



M(6) – 5 JULY 2022

Ordinary Council Meeting

Minutes

The next **Ordinary Meeting** of the **Alpine Shire Council** will be held in the Council Chambers, Great Alpine Road, Bright on **5 July 2022** commencing at **5:00pm**.

PRESENT

COUNCILLORS

Cr Sarah Nicholas - Mayor

Cr Katarina Hughes - Deputy Mayor

Cr John Forsyth

Cr Ron Janas

Cr Tony Keeble

Cr Simon Kelley

Cr Kelli Prime

OFFICERS

Alan Clark - Acting Chief Executive Officer

William Jeremy - Director Assets

Helen Havercroft - Director Corporate Performance

APOLOGIES

Agenda

1. Recording and livestreaming of Council meetings.....	4
2. Acknowledgement of traditional custodians, and recognition of all people.....	4
3. Confirmation of minutes	4
3.1 Ordinary Council Meeting – M(5) – 7 June 2022	4
4. Apologies.....	4
5. Obituaries / congratulations.....	4
6. Declarations by Councillors of conflict of interest.....	5
7. Public questions	5
8. Presentation of reports by officers.....	6
8.1 Director Assets – William Jeremy.....	6
8.1.1 Stockman Agreement	6
8.1.2 Mystic Lane Petition	10
8.1.3 Live Music Event.....	13
8.1.4 Energy Efficient Street Lighting - Hardware Installation	15
8.1.5 Tawonga Caravan Park - Roads and Carpark Construction.....	18
8.2 Director Corporate Performance – Helen Havercroft.....	21
8.2.1 Instruments of Appointment and Authorisation - <i>Planning and Environment Act 1987</i>	21
8.2.2 Risk Management Policy and Governance and Risk Framework Review	24
8.2.3 Audit and Risk Committee Meeting Minutes	29
8.2.4 2022/23 Insurance Portfolio	31
8.2.5 Bright Western Gateway Development Plan making up Lots 1 and 2 on Plan of Subdivision 613866 and Lots 1, 2, 4, 5, 7, 8 and 9 on Title Plan 859376X, Bright	36
8.2.6 Planning Application P.2021.175 - 7 Growlers Creek, Wandiligong	51
8.2.7 Amendment to Planning Application P.2019.152.3 - 650 Buffalo River Road, Buffalo River.....	69
9. Informal meetings of Councillors.....	85
10. Presentation of reports by delegates	86
11. General business	86
12. Motions for which notice has previously been given.....	86
13. Reception and reading of petitions	86
14. Documents for sealing	87

15. Confidential Report..... 87

1. Recording and livestreaming of Council meetings

The Acting 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 of course to hold us more accountable and improve transparency of council's decision making to our community.

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

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

The Mayor read the following statement:

The Alpine Shire Council acknowledges the Taungurung Traditional Owners and their ancestors as the Traditional Owners of the land we are now on, we pay our respect to Elders, past and present.

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

3. Confirmation of minutes

3.1 ORDINARY COUNCIL MEETING – M(5) – 7 JUNE 2022

*Cr Keeble
Cr Hughes*

That the minutes of Ordinary Council Meeting M(5) held on 7 June 2022 as circulated be confirmed.

Carried

4. Apologies

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

Cr Katarina Hughes - Declared a General Conflict of Interest with respect to item 8.2.6 Planning Application 2021.175.1 - 7 Growlers Creek Road, Wandiligong and will abstain from voting and being present whilst this application is being considered.

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 DIRECTOR ASSETS – WILLIAM JEREMY

8.1.1 Stockman Agreement

INTRODUCTION

This report relates to a vegetation offset agreement between Council and WHSP Stockman Pty Ltd.

Cr Forsyth

Cr Janas

That Council:

- 1. Signs and seals Landowner Agreement VC_CFL-3752_01 between The Secretary to the Department of Environment, Land, Water and Planning and Alpine Shire Council at the appropriate stage of this meeting; and*
- 2. Delegates authority to the Acting CEO to sign the Three Party Credit Trade Agreement between Round Oak Minerals Pty Ltd, Alpine Shire Council and PTA Plus Pty Ltd trading as Ecocentric Environmental Consulting.*

Carried

BACKGROUND

A confidential report was presented to the April 2014 Council Meeting which related to the provision of vegetation offsets at Dinner Plain.

At the Ordinary Council Meeting in August 2016, the following document was signed and sealed by Council:

Heads of Agreement with Independence Stockman Project Pty Ltd and Alpine Shire Council regarding vegetation offset provision at Dinner Plain.

In July 2020, an Assignment Deed was finalised which assigned the benefit of the Heads of Agreement to WHSP Stockman Pty Ltd. WHSP Stockman Pty Ltd is a subsidiary of Round Oak Minerals Pty Ltd, which itself is owned by Australian ASX listed company Washington H. Soul Pattison Pty Ltd.

At the July 2021 Council Meeting, Council adopted the recommendation for a six month extension to the Heads of Agreement 'Completion Date'.

At the December 2021 Council Meeting, Council adopted a recommendation for a further six-month extension to the Heads of Agreement 'Completion Date', with the revised 'Completion Date' being 2 August 2022.

ISSUES

In 2016, Council entered into a legally binding Heads of Agreement to secure offsets on Council-owned land in Dinner Plain, and to sell these offsets to a third party through a commercial arrangement.

Accordingly, Council Officers have engaged with Round Oak Minerals to progress the Landowner Agreement to the point of execution.

The 'Completion Date' for Council to execute the Landowner Agreement is 2 August 2022.

The Landowner Agreement has been prepared in accordance with Part 8 of the Conservation, Forests and Lands Act 1987. In entering into this Agreement, Council agrees to protect and improve the extent and quality of native vegetation on the nominated offset site on an ongoing basis. The Agreement provides for a ten year Site Management Plan designed to improve the condition of the offset site, and then to protect the site in perpetuity.

Upon signing and execution of the Landowner Agreement, The Environmental Offset Owner (Alpine Shire Council) and the Purchaser (Round Oak Minerals) will enter into a Three Party Credit Trade Agreement with the appointed Broker (PTA Plus Pty Ltd trading as Ecocentric Environmental Consulting) to facilitate the sale and purchase of the Environmental Offsets required by the Purchaser to demonstrate compliance with a regulatory requirement for the provision of an Environmental Offset.

POLICY IMPLICATIONS

The Landowner Agreement is made in accordance with Part 8 of the *Conservation, Forests and Lands Act 1987*.

The requirement for engagement with the community to inform the decision-making process has been assessed against the provisions contained within Council's Community Engagement Policy.

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

Signing the Heads of Agreement triggered an entitlement for Council to receive annual payments from the counterparty to the Agreement. To date Council has received payments totalling \$65,000, which have been credited to the Dinner Plain Reserve.

Entering into the Landowner Agreement will entitle Council to payments totalling \$550,000 over a 10 year period, subject to Council meeting its obligations under the associated management plan which describes actions to improve the quality and condition of the native vegetation within the offset site. The cost of meeting these obligations over a 10 year period is estimated to be \$270,000.

To date, Council has incurred legal fees of approximately \$12,000 associated with the establishment and maintenance of the Heads of Agreement and the due diligence associated with the preparation of the Landowner Agreement.

The net financial benefit to Council of this offset agreement over the 10-year period of the management plan commitment is estimated to be \$333,000.

At the completion of the 10 year active management period, Council is required to continue to undertake management to maintain native vegetation quality and condition at the site in perpetuity. Having achieved the target improvements over the active management period, the ongoing annual cost of maintaining the offset sites is considered to be low, and able to be delivered through routine maintenance budgets.

CONSULTATION

Council's Community Engagement Policy states that 'Council will not engage when there is a decision to be made when feedback received through the community engagement is unable to impact decision making'. In 2016, Council entered into a legally binding agreement to secure offsets on Council-owned land in Dinner Plain, and to sell these offsets to a third party through a commercial arrangement. Feedback from the community is unable to change the terms of this agreement, and therefore the community has not been engaged in the process of arriving at the recommendations in this report.

CONCLUSION

In 2016, Council entered into a legally binding Heads of Agreement to secure offsets on Council-owned land in Dinner Plain, and to sell these offsets to a third party through a commercial arrangement. The Landowner Agreement has now been finalised and is ready for execution.

It is recommended that Council enters into an agreement with The Secretary to the Department of Environment, Land, Water and Planning by executing the Landowner Agreement.

It is recommended that Council Delegates authority to the CEO to commit Council to sign a Three Party Credit Trade Agreement between Round Oak Minerals Pty Ltd, Alpine Shire Council and PTA Plus Pty Ltd trading as Ecocentric Environmental Consulting;

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

8.1.2 Mystic Lane Petition

INTRODUCTION

The purpose of this report is to inform Council and provide a response to a petition relating to access to Mystic Park.

Cr Hughes

Cr Prime

That Council:

- 1. Notes the petition relating to access to Mystic Park;*
- 2. Acknowledges the concerns of the Mystic Lane residents relating to access to Mystic Park;*
- 3. Commits to continue working with Alpine Community Plantation Inc. to support a successful outcome from the project funded through the Black Summer Bushfire Recovery Grant;*
- 4. Notes that decisions relating to the future development of Council-managed land will be taken in accordance with Council's Community Engagement Policy; and*
- 5. Advises the main proponent of the petition of Council's decision.*

Carried

BACKGROUND

Alpine Community Plantation Inc. (ACP) is an independent community-based organisation which was established in 2013. ACP is the result of an innovative public, private and community partnership, and is responsible for the recreational, educational and community use of almost 20,000 hectares of HVP Plantations land within the Alpine Shire, which includes Mystic Park.

Alpine Shire Council has representation on the Board of ACP, together with HVP Plantations, the Alpine Cycling Club, the North East Victoria Hang Gliding Club, and the Bright and District Chamber of Commerce.

On 14 February 2022, the Australian Government announced that ACP had successfully secured funding of \$1,348,642 through the Black Summer Bushfire Recovery Grants Program. The title of the funded project is 'Mystic MTB Park - Infrastructure for Bushfire Resilience'.

On 26 April 2022 Council received a letter from ACP seeking to secure Council's in-principle support to the development of land which is currently being managed by Council, for the purposes of facilitating the establishment of an alternative vehicular access point into Mystic Park.

On 12 May 2022, ACP met with representatives of the Mystic Lane residents, and shared a transparent update on the status of the project.

A petition was received on 15 May 2022 and noted at the June Council Meeting. The petition with 23 signatures contains the following requests:

- 1. That council ensures that funding for the BSBR Grant that was announced several weeks ago is used to fully address the issue of access to Mystic Park.*
- 2. That all planning and permits related to the BSBR grant and the operation of the park result in a designated access road to the mountain bike park; with a clear separation between all recreational activities and residential properties*
- 3. That the residential amenity of Mystic Lane experienced prior to 2013 be restored.*

ISSUES

The concerns raised by the residents of Mystic Lane are acknowledged. Council has invested significant funds over recent years to address these concerns, including:

- Funding the partial sealing of the access road in order to reduce the impact of dust;
- Contributing towards the funding of an automatic boom gate on the access road in order to control traffic numbers; and
- Funding the development of an in-park mountain bike shuttling pick-up point to reduce shuttle vehicle movements on Mystic Lane.

