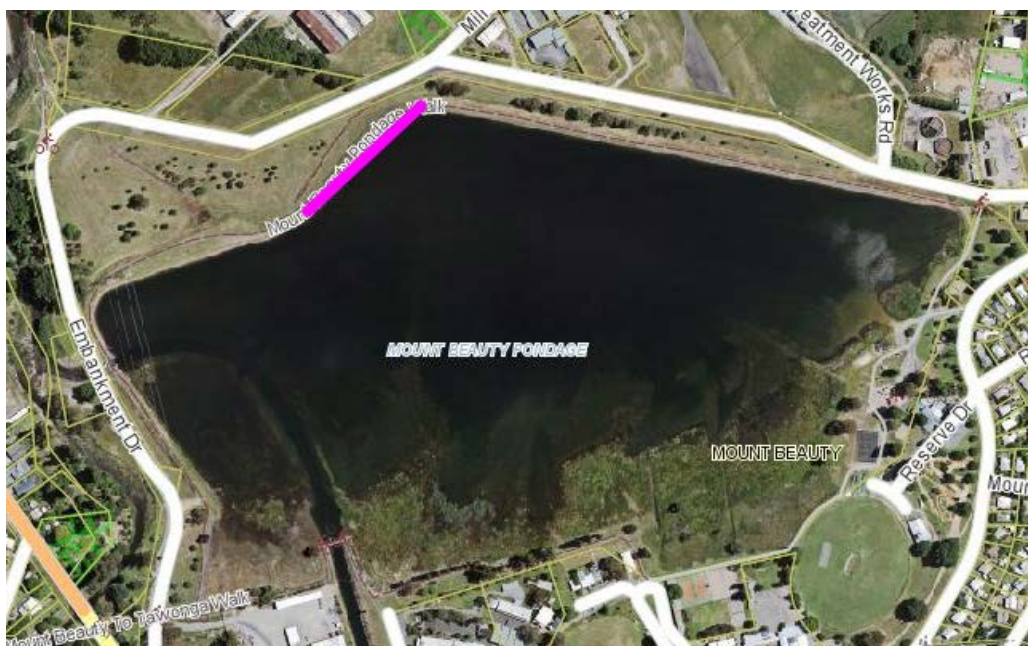


Figure 1 – Mount Beauty Pondage - potential site for installation

The plaque will read:

In loving memory of ERNIE PANTLING, an active member of this community that he loved so much and who loved him in return.

27.5.1942 to 26.10.2016

ISSUES

Council is asked to make a decision based on information presented by the family and those of supporting organisations and friends within the community. Policy 57 does not stipulate that Council is required to advertise the memorial request with other people such as other community member, friends and family of Ernie.

Relevant letters of support for the proposal of a memorial bench for Ernie have already been provided. It is suggested that the bench be maintained for its operational life only.

POLICY IMPLICATIONS

This report is consistent with the following strategic objective in the Council Plan 2017-2021:

- A well planned and safe community.

This report is consistent with Policy 57: Place, Road and Memorial Naming Policy 2005.

FINANCIAL AND RESOURCE IMPLICATIONS

The bench and plaque will be purchased by the family. The installation of the bench will be carried out by Council staff and will come from existing maintenance budgets and the bench be maintained for its operational life only.



CONSULTATION

Consultation has taken place with select family members. Letters of support have been provided from Probus, Rotary, AGL and the Mount Beauty Visitor Information Centre.

CONCLUSION

It is believed that the current request to install a memorial bench in memory of Ernie Pantling is acceptable based on the information received from the applicant.

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 Corporate
- Acting Manager Planning and Amenity
- Administration Officer (Subdivision and Local Laws)

ATTACHMENT(S)

- Nil



8.3.5 Alpine Shire Council Domestic Animal Management Plan 2017-2021

File Number: DAMP2017-2021

INTRODUCTION

The purpose of the report is to request that Council adopts the reviewed Animal Management Plan 2017-2021 to meet its requirements under the *Animal Management Act 1994*.

