

M(3) – 26 MARCH 2024

# Ordinary Council Meeting

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Minutes

The **Ordinary Meeting** of the **Alpine Shire Council** was held in the Senior Citizens Centre, 33 Smith Street Myrtleford on **26 March 2024** and commenced at **5:00pm**.

## **PRESENT**

### **COUNCILLORS**

Cr John Forsyth - Mayor

Cr Simon Kelley – Deputy Mayor

Cr Ron Janas

Cr Katarina Hughes (attendance via electronic means)

Cr Tony Keeble

Cr Sarah Nicholas (attendance via electronic means)

### **OFFICERS**

Will Jeremy - Chief Executive Officer

Helen Havercroft - Director Customer and Community

Alan Rees - Director Assets

### **APOLOGIES**

Cr Kelli Prime

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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.

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

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

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

Alpine Shire Council acknowledges 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(2) – (27 FEBRUARY 2024)

*Cr Kelley*

*Cr Janas*

*That the minutes of Ordinary Council Meeting M(2) held on (27 February 2024) as circulated be confirmed.*

*Carried*

## 4. Apologies

Cr Kelli Prime

## 5. Obituaries / congratulations

Refer to Alpine Shire Council's website [www.alpineshire.vic.gov.au](http://www.alpineshire.vic.gov.au); for its YouTube live-streaming recording for responses to obituaries and congratulations.

## 6. Declarations by Councillors of conflict of interest

Nil

## 7. Public questions

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

### G5 Public Question Time

GS3. Questions submitted to Council may be:

Submitted as a "Question on Notice" to the Chief Executive Officer in writing by 5pm on the day prior to the Council meeting, stating the name and contact details of the person submitting the question; or

During meetings held wholly in-person, at the Chairperson's discretion, asked directly by a member of the public gallery at the Council meeting during public question time.

GS4. No person may submit or ask more than two questions at any one meeting.

GS7. A question may be disallowed by the Chairperson if the Chairperson determines that it:

- is not related to an item on the agenda;
- relates to a matter outside the duties, functions and powers of Council;
- is defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable in language or substance;
- deals with a subject matter already answered;
- is aimed at embarrassing a Councillor or a member of Council staff;
- relates to confidential information as defined in s3 of the Act;
- relates to the personal hardship of any resident or ratepayer; or
- relates to any other matter which the Council considers would prejudice the Council or any person.

Refer to Alpine Shire Council's website [www.alpineshire.vic.gov.au](http://www.alpineshire.vic.gov.au); for its YouTube live-streaming recording for responses to questions.

## 8. Presentation of reports by officers

### 8.1 CHIEF EXECUTIVE OFFICER – WILL JEREMY

#### 8.1.1 Contracts approved under delegation by CEO

Nil

## 8.1.2 Councillor and Staff Interaction Policy

### INTRODUCTION

A draft Councillor and Staff Interaction Policy has been developed for consideration and approval for release to the community for consultation.

*Cr Keeble*

*Cr Kelley*

*That Council:*

- 1. Endorses the draft Councillor and Staff Interaction Policy to be made available for community consultation for a period of no less than 28 days;*
- 2. Invites written submissions from the public on the draft Councillor and Staff Interaction Policy;*
- 3. Considers written submissions; and*
- 4. Considers a recommendation to adopt the Councillor and Staff Interaction Policy at a future Ordinary Council meeting.*

*Carried Unanimously*

### BACKGROUND

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

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

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

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

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

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### Percentage of councils with policies covering councillor relationships

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

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

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

### ISSUES

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

### POLICY IMPLICATIONS

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

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

- 5.2 A responsible, transparent and responsive organisation

### FINANCIAL AND RESOURCE IMPLICATIONS

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



## RISK MANAGEMENT

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

## CONSULTATION

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

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

## CONCLUSION

To manage interactions between Councillors and Council staff a draft Councillor and Staff Interaction Policy has been developed. It is recommended that the draft Policy is made available for public consultation in accordance with Council's Community Engagement Policy.

## DECLARATION OF CONFLICT OF INTEREST

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

- Chief Executive Officer

## ATTACHMENT(S)

8.1.2 Draft Councillor and Staff Interaction Policy

## 8.2 DIRECTOR ASSETS – ALAN REES

### 8.2.1 FOGO Kerbside Collection Service - Implementation Review

#### INTRODUCTION

The purpose of this report is to update Council on the successful implementation of the Food Organics and Garden Organics (FOGO) kerbside collection service and the outcomes of the first seven months of this service.

*Cr Keeble*

*Cr Nicholas*

*That Council notes the implementation of the FOGO kerbside collection service and the significant impact on diverting municipal organic waste from landfill.*

*Carried Unanimously*

#### BACKGROUND

The FOGO kerbside collection service was rolled out as a mandatory service to all residential properties on the FOGO kerbside collection routes with FOGO collection commencing on 3 July 2023 and the new collection model, with waste collection moved to fortnightly, which commenced for all properties on 31 July 2023.