ACP is an independent organisation. Whilst Council has representation on the Board of ACP, Council does not direct the operations of ACP. ACP has entered into a grant funding agreement with the Australian Government, and ACP is responsible for meeting its obligations under this agreement.

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

There are no financial or resource implications associated with this recommendation.

CONSULTATION

ACP is responsible for engagement with the community in relation to the delivery of the project funded through the Black Summer Bushfire Recovery Grant.

Council is responsible for managing land which directly interfaces with Mystic Park. Council will make decisions in relation to the future development and use of this land in accordance with its Community Engagement Policy, a public document accessible through Council's website.

CONCLUSION

A petition containing 23 signatures has been received which relates to access to Mystic Park. Alpine Community Plantation is responsible for the management of Mystic Park, and has secured a grant from the Australian Government to deliver a project with the title 'Mystic MTB Park - Infrastructure for Bushfire Resilience'. Council has representation on the Board of ACP, and through this representation will support ACP to deliver a successful outcome to the project. Decisions relating to the development of Council-managed land which interfaces with Mystic Park will be made by Council 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.

- Director Assets

ATTACHMENT(S)

8.1.2 Mystic Park Petition

8.1.3 Live Music Event

INTRODUCTION

This report relates to the award of a contract for a live music event to be held in the Alpine Shire prior to 31 January 2023.

Cr Forsyth
Cr Hughes

That Council awards Contract No. 2202101 "Live Music Event" to Live Nation for the lump sum price of \$180,000 (GST Exclusive).

Carried

BACKGROUND

Following the 2019-20 bushfires, Council has secured a cumulative total of \$2.3 million of State Government funding through the Bushfire Recovery Victoria 'Council Support Fund'. \$180,000 of this funding has been allocated towards delivering a live music event, with the objective being to engage and entertain younger members of Alpine Shire community, assisting with recovery from the 2019-20 bushfire event and two years of the COVID19 pandemic.

A tender was advertised in the Alpine Observer and Myrtleford Times on 11 May 2022, as well as on tenders.net and the Alpine Shire Council website. The tender documents were downloaded by eight prospective tenderers and three conforming responses were received by the closing date.

EVALUATION

The evaluation panel consisted of the Community Wellbeing Events Officer and Manager Economic Development.

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

- Price
- Qualifications and Previous Performance
- Delivery
- Social
- Environmental

Following assessment of the tender submissions, each tenderer was invited to a tender clarification meeting. After final tender assessments it was determined that the tender from Live Nation best met the requirements of the selection criteria.

ISSUES

A new State Government organisation, 'Always Live', has been formed to stimulate the music industry following the COVID-19 pandemic through the delivery of music events

throughout Victoria. Live Nation, a current partner of Always Live, is responsible for delivery of events through the new program. Council has received a proposal for an Always Live event to be delivered in the Alpine Shire featuring a significant headline artist. The proposal does not require additional funding from Council, however a possible condition of Council accepting this proposal may include the requirement to charge an entry fee. Council is currently engaging with Always Live to assess this proposal.

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 is sufficient allocation in the 2022/23 Budget to award this contract.

CONSULTATION

Three tender submissions were received through the tender process. All three tenderers were invited to attend a meeting to clarify their submissions.

CONCLUSION

Following a comprehensive assessment, the tender from Live Nation is considered to present the best value for Council. It is recommended that Council awards a contract to Live Nation and continues to explore the opportunity presented by Always Live to deliver a significant headline artist through this event.

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 Economic Development
- Community Wellbeing Events Officer

ATTACHMENTS

Nil

8.1.4 Energy Efficient Street Lighting - Hardware Installation

File Number: CT22031

INTRODUCTION

This report relates to the award of a contract for the installation of energy efficient street lighting across the Alpine Shire.

Cr Janas

Cr Prime

That Council awards Contract No. 2203101 for 'Energy Efficient Street Lighting Hardware Installation' to GPE HV Pty Ltd based on the tendered schedule of rates with an upper limiting value of \$380,000 (GST Exclusive).

Carried

BACKGROUND

Council adopted the Alpine Shire Council Climate Action Plan at the September 2021 Council Meeting, committing to climate change mitigation by reducing Greenhouse Gas (GHG) emissions from Council corporate operations to net zero by 2023.

As part of this commitment, Council joined the Victorian Energy Collaboration Renewable Power Purchase Agreement (VECO PPA) which now provides all of Council's electricity usage from 100% renewable energy. In addition to this, Council continues to pursue electricity use reduction, such as on-site solar PV and LED streetlights. These initiatives deliver the co-benefits of lower electricity bills, less reliance on the grid, freeing up renewable electricity supply for other users and demonstrating leadership to the community.

Upgrading streetlighting to improve efficiencies, reduce GHG emissions and introduce new technology is one of the actions identified in Council's Climate Action Plan.

An audit of Council's streetlights by Ironbark Sustainability, an independent industry expert, identified 1,333 out of 1,494 streetlights that would benefit from upgrading. These include 849 mercury-vapour and 403 sodium lights.

Mercury-vapour technology is being phased out over the next two to five years under international agreements and will no longer be available.

Sodium and mercury-vapour lights are inefficient and have a high impact on the environment. These lights will be upgraded to LED technology which is more efficient and less harmful to the environment.

Overall project benefits will include:

- freeing up renewable electricity supply for other users which saves the equivalent of 420 tonnes CO2 each year Alpine Shire Council
- saving of ~70% in energy consumption due to new technology and improved lighting efficiency

- safer roads, as a result of improved lighting where a decision is taken to install lighting with increased intensity compared to what is currently installed.
- At the April 2022 Council Meeting, Sylvania-Schreder was awarded a contract to supply the street lighting hardware for an upper limiting value of \$440,000 (ex GST).

A tender for lighting hardware installation was advertised in the Herald Sun on 3 May 2022, as well as on tenders.net and the Alpine Shire Council website. The tender documents were downloaded by eight prospective tenderers and two conforming responses were received by the closing date.

EVALUATION

The evaluation panel consisted of the Manager Asset Development, Project Officer, and a representative of Ironbark Sustainability.

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

- Price
- Qualifications and Previous Performance
- Delivery
- Social
- Environmental

Following the assessment of the tenders, it was determined that the tender from GPE HV best met the requirements of the selection criteria.

ISSUES

None to report.

POLICY IMPLICATIONS

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

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

- 3.1 Decisive leadership to address the impacts and causes of climate change

FINANCIAL AND RESOURCE IMPLICATIONS

The financial return on investment analysis (excluding rebates) indicates a payback period between four and seven years.

Council will be accessing three rebate programs as part of this project as follows:

- Ausnet Mercury Vapour Decommissioning Program
- Victorian Energy Efficiency Commission Certificate Program
- Department of Transport Program

The financial impact of combining the savings from more energy efficient streetlights and accessing the three rebate programs reduces the payback period to two years.

CONSULTATION

The community will be informed of the lighting upgrades and associated benefits of LED lighting prior to installation commencing, which is planned for the second quarter of the 2022/23 financial year.

CONCLUSION

Upgrading streetlighting to improve efficiencies, reduce GHG emissions and introduce new technology is one of the actions identified in Council's Climate Action Plan.

Following a comprehensive assessment and evaluation of the tenders, the proposal from GPE HV is considered to present the best value option for Council.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Asset Development
- Project Officer

ATTACHMENT(S)

Nil

8.1.5 Tawonga Caravan Park - Roads and Carpark Construction

File Number: CQ22036

INTRODUCTION

This report relates to the award of a contract for the construction of roads and carparking as part of the Tawonga Caravan Park Upgrade project.

Cr Prime

Cr Janas

That Council awards Contract No. 2203601 for 'Tawonga Caravan Park - Roads and Carpark Construction' to Jackson's Earthmoving Pty Ltd for the lump sum price of \$151,627 (GST Exclusive).

Carried

BACKGROUND

The scope of the Tawonga Caravan Park Upgrade includes an upgrade to the internal driveway at the entrance of the park and the visitor parking. Additionally, due to the inground services works that have been completed throughout the park, several of the existing driveways have been trenched and need to be reinstated.

The package of works to be awarded delivers the following outcomes:

1. Realignment of the park entrance to suite larger vehicles and caravans.
2. Provision of a loading/waiting bay for check-ins.
3. Construction of a roundabout to allow vehicles to safely enter and exit the park.
4. Visitor and check-in carparking.
5. Footpaths and ramps connecting with the new office/kiosk building to allow DDA compliant pedestrian access to the area.

The invitation to tender was advertised in the Herald Sun on 11 May 2022, Tenders.net and the Alpine Shire Council website. The tender documents were downloaded by 18 prospective tenderers with four conforming tenders being submitted to Council.

EVALUATION

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

The key 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 initial assessment, one tenderer was shortlisted for further evaluation. The tenderer was invited to clarify aspects of their tender, present their qualifications, and confirm their proposed methodology including their ability to meet the required timeframes.

The shortlisted tender was then reassessed in accordance with the selection criteria. Following the assessment of the shortlisted offer by the evaluation panel it was determined that the tender from Jackson's Earthmoving best met the selection criteria.

ISSUES

The delivery methodology incorporates an environmentally sustainable design initiative that involves recycling 500m² of the existing pavement material for re-use as part of the delivery of these works. If the existing pavement material is not suitable, it will be replaced in accordance with the contracted schedule of rates. The maximum additional cost if none of the existing pavement is reusable is \$14,755.

The construction works are planned to commence in early September and to be completed by 28 October 2022. The program includes contingency for delays due to weather, however a risk does exist that completion could be delayed beyond end October if unseasonable weather is experienced over long periods.

POLICY IMPLICATIONS

The tender was advertised and evaluated according to Council's procurement policy.

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

There is sufficient allocation within the adopted 2022/23 Budget to deliver the scope of works recommended for award.

CONSULTATION

All aspects of the project including the need to construct the new park entrance driveways, carpark and associated footpaths have been communicated via the Project Control Group (PCG).

The PCG includes project representatives from:

- The State of Victoria - Department of Jobs, Precincts and Regions
- Crown Landowner - Department of Environment, Land, Water and Planning
- Council Officers

External consultation for the project has also occurred with several strategically aligned Authorities including:

- North East Water

- North East Catchment Management Authority
- Fire Rescue Victoria
- Ausnet
- Aboriginal Victoria

CONCLUSION

Following a comprehensive tender evaluation assessment, interviews and reference checks, the tender from Jackson's Earthmoving is considered to represent the best value for Council.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Asset Development
- Project Officer

ATTACHMENT(S)

Nil

8.2 DIRECTOR CORPORATE PERFORMANCE – HELEN HAVERCROFT

8.2.1 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 newly appointed position, and an acting role in Council's Planning department.

