

M(1) – 31 JANUARY 2023

Ordinary Council Meeting

Minutes

The **Ordinary Meeting** of the **Alpine Shire Council** was held in the Council Chambers, Great Alpine Road, Bright on **31 January 2023** and commenced at **5:00pm**.

PRESENT

COUNCILLORS

Cr John Forsyth - Mayor

Cr Tony Keeble - Deputy Mayor

Cr Katarina Hughes

Cr Ron Janas

Cr Simon Kelley

Cr Kelli Prime (attendance via electronic means)

Cr Sarah Nicholas

OFFICERS

Will Jeremy - Chief Executive Officer

Sarah Buckley - A/Director Assets

Helen Havercroft - Director Corporate Performance

APOLOGIES

Nil

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1. Recording and livestreaming of Council meetings

The CEO will read the following statement:

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

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

In common with all narrative during Council meetings, verbal responses to congratulations, obituaries and question time will not be recorded in the written minutes. By submitting a question, you consent to your question being read aloud at the meeting.

The reasoning behind recording council meetings is to hold us more accountable and improve transparency of Council's decision-making to our community.

The full meeting is being streamed live on Council's YouTube channel which is "Alpine Shire Council" and will also be available on the YouTube channel after this meeting.

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

All to stand, the Mayor will read the following statement:

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

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

3. Confirmation of minutes

3.1 ORDINARY COUNCIL MEETING – M(12) – 13 DECEMBER 2022 AND SPECIAL COUNCIL MEETING - SPM(13) - 20 DECEMBER 2022

Cr Kelley
Cr Hughes

That the minutes of Ordinary Council Meeting M(12) held on 13 December 2022 and Special Council Meeting SMP(13) - 20 December 2022 as circulated be confirmed.

Carried

4. Apologies

Alan Rees, Director Assets

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

Nil

7. Public questions

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

Written Questions on Notice will be tabled ahead of questions from the floor.

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

8. Presentation of reports by officers

8.1 CHIEF EXECUTIVE OFFICER – WILL JEREMY

8.1.1 Nil

8.2 A/DIRECTOR ASSETS – SARAH BUCKLEY

8.2.1 Nil

8.3 DIRECTOR CUSTOMER AND COMMUNITY – HELEN HAVERCROFT

8.3.1 Instruments of Appointment and Authorisation - *Planning and Environment Act 1987*

File Number: Delegations register

INTRODUCTION

This report provides for a newly appointed position in Council's Planning department.

Cr Hughes

Cr Janas

That Council exercise the powers conferred by section 147(4) of the Planning and Environment Act 1987, so that:

- 1. The following member of Council staff referred to in attachment 8.3.1.a "S11A – Instrument of Appointment and Authorisation – Planning & Environment Act 1987" (the instrument) be appointed and authorised as set out in the instrument;***
 - a. Director Customer and Community***
- 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 following member of Council staff, as dated, be revoked;***
 - a. Director Corporate Performance, 5 October 2021***
- 4. The instrument be signed and sealed at the appropriate stage of this meeting.***

Carried

BACKGROUND

Council staff involved in planning roles require current and accurate authorisations to fulfil their duties. Council has undertaken a restructure, with a new title for the Director that oversees the Planning department. While authorisations are made to a named person rather than to a position, it is appropriate to update the title to align with the new structure.

ISSUES

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.

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 2021-2025:

- 5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

Council has an annual subscription to the Maddocks delegation and authorisation service that is provided 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.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Authorisations are not in place or are out of date	Possible	Moderate	<ul style="list-style-type: none"> Ensure that all Council officers have up-to-date authorisations to ensure that they can undertake their duties.

CONSULTATION

The relevant Director has been consulted during the preparation of the IoAA. 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

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

- Director Customer and Community
- Governance Officer

ATTACHMENT(S)

- 8.3.1.a S11A – Instrument of Appointment and Authorisation – *Planning & Environment Act 1987* – Director Customer and Community

8.3.2 Dinner Plain Event Funding Program 2022-23

INTRODUCTION

This report relates to the recommended distribution of funding to support events in Dinner Plain for the 2022-23 financial year.

Cr Keeble
Cr Nicholas

That Council:

1. Allocates financial sponsorship to support events in Dinner Plain as follows:

<i>EVENT NAME</i>	<i>APPLICANT</i>	<i>FUNDING</i>
<i>Easter Festival</i>	<i>Alpine Shire Council</i>	<i>\$10,000</i>
<i>Opening Weekend Fireworks</i>	<i>Alpine Shire Council</i>	<i>\$10,000</i>
<i>Sled Dog Challenge</i>	<i>Dinner Plain Sled Dog Sprint</i>	<i>\$10,000</i> <i>(\$5,000 in 2022-23 and \$5,000 in 2023-24)</i>

2. Delegates authority to the CEO to distribute residual or unspent funds to a cumulative total of \$55,000.

Carried

BACKGROUND

Events are important for the community and the economy of Dinner Plain and are a key driver of tourism to the village across the seasons. The funding is to support existing successful events including the Dinner Plain Sled Dog Challenge proposed for August 2023 and two cornerstone events that celebrate Easter and the annual opening of the ski season.