#### ISSUES

A summary of the infrastructure delivered as part of the FOGO implementation, and since the roll-out, is outlined below:

- 6,157 homes were delivered 240L FOGO bins, caddies, rolls of liner bags and print collateral during the bulk roll-out
- 114 bins have been delivered to commercial properties opting in to the service and additional homes since the bulk roll-out
- 1,343 old dark green waste bin lids changed to red lids
- 164 80L to 240L waste bin upgrades for residents
- 76 80L to 240 L waste bin upgrades for holiday accommodation providers.

A summary of the effectiveness of the new service at reducing waste to landfill, including tonnages of FOGO collected, tonnages of waste collected compared to previous financial years, presentation rate of FOGO bins and contamination rate of FOGO bins, is outlined below:

- October 2023:
  - FOGO bin Presentation Rate - 86.8%
  - FOGO bin Contamination Rate - 0.13% (this includes cumulative average contamination from July to October)
  - Total FOGO collected - 251 tonnes

- November 2023:
  - FOGO bin Presentation Rate - 91.6%
  - FOGO bin Contamination Rate - 0.04%
  - Total FOGO collected - 217 tonnes
- December 2023:
  - FOGO bin Presentation Rate - 89.1%
  - FOGO bin Contamination Rate - 0.01%
  - TOTAL FOGO collected - 205 tonnes
- Waste collected:
  - FY 2022/2023: 2,110 tonnes
  - FY 2023/2024 (Jul - Jan extrapolated to full year prediction): 1,710 tonnes

While actual data cannot be confirmed until a full year of the service, based on this estimate the reduction of waste to landfill is tracking at 400 tonnes for this first year of service. Contamination rates are well below the industry acceptable standard of 3%.

In January 2024, a kerbside bin inspection was conducted, funded by the Sustainability Victoria Circular Economy Household Education Fund, where all bins presented for collection at a total of 561 properties were visually inspected over a two week period. The intent of the inspections was to inform the focus areas required for future education and awareness initiatives. A summary of the overall results of the inspections are outlined in the table below:

	Waste	Recycling	FOGO
Presentation Rate	90.0%	79.7%	39.8%
Bin Percentage Full	88.2%	84.3%	60.8%
Visible Contamination Rate (reverse contamination for waste)	2.6%	1.5%	0.8%

Detailed analysis of the behaviour trends of properties with 80L and 120L bins vs 240L bins was also conducted. It is evident that properties with smaller waste bins, on average, utilised their FOGO bins more and so diverted more waste from landfill.

Detailed analysis was also conducted to compare the behaviour of visitors to known short term holiday rental properties compared to residents. This demonstrated that, on average, holiday rental properties are putting their waste and recycling bins out for collection more than non-holiday rentals; however, they are generally fuller for non-holiday rentals. Non-holiday rental properties are making better use of the FOGO bins through both higher presentation rates and fuller bins on collection. Also, contamination rates of recycling and FOGO are generally worse for non-holiday rental properties than for known holiday rental properties, while reverse contamination in the waste bins is slightly worse for holiday rentals.

The main lessons learned during the FOGO implementation are the importance of finalising the operating model for the new service early to enable transparent communications, to conduct supplier analysis, and to order the required infrastructure, and print collateral thus safeguarding against unexpected delays to assumed and/or quoted lead times.

## **POLICY IMPLICATIONS**

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

- 3.3 Responsible management of waste

The FOGO service model is in accordance with the adopted Waste Services Policy CLL-ID2 Version 1.0 that came into operation on 1 July 2023.

## **FINANCIAL AND RESOURCE IMPLICATIONS**

The introduction of this service was funded by various Victorian Government grants and Council budget from financial year 2023/24.

## **CONSULTATION**

Early in the implementation program, a survey was conducted, where all residents and businesses were invited to participate. The objective of this survey was to help the project team understand the biggest challenges to residents utilising the service to enable a targeted communications, engagement and awareness campaign. A Frequently Asked Questions page was established following the survey and updated regularly throughout the implementation program.

Below are the statistics of the different times of communications and engagement undertaken by the project team during the duration of the preparation, implementation and post transition phases:

- 20 Facebook posts with a total of 252 reactions, 625 comments and 44 shares
- 20 newspaper advertisements
- 6 community pop-ups (4 pre-implementation and 2 post-implementation with one more scheduled in March)
- 3 separate Alpine Radio campaigns including interviews and advertisements
- 4 meetings with property managers with large portfolios of holiday accommodation
- 426 customer service enquiries have been recorded against the FOGO project.

Analysis showed that customer service enquiries peaked in June 2023, and, during that same month, the number of positive enquiries overtook the number of negative enquiries. This trend was also evident in the attitude of visitors to community pop-up events prior to the service implementation compared to the positive sentiment of attendees at the pop-ups this month. This data reflects the effectiveness of the communication and engagement campaign at allaying the concerns of residents regarding the new service.