Cr Forsyth
Cr Prime

That Council exercises 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 8.2.1.a. & b. "S11A – Instrument of Appointment and Authorisation – Planning & Environment Act 1987" (the instrument) be appointed and authorised as set out in the instrument;*
 - a. Senior Statutory Planning Officer*
 - b. Acting Manager Planning and Amenity*
- 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. Planning Officer, dated 12 November 2019.*
- 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 appointed a new Senior Statutory Planning Officer, requiring a new Instrument of Appointment and Authorisation under the *Planning and Environment Act 1987*. The officer's previous position of Planning Officer is now vacant, so the Instrument of Appointment and Authorisation must be revoked. In addition,

Council's Manager Planning and Amenity is currently on leave, so authorisation must be provided to the person acting in the role.

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 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 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.

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

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 Corporate Performance
- Manager Corporate
- Governance Officer

ATTACHMENT(S)

- 8.2.1a S11A – Instrument of Appointment and Authorisation – *Planning & Environment Act 1987* – Senior Statutory Planning Officer
- 8.2.1b S11A – Instrument of Appointment and Authorisation – *Planning & Environment Act 1987* – Acting Manager Planning and Amenity

8.2.2 Risk Management Policy and Governance and Risk Framework Review

File Number: Policy Register

INTRODUCTION

The purpose of this report is to present the 2022 review of Council's Risk Management Policy No. 54 and Governance and Risk Framework.

Cr Kelley
Cr Forsyth

That Council:

1. *Notes that a review of the Risk Management Policy has been completed with the following modifications:*
 - a. *complete reformatting of the policy into current policy template without a change to the intent of the policy*
 - b. *simplification of description of Council's risk appetite with detail duplicated in the Governance and Risk Framework removed*
 - c. *minor language and typographical corrections*
 - d. *updated references to legislation, supporting documents and standards.*
2. *Revokes Alpine Shire Council Risk Management Policy No.54, version 4.*
3. *Adopts Alpine Shire Council Risk Management Policy No.54, version 5.*
4. *Signs and seals Alpine Shire Council Risk Management Policy No.54, version 5 at the appropriate time of the meeting.*
5. *Notes that a review of the Governance and Risk Framework has been completed with the following modifications:*
 - a. *updated to recognise the Community Vision and Council Plan*
 - b. *restructured to clearly address the three key elements of the Framework: governance, risk, and compliance*
 - c. *documents the role of "owner" of governance, risk, and compliance obligations*
 - d. *inclusion of monitoring and review requirements.*
6. *Endorses Alpine Shire Council Governance and Risk Framework, version 2.*

Carried

BACKGROUND

Schedule 1 of the *Local Government (Planning and Reporting) Regulations 2020* require Council to have both a risk policy and risk management framework that outline its commitment and approach to minimising the risks to Council's operations.

Council has had a documented risk policy since 2005 and the most recent version, No.4, was adopted by Council in December 2019 following an extensive review and alignment with legislation and the Standard AS/NZS ISO 31000:2018 Risk Management Guidelines.

The Governance and Risk Framework was documented in its current form in 2019 and noted by council at the time. The framework documents the high-level processes and behaviours required to ensure that Council meets its intended purpose, complies with legislative provisions; and meets expectations of accountability and transparency.

ISSUES

Policy review

The content of the Risk Management Policy has been reviewed for compliance with relevant legislation and Standard AS/NZS ISO 31000:2018 and has been benchmarked against other local government risk management policies.

The review did not result in any notable change to the intent of the policy, that is, Council is committed to managing its resources effectively, achieving its goals as outlined in the Council Plan, and safeguarding its employees and the community.

Minor modifications are proposed to the policy including:

- simplification of the description of Council's risk appetite with detail duplicated in the Governance and Risk Framework removed
- minor language and typographical corrections
- updated references to legislation, supporting documents and standards
- complete reformatting of the policy into current policy.

Governance and Risk Framework review

The Framework has been reviewed, restructured, and updated to:

- recognise the Community Vision and Council Plan
- clearly address the three key elements of governance, risk, and compliance
- documents the role of "owner" of governance, risk, and compliance obligations to improve accountability
- include monitoring and review requirements.

Governance

The Governance section of the Framework has been:

- refined and restructured into five elements from seven:
 1. strategic direction
 2. management and oversight
 3. decision making
 4. accountability, and
 5. culture

- updated to include new legislative requirements of the *Local Government Act 2020* and *Gender Equality Act 2020*
- updated to reflect Council's current governance practices
- edited to reduce confusion and duplication.

Risk

In addition to updating references to the Local Government Act 2020 [Vic] and Local Government (Planning and Reporting) Regulations 2020 [Vic], the risk section of the Framework has also been updated as follows:

Risk management policy

An oversight in the current Framework, the review has referenced Council's Risk Management Policy.

Risk appetite

The table outlining the four risk appetite categories has been updated and streamlined with the main change relating to the fourth category "closed" being renamed to "minimal" and a change from "little to zero" interest to "minimal" interest in recognition that there may be existing risks that fall into this category that have been accepted by Council over a long period of time.

This section has also been updated to include a high-level articulation of Council's appetite for each of its risk categories.

Risk management process

The Framework has been updated to include a risk management process derived from the Standard - AS ISO 31000:2018 Risk Management – Guidelines which includes five key steps:

1. defining the scope and context
2. risk identification
3. risk analysis
4. risk evaluation
5. risk treatment

With continuous communication and consultation, and monitoring and review throughout the process.

Risk matrix

Council's risk assessment matrix was reviewed as part of the Health and Safety Management System review which recommended introducing a ranking of likelihood and impact, replacing the term catastrophic with severe and three changes to risk levels within the matrix. As well as more detail around the approach for each risk level. These changes have been included in the Framework.

Compliance

Council's compliance obligations refer to the laws, regulations, codes, policies and procedures with which Council and its employees are required to comply. This section of the Framework has been updated to reflect the obligations of Council's primary legal and authorising environment mandated by the *Local Government Act 2020 [Vic]* and simplified to remove operational content.

As Council has obligations under several other Acts and regulations the intention is that this section of the Framework will be continually updated to capture the obligations and ownership to improve accountability.

Roles and Responsibilities

The roles and responsibilities of various individual officers, committees and groups has been reviewed and updated with particular focus on nominated owners of governance, risk or compliance obligations and the Audit and Risk Committee to align with LGA 2020 requirements.

Monitoring and review

A new section on monitoring and review has been included in the Framework outlining at various levels reporting requirements, and identification and investigation of breaches.

POLICY IMPLICATIONS

When adopting a strategy, remember to also include reference to relevant sections of the Local Government Act 2020 and any other legislative requirements.

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

There are no financial implications with the implementation of the Risk Management Policy and Governance and Risk Framework.

CONSULTATION

Council's Audit and Risk Committee was consulted on the review and proposed changes of both documents. The Committee endorsed in principle the changes at its meeting on 18 February 2022 for finalisation and to be endorsed by Council.

Upon finalisation, the policy and framework will be communicated to all staff.

CONCLUSION

The review of the Risk Management Policy is now complete. While there is no change to the intent of the policy the review has provided an opportunity to clarify and simplify content and clearly articulate Council's position on risk management.

The review of the Governance and Risk Framework achieves compliance with a requirement of the *Local Government (Planning and Reporting) Regulations 2020 [Vic]* and assists with the integration of governance, risk management and compliance into Council's corporate planning, operational management, and reporting processes.

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 Corporate Performance
- Manager Corporate
- Health, Safety and Risk Officer

ATTACHMENT(S)

- 8.2.2.a. Alpine Shire Council Risk Management Policy No.54 version 5
- 8.2.2.b. Alpine Shire Council Governance and Risk Framework, version 2

8.2.3 Audit and Risk Committee Meeting Minutes

File Number: 0900.06

INTRODUCTION

The purpose of the report is to present the minutes of the Audit and Risk Committee meeting No.2021/22-5 held on 20 May 2022.

The key item presented to and considered by the Audit and Risk Committee (Committee) at this meeting related to management of road assets. Council's regular quarterly reports were also presented to the Committee.

Cr Keeble

Cr Hughes

That Council receives and notes the minutes of Audit and Risk Committee Meeting No.2021/22-5 held 20 May 2022.

Carried

REPORT

Welcomes and acknowledgement of contribution to Council and Committee

The Committee extended a welcome to new members of the management team, Manager Corporate, Dennis O'Keeffe and Acting Chief Executive Officer, Alan Clark.

The Committee also acknowledged the dedication, commitment and contribution of former CEO, Charlie Bird, to Council, the Committee, and the community.

Management of Road Assets

The Committee received a report on the management of Council's road assets including application of the Road Management Plan (RMP).

While not legislated, Council has established and maintains a RMP that establishes a system and sets the standards for Council's road management functions. The Plan can be viewed at the following link:

https://www.alpineshire.vic.gov.au/sites/default/files/resources/ASC-Road-Management-Plan_2.pdf

The RMP documents:

1. Programmed inspection frequencies
2. Operational intervention levels
3. Maximum response times.

The Committee noted that Council is currently up to date with the inspections required under the RMP and has good visibility on the status of outstanding and overdue actions to address defects through its GIS interface. Also noted was the circumstances of unusually wet weather this year, together with several significant storm events in late 2021 and early 2022, has resulted in many defects being raised, particularly across the

unsealed road network and relating to roadside vegetation, where previously relatively few defects would be identified through the drier months. A reduced capacity in the Assets team coinciding with these factors has resulted in extended timeframes to address identified defects however the team is strongly focused on addressing these overdue defects in the shortest possible timeframe.

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

CONCLUSION

The Audit and Risk Committee, being satisfied with the detail provided in its agenda and the officer reports, submits the minutes of its meeting No.2021/22-5 held on 20 May 2022 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 Corporate Performance
- Manager Corporate
- Health, Safety and Risk Officer

ATTACHMENT(S)

8.2.3 Minutes of Audit and Risk Committee Meeting No.2021/22-5, 20 May 2022

8.2.4 2022/23 Insurance Portfolio

File Number: Insurance

INTRODUCTION

This report outlines Council's insurance portfolio for 2022/23 and seeks Council approval for the purchase of the recommended insurance policies and membership of mutuals and discretionary trust arrangements.

Cr Kelley

Cr Keeble

That:

- 1. The 2022/23 Professional Indemnity, and Public and Products Liability cover be procured through the Liability Mutual Insurance (LMI) Scheme managed by MAV Insurance to the total value of \$287,696.20 (GST inclusive).*
- 2. The 2022/23 Commercial Crime insurance be procured through MAV Insurance to the total value of \$4,447.56 (GST inclusive).*
- 3. The 2022/23 WorkCover insurance be procured through the Authorised Agent of WorkSafe Victoria, DXC Integrated Services Victoria Pty Ltd, to the total estimated value of \$183,185.84 (GST inclusive).*
- 4. The membership contribution to the Municipal Asset Protection Plan Discretionary Trust Arrangement (JMAPP) be paid to the scheme's broker JLT Public Sector to the total value of \$206,057.00 (GST inclusive).*
- 5. The balance of the 2022/23 insurance portfolio, including Community Public and Products Liability; Councillors and Officers Liability; Motor Vehicle; Major Airport Owners and Operators Liability; Personal Accident; Corporate Travel; and brokerage service, be procured through JLT Public Sector to the total value of \$126,170.91 (GST inclusive, stamp duty and administration fees).*

Carried

BACKGROUND

Professional indemnity and public and products liability insurance

Sections 43 and 52 of *the Local Government Act 2020* (LGA) require Council to indemnify and keep indemnified councillors, members of delegated and asset committees, the Chief Executive Officer and all staff against all actions and claims arising in the performance of their duties and functions or exercise of power under the LGA and any other act, regulation, or local law.