The Alpine Shire Events Strategy, including the new Event Permitting and Funding Framework that came into effect on 1 July 2022. Funding eligibility criteria listed in the framework, including consideration of the anticipated social, environmental and economic impact of each event has been applied to each of these events.

ISSUES

Feedback received from the Dinner Plain community suggests that opening a funding round during the busiest part of their year, winter, does not provide adequate time to consider the year ahead and provide good quality applications.

To encourage a broader range of applicants from Dinner Plain Council reopened applications during the spring and summer months. This did not see an increase in the number of applications received.

The funding of Events across Alpine Shire Council will be reviewed in 2023 to determine if a different approach is required.

CONSULTATION

The Dinner Plain Event Funding Program for the 2022-23 financial year was open for applications between 16 May and 30 June 2022, and again from 16 November to 8 December 2022.

The program was promoted through local media, on Council's website and Facebook page and details were e-mailed directly to existing event organisers, Dinner Plain businesses and community groups.

Only one application was received from the event organisers of the Sled Dog Challenge. Two events recommended for funding are proposed by Council officers as a means of supporting the Dinner Plain economy.

POLICY IMPLICATIONS

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

- 2.1 Diverse reasons to visit

FINANCIAL AND RESOURCE IMPLICATIONS

The adopted 2022-23 financial year (FY) budget contains an allocation of \$60,000 for events in Dinner Plain. The amount is reduced by \$5,000 as a result of funds awarded to the 2022 Sled Dog Challenge that have been expended in August 2022 despite being awarded in the previous FY. The \$5,000 is representative of 50% of the total awarded to the event.

The recommendation includes \$10,000 for the Sled Dog Challenge event with \$5,000 to be funded from the 2022-23 FY and \$5,000 from the 2023-24 FY as it is completed in August 2023.

RISK MANAGEMENT

Detail the key risks of the matter being addressed by the report and mitigation action / control.

Risk	Likelihood	Impact	Mitigation Action / Control
Funding allocated for the 2023-24 Budget prior to the adoption of the budget	Rare	Insignificant	<ul style="list-style-type: none"> Discuss early during the budget drafting process that the \$5,000 is supported into the adopted budget.

CONSULTATION

An assessment of the external funding application received was undertaken by the Development Officer (Events) and Manager of Economic and Community Development. Council Officers have also considered the other proposed events whilst providing recommendations contained in this report.

CONCLUSION

Events are a driver of visitation to Dinner Plain and support the Dinner Plain economy.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Customer and Community
- Manager Economic and Community Development
- Development Officer (Events)

ATTACHMENT(S)

Nil

8.3.3 Reflect Reconciliation Action Plan

INTRODUCTION

This report is note the endorsed Reflect Reconciliation Action Plan.

Cr Nicholas

Cr Kelley

That Council notes the Alpine Shire Council Reflect Reconciliation Action Plan.

Carried

BACKGROUND

Following the Black Summer Bushfires 2019-20, Alpine Shire Council received funding to support community recovery from the Victorian Government Council Support Fund and the Recovery and Resilience Grants (LGAs) 2022 Program jointly funded by Commonwealth-State through the Disaster Recovery Funding Arrangements (DRFA).

With this funding, Council worked together with Emergency Recovery Victoria (ERV) to develop a Reflect Reconciliation Action Plan (RAP).

This action came through ERV's Recovery Framework, where Aboriginal culture and healing is one of the five lines of recovery. The other four lines are people and wellbeing, environment and biodiversity, business and economy, and buildings and infrastructure.

The Reflect RAP was developed by Council with the support of a human resource provided by ERV. To develop the Reflect RAP, Council became a collaborative partner of Reconciliation Australia, a peak body overseeing the development of RAPs in Australia, using their framework, and sought their endorsement.

The Reflect RAP is an inward-facing document and encourages Council to reflect on current practices, establishing foundations for Council to:

- Strengthen our relationships with First Nations peoples
- Raise and improve our understanding of First Nations cultures and histories
- Listen to First Nations peoples and work towards achieving relevant priorities
- Work towards making the Alpine Shire a culturally safe place for all First Nations peoples.

ISSUES

The deliverables outlined in the Reflect RAP are currently allocated to positions as per the organisational structure prior to 2023 due to the administrative time required to change these with Reconciliation Australia. These deliverables will be reallocated to the appropriate roles as per the current structure for internal use.