RECOMMENDATION

That Council:

- 1. adopts the revised Domestic Animal Management Plan 2017-2021; and*
- 2. authorise the CEO to make minor amendments to the plan if required.*

BACKGROUND

Council's Domestic Animal Management Plan (DAMP) is reviewed every four years to meet Council's obligations under the *Domestic Animal Management Act 1994*.

The Plan sets out how the Council will manage its domestic animal (cats and dogs only) population over a four year period.

The Plan must set out pprograms, services and strategies to:

- Promote responsible dog and cat ownership;
- Ensure compliance with the Act by the community;
- Minimise risk of dog attacks on people and animals;
- Address overpopulation and high euthanasia rates for dogs and cats;
- Encourage the registration and identification of dogs and cats;
- Minimise opportunities for dogs and cats to make a nuisance;
- Identify all dangerous, menacing and restricted breed dogs and ensure they are kept under control;
- Programs for training authorised officers; and
- Evaluation process for the DAMP, related strategies and other matters related to dog and cat management.

New key initiatives include:

- Cert IV in Local Government (Regulatory Services) – 2018;
- Renew 84Y Agreement with RSPCA;
- Vet discounted de-sexing;
- Improve use of existing systems; and
- Further improve public awareness program.



Other initiatives in the DAMP have been carried over from the previous DAMP because they are working and still valid as a tool for managing domestic animals in the Shire.

ISSUES

Councils Local Law No. 5 (Amenity) provides the means of enforcing the DAMP. It specifies requirements for:

- Numbers of each type of animal you can have in residential areas (e.g. two cats, 0 pigs, three ferrets and two peacocks)
- Standards for animal housing;
- Removal of animal faeces;
- Management of objectionable animal noise;
- Permit requirement for bee keeping;
- Removal of European wasp nests; and
- Unleashed dogs.

Local Law No. 5 is scheduled to be reviewed this year. The review may look at this element.

The following table (extract from the revised DAMP) provides information on Council's domestic animals as well as providing a comparison between 2011/12 and 2016/17.

	Alpine Shire Council Key Statistics 2011/2012	Alpine Shire Council Key Statistics 2016/2017
Population	11,881	12,450
No. of EFT Authorised Officers	1.1	1
Hours training per officer annually	42	40
No. of Registered Dogs	2139	2143
No. of Registered Cats	601	551
No. of Registered Declared Dogs	4	12
No. of Prosecutions Completed	2	n/a
No. of Successful Prosecutions	2	n/a
No. of animals reclaimed	91	84
No. of animals collected	4	12
No. of dogs euthanized	10	5
No. of cats euthanized	89 total includes 78 feral 11 domestic	77 total includes 68 feral and 9 domestic



POLICY IMPLICATIONS

Council's Domestic Animal Management Plan (DAMP) is reviewed every four years to meet Council's obligations under the *Domestic Animal Management Act 1994*.

This report is consistent with the following strategic objective in the Council Plan 2017-2021:

- A well planned and safe community.

Implementation of the DAMP falls within Alpine Shire Council - Local Laws No 5.

FINANCIAL AND RESOURCE IMPLICATIONS

The revision of the Plan has come out of existing resources with employed staff writing the revised DAMP.

The initiatives contained within the DAMP are to be implemented over a four year period. The revised DAMP will not require additional overall resources over and above those already identify in the Strategic Resources Plan.

CONSULTATION

At the time of writing this report, Council has received three submissions to the plan. Where relevant those comments have been incorporated into the revised document. The revised DAMP was placed on Council's website with a Facebook post advising it was available for comment by 28 September 2017. An advert was also put in the Alpine Observer and Myrtleford Times on Wednesday 13 September 2017.

The Plan was also emailed to the vets in Myrtleford and Porepunkah, the RSPCA and Ovens Valley Canine Club in Myrtleford.

Community feedback will also be sort as part of the annual review process.