Council is a member of the Liability Mutual Insurance (LMI) Scheme managed by the not-for-profit Municipal Association of Victoria (MAV) Insurance. The LMI scheme provides professional indemnity and public and products liability (PI and PPL) cover specifically tailored to meet the specific risks and exposures of local government and is backed by a portfolio of A-grade reinsurers. The scheme provides a reliable product at a steady price,

regardless of market conditions and the not-for-profit structure means any excess revenue is either kept in the fund to help keep premiums down or returned directly to members as a surplus distribution. As a member of the scheme, Council is bound by the Deed of Establishment, Rules, and Conditions of the Scheme.

Council's 2022/23 PI and PPL insurance premium is \$287,696.20 (GST inclusive).

Commercial crime insurance

MAV Insurance procure commercial crime cover on behalf of fund members to protect against any fraudulent or dishonest act committed by an employee or third-party including theft, forgery and computer fraud. The cover is placed with insurers based on the best terms and conditions available in the market.

Council's 2022/23 Commercial Crime premium is \$4,447.56 (GST inclusive).

WorkCover insurance

WorkCover insurance is regulated under the *Workplace Injury Rehabilitation and Compensation Act 2013*. The Act requires:

- Council to register with WorkSafe as an employer
- WorkSafe to provide Council with statutory insurance to cover Council for the cost of workplace injuries suffered by its workers
- Council to pay the WorkCover insurance premium (s430).

WorkSafe appoints a panel of agents to provide its WorkCover insurance through a tender process and then allocates Council to an agent from the panel.

Council's WorkCover registration is allocated to DXC Integrated Services Victoria Pty Ltd.

The primary factors considered in the calculation of Council's WorkCover insurance premium are:

- Remuneration - the wages, salaries, superannuation, and other benefits Council pays its workers - estimated to be \$12,725,000.00 in the 2022/23 budget.
- Industry classification rate - the claims experience for local government and other Council activities.
- Performance rating - Council's claims cost experience for the previous three years compared to the industry average.

Council's 2022/23 WorkCover insurance premium is estimated to be \$183,185.84 (GST inclusive).

Asset and property protection

The Municipal Asset Protection Plan Discretionary Trust Arrangement is a Victorian councils owned mutual, otherwise known as JMAPP. JMAPP is essentially a fund for property damage claims combining conventional property damage/business interruption insurance with a discretionary trust element that enables the trustees to make discretionary payments that would not have been otherwise covered under traditional property and asset insurance policies. The Discretionary Trust Arrangement is authorised

and classified by ASIC as a managed investment scheme and mutual risk product. It is neither authorised under, nor subject to, the *Insurance Act 1973 (Cth)* nor is it regulated by the Australian Prudential Regulation Authority ("APRA"). JLT Public Sector are the service provider and insurance broker for the scheme.

Council's 2022/23 membership contribution to the Municipal Asset Protection Plan Discretionary Trust Arrangement (JMAPP) is \$206,057.00 (GST inclusive)

Other classes of insurance

Brokerage services for other insurances

JLT Public Sector has been Council's insurance broker since the inception of the Council and provide continuity and a quality service. JLT, on behalf of Council, undertake market testing of all insurance policies other than: WorkCover; Professional Indemnity, and Public and Products Liability; and Commercial Crime.

Community Public and Products Liability

Provides liability cover for injury and property damage for uninsured hirers of Council facilities.

Councillors and Officers Liability

Provides cover for councillors and officers against claims from 'Wrongful Acts' committed in their official capacity including discrimination, sexual harassment, bullying and defamation allegations; breaches of various statutes; and mismanagement of assets/funds.

Motor Vehicle

Full comprehensive insurance for all road registered motor vehicles, plant and trailers owned, mortgaged under Hire Purchase Agreement, hired, or leased by Council.

Major Airport owners and Operators Liability

Provides liability cover for injury and property damage associated with the premises at, and operation of, Council's airfields at Mount Beauty and Porepunkah.

Personal Accident

Provides accident cover for the Mayor, councillors, employees, directors and voluntary workers while engaged in business/work for Council.

The total of the insurance premiums for Council's other 2022/23 policies and brokerage fee is \$126,170.91 (including GST).

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

Procurement policy and cumulative spend

JLT Public Sector source a total of seven insurance policies on behalf of Council and while the policies are placed with various underwriters, JLT Public Sector invoice Council for each policy with a resultant cumulative spend in excess of \$330,000. This total spend requires Council approval as it is above the \$150,000 spend threshold delegated to the Chief Executive Officer in Council's Procurement Policy.

The recommended insurers and premiums, including GST, for 2022/23 are:

Class of Insurance	Insurer	Premium
Community Public Liability	QBE Insurance (Aust) Ltd (through Victor Insurance-CL)	\$2,248.32
Councillors and Officers Liability	XL Insurance Company SE	\$22,556.83
Motor Vehicle	AAI Ltd T/As Vero Insurance	\$72,883.89
Airport Owners and Operators Liability	QBE Aviation	\$4,757.50
Personal Accident	Chubb Insurance Australia Ltd (through Victor Insurance-PA)	\$1,564.17
Corporate Travel	Chubb Insurance Australia Ltd (through Victor Insurance-Travel)	\$160.20
JMAPP (Assets)	JLT Municipal Asset Protection Plan Discretionary Trust	\$206,057.00
Broker Fee	JLT	\$22,000.00
Total Cost		\$332,227.91

Council has allocated funds in its 2022/23 budget to cover its insurance premiums.

CONCLUSION

It is recommended that Council place its 2022/23: Professional Indemnity and Public and Products Liability, and Commercial Crime insurances with MAV Insurance; WorkCover Insurance with DXC Integrated Services Victoria Pty Ltd; and a suite of other insurances including motor vehicle insurance and asset protection through JLT Public Sector in line with the detail provided in this report.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate Performance
- Manager Corporate
- Health, Safety and Risk Officer

ATTACHMENT(S)

Nil

8.2.5 Bright Western Gateway Development Plan making up Lots 1 and 2 on Plan of Subdivision 613866 and Lots 1, 2, 4, 5, 7, 8 and 9 on Title Plan 859376X, Bright

<i>Address</i>	<i>Great Alpine Road, Bright.</i>
<i>Proposal</i>	<i>Approval of Bright Western Gateway Development Plan (V06, June 2022) for the residential development of the land forming part of the Bright Western Gateway.</i>
<i>Proponents Name</i>	<i>Human Habitats</i>
<i>Owner's Name</i>	<i>Buffalo Valley Pty Ltd</i>
<i>Land Size</i>	<i>41.38 hectares</i>
<i>Site Features and surrounding land</i>	<i>The land consists of a steep upper terrace overlooking Great Alpine Road (GAR) and separated from the lower flatter part of the land by a steep escarpment. The land has an extensive frontage to the GAR and is flanked by Stackey Gully and Deep Creek. On steep land to the rear is a Pine Plantation. There are several windrows of poplars on the site which provide visual interest to the site.</i>
<i>Aspect</i>	<i>North-eastern (upper part), lower part is relatively flat.</i>
<i>Land Use</i>	<i>Vacant grazing land</i>
<i>Zoning</i>	<i>General Residential Zone 1</i>
<i>Overlays</i>	<i>Development Plan Overlay Schedule 3 Bushfire Management Overlay Land Subject to Inundation Overlay</i>
<i>Restrictive Covenants</i>	<i>None</i>
<i>Development constraints</i>	<i>Fire risk, flooding and drainage, access.</i>
<i>Date/s received</i>	<i>June 2022</i>
<i>Permission required</i>	<i>Approval of Development Plan</i>
<i>Issues</i>	<i>VCAT appeal P72/2022 lodged for failure to determine Development Plan (V01, November 2021) Visually prominent site in key location. Flooding and drainage Bushfire risk Access</i>

INTRODUCTION

The purpose of this report is to provide contextual background and assessment of compliance with the requirements of the Alpine Planning Scheme more precisely Development Plan Overlay Schedule 3 in relation to the Bright Western Gateway Development Plan (V06, June 2022) to inform Councillor decision making.

There is a previous development plan lodged in November 2021 that would have been refused on various grounds. This Council Report will not be focussing on the merits of that previous submission.

Cr Janas
Cr Kelley

That Council:

- 1. Approve the Bright Western Gateway Development Plan (V06 June 2022) for the purposes of DPO3 (as per Attachment 8.3.5.a).*
- 2. Requests the Applicant to withdraw its VCAT application (P72/2022) to review Council's failure to approve the development dated November 2021 as there is no longer a need to review the November 2021 development plan or alternatively, if the Applicant does not wish to withdraw the application, to join with the Applicant to seek orders by consent to:
 - a. substitute the (V06 June 2022) development plan for the November 2021 development plan and*
 - b. direct the approval of the (V06 June) development plan**
- 3. Note the requirements notated on the Bright Western Gateway Development Plan (V06, June 2022) to ensure prescribed works are completed to the satisfaction of Alpine Shire Council prior to planning permits or Certificate of Compliance being provided;*
- 4. In the event that the Applicant pursues approval of the November 2021 development plan, Council advise the Tribunal that Council would have refused the November 2021 development plan on following grounds:
 - a. staging of development and servicing*
 - b. Country Fire Authority consideration under DP03*
 - c. failure to address clause 56, and*
 - d. failure to address stormwater mitigation to Council's requirements**

Carried

PROPOSAL

The proposal encompasses Lots 1 and 2 on Plan of Subdivision 613866 and Lots 1, 2, 4, 5, 7, 8 and 9 on Title Plan 859376X, Bright, alternatively known as Bright Western Gateway Development Plan (referred to in Attachment 8.2.5.a.).

The broad intent of the Bright Western Gateway Development Plan is to provide for compliance with the provisions of Development Plan Overlay Schedule 3 (referred to in Attachment 8.2.5.d.).

The requirements of the Development Plan Overlay state that a permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.

SUBJECT LAND AND SURROUNDS

The land occupies 41.39 hectares of land on the western side of Bright and is broadly bordered by Great Alpine Road to the north and north-east, Stackey Gully Road to the south-east, and the Tower Hill escarpment to the south-west.

RELEVANT PLANNING HISTORY

In 2005 the subject site, along with land on the northern side of the Great Alpine Road were identified, through the Alpine Residential Land Review as the preferred area for the urban growth of Bright in order to facilitate additional residential development.

The rezoning of the land from Farming Zone to General Residential Zone was facilitated through the Alpine Planning Scheme Amendment C34, gazetted in August 2015. This amendment also applied Schedule 3 to the Development Plan Overlay (DPO3), the Land Subject to Inundation (LSIO) to the site as well as a Bushfire Management Overlay (BMO).



