



Alpine Shire

ORDINARY COUNCIL MEETING

MINUTES

M4 – 1 May 2018

Auditorium@Mount Beauty Visitor Information Centre, Mount Beauty

7:00pm



The **Ordinary Meeting** of the **Alpine Shire Council** was held in the Auditorium@Mount Beauty Visitor Information Centre, Kiewa Valley Highway Mount Beauty on **1 May 2018** and commenced at **7:00pm**.

PRESENT

COUNCILLORS

Cr Ron Janas – Mayor

Cr Sarah Nicholas – Deputy Mayor

Cr Kitty Knappstein

Cr Peter Roper

Cr Tony Keeble

OFFICERS

Mr Charlie Bird – Chief Executive Officer

Ms Nathalie Cooke – Director Corporate

Mr William Jeremy – Director Assets

APOLOGIES

Cr John Forsyth

Cr Daryl Pearce



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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.

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 recorded and a copy will be uploaded to Council's YouTube channel which is "Alpine Shire Council" and will also be available on the YouTube channel after this meeting.

2 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS, AND RECOGNITION OF ALL PEOPLE

The CEO 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 – M3 – 3 APRIL 2018

Cr Knappstein

Cr Keeble

That the minutes of Ordinary Council Meeting M3 held on 3 April 2018 as circulated be confirmed.

Carried

4 APOLOGIES

Cr John Forsyth

Cr Daryl Pearce



5 OBITUARIES / CONGRATULATIONS

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

6 DECLARATIONS BY COUNCILLORS OF CONFLICT OF INTEREST

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

7 PUBLIC QUESTIONS

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

Questions on Notice can be written or from the floor.

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



8 PRESENTATION OF REPORTS BY OFFICERS

8.1 CHIEF EXECUTIVE OFFICER – CHARLIE BIRD

8.1.1 Nil



8.2 DIRECTOR ASSETS – WILLIAM JEREMY

8.2.1 Subdivision Recreation Reserve

File Number: 900.01

INTRODUCTION

The purpose of this report is to recommend to Council the capital projects completed in 2016/17 to which funds from the subdivision recreation reserve be applied.

Cr Keeble

Cr Roper

That Council applies funds in the subdivision recreation reserve to the following 2016/17 projects:

- 1. Pioneer Park Civil Works completed under the Alpine Events Park project: \$290,822 from the Bright locality;*
- 2. Cundy Park Shelter: \$16,000 from the Myrtleford locality; and*
- 3. Riverside Park Upgrade completed under the Alpine Better Places project: \$29,950 from the Porepunkah locality.*

Carried

BACKGROUND

Council maintains a subdivision recreation reserve in its general ledger. The balance of the reserve at 30 June 2017 was disclosed in note 27 of Council's 2016/17 annual financial statements. Whilst not shown in the annual financial statements, the reserve is further split between localities within the Shire. At 30 June 2017, the split of the reserve between localities was as follows:

Locality	Balance
Bright	\$290,822
Myrtleford	\$16,000
Mount Beauty/Tawonga	\$0
Harrietville	\$23,560
Porepunkah	\$29,950
Total	\$360,332

The reserve must only be used for public recreation, public resort, as parklands or for similar purposes as stated in the Subdivision Act 1988 (The Act). Review of Council's capital projects delivered in 2016/17 has identified those projects which satisfy the requirements to be funded from the subdivision recreation reserve.



ISSUES

No capital projects were delivered in Harrietville during the 2016/17 financial year which met the requirements for funding from the subdivision recreation reserve.

POLICY IMPLICATIONS

This recommendation is in accordance with Section 20 of the *Subdivision Act 1988*. This report is consistent with the following strategic objective of the Council Plan 2017-2021:

- A responsible and sustainable organisation.

FINANCIAL AND RESOURCE IMPLICATIONS

The recommendations in this report will reduce Council's restricted cash (reserves), thus increasing unrestricted cash. There is no impact on Council's total cash balance. Council's reserves need to be monitored on an ongoing basis to ensure that the restricted cash is being used for appropriate projects in a timely manner.

CONCLUSION

For the year ended 30 June 2017, it is recommended that Council allocates funds from the subdivision recreation reserve to the Bright Pioneer Park Civil Works completed under the Alpine Events Park project, the Myrtleford Cundy Park Shelter project, and the Porepunkah Riverside Park upgrades completed under the Alpine Better. These projects meet the criteria of public recreation as stated under The Act.

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 Assets
- Manager Asset Development
- Manager Corporate

ATTACHMENT(S)

- Nil



8.2.2 Provision of Fuel Card Services

File Number: 1601.08

INTRODUCTION

This report relates to the award of a contract for the Provision of Fuel Card Services for the Alpine Shire Council.