Ongoing community education will continue through Alpine Shire specific messaging as well as leveraging off our involvement in the Halve Waste program.

A lesson learned in the communication and engagement process is the need to develop a respectful 'final response' and/or a policy for dealing with vexatious customers.

Members of the Customer Service Team as well as the FOGO project team were often subject to inappropriate verbal abuse from a small minority of residents.

## **CONCLUSION**

The implementation of the FOGO service was a significant undertaking completed by a small, collaborative team of staff from across the organisation with an overall successful outcome of reducing waste to landfill and maximising recycling of organics.

## **DECLARATION OF CONFLICT OF INTEREST**

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

- Director Assets
- Manager Growth and Future
- Coordinator Sustainability

## **ATTACHMENT(S)**

Nil

## 8.2.2 Bore Water Supply for Dinner Plain Snowmaking

File Number: CT24002

### INTRODUCTION

This report relates to the award of a contract for bore water supply for the Dinner Plain Snowmaking project.

*Cr Kelley*

*Cr Keeble*

*That Council:*

- 1. Awards Contract No. CT24002 'Drilling and Installation of Pilot Holes and Production Water Bore at Dinner Plain' to KH Adams & Sons Pty Ltd for the lump sum price of \$248,675 (GST Exclusive); and*
- 2. Delegates authority to the Chief Executive Officer to sign the contract at an appropriate time.*

*Carried Unanimously*

### BACKGROUND

In 2021, Council received funding from Regional Development Victoria to provide infrastructure upgrades for snowmaking at Dinner Plain Snow Park (Peashooter slope). This infrastructure aims to provide an extended snow season at the Dinner Plain snow park from mid-June to late September each year, resulting in economic and social benefits for the Dinner Plain community and businesses all year round.

During winter, the snow guns at Dinner Plain on the Cobungra ski slope are supplied by groundwater from the town's water reticulation network. This network is supplied by two groundwater production bores licensed to East Gippsland Water (EGW) and screened within the semi-confined fractured basalt aquifer of the Older Volcanics.

However, during the peak season, when there are more visitors, snowmaking can be stopped to ensure the town has sufficient potable water. The project aims to install an additional groundwater production bore capable of producing a minimum average extraction volume of 6 litres(lts)/second and up to a maximum of 8 lts/second over the winter season to reduce the demand on the town water bores.

In 2023 Council engaged contractors to drill one test borehole and install a production bore at Dinner Plain, however the test bore only produced a flow rate of 0.5 lts/second which was an inadequate flow and as a result a production water bore was not installed.

As a result, further test pilot boreholes are required to obtain the targeted flow rate of 6 to 8 lts/second.

## **EVALUATION**

The Tender was advertised on tenders.net and the Alpine Shire Council website on 24 January 2024.

A total of five (5) prospective tenderers downloaded the document and two (2) submissions were received.

The critical selection criteria listed in the Invitation to Tender were:

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

Following the assessment of the tenders, it was determined that the tender from KH Adams & Sons Pty Ltd best met all the selection criteria.

## **ISSUES**

A target flow rate of 6 to 8lts/second is required to enable the two new snow guns that will be installed on the Peashooter slope to be operated independently from the existing water supply. In 2023 Council engaged a contractor to install a production bore at Dinner Plain for the supply of groundwater to snow making equipment on Peashooter Slope, but the low flow rate of 0.5lts/second from that bore was insufficient to meet the requirements of the project. If an appropriate flow rate is not achieved, then the snow gun operation will be phased using the surplus water supply that is available once the Dinner Plain community's domestic requirements are met.

## **POLICY IMPLICATIONS**

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

- 4.5 Assets for our current and future needs

## **FINANCIAL AND RESOURCE IMPLICATIONS**

The total available budget for the Dinner Plain Snowmaking project is \$3M, which is fully funded by the Victorian State Government through the Bushfire Tourism and Business Fund 2020. There is sufficient allocation within the project budget to award this Contract.

## RISK MANAGEMENT

The key risks of the project are as follows:

Risk	Likelihood	Impact	Mitigation Action / Control
The pilot holes produce insufficient water flow rates	Possible	Minor	<ul style="list-style-type: none"> <li>The snow guns will be managed off the current water supply until an alternative water supply can be obtained.</li> </ul>
Delays in obtaining culture heritage permit and drilling licence	Almost Certain	Moderate	<ul style="list-style-type: none"> <li>The contract can be completed in one month and is not on the critical path</li> </ul>

## CONSULTATION

Consultation has been carried out with Vail Resorts Hotham. The Dinner Plain Community has been extensively engaged in developing the snowmaking project through an online survey, design workshops and public consultation.

## CONCLUSION

Following a tender evaluation assessment, the tender from KH Adams & Sons Pty Ltd is considered the best option due to price, experience, and knowledge derived from other similar contracts.

## DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Engineering and Assets
- Project Manager

## ATTACHMENT(S)

Nil



## 8.2.3 Nimmo Pedestrian and Cyclist Bridge - Design and Construct

### INTRODUCTION

This report relates to the award of a contract for the design and construction of a new pedestrian and cyclist bridge over the Ovens River next to the Nimmo Road Bridge on Buffalo River Road in Myrtleford.

*Cr Janas*

*Cr Keeble*

*That Council:*

- 1. Awards Contract No. 2400801 for the "Nimmo Pedestrian and Cyclist Bridge - Design and Construction" to North East Civil Construction Pty Ltd for the lump sum price of \$540,850 (GST exclusive); and*
- 2. Delegates authority to the Chief Executive Officer to sign the contract at an appropriate time.*

*Carried Unanimously*

### BACKGROUND

The new bridge is to provide an extension to the existing shared path on Standish Street to connect it with the Nimmo Reserve on the south side of the Ovens River.

An improved pedestrian/cyclist link from Myrtleford to the Nimmo Reserve has been a desire of the Myrtleford community for some time. Currently the existing shared path in Standish Street turns down Apex Lane and those continuing to Nimmo Reserve have to proceed along the roadside and use the road bridge to cross the river. After the bushfires of 2019/20, funding became available through Bushfire Recovery Victoria to improve community connectedness and support community development.

### EVALUATION

The tender was advertised on tenders.net and on Alpine Shire Council's website on 1 February 2024.

A total of 46 prospective tenderers downloaded the document and eight (8) submissions were received by the closing date.

The Tenders were evaluated according to the key selection criteria listed in the Invitation to Tender:

1. Price
2. Qualifications and Previous Performance
3. Delivery
4. Social
5. Environmental

Following the assessment of the tenders, it was determined that the tender from North East Civil Construction best met all the selection criteria requirements.

### **POLICY IMPLICATIONS**

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

This recommendation is consistent with the following Strategic Objective of the Council Plan 2021-2025:

- 1.1 A community that is active, connected and supported

### **FINANCIAL AND RESOURCE IMPLICATIONS**

The total available budget for the Nimmo Pedestrian/Cyclist Bridge is \$750,000, funded by Bushfire Recovery Victoria and Council. There is sufficient allocation within the project budget to deliver the bridge construction project through award of this Contract.

### **RISK MANAGEMENT**

Risk	Likelihood	Impact	Mitigation Action / Control
High water levels during construction	Possible	Moderate	<ul style="list-style-type: none"> <li>• Design of foundations to minimise construction time</li> </ul>
Changing riverside environment during and after construction	Possible	Moderate	<ul style="list-style-type: none"> <li>• Design of the bridge structure and ramps to reduce exposure to any change in conditions</li> </ul>

### **CONSULTATION**

During the planning of the bridge, Vic Roads, North East Catchment Management Authority (NECMA) and the Department of Energy, Environment and Climate Change (DEECA) have been consulted regarding the location, design and ongoing operation of the bridge.

### **CONCLUSION**

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

## **DECLARATION OF CONFLICT OF INTEREST**

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

- Director Assets
- Manger Engineering and Assets
- Project Officer

## **ATTACHMENT(S)**

Nil

## 8.2.4 Ablett Pavilion Upgrade

File Number: 24005

### INTRODUCTION

This report relates to the award of a contract for the construction of upgrade works to the Ablett Pavilion in Myrtleford.

*Cr Keeble*

*Cr Kelley*

*That Council:*

1. *Awards Contract No. 24005 for the construction of the "Myrtleford Ablett Pavilion Upgrade" to Foursite Pty Ltd for the lump sum price of \$1,392,826.00 (GST Exclusive).*
2. *Delegates authority to the Chief Executive Officer to sign the contract at the appropriate time.*

*Carried Unanimously*

### BACKGROUND

The Ablett Pavilion is part of the RC McNamara Reserve and is a highly valued community facility, particularly as the home of the Myrtleford Alpine Saints Football and Netball Club. The Ablett Pavilion and RC McNamara Reserve Oval are also designated as a Bushfire Place of Last Resort for bushfire emergency events.

It was previously identified that upgrades and modifications to the facility were required to continue to provide essential services and provisions to the wider community at Ablett Pavilion. The McNamara Reserve Committee of Management directly sought funding from Black Summer Bushfire Recovery (BSBR) program issued by the Commonwealth Department of Industry, Science, Energy and Resources, in May 2021, to fund much needed upgrades to the Ablett Pavilion. The Commonwealth Department of Industry, Science, Energy and Resources as part of the BSBR nominated Council to administer the funding through the provision of project management services as well as control of the funding by way of administration of the payments for works completed.

### EVALUATION

The tender was advertised on tenders.net and Alpine Shire Council's website on 14 February 2024.

A total of 17 prospective tenders downloaded the document and two (2) submissions were received by the closing date.