Image 1: DPO Schedule 3 Overlay, Bushfire Response & BMO Buffer (Source: Alpine Planning Scheme)

Timeline	Event
March 2021	Discussions commence between Council Officers and representatives of the land owners regarding preparation of a development plan
August 2021	Alpine Shire Council engage environmental consultants to undertake flooding and drainage study to inform any development plan
November 2021	Draft Development Plan (V01, November 2021) submitted to Alpine Shire Council
February 2022	Application lodged with VCAT under Section 149 (1) (d) of the <i>Planning and Environment Act 1987</i> . Hearing listed for 27 & 28 September 2022.
November 2021 to June 2022	Applicant and Alpine Shire Council collaborate on securing improvements to the Draft Development Plan as submitted in November 2021.

PUBLIC NOTIFICATION

The 2015 Proposed Planning Scheme Amendment (PSA) was subject to public exhibition with the convening of a planning panel prior to Ministerial approval and gazetting for PSA C34.

CONSULTATION

DPO3 Requirement	Advice / Response
Country Fire Authority	At this stage in the approvals process CFA are not the determining authority. Their views are sought as part of the DPO3 requirements. Concerns raised and more comprehensive bushfire management assessment required at subdivision stage to enable more comprehensive response.

Consideration of a Development Plan is not akin to a planning application for construction of one new house on a single lot of land zoned General Residential and as such the normal referrals process is not required. Seeking approval and or conditions for permitting or refusing building and works on the site will occur during the applications under the *Subdivision Act 1988*.

PLANNING ASSESSMENT

The Development Plan Overlay (DPO) is a planning tool used to guide the future use and development of a land. A schedule to the DPO is used to specify strategic development intentions for a particular location. Preparation of a Development Plan (DP) is a requirement of the DPO in order to coordinate development and/or subdivision before a planning permit can be granted.

The Development Plan Overlay Schedule 3 has applied to the site since August 2015.

The Development Plan is not expected to provide more than a high-level concept. Detailed design will still be required for areas such as drainage, highway and landscaping. This detailed design is determined at the planning permit stage once a DP has been applied to the site.

There are specific requirements of the DPO Schedule 3. These are listed together with an assessment of compliance against those criteria.

DPO Schedule 3 Requirement	Satisfied/ Partially Satisfied/ Not Satisfied	Further Assessment Information
<p>A condition requiring a Section 173 agreement to be registered on the land to provide for the recognition of the pine plantations and associated activity that surround the land. The agreement must state:</p> <ul style="list-style-type: none"> The surrounding land is used for plantation forestry. Plantation forestry is a farming activity which will generate noise (including night-time noise) at the time of harvest, as well as increased truck movements and possible associated dust. The removal of the tree crop will result in the loss of visual amenity and can result in increased water run-off. Chemicals can be applied to the plantation (including aerial application 200 metres from any residence) to control weeds and pests and to promote growth. 	Satisfied	Proponents will apply this to the relevant lots at their own cost.
Be generally in accordance with the Bushfire Response Outline Development Plan attached to this schedule (see Image 1 above).	Satisfied	
Provide for a 50m buffer distance between the Great Alpine Road and residential uses.	Satisfied	

DPO Schedule 3 Requirement	Satisfied/ Partially Satisfied/ Not Satisfied	Further Assessment Information
Outline how the layout and appearance of the subdivision will be in keeping with or enhance the site when viewed from the Great Alpine Road	Satisfied	
Identify any sites of conservation, heritage, archaeological significance or with landscape value and how they will be managed and/or protected.	Satisfied	
Provide a range of lot sizes and identify potential residential densities across stages of development with lot sizes generally increasing the south of the land with no lots of residential purposes being created, further south of any perimeter road along the southern boundaries of the land adjacent to the pine plantation.	Satisfied	
Show the conceptual layout of future internal roads and external roads, including at least two points of external road access to the land and a perimeter road around the full site and adjacent to the central drainage line generally as shown in the Bushfire Response Outline Development Plan.	Satisfied	
Landscaping - Provide an overall scheme of landscaping and any necessary arrangement for the preservation of regeneration of vegetation. The landscaping theme must be consistent with bushfire mitigation measures.	Satisfied	
Infrastructure - Soil and water report which demonstrates how stormwater is to be disposed of and where appropriate that downstream retardation works will be required to alleviate the inundation of properties, siltation of watercourses or soil erosion.	Satisfied	
Provide an Infrastructure report demonstrating that the site can be connected to reticulated water, sewerage and power. Comments from all servicing authorities should be submitted with this report.	Satisfied	

DPO Schedule 3 Requirement	Satisfied/ Partially Satisfied/ Not Satisfied	Further Assessment Information
<p>Staging - Provide for the overlay staging of development supply of services. In order to prevent leapfrog development and the oversupply of land, staging must be determined having regard to:</p> <ul style="list-style-type: none"> • Existing Land supply in the locality; and • Efficient use of the existing and future infrastructure • Where practical, list the anticipated timing of the development and indicate the manner in which the Development Plan can proceed in the event that the owner of the land is not able or intending to develop. 	Satisfied	
<p>Bushfire - Include a requirement that any dwelling constructed on lots located within 150m of the southern boundary of the subject land or on any lot which abuts the perimeter ring road along the southern boundaries of the land to be constructed to comply with BAL 29 in accordance with Sections 3 * 7 of AS3959-2009.</p>	Satisfied	
<p>Provide management plan for the land within the 53-metre buffer shown on the Outline Development Plan and all areas of the public open space or communal open space that ensure this land is managed for the purposes of defendable space.</p>	Satisfied	

DPO Schedule 3 Requirement	Satisfied/ Partially Satisfied/ Not Satisfied	Further Assessment Information
<p>Subdivision design that minimises the risk of house-to-house fire spread, including but not limited to:</p> <ul style="list-style-type: none"> • A graduation in size of the lots located south of the central swale drain and lots generally increasing in size the closer they are located to the southern boundary of the land • All lots that abut the southern perimeter road and all lots located within 150m of the southern boundary to the subject land: • Building envelopes being separated by at least 10m from each other • building envelopes being separated by at least 10m from the rear boundary of the lot • A prohibition of any buildings or other ancillary structures (other than water tanks constructed of metal or concrete) being constructed outside the building envelope. 	Satisfied	
<p>For all lots located south of the central swale drain include:</p> <ul style="list-style-type: none"> • A requirement that all outbuildings and other ancillary structures to be constructed of non-combustible materials. • A requirement for all fencing and screening devices to be constructed of non-combustible materials. • Address static water supply requirements of BMO. 	Satisfied	Further assessment and review will take place at the Subdivision stage.
<p>Describe the relationship of proposed development on the land to existing and proposed developments on adjoining land.</p>	Partially Satisfied	Further details provided below.
<p>Where appropriate include the provision of adequate and functional open space networks and recreational areas and linkages to nearby existing and proposed open space/recreational areas.</p>	Partially Satisfied	Further details provided below.

DPO Schedule 3 Requirement	Satisfied/ Partially Satisfied/ Not Satisfied	Further Assessment Information
<p>Clause 43.04 Condition - If a development plan has been prepared to the satisfaction of the responsible authority, an application under any provision of this planning scheme is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.</p>	Noted	
<p>The development plan may consist of plans or other documents and may, with the agreement of the responsible authority, be prepared and implemented in stages.</p> <p>A development plan that provides for residential subdivision in the Neighbourhood Residential Zone, General Residential Zone, Residential Growth Zone, Mixed Use Zone, Township Zone, Comprehensive Development Zone and Priority Development Zone must meet the requirements of Clause 56 as specified in the zone.</p> <p>The development plan must describe:</p> <ul style="list-style-type: none"> • The land to which the plan applies. • The proposed use and development of each part of the land. • Any other requirements specified for the plan in a schedule to this overlay. <p>The development plan may be amended to the satisfaction of the responsible authority.</p>	Satisfied	Further detail provided below.
<p>Prior to approval of a development plan the responsible authority must seek the views of the Country Fire Authority.</p>	Satisfied	Further details provided below.

INTERPRETATION OF CLAUSE 56

Clause 56 is a valuable control mechanism for residential development. With regards to development plans approved under a Design and Development Overlay, the development plan would not normally contain the level of detail to undertake a clause 56 assessment. It is important though that at the development plan stage, sufficient information is included in the development plan to provide comfort and a level of

certainty that, at the level of generality shown in the development plan, compliance with clause 56 will be achievable at the planning permit stage. It is considered that the proposed development plan sufficiently provides that comfort and degree of certainty.

DECISION MAKING CONSIDERATIONS

Most of the requirements of DPO3 are satisfied. Further explanation of the partially satisfied areas is provided here. Please note the below provides broader community and authority items to resolve rather than an assessment against the Victorian and Alpine Planning Scheme.

Country Fire Authority (CFA)

During consideration of the 2015 rezoning CFA requested a 100m offset. This was not accepted by Planning Victoria and did not form part of the Planning Scheme Amendment. Since 2015 planning policy has changed in relation to bushfire.

The Development Plan Overlay Schedule 3 states that prior to the approval of the Development Plan, the responsible authority must seek the views of the CFA. The draft DP was referred to the CFA who provided a response which recognised that the draft development plan likely meets the minimum requirements set out in DPO3 however questioned whether the bushfire response contained in the draft DP is sufficient to address bushfire policy contained in Clause 13.02-1S and the impact on the upper section of the Development Plan. The response also contained an informal request that the DP give a more detailed assessment of the proposal against Clause 13.02-1S, given the updates to policy since the area was placed in the DPO.

Bushfire assessment notations form part of the Bright Western Gateway (V06, June 2022) as Attachment 8.2.5.a. to provide issues are to be addressed at the planning permit stage. The notation stipulates that a bushfire assessment be provided to the satisfaction of CFA prior to the grant of a planning permit.

Whilst the CFA response (Attachment 8.3.5.b.) is acknowledged it is noted that approval of this development plan does not constitute approval of the development, use or subdivision of the site. To progress subdivision or development of the site any application must be further referred to the CFA under Section 55 of the Planning and Environment Act. The process of determining any proposed subdivision of the site will require the preparation of a bushfire management assessment against Clauses 13.02 Bushfire, Clause 44.06 Bushfire Management Overlay (BMO) and Clause 53.02 Bushfire Planning.

North East Water (NEW)

Alpine Shire Council sought commentary from North East Water (NEW) whose response is as per Attachment 8.2.5.c. Matters relating to capacity will need to be addressed and resolved by the applicant at the application for planning permit for subdivision stage.

Traffic Impact Assessment

The applicant submitted a traffic impact assessment as part of their proposed development plan. This assessment has broadly been accepted by the Department of Transport and the current Bright Western Gateway Development Plan complies with their requests.

It is noted that the current traffic impact assessment does not reflect current regular and periodic logging truck movements as they relate to Tower Hill Road and Stackey Gully Road.

Stormwater Impact Assessment

Alpine Shire Council has completed a Flooding and Drainage Study and a review of the infrastructure upgrade works that will be required to mitigate overland flow currently impacting the site and documented as an LSIO.