POLICY IMPLICATIONS

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

- 1.3 A caring community

FINANCIAL AND RESOURCE IMPLICATIONS

During the 2022-23 financial year (FY) Council allocated

- \$10,000 from Council Support Fund, and
- \$20,000 from Recovery and Resilience Grants (LGAs) 2022 Program
- to develop the Reflect RAP not including human resources in the fully funded bushfire recovery team.

Both funds are to be expended by 30 June 2024.

No decision has yet been taken to develop future RAPs. If Council take that decision budget will need to be allocated in future FYs.

Resourcing to coordinate the delivery of the Reflect RAP will be overseen by Manager Community Development. Actions and deliverables in the Reflect RAP have been assigned to positions across Council.

Key Actions and associated funding is below.

Key Activity	Activity Description	Grant Funds Allocated
Cultural awareness training	Cultural awareness training for Council staff and Councillors	\$13,000
Demonstrate respect to First Nations peoples	Acknowledgement of Country signage for Council-managed buildings	\$8,500
Community initiatives	Activities determined in consultation with First Nations peoples living in the Alpine Shire	\$5,000
Creation of Reflect RAP	<ul style="list-style-type: none"> • Procure artwork and frame for Reflect RAP from a local First Nations artist • Design and print physical copies of the Reflect RAP 	\$2,000
Launch of Reflect RAP	Costs associated with launch of Reflect RAP, such as catering	\$500
Overheads	Ancillary costs, such as meeting with First Nations stakeholders	\$1,000
TOTAL		\$30,000

RISK MANAGEMENT

Detail the key risks of the matter being addressed by the report and mitigation action / control.

Risk	Likelihood	Impact	Mitigation Action / Control
Resource implications after external funding ceases	Very likely	Minor	<ul style="list-style-type: none"> The Reflect RAP is managed by Manager Community Development who will reallocate activities and deliverables as required.
No financial support to continue developing and implementing future RAPs.	Possible	Minor	<ul style="list-style-type: none"> Carry out full training to Council on the Reflect RAP and encourage full implementation through Manager Community Development

CONSULTATION

The Reflect RAP was developed in consultation with a dedicated Reflect RAP Development Working Group (DWG), made up of one Traditional Owner of Country, one First Nations person living in the Alpine Shire, two Councillors, six members of Council staff, and one representative from an organisation working with First Nations peoples in Alpine Shire communities.

The DWG met four times from late 2021 to early 2022 to develop the actions and deliverables that make up our Reflect RAP, ensuring that they are relevant, achievable, and reflect the priorities and aspirations of Traditional Owners and First Nations peoples living in the Alpine Shire.

Council invited representatives from eight identified registered and non-registered Traditional Owner Aboriginal Corporations and four known organisations working with First Nations peoples in Alpine Shire communities to be part of the DWG. Council sought feedback from these corporations and organisations

Council liaised with Traditional Owner groups identified through ERV and other First Nations stakeholders including Victorian Aboriginal Child Care Agency and First Nations students and residents of the Alpine Shire.

The Reflect RAP was developed using Reconciliation Australia's framework with their feedback and endorsement.

CONCLUSION

It is recommended that Council note the Reflect RAP.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Customer and Community
- Manager Community Development
- Community Recovery Officer

ATTACHMENT(S)

8.3.3 Reflect Reconciliation Action Plan

9. Informal meetings of Councillors

Introduction

In accordance with Chapter 8, section A1 of Council's Governance Rules, if there is a meeting of Councillors that:

- is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- is attended by at least one member of Council staff; and
- is not a Council meeting, Delegated Committee meeting, or Community Asset Committee meeting.

The Chief Executive Officer must ensure that a summary of the matters discussed at the meeting are tabled at the next convenient Council meeting, and are recorded in the minutes of that Council meeting.

Cr Hughes
Cr Kelley

That the summary of informal meetings of Councillors for December 2022 and January 2023 be received.

Carried

Background

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

Date	Meeting
13 December	Briefing Session
24 January	Briefing Session

Attachment(s)

- 9.0 Informal meetings of Councillors – December 2022 and January 2023

10. Presentation of reports by delegates

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

11. General business

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

12. Motions for which notice has previously been given

Nil

13. Reception and reading of petitions

Nil

14. Documents for sealing

Cr Kelley

Cr Janas

That the following documents be signed and sealed.

- 1. Contract No. 22056 in favour of Roche Excavations Pty Ltd for Gravel Road Reconstructions.*
- 2. Contract No. 220771 in favour of Spaces Pty Ltd for the Lead Design Consultant for Mountain View Children's Centre.*
- 3. Instrument of Appointment and Authorisation - Director Customer and Community.*

Carried

There being no further business the Chairperson declared the meeting closed at 5.51p.m.

.....

Chairperson