The tenders were evaluated according to the key selection criteria listed in the Invitation to tender:

1. Price
2. Qualifications and previous performance

- 3. Delivery
- 4. Social
- 5. Environmental Sustainability

Following the assessment of the tenders, it was determined that the tender from Foursite Pty Ltd best met the requirements of the selection criteria.

**ISSUES**

Funding for this project, under the BSBR program, requires completion of all works, final acquittal and submission of an independent audit report before 31 March 2025. Achievement of these grant commitments requires that construction is not delayed, and the contractor will be required to work with user groups of the Ablett Pavilion to ensure disruption is minimised.

**POLICY IMPLICATIONS**

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

- 4.5 Assets for our current and future needs

**FINANCIAL AND RESOURCE IMPLICATIONS**

The project is fully funded through the BSBR program, administered by the Commonwealth Department of Industry, Science, Energy and Resources. There is sufficient allocation within the project budget to complete the construction of the Ablett Pavilion Upgrade.

**RISK MANAGEMENT**

Key risks to the project are as follows:

Risk	Likelihood	Impact	Mitigation Action / Control
Delays in project delivery will result in loss of grant funding	Possible	Severe (Financial)	<ul style="list-style-type: none"> <li>• Construction program to ensure project is completed within grant timeline</li> </ul>
Construction period impacts sporting and other activities at the RC McNamara Reserve	Possible	Moderate	<ul style="list-style-type: none"> <li>• Council officers will work closely with the club to ensure the site can be used by the club without impacting the construction schedule</li> </ul>

Risk	Likelihood	Impact	Mitigation Action / Control
Construction period impacts health and safety of the public utilising the sporting and other facilities at the RC McNamara Reserve	Possible	Severe	<ul style="list-style-type: none"> <li>High level of diligence to OHS systems and practices by Council and by their appointed contractors to ensure risk to public safety is minimised</li> </ul>

**CONSULTATION**

All aspects of the project have been communicated with the following:

- User groups of the Ablett Pavilion - there has been through engagement with the user groups throughout the design phases of this project. Engagement will continue across the construction phases.
- Council officers across relevant teams.

**CONCLUSION**

Following a tender evaluation assessment, site visits and reference checks, the tender from Foursite Pty Ltd is considered the best option for the project and Council.

**DECLARATION OF CONFLICT OF INTEREST**

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

- Director Assets
- Manager Asset Development
- Project Officer

**ATTACHMENT(S)**

Nil

## 8.3 DIRECTOR CUSTOMER AND COMMUNITY – HELEN HAVERCROFT

### 8.3.1 Draft Fair Access Policy

#### INTRODUCTION

This report relates to the public exhibition of the draft Fair Access Policy.

*Cr Keeble*

*Cr Janas*

*That Council:*

- 1. Endorses the draft Fair Access Policy for public exhibition for a period of 28 days;*
- 2. Invites public submissions regarding the draft Fair Access Policy; and*
- 3. Reviews and considers any submissions received as part of the Fair Access Policy to be adopted at a future Ordinary Council meeting.*

*Carried Unanimously*

#### BACKGROUND

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

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

#### ISSUES

Adoption of this policy will influence the operational delivery of several departments of Council.

#### POLICY IMPLICATIONS

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

- 1.1 A community that is active, connected and supported

#### FINANCIAL AND RESOURCE IMPLICATIONS

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

## RISK MANAGEMENT

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

## CONSULTATION

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

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

## CONCLUSION

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

It is recommended that Council endorses the draft Fair Access Policy for public exhibition. Feedback from the public exhibition period will be considered for inclusion in the final Policy prior to the policy being adopted by Council at a future meeting.

## DECLARATION OF CONFLICT OF INTEREST

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

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

## ATTACHMENT(S)

8.3.1 Draft Fair Access Policy



## 8.3.2 Audit and Risk Committee Meeting Minutes - February 2024

### INTRODUCTION

The purpose of the report is to present the unconfirmed minutes of the Audit and Risk Committee meeting No.2023/24-4 held on 16 February 2024.

The key items presented to and considered by the Audit and Risk Committee (Committee) at this meeting were reports on the Bright Valley Development risk profile and the after-action review of the 2022-23 Annual Financial and Performance Statement process.

*Cr Keeble*

*Cr Kelley*

*That Council receives and notes the unconfirmed minutes of the Audit and Risk Committee meeting No.2023/24-04 held on Friday 16 February 2024.*

*Carried Unanimously*

### REPORT

#### *Bright Valley Development*

The Committee was provided with an update on this large, permitted housing development on the edge of Bright noting that it attracted significant community interest during the planning application process. This report reflected how Council is managing the compliance risk of the project moving forward through the statutory planning function and the distinct strategic planning matters that are ongoing. The discussion focused on targeting effort where it would be most effective and ensuring good governance throughout.

#### *After Actions review of the 2022-23 Annual Financial and Performance Reporting Process*

In line with a continuous improvement mindset, Council officers undertook a review of how the 2022-23 annual reporting process unfolded. A number of recommendations were made with the main recommendations focusing on earlier engagement with the external auditor and ensuring council officers adhere to the provided timelines.