It is noted the applicant's submissions in removal of the LSIO and development in the lower section of the site is reliant on these works, as no alternative to the satisfaction of Alpine Shire Council has been provided. It is noted the detailed design of Stackey Gully Creek including further geotechnical investigation, flooding and drainage modelling is yet to occur and this work is required to mitigate the stormwater impact to the lower section of the site.

The applicant has indicated this can be accommodated in design, though flexibility in Plan of Subdivision design will be required. The proposed development plan includes a notation that these issues will be addressed at the planning permit stage. Council officers are satisfied that there is sufficient comfort and level of certainty in the proposed development plan.

Design & Public Open Space

The current Development Plan reflects several trees to be retained and Public Open Space on plan.

There are many positive outcomes from the Development Plan particularly as it relates to walkability, and bike connectivity, landscape and neighbourhood character that has been provided in supporting documentation, not forming part of the development plan. It is noted however, that Alpine Shire Council officers consider the useability and functionality of some of the Public Open Space areas provided is compromised.

This is due to significant slope in the central spine of the site, the proximity of some public space to the Great Alpine Road due to a 50m offset, as well as the Bushfire Management offset which will limit landscape treatment.

Considerations for these constraints and how they are integrated in design and end use of these spaces needs to be addressed in the detailed Civil and Landscape design at the application for planning permit for subdivision stage.

VCAT

An Application for Review No. P72/2022 has been lodged at VCAT by the proponent applying to Lots 1 and 2 on Plan of Subdivision 613866 and Lots 1, 2, 4, 5, 7, 8 and 9 on Title Plan 859376X, Bright.

The Application for Review is lodged pursuant to Section 149 (1) (d) of the *Planning and Environment Act 1987* (the Act).

Section 149(1) (d) is a provision that allows for an appeal against the amount of time taken for decision.

This hearing is listed for September 2022.

This report recommends that Council requests the Applicant to withdraw its VCAT application (P72/2022) to review Council's failure to approve the development dated November 2021 as there is no longer a need to review the November 2021 development plan or, alternatively, if the Applicant does not wish to withdraw the application, to join with the Applicant to seek orders by consent to:

- a. substitute the (V06 June 2022) development plan for the November 2021 development plan; and
- b. direct the approval of the (V06 June) development plan.

We expect this agreement and consent order to be supported by VCAT.

This report recommends Alpine Shire Council approve the development plan thereby permitting Alpine Shire Officers to seek a consent order from VCAT.

CONSULTATION

Due to the application of the Development Plan Overlay to the site in 2015 through Planning Scheme Amendment C34 there are no formal requirements for public notice to be given about an application on this site for development plan approval.

In recognition of this constraint Alpine Shire Council, Council officers and the applicants planning consultants have held informal discussions with a range of agencies and stakeholders including;

- Country Fire Authority
- VicRoads
- North East Catchment Management Authority
- North East Water
- Goulbourn Murray Water
- Environment Protection Authority Victoria
- Department for Environment, Land, Water and Planning

CONCLUSION

The Bright Western Gateway Development Plan (V06, June 2022) meets the requirements of the Overlay and, even though it contains notations that some issues (e.g. inundation, bushfire etc) are to be addressed at the application for planning permit stage, officers are satisfied that the proposed development plan contains sufficient detail as to give

comfort and level of certainty that those issues can be addressed at the planning permit stage without compromising the objectives and requirements of the Overlay

Alpine Shire Council and the applicants have continued to work collaboratively to improve the draft development plan since it was submitted in November 2021.

Unlike the November 2021 draft development plan the current Bright Western Gateway Development Plan (V06, June 2022) can broadly satisfy the requirements of the planning controls placed on the land for this stage of the planning process. All parties are cognisant that there remains significant work to complete before the site is ready for construction to commence.

The applicant has reserved their right to present the draft development plan submitted in November 2021 to VCAT at the scheduled September hearing rather than the Bright Western Gateway Development Plan (V06, June 2022) that is the subject of this Council Report.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate Performance
- Manager Planning and Amenity
- Strategic Planning Coordinator
- Strategic Planner

ATTACHMENT(S)

- 8.2.5.a. Bright Western Gateway Development Plan (V06, June 2022)
- 8.2.5.b. CFA Referral Response
- 8.2.5.c. NEW Referral Response
- 8.2.5.d. DPO Schedule 3

Cr Hughes declared a conflict of interest with respect to item 8.2.6 and left Council Chambers at 6.28pm.

8.2.6 Planning Application P.2021.175 - 7 Growlers Creek, Wandiligong

<i>Application number:</i>	<i>P.2021.175</i>
<i>Proposal:</i>	<i>Buildings and Works for the construction of a Dwelling and an Outbuilding.</i>
<i>Applicant's name:</i>	<i>Mr Nick Vlahandreas (Mountain Planning)</i>
<i>Owner's name:</i>	<i>Andrew and Lesley Nixon</i>
<i>Address:</i>	<i>7 Growlers Creek Road, Wandiligong, VIC 3744 (Land in Plan of Consolidation 378915B)</i>
<i>Land size:</i>	<i>2032sqm</i>
<i>Current use and development:</i>	<i>Outbuilding (Shed)</i>
<i>Site features:</i>	<i>The site is of an irregular rectangular shape and relatively flat. There is existing post and rail fencing along the street and south-eastern lot boundary. The site is vacant with a small shed sited near the south-eastern lot boundary.</i>
<i>Why is a permit required?</i>	<i>Clause 42.03-2 Buildings and Works (SLO3) Clause 43.01-1 Buildings and Works (HO83) Clause 44.06-2 Buildings and Works (BMO)</i>
<i>Zoning:</i>	<i>Low Density Residential Zone (LDRZ)</i>
<i>Overlays:</i>	<i>Heritage Overlay - Schedule 83 (HO83) Significant Landscape Overlay - Schedule 3 (SLO3) Bushfire Management Overlay (BMO)</i>
<i>Restrictive covenants on the title?</i>	<i>None</i>
<i>Date received:</i>	<i>7 June 2022 (amended plans)</i>
<i>Statutory days:</i>	<i>28 days</i>
<i>Planner:</i>	<i>James Trimble</i>

Cr Janas
Cr Prime

That a Notice of Decision to grant a planning permit be issued for Buildings and Works for the construction of a dwelling and outbuilding in accordance with the conditions outlined in Appendix 8.2.6.a and the following summarised reasons:

- 1. The proposal generally meets the relevant provisions of the:*
 - i. Planning Policy Framework;*
 - ii. Heritage Overlay - Schedule 83*
 - iii. Significant Landscape Overlay - Schedule 3*
 - iv. Bushfire Management Overlay*
 - v. Particular provisions including clause 52.06 Car Parking and 53.02 Bushfire Planning;*
 - vi. Decision Guidelines at Clauses 65.01.*
- 2. The proposal provides an appropriate design and respects the heritage place.*

Carried

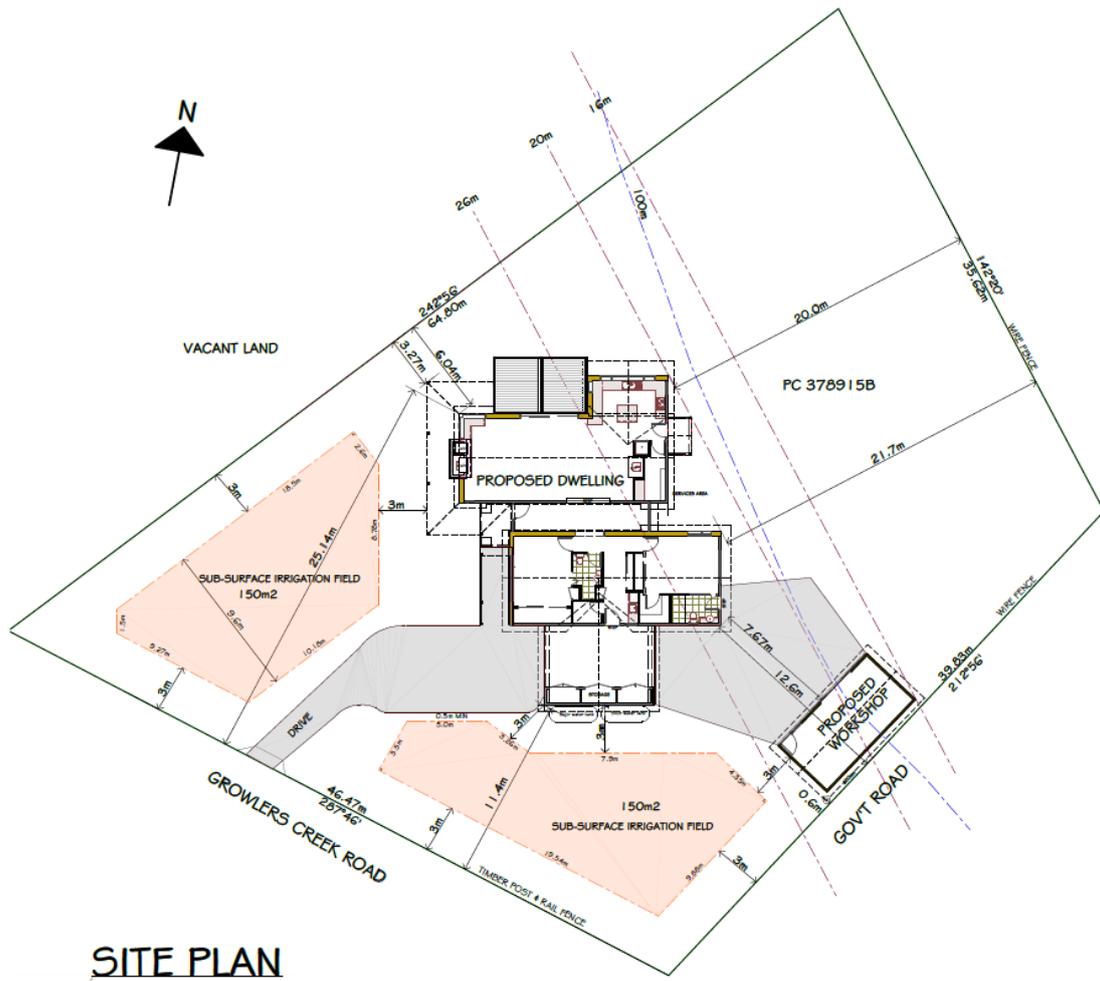
PROPOSAL

The proposal involves Buildings and Works for the construction of a dwelling and outbuilding.

The proposed dwelling is setback 20 metres from the north-eastern lot boundary, 12.6 metres from the south-eastern lot boundary, 11.4 metres from Growlers Creek Road, and 3.27 metres from the north-western lot boundary.

The proposed dwelling is single storey and includes a 2 to 35-degree pitched roof, two (2) bedrooms, two (2) bathrooms, open plan meals/kitchen/lounge, separate laundry, north facing pergola, west facing verandah, a single attached carport and two (2) 5,000 litre water tanks. External materials and colours include Colorbond Woodland Grey roofing, Colorbond Surfsmist fascia, barge, gutters and downpipes, Dulux Vivid white verandah posts, Stone Chimney, Rendered hempcrete colour Dulux Buff It walls, and Scyon Axon colour Dulux Buff It walls. The associated onsite wastewater disposal area is in the street setback area.