CONCLUSION

The revised DAMP 2017-2021 meets Council's obligations under the *Domestic Animal Management Act 1994*. Once adopted, this DAMP will be sent to the Secretary of the Department of Economic Development, Jobs, Transport and Resources as the *Domestic Animal Management Act 1994* stipulates.

It is recommended that Council adopt this Plan.

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 Corporate
- Acting Manager Planning and Amenity

ATTACHMENT(S)

- 8.3.5 Domestic Animal Management Plan 2017-2021



9 ASSEMBLY OF COUNCILLORS

INTRODUCTION

Section 80A of the *Local Government Act 1989* requires a written record of Assemblies of Councillors to be reported at an ordinary meeting of the Council and to be incorporated in the minutes of the Council meeting.

RECOMMENDATION

That the summary of the Assemblies of Councillor for August / September 2017 be received.

BACKGROUND

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

Date	Meeting
29 August	Briefing Session
5 September	Briefing Session
19 September	Briefing Session

ATTACHMENT(S)

- 9.0 Assemblies of Councillors - August / September 2017



10 GENERAL BUSINESS

11 MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN

12 RECEPTION AND READING OF PETITIONS



13 DOCUMENTS FOR SEALING

Section 173 Agreements – Planning and Amenity Department

The documents presented for signing and sealing are Section 173 Agreements. These Agreements are registered on the respective Titles of the subject land. They allow certain planning permit conditions to be tied to the land so that when ownership changes the condition is still a requirement on the land and therefore the new owner.

A decision on the planning permit application has already been made under delegation and the permit issued. Under the Local Law No: 1 signing and sealing of these documents is to be undertaken by Council following an Ordinary Council meeting.

RECOMMENDATION

That the following documents be signed and sealed:

1. Section 173 Agreement – Teresiano Ceradini and Maria Ceradini

Lots 1, 2 & 3 on Title Plan 124736 Volume 9988 Folio 769. Condition 5 of Planning Permit 2017.49.1 for use and development of a dwelling at 79 Clemens Lane, Myrtleford.

The Agreement addresses the implementation of a Farm Plan and that the existing dwelling be decommissioned or demolished.

2. Section 173 Agreement – Cas-Bak Building Supplies Pty Ltd

Lot 8 on Plan of Subdivision 616760, Volume 11365 Folio 246. Condition 27 of Planning Permit 2017.33.1 for construction of two dwellings and two lot subdivision at 62 Mountain Mist Drive, Bright.

The Agreement incorporates the Bushfire Management Plan approved under this permit.

3. Section 173 Agreement – Antonio and Giuseppina Bonacci

Crown Allotment 5, Section N; Volume 9396 Folio 318 Lot 1 on Title Plan 320780W; Volume 8499 Folio 106. Condition 8 of Planning Permit 2017.7.1 for a two lot re-subdivision and creation of easement at 245-263 Myrtle Street, Myrtleford.

The Agreement restricts human habitation development and further subdivision of Lot 2.

4. Section 173 Agreement – Jido Nominees Pty Ltd

Crown Allotments 12 and 12A, Section 11, Parish of Porepunkah Volume 10080 Folio 375 and Volume 01932 Folio 353. Condition 13 of Planning Permit 2016.86.2 for a 2 lot re-subdivision at 490 Buckland Valley Road, Buckland.

The Agreement stipulates restrictions on the use of Lot 1 and restrictions of further subdivision.



5. *Contract No 17025 in favour of Cleanaway Pty Ltd for the transportation and disposal of Kerbside Waste.*
6. *Contract No 1705101 in favour of Barton Street Developments Pty Ltd for the Alpine Events Park – Multipurpose Facility Construction.*
7. *S5 Instrument of Delegation to the Chief Executive Officer.*
8. *S6 Instrument of Delegation from the CEO to members of Council Staff.*
9. *S11A Instrument of Appointment and Authorisation – Planning and Environment Act 1987.*
10. *Instrument of Delegation*
 - a. *Bright Senior Citizens Centre Committee of Management.*
 - b. *Mount Beauty Recreation Reserve Committee of Management.*

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

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Chairperson