#### *Audit Actions Registers*

The Committee was provided with refreshed registers recording the open actions from the Committee and Integrity organisations such as the Victorian Auditor General's Office, for review and comment.

### POLICY IMPLICATIONS

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

- 5.2 A responsible, transparent and responsive organisation

**RISK MANAGEMENT**

Risk	Likelihood	Impact	Mitigation Action / Control
Minutes to Audit and Risk Committee meetings not presented to council meeting.	Unlikely	Minor	Minutes prepared within two weeks after the ARC meeting.

**CONCLUSION**

The Committee, being satisfied with the detail provided in its agenda and the officer reports, submits the unconfirmed minutes of its meeting No.2023/24-04 held on 16 February 2024 to Council for noting.

**DECLARATION OF CONFLICT OF INTEREST**

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

- Director Customer and Community
- Manager Corporate

**ATTACHMENT(S)**

- 8.3.2 Minutes (unconfirmed) of Audit and Risk Committee Meeting No.2023/24-04, 16 February 2024

### 8.3.3 Reappointment of Independent Audit and Risk Committee Member

#### INTRODUCTION

The purpose of this report is to recommend the reappointment of two independent members to Council's Audit and Risk Committee for a further three-year term.

*Cr Janas*

*Cr Kelley*

*That Council:*

- 1. Reappoints Jason Young to the Audit and Risk Committee for a three-year term expiring 30 April 2027; and*
- 2. Reappoints Gerard Moore to the Audit and Risk Committee for a three-year term expiring 30 April 2027.*

*Carried Unanimously*

#### BACKGROUND

Alpine Shire Council Audit and Risk Committee established under section 53(1) of the *Local Government Act 2020* (the Act) comprises Councillor and independent members.

The Audit and Risk Committee Charter (the Charter) requires that the Committee comprise a minimum of five members:

- no more than two Councillors nominated and appointed by Council, and
- at least three or more independent persons.

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

The Charter provides for independent members to be appointed for an initial term of up to three years. At the completion of an appointed term, section 3.4 of the Charter provides for independent members to apply for reappointment to the Committee with a maximum of three consecutive terms.

#### ISSUES

Independent member, Gerard Moore, was first appointed in May 2018 and then reappointed in May 2021, for a second term.

Independent member, Jason Young, was first appointed in July 2021.

Mr Moore has served two terms on the Audit and Risk Committee and his second term expires on 30 April 2024.

Mr Young has served one term on the Audit and Risk Committee and his first term expires on 30 April 2024.

Both Mr Moore and Mr Young have expressed their desire to continue to serve on the Alpine Shire Council Audit and Risk Committee for a third (and final) and second term respectively.

### ***Expertise and experience***

Section 53(b) of the Act specifies that independent Committee members have, collectively, expertise in financial management and risk, and experience in public sector management. The Charter further specifies collective knowledge and strategic skills in the areas of audit, governance, control, and compliance and preference for at least one independent member to be a member of CPA Australia (CPA status), the Institute of Chartered Accountants Australia (CA status) and/or the Institute of Internal Auditors.

As the focus and responsibilities of the Committee respond to emerging needs and regulatory, economic, and reporting developments, members' competencies, and the overall balance of skills on the Committee is re-evaluated in the appointment of new and returning members.

The Audit and Risk Committee Chair considers the expertise and experience that both Mr Moore and Mr Young bring to the Committee as being different but vital for the Committee to understand the broad range of risks that the Alpine Shire Council faces. The Chair is supportive of both members reappointments.

### ***Terms of appointment***

The terms of appointment for each member are, where possible, arranged to provide an orderly rotation of membership. Two current independent member terms expire in 2024, one current member expires in 2025 and the fourth independent member expires in 2026. The reappointment of the two current members for further three-year terms will provide for stability and continuity on the Committee going forward.

## **POLICY IMPLICATIONS**

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

- 5.2 A responsible, transparent and responsive organisation

## **FINANCIAL AND RESOURCE IMPLICATIONS**

Independent Audit and Risk Committee members receive a set fee for each meeting attended in accordance with the Audit and Risk Committee Charter and as set by Council in its annual budget. The fee is indexed annually by the Essential Services Rate Cap as approved by Council at its September 2023 Council meeting.

## RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
A quorum is not made, and the Committee cannot deliver as per its Charter.	Rare	Moderate	<ul style="list-style-type: none"> <li>Proactive and early engagement on recruitment of members.</li> <li>Allow time for external recruitment to the Committee if a member chooses not to be reappointed.</li> <li>Maintain rigour in assessing new members for a blend of required skills and knowledge.</li> </ul>

## CONSULTATION

The Audit and Risk Chair was informed on the expiry dates and made initial contact with the two members who both expressed a desire to continue to serve on the Committee.