A detached outbuilding is proposed with a setback of approximately 16.8 metres from north-eastern lot boundary, 0.6 metres from the south-eastern lot boundary, approximately 15.4 metres from the Growlers Creek Road lot boundary and more than 20 metres from the north-western lot boundary. The roof pitch of the outbuilding is 35 degrees. The outbuilding is single storey. External materials and colours include Colorbond colour Woodland grey roofing, Hardiflex sheet colour Woodland grey walls, Spotted gum doors, and Colorbond colour Surfsmist barge, fascia, gutters and downpipes.



SITE PLAN

Figure 1: Site Plan

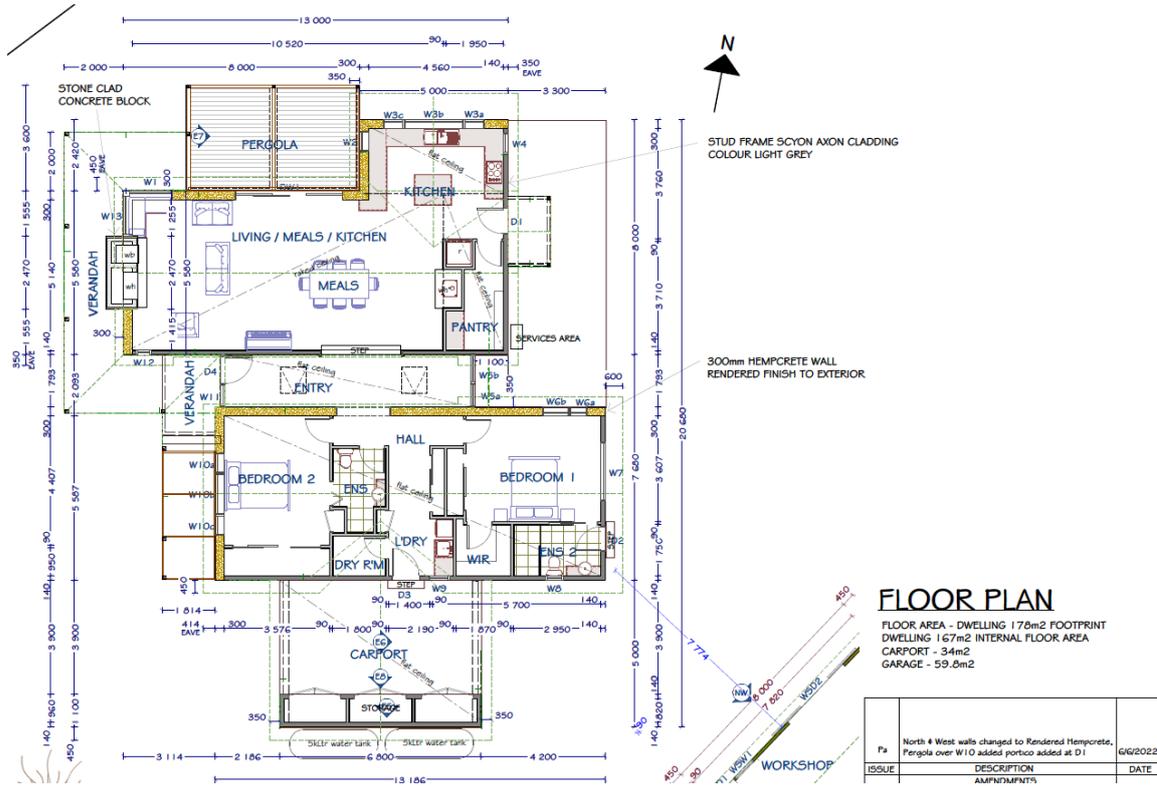
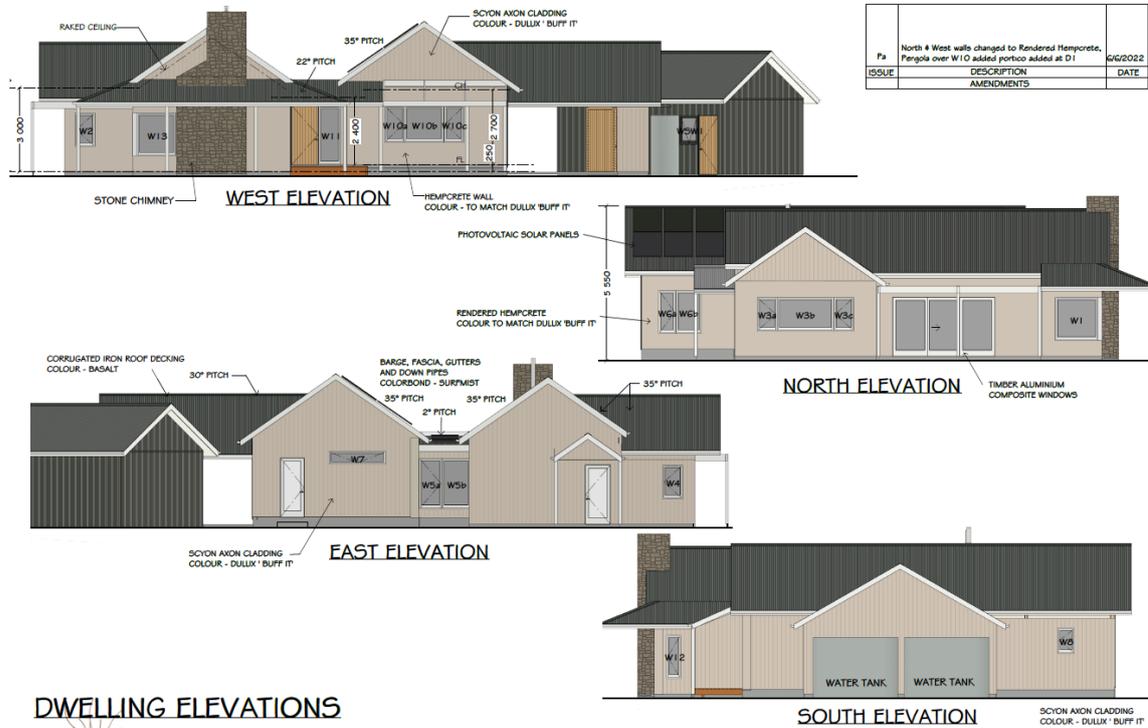


Figure 2: Floor Plan



DWELLING ELEVATIONS

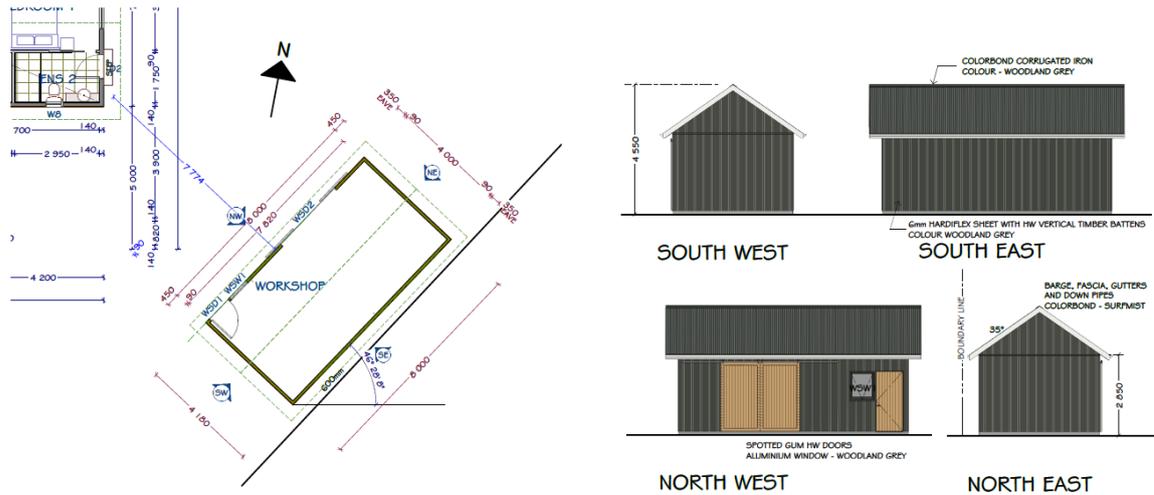


Figure 3: Elevations

DWELLING EXTERIOR MATERIALS AND COLOURS

-  DWELLING EXTERIOR SOUTH & EAST WALL CLADDING
SICHON AVION 133 TEXTURED
COLOUR - DULUX BUFF 11
-  DWELLING NORTH & WEST WALLS
RENDERED HEMPCRETE
APPROXIMATE COLOUR DULUX 'BUFF 11'
-  FIRE PLACE CHIMNEY
STONE CLADDING 'ECO OUTDOOR - FREEFORM'
COLOUR HOWQUA
-  VERANDAH POSTS
COLOUR DULUX - VIVID WHITE
-  MIGLAS ALUMINIUM COMPOSITE WINDOWS
COLOUR - DULUX ELECTRO FLAT WHITE
-  COLORBOND CORRUGATED IRON ROOF
COLOUR - WOODLAND GREY
-  FASCIA, BARGE, GUTTERS & DOWNPIPES
COLORBOND - SURFMIST

WORKSHOP EXTERIOR MATERIALS AND COLOURS

-  WORKSHOP EXTERIOR WALL CLADDING
JAMES HARDIE GIBBY HARDIE FLEX CLADDING
WITH HARDWOOD VERTICAL EXTERIOR BATTENS
COLOUR - COLORBOND WOODLAND GREY
-  WORKSHOP DOORS
SPOTTED GUM,
CLEAR FINISH
-  COLORBOND CORRUGATED IRON ROOF & WINDOWS
COLOUR - WOODLAND GREY
-  FASCIA, BARGE, GUTTERS & DOWNPIPES
COLORBOND - SURFMIST

Figure 4: Proposed Colour Palette

SUBJECT LAND AND SURROUNDS

The site has a total area of 2032sqm, is an irregular rectangular shape and is relatively flat. There is existing post and rail fencing along the road and south-eastern lot boundary. The site is vacant with a small shed sited near the south-eastern lot boundary. The site does not have access to reticulated sewerage.

The site abuts Crown land to the north-east which is zoned Public Conservation and Resource Zone and contains native vegetation and a section of Growlers Creek. This land is affected by the same overlays as the subject site.

The site directly abuts an undeveloped government road reserve to the south-east.

Land further to the east, south and west is zoned Low Density Residential Zone, with the majority of sites containing a single dwelling and associated shedding. This surrounding land is affected by the same overlays as the subject site.

The Wandiligong Hotel is approximately 80 metres west of the subject site.



Figure 1: Subject land.

PUBLIC NOTIFICATION

The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987*. Notice of the application was sent to surrounding landholders and occupiers. A sign was displayed on the site. Two (2) objections were received and maintained. The matters raised in the objections have been summarised as follows:

1. Possible impact on native title artefacts
2. Proposed built form is not appropriate
3. Rammed earth wall cladding not appropriate

4. Having an attached carport is not appropriate as it creates excessive bulk
5. Lack of verandah on the eastern elevation
6. Outbuilding siting concerns, does not minimise presence and recede into the landscape
7. Outbuilding having the same wall and roof colour creates excessive bulk
8. Will create a negative precedent
9. Loss of view
10. Noise pollution and construction noise
11. Over population
12. Loss of native animal habitat

The applicant provided a response which is summarised below.