Cr Roper

Cr Keeble

That Council awards a contract for the Provision of Fuel Card Services to Viva Energy Australia for a fixed period ending 31 January 2021 with an option of two additional one-year extensions.

Carried

BACKGROUND

In May 2013, following an aggregated tendering process carried out by the National Procurement Network (NPN) on behalf of councils Australia-wide, Alpine Shire Council entered into a contract with Caltex Australia Petroleum for the Provision of Fuel Card Services. In 2017 the NPN retendered for the provision of the service, ahead of the Supplier Deeds with individual service providers expiring on 31 January 2018.

Following an in-house assessment of the recommendations completed in February 2018, the submission by Caltex Petroleum Australia for the Provision of Fuel Card Services is considered to offer the best value to Council. The following recommendation was carried at the March 2018 Ordinary Council Meeting:

That Council awards a contract for the Provision of Fuel Card Services to Caltex Australia Petroleum for a fixed period ending 31 January 2021 with an option of two additional one-year extensions.

Subsequent to this meeting and ahead of the contract with Caltex Australia Petroleum being finalised, the owner of Bright Fuel advised that from 15 May 2018 they would no longer provide the Caltex fuel card service in Bright.

EVALUATION

The results of the aggregated tendering process have been reviewed by the in-house evaluation panel following the feedback from Bright Fuel.

Based on the availability of fuel outlets in Alpine Shire and the discount from the pump price for fuel, the evaluation panel has determined the best value for Council is achieved by entering into contracts for the provision of fuel card services with both Caltex Australia Petroleum and Viva Energy Australia, who operate Shell branded service stations.



ISSUES

The administrative workload associated with operating two different fuel card services is greater than if the contract were to be awarded to a single service provider. However, the only fuel card service provider with coverage of each of Bright, Mount Beauty and Myrtleford is the WEX Motorpass fuel card, and their commercial offering was less attractive than that of Caltex and Viva Energy.

POLICY IMPLICATIONS

The tendering process followed by the National Procurement Network met the requirements of Council's Procurement Policy.

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

- A responsible and sustainable organisation.

FINANCIAL AND RESOURCE IMPLICATIONS

To access the discounted pump price for fuel, Council will enter into contracts with Caltex Australia Petroleum and Viva Energy Australia based on the terms of the Supplier Deeds negotiated by MAV Procurement. Entering into these contracts does not commit Council to purchasing fuel from either supplier; however it does introduce a financial incentive for doing so. There is no minimum fuel purchase commitment of Council in order to access the discounted rates.

Council's annual expenditure is fuel is approximately \$260,000.

CONSULTATION

The NPN consulted with councils which had entered into a contract following the previous tendering process, and incorporated common requirements into the tender documents before proceeding to tender. The tender evaluation and recommendation report has been made available to councils on request, and all Victorian councils are eligible to access the negotiated agreements.

CONCLUSION

Following an aggregated tendering process carried out by the National Procurement Network and an in-house assessment of the recommendations, it is considered that the best value for Council will be achieved by entering into contracts for the provision of fuel card services with both Caltex Australia Petroleum and Viva Energy Australia.

Council resolved at the March 2018 meeting to award a contract to Caltex Australia Petroleum. The recommendation in this report is to award an additional contract for the Provision of Fuel Card Services to Viva Energy Australia.



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 Assets
- Depot Operations Officer

ATTACHMENT(S)

- Nil



8.3 DIRECTOR CORPORATE – NATHALIE COOKE

8.3.1 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 staffing in the planning department.

Cr Nicholas

Cr Keeble

That Council exercise the powers conferred by section 224 of the Local Government Act 1989, and by section 147 of the Planning and Environment Act 1987, so that:

- 1. The following members of Council staff referred to in attachments 8.3.1(a)-(c) "S11A – Instrument s of Appointment and Authorisation – Planning & Environment Act 1987" (the instruments) be appointed and authorised as set out in the instruments;*
 - a. Director Corporate*
 - b. Senior Planning Officer*
 - c. Planning Officer*
- 2. The instruments come into force immediately the common seal of Council is affixed to the instruments, and remain in force until Council determines to vary or revoke them;*
- 3. On the coming into force of the instruments the previous "S11A – Instrument of Appointment and Authorisation – Planning and Environment Act 1987" signed on 3 October 2017 be revoked; and*
- 4. The instruments be signed and sealed at the appropriate stage of this meeting.*

Carried

BACKGROUND

Authorised Officers

Section 224(1) of the *Local Government Act 1989* (the Act) 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 *Local*



Government Act 1989 also empowers a Council to delegate certain powers, duties or functions, and appoint authorised officers.