The two independent members were consulted and expressed their desire to continue as part of the Audit and Risk Committee. This was supported by the independent Chair, Mayor and Chief Executive Officer.

## CONCLUSION

It is recommended that Council reappoints:

- Gerard Moore to a third and final term on the Alpine Shire Audit and Risk Committee, and
- Jason Young to a second term on the Alpine Shire Audit and Risk Committee,

both member terms would expire on 30 April 2027.

## DECLARATION OF CONFLICT OF INTEREST

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

- Director Customer and Community
- Manager Corporate

## ATTACHMENT(S)

Nil

## 8.3.4 Instruments of Delegation

File Number: Delegations Register

### INTRODUCTION

Instruments of Delegation are an important means of Council ensuring its officers hold the appropriate legislative powers for the various Acts and Regulations that Council administers. This report refreshes delegations to the Chief Executive Officer and to members of Council staff.

*Cr Keeble*

*Cr Janas*

*That Council:*

1. *Exercises the powers conferred by section 11(1)(b) of the Local Government Act 2020, 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 8.3.4.a. "S5 - Instrument of Delegation from Council to the Chief Executive Officer" (instrument S5), subject to the conditions and limitations specified in that instrument;*
  - b. *Instrument S5 be signed and sealed at the appropriate stage of this meeting;*
  - c. *Instrument S5 comes into force immediately the common seal of Council is affixed to the instrument;*
  - d. *On the coming into force of instrument S5, the previous version of instrument S5 dated 27 June 2023 be revoked; and*
  - e. *The duties and functions set out in instrument S5 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.*
2. *Exercises the powers conferred by the legislation referred to in attachment 8.3.4.b. "S6 - Instrument of Delegation from Council to Members of Council Staff" (instrument S6), 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 instrument S6a, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;*
  - b. *Instrument S6 be signed and sealed at the appropriate stage of this meeting;*
  - c. *Instrument S6 comes into force immediately the common seal of Council is affixed to the instrument;*
  - d. *On the coming into force of instrument S6, the previous version of instrument S6 dated 26 April 2023 be revoked; and*
  - e. *The duties and functions set out in instrument S6 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.*

3. *Exercises the powers conferred by the legislation referred to in attachment 8.3.4.c. "S18 - Instrument of Sub-Delegation from Council to Members of Council Staff (EPA 2017)"(instrument S18), 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 instrument S18, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;*
  - b. *Instrument S18 be signed and sealed at the appropriate stage of this meeting;*
  - c. *Instrument S18 comes into force immediately the common seal of Council is affixed to the Instrument;*
  - d. *On the coming into force of instrument S18, the previous version of instrument S18 dated 13 December 2022 be revoked; and*
  - e. *The duties and functions set out in instrument S18 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.*

*Carried Unanimously*

## BACKGROUND

Many legislative Acts and Regulations provide Council with specific powers, duties or functions. To enable Council as an organisation to run smoothly, many of these powers, duties and functions are delegated to the Chief Executive Officer (CEO), who can then further sub-delegate these duties to Staff. This ensures that decisions are made on a timely basis, without the need for every legislative decision being presented to a Council meeting.

Council's S5 Instrument of Delegation to the CEO passes on Council's powers directly to the CEO. For instances where decisions are required that are not within the CEO's delegation, these must be presented directly to Council - for example, where a purchase exceeds the CEO's financial delegation.

Where legislation allows it, the CEO then sub-delegates specific legislative duties to staff, via a separate Instrument. Some legislation does not allow sub-delegation via the CEO, so Council must delegate these powers directly to staff using the S6 Instrument of Delegation to Council Staff.

The Environment Protection Authority delegates several of its powers to Council, which must then be sub-delegated to Council staff. The S18 Instrument of Sub-Delegation to Members of Council Staff ensures this occurs.

The S5 Instrument of Delegation to the CEO was most recently updated in June 2023, while the S6 and S18 Instruments were most recently updated in April 2023.

**ISSUES**

*Legislative updates*

There have been no changes made to the S5 Instrument of Delegation or the S18 Instrument of Delegation, however both are being updated as part of due process to ensure that all the legislative powers available at the time of this meeting are passed on the CEO and Council staff.

There have minor updates to the legislative powers, duties, and function in the S6 Instrument of Delegation since it was last adopted in April 2023. These have been included in the document, with the appropriate members of Council staff delegated to those legislative provisions.

*Staff members with delegated duties*

Minor updates have been made to reflect the position titles of some staff with delegated duties.

**POLICY IMPLICATIONS**

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

- 5.2 A responsible, transparent and responsive organisation

**FINANCIAL AND RESOURCE IMPLICATIONS**

Council has an annual subscription for Maddocks delegations and authorisations service that is allowed for in Council’s annual budget. Appropriate delegations and authorisations allow Council and Council staff to operate effectively within legislative frameworks.

**RISK MANAGEMENT**

Risk	Likelihood	Impact	Mitigation Action / Control
Delegations are not in place or are out of date	Possible	Moderate	Ensure that all Council approved delegations are up-to-date to ensure that staff can undertake their statutory duties.