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.

ISSUES

Council's planning department staff require current and accurate authorisations to fulfil their duties. A change in staffing in the planning department means that the Instruments of Appointment and Authorisation (IoAA) must be updated.

While in the past all officers have been included on the one IoAA, Council has elected to convert to individual IoAAs for each officer. This will enable a simpler transition during changes of staffing, meaning that individual IoAAs are updated, rather than affecting the dates of authorisation for all staff in the department.

POLICY IMPLICATIONS

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

This report is consistent with the following strategic objective in 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 Corporate
- Governance Officer

ATTACHMENT(S)

- 8.3.1 (a) S11A - Instrument of Appointment and Authorisation (*Planning & Environment Act 1987*) - Director Corporate
- 8.3.1 (b) S11A - Instrument of Appointment and Authorisation (*Planning & Environment Act 1987*) - Senior Planning Officer
- 8.3.1 (c) S11A - Instrument of Appointment and Authorisation (*Planning & Environment Act 1987*) - Planning Officer



8.3.2 Body-Worn Camera Policy - Policy No. 109

File Number: Policy register

INTRODUCTION

This report introduces a new policy, Council Policy No.109, on body-worn cameras.

Cr Nicholas

Cr Knappstein

That Council:

- 1. Adopt Alpine Shire Council Policy 109 - Body Worn Camera Policy, Version 1.00; and*
- 2. Sign and seal the policy at the appropriate stage of this meeting.*

Carried

BACKGROUND

Body-worn camera technology is increasingly being used by law enforcement agencies including councils, the police and security personnel to promote and maintain a safe work environment (e.g. by discouraging and documenting occupational violence). The devices and the associated policy and procedures assist law enforcement agencies in carrying out their operational tasks related to investigation of breaches of Acts, regulations and local laws.

ISSUES

Council Authorised Officers (in particular Local Laws Rangers) have come under threat from members of the public. While this is not the norm, in some cases the seriousness has resulted in the need to have a police presence when attending some properties within the Alpine Shire.

The wearing of body-worn cameras and the associated policy and procedures are anticipated to reduce and prevent these incidents by discouraging aggressive behaviour (both verbal and physical). The use of body-worn cameras allows for audio and video evidence to be overtly obtained at the scene of incidents related to the enforcement of Acts, regulations and local laws which relate to the function and powers of Council. Moreover, it will assist in improving investigations of incidents.

Data storage, handling and access needs to comply with a number of legislative requirements and these requirements are briefly set out in the attached policy but more detailed information is contained in the operational procedures that relate to the capture, handling and storage of data filmed during incidents. Operational procedures will be approved by the CEO.



POLICY IMPLICATIONS

The use of body-worn cameras is governed by a suite of legislation to ensure that surveillance and privacy guidelines are met. The following legislation was considered when the policy document was prepared:

- *Surveillance Devices Act 1999*
- *Privacy and Data Protection Act 2014*
- *Freedom of Information Act 1982*
- *Information Privacy Act 2000*
- *Charter of Human Rights and Responsibilities Act 2006*

The policy and this report is consistent with the following strategic objective in the Council Plan 2017 - 2021:

- A well planned and safe community

FINANCIAL AND RESOURCE IMPLICATIONS

The purchase of two body-worn cameras was funded in the 2016/17 Council budget.

The Body-Worn Cameras Policy, No.109 has been prepared by Council staff and has no financial impact.

CONSULTATION

A four-week public submission process commenced with a public notice in the Alpine Observer and Myrtleford Times newspapers on 14 March 2018. The policy was available for download from Council's website, with a closing date for submissions of 8 April 2018. A general media release was sent out to all media establishments during this period.

The results of the press release were that:

- The Director Corporate was interviewed by ABC Radio;
- An article was written in the Border Mail; and
- Articles were also written in the Alpine Observer and Myrtleford Times.

No submissions were received on the draft Body-Worn Camera Policy.

CONCLUSION

Best practice for the use of body-worn cameras is in the development of policy and procedures detailing the purpose, objectives, management and operational requirements of body-worn cameras.

The proposed Body-Worn Camera Policy, No. 109 ensures that Council is only utilising the cameras in approved circumstances, by approved officers and with appropriate controls in place relating to the collection and handling of data captured.



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 Planning and Amenity
- Governance Officer

ATTACHMENT(S)

- 8.3.2 Alpine Shire Council Policy No. 109 - Body Worn Camera Policy, Version 1.00



8.3.3 Quarterly Report - Council Plan

File Number: SU600.03

INTRODUCTION

This report provides the third quarterly report against the Alpine Shire Council Plan 2017-2021.