**CONSULTATION**

No external consultation is required. Council to CEO delegations have been discussed with the relevant Manager, Director and CEO.



## CONCLUSION

A review and update of the S5 Instrument of Delegation to the CEO, S6 Instrument of Delegation to Members of Council Staff, and S18 Instrument of Sub-Delegation to Members of Council Staff (EPA 2017), will ensure that the CEO and Council officers can undertake the powers, duties and functions relating to their role.

## DECLARATION OF CONFLICT OF INTEREST

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

- Director Customer and Community
- Manager Corporate
- Governance Officer

## ATTACHMENT(S)

- 8.3.4.a. S5 - Instrument of Delegation from Council to the Chief Executive Officer - March 2024
- 8.3.4.b. S6 - Instrument of Delegation from Council to Members of Council Staff - March 2024
- 8.3.4.c. S18 - Instrument of Sub-Delegation from Council to Members of Council Staff (EPA 2017) - March 2024

## 9. Informal meetings of Councillors

### Introduction

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

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

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

*Cr Keeble*  
*Cr Kelley*

*That the summary of informal meetings of Councillors for February / March 2024 be received.*

*Carried Unanimously*

### Background

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

Date	Meeting
27 February	Briefing Session
12 March	Briefing Session
19 March	Briefing Session

### Attachment(s)

- 9.0 Informal meetings of Councillors – February / March 2024

## 10. Presentation of reports by delegates

Refer to Alpine Shire Council's website [www.alpineshire.vic.gov.au](http://www.alpineshire.vic.gov.au); for its YouTube live-streaming recording for responses to reports by delegates

## 11. General business

Refer to Alpine Shire Council's website [www.alpineshire.vic.gov.au](http://www.alpineshire.vic.gov.au); for its YouTube live-streaming recording for responses 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 Janas  
Cr Keeble*

*That the following documents be signed and sealed.*

1. *S5 - Instrument of Delegation from Council to the Chief Executive Officer - March 2024;*
2. *S6 - Instrument of Delegation from Council to Members of Council Staff - March 2024;*
3. *S18 - Instrument of Sub-Delegation from Council to Members of Council Staff (EPA 2017) - March 2024;*

4. *S173 Agreement – CJ & AL Thomas and Goulburn Murray Rural Water Corporation*

*This Section 173 Agreement is required by conditions 15 and 25 of Planning Permit P.2018.17 for construction of a dwelling and outbuildings and removal of pine trees at 6 Growlers Creek Road, Wandiligong being the land referred to in Certificate of Title Volume 11985 Folio 668 and described as plan of consolidation PC378091X (being consolidation of Lots 4 and 5 on LP221462).*

*The Agreement provides for wastewater management measures, including a requirement to connect to a community effluent disposal or reticulated sewerage system if one becomes available, limiting the number of bedrooms in the dwelling, preventing the outbuilding from containing bedrooms and facilities that may produce wastewater, and requiring the wastewater facility to meet EPA requirements.*

*These matters in the Agreement were required by Goulburn Murray Water as a referral authority under the Alpine Planning Scheme.*

*The Agreement also acknowledges the existence of a hotel in close proximity and requires the dwelling to be constructed with acoustic attenuation measures to minimise the impact of noise from indoor and outdoor live music.*

5. *S173 Agreement – TC & AC Slater and Goulburn Murray Rural Water Corporation*

*This Section 173 Agreement is required by condition 20 of Planning Permit P.2018.80 for construction of a dwelling and outbuilding at 450 Moses Creek Road, Wandiligong being the land referred to in Certificate of Title Volume 9578 Folio 307 and described as Lot 2 on plan of subdivision LP142190.*

*The Agreement provides for wastewater management measures, including a requirement to connect to a community effluent disposal or reticulated sewerage system if one becomes available, and inspection and maintenance of the waste water treatment and disposal facility.*

*The Agreement is a requirement of Goulburn Murray Water as a referral authority under the Alpine Planning Scheme.*

6. *S173 Agreement – AG Weir and Goulburn Murray Rural Water Corporation*

*This Section 173 Agreement is required by condition 21 of Planning Permit P.2021.110 for construction of a dwelling for accommodation at 200 Simmonds Creek Road, Tawonga South being the land referred to in Certificate of Title Volume 09681 Folio 662 and described as Lot 1 on plan of subdivision PS203163F.*

*The Agreement provides for wastewater management measures, including a requirement to connect to a community effluent disposal or reticulated sewerage system if one becomes available and limiting the number of bedrooms in the second dwelling on the site, and preventing any new outbuildings from containing plumbing fixtures that generate wastewater.*

*The Agreement is a requirement of Goulburn Murray Water as a referral authority under the Alpine Planning Scheme.*

*Carried Unanimously*

There being no further business the Chairperson declared the meeting closed at 6.19p.m.

.....  
Chairperson