*Cr Keeble
Cr Nicholas*

That the Alpine Shire Council Plan Quarterly Report ending 31 March 2018 be received and noted.

Carried

BACKGROUND

Council Plan development

The Alpine Shire Council Plan 2017-2021 was developed following the election of the Council in October 2016, and adopted in June 2017. The Council Plan outlines the strategic objectives, strategies and indicators that will be used to achieve this Council's direction for the four year term of the plan. The document must be reviewed by Council annually to ensure that it continues to provide Council's intended direction for their term.

Quarterly reporting

While there is no legislative requirement to report to Council on the progress against the Council Plan, the Governance and Management Checklist that forms part of the Local Government Performance Reporting Framework (LGPRF) suggests that it is best practice to report at least on a six-monthly basis.

By reporting quarterly, Council ensures that progress against the Council Plan and LGPRF is on schedule, and ensures that actions and indicators are maintained as priorities throughout the year.

Some of the LGPRF indicators form part of the Council Plan indicators, ensuring they are reported as per best practice. Where quarterly or half-yearly reporting of indicators does not generate meaningful results, these will be reported at end of financial year as part of the annual report.

ISSUES

Council's 2017/18 Budget outlines the annual Major Initiatives to be delivered, as well as other key activities in line with the Alpine Shire Council Plan 2017-2021. This quarterly report provides a progress report against those initiatives and activities, and also on the indicators that show progress against the strategic objectives in the Council Plan.



HIGHLIGHTS

A high performing organisation

- Undertaking the procurement for the Mount Buffalo business case assessment and activation project tender occurred during Q3 in preparation awarding of the tender at the April Council meeting.

A responsible and sustainable organisation

- Preparation of Council's draft Budget for 2018/19 during Q3 enabled it to be ready for presentation to the April Council meeting.

Incredible places for our community and visitors

- Construction of the Standish Street roundabout in Myrtleford as part of the Alpine Better Places project was completed at the end of March 2018. Stage 2 will commence construction in Spring 2018.

Infrastructure and open space that our community is proud of

- Innovative changes for the arboriculture assessment of trees within the Alpine Shire include the use of a new iPad app for inspections.

Highly utilised and well managed community facilities

- Visitation to libraries and pools continues to be strong, with the outdoor pool season extended through to early April. School holiday programs at the libraries have been well attended.

A well planned and safe community

- Council has spent a significant amount of time investigating complaints made by the community relating to breaches of the Alpine Planning Scheme. These breaches have included native vegetation removal, buildings and works without a planning permit, and non-compliance with planning permit conditions. Where possible, Council has worked with landowners to rectify the issues without formal enforcement proceedings. However, two matters have resulted in applications being made to VCAT for enforcement orders due to the significance of the breaches and history of non-compliance.

A thriving and connected community

- A number of large scale events were delivered in Q3, with March being a particularly busy month for events, including the Brighter Days festival, Myrtleford festival, Wild Deer hunting expo and the MTBA National Downhill championships.



POLICY IMPLICATIONS

The Council Plan is a specific requirement of the *Local Government Act 1989*, and is a guiding document for Council. The Council Plan and Budget identify and commit Council to the completion of specific initiatives each year.

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

- A high performing organisation.

FINANCIAL AND RESOURCE IMPLICATIONS

The Strategic Resource Plan and annual Budget are developed and adopted to provide the financial and human resources required to achieve the commitments in the Council Plan.

CONSULTATION

The Council Plan is subject to public exhibition prior to being adopted by Council. As part of an annual review of the Council Plan, any proposed changes to the strategic objectives, strategies or indicators would also be subject to public exhibition.

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

Council's annual Budget is also publicly exhibited and submissions called for prior to its consideration and adoption by Council.

CONCLUSION

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

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:

- Directors
- Managers
- Governance Officer

ATTACHMENT(S)

- 8.3.3 Alpine Shire Council Quarterly Report - ending 31 March 2018.



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.

Cr Nicholas

Cr Knappstein

That the summary of the Assemblies of Councillor for April 2018 be received.

Carried

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
3 April	Briefing Session
17 April	Briefing Session

ATTACHMENT(S)

- 9.0 Assemblies of Councillors – April 2018



10 GENERAL BUSINESS

11 MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN

12 RECEPTION AND READING OF PETITIONS



13 DOCUMENTS FOR SEALING

Cr Nicholas

Cr Knappstein

1. Alpine Shire Council Policy Number 109: Body Worn Camera

Carried

There being no further business the Chairperson declared the meeting closed at 7.32 p.m.

.....
Chairperson