1. No response
2. No response
3. Rammed earth wall cladding - Hempcrete is not 'stabilised rammed earth'. The external hempcrete walls (north & west side of house) will be rendered. A rendered panel is permissible under the guidelines.
4. Attached carport - The design of the *attached* carport was done as the site had limitations of building placement. BAL rating (29), fire access requirements, and effluent field requirement (distance from creek line) required siting of the house in the centre of the block. If there is to be no carport attached to the house it would then be either attached to the shed or the shed would be increased in size to accommodate the extra car space. We note that there are other recently built homes/houses with carports in Wandiligong, either attached or fronting the street.
5. Verandah on the eastern elevation - A verandah as suggested on the east side of the house has no relevance to the guidelines. It is a personal design aesthetic of the objector.
6. Outbuilding siting concerns - The setback is currently at 0.6m which is allowable as long as the height of the building is < 3.6m.
7. Outbuilding colours - We are happy to review the colour combination of roof and walls.
8. No response
9. No response
10. No response
11. No response
12. No response

The assessing officer's response is provided as follows:

Possible impact on native title artefacts

1. An Aboriginal Cultural Heritage Management Plan is not required for the proposal. Separate legislation exists outside of the *Planning and Environment Act 1987* which includes specific controls around native title artifacts should any be identified on the site during construction.

Proposed built form is not appropriate

2. The proposal is considered to be generally in accordance with the relevant applicable planning controls and the built form is considered appropriate subject to conditions

Rammed earth wall cladding not appropriate

3. The proposed external dwelling materials include a mix of Scyon axon in colour Dulux Buff It, stone, rendered hempcrete in colour Dulux Buff It, and colourbond fascias in colour Surfemist. The Wandiligong Heritage Guidelines state that new buildings must utilize lightweight cladding – preferably square edged weather boards, corrugated iron or rendered panels. Brick or stone as accents is acceptable. Variety in use of cladding is encouraged.

Attached carport and bulk visual impact

4. The application was referred to Councils Heritage advisor and consent was provided. A single attached carport is proposed forward of the main dwelling. The design of the proposed carport is considered to be complimentary and consistent with the main dwelling.

No verandah on the eastern elevation

5. The eastern elevation does not include any verandah area and has minimal visibility from the street. Verandah and pergola areas are proposed on the western elevation which is visible from the street. A portico is proposed on the eastern elevation. The Wandiligong Heritage guidelines do not require a building to have verandahs and pergolas on all elevations

Outbuilding siting concerns

6. The outbuilding is proposed with a 0.6 setback to an adjoining government road to the south-east. As the government road cannot be developed with a dwelling, there is considered to be adequate separation distance between the proposed outbuilding and existing adjoining buildings

Outbuilding having the same wall and roof colour creates excessive bulk

7. The Wandiligong Heritage guidelines state that relatively dark muted colour schemes for roof and cladding with minimal contrasting details should be used. The proposed external colours are considered to be suitable subject to conditions.

Precedent impact

8. Every planning application is considered on its own merits, against the relevant legislation at the date of lodgement of the application.

Loss of view

9. There are no view controls through the relevant planning legislation that apply to the site. The proposal is considered to be generally in accordance with the provisions of Significant Landscape Overlay – Schedule 3

Noise pollution and construction noise

10. Suitable conditions included should the application be supported. Separate legislation exists beyond the *Planning and Environment 1987* which includes noise controls.

Over population

11. Pursuant to the LDRZ provisions that apply to the site, Use and Buildings and Works for the Construction of a Dwelling is permitted as of right on the site. A planning permit is required for the proposal pursuant to the BMO, HO, and SLO overlays that apply to the site.

Loss of native animal habitat

12. The site does not contain any native vegetation or other substantial vegetation. Pursuant to the LDRZ provisions that apply to the site, Use and Buildings and Works for the Construction of a Dwelling are permitted as of right on the site. A planning permit is required for the proposal pursuant to the BMO, HO, and SLO overlays that apply to the site.

REFERRALS

Referrals / Notice	Advice / Response / Conditions
Section 55 referrals	Country Fire Authority (CFA) - No objection, subject to conditions. Goulburn Murray Water (GMW) - No objection, subject to conditions.
Internal referrals:	Alpine Shire Council Heritage Advisor - No objection and no concerns. Alpine Shire Council Health Team - No objection, subject to conditions. Alpine Shire Council Engineering Team - No objection, subject to conditions.

PLANNING ASSESSMENT

All applicable policy and decision guidelines can be found in Appendix 8.2.6.b.

Planning Policy Framework

The following Planning Policy Framework (PPF) gives support to the proposal.

- Policy 11.01-1S - Settlement as the proposal limits urban sprawl and directs growth into existing settlements.
- Policy 11.01-1L-08 - Wandiligong as the proposal respects the historic semi-rural look and feel of Wandiligong.
- Policy 15.01-2S – Building Design as the proposal contributes positively to the local context.

- Policy 15.03-1S – Heritage Conservation as the proposal provides for appropriate development that respects the heritage place with identified heritage values.
- Policy 16.01-1S - Housing supply as the proposal facilitates well located and diverse housing and reduces the share of new dwellings in greenfield, and dispersed development areas.

Zoning

The subject land is zoned Low Density Residential Zone. The proposal is consistent with the purposes of the Low-Density Residential Zone as it provides for low density residential development which in the absence of reticulated sewerage, can treat and retain all wastewater.

Bushfire Management Overlay

The land is covered entirely by the Bushfire Management Overlay. There is a planning permit trigger for the proposal at Clause 44.06-2. The application was referred to the CFA for comment. Conditional consent was provided. The application is considered to meet the relevant requirements of the Bushfire Management Overlay.

Particular Provisions

Clause 52.06 – Car Parking

Clause 52.06 of the Alpine Planning Scheme contains the state-wide car parking and access provisions. In accordance with the requirements of this clause at least one (1) car parking space is required on the site. More than one (1) car space is provided on the site. A detailed assessment of the proposal against the provisions of Clauses 52.06 is contained on the planning file – reference no. P.2021.175. The proposal is considered to be generally in accordance with the decision guidelines subject to conditions.

Clause 53.02 – Bushfire Planning

The application was referred to the CFA for comment. Conditional consent was provided. The application is considered to meet the relevant requirements of this clause subject to conditions.

General Provisions

Clause 65.01 of the Alpine Planning Scheme provides the general decision guidelines that must be considered before deciding on an application. A detailed assessment of the proposal against the provisions of Clauses 65.01 is contained on the planning file – reference no. P.2021.175. The proposal is considered to be generally in accordance with the decision guidelines.

CONCLUSION

The application is considered to be consistent with the Alpine Planning Scheme and should be approved for the following summarised reasons:

1. The proposal generally meets the relevant provisions of the:
 - i. Planning Policy Framework;
 - ii. Heritage Overlay - Schedule 83
 - iii. Significant Landscape Overlay - Schedule 3
 - iv. Bushfire Management Overlay
 - v. Particular provisions including 52.06 Car Parking and 53.02 Bushfire Planning.
 - vi. Decision Guidelines at Clause 65.01.
2. The proposal provides an appropriate design and respects the heritage place.

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 Corporate Performance
- Manager Planning and Amenity
- Senior Planning Officer

APPENDICIES

- 8.2.6.a. Conditions
- 8.2.6.b. Policy and decision guidelines

8.2.6.a. Conditions

Amended Plans Required - Development

1. Before the development start(s), amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. The water tanks having an external colour(s) consistent with the other building and works authorised by this permit.
 - b. The walls of the outbuilding having an external colour consistent with the external colour of the walls of the dwelling.
 - c. Consistency in the siting and design of the water tank/s.

Endorsed Plans

2. The layout of the site and the size of the proposed buildings and works must be generally in accordance with the endorsed plan/s which form part of this permit. The endorsed plan/s must not be altered or modified (whether or not to comply with any statutory rule or local law or for any other reason) without the prior written consent of the responsible authority.

External Materials and Colours

3. The external materials of the building(s) including the roof must be constructed in materials of muted colours, to the satisfaction of the responsible authority. No materials having a highly reflective surface shall be used. For the purposes of this condition 'highly reflective' includes but is not limited to unpainted zincalume.
4. All eaves and gutters must be ogee or quad profile and downpipes must be circular.
5. Roof cappings must be roll top and roll edge.

Garbage Storage

6. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be screened from public view to the satisfaction of the responsible authority.

Construction Site Storage Area

7. An area for the storage of construction materials must be designated prior to the arrival of equipment and materials onsite. At the completion of construction all excess materials must be removed from the site to the satisfaction of the responsible authority.

Mandatory Bushfire Conditions

8. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible

authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

Disturbed Surfaces

9. All disturbed surfaces on the land resulting from the development must be stabilised to the satisfaction of the responsible authority.

- Goulburn Murray Water Conditions -

10. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
11. All wastewater from the proposed dwelling must be treated to a standard of at least 20mg/L BOD and 30mg/L suspended solids using a package treatment plant or equivalent. The system must be an EPA approved system, installed, operated and maintained in accordance with the relevant EPA Code of Practice and Certificate of Conformity.
12. All wastewater must be applied to land via pressure-compensating sub-surface irrigation installed along the contour.
13. The wastewater disposal area must be located at least 100 metres from the nearest waterway, 60 metres from any dams, 40 metres from any drainage lines and 20 metres from any bores.
14. The wastewater disposal area must be kept free of buildings, driveways, paths and service trenching and must be planted with appropriate vegetation to maximise its performance. Stormwater must be diverted away. A reserve wastewater disposal field of equivalent size to the primary disposal field must be provided for use in the event that the primary field requires resting or has failed
15. Stormwater run-off from buildings and other impervious surfaces must be dissipated as normal concentrated overland flow or directed to a storage tank or dam.
16. The shed must not encroach on the wastewater treatment system or disposal area, or breach the minimum setback distances specified in the relevant EPA Code of Practice – Onsite Wastewater Management. Stormwater run-off from the shed roof must not be directed towards the disposal area.
17. Prior to the building permit being issued, the owner must enter into an agreement with the Responsible Authority and Goulburn-Murray Water under Section 173 of the Planning and Environment Act requiring that:
 - a. If a community effluent disposal system or reticulated sewerage system becomes available, all wastewater from the dwelling must be disposed of via this system and the on-site treatment and disposal system must be decommissioned.
 - b. Unless connected to the reticulated sewerage system, a dwelling on this land must contain no greater than two bedrooms (or rooms that can be used as bedrooms).
 - c. Outbuildings must not contain bedrooms (or rooms that could be used as bedrooms) or any facilities with the potential to produce wastewater, including toilets, kitchens or other food preparation facilities.

- d. The wastewater treatment and disposal facility be installed, operated and maintained as required by the EPA.
 - e. The owner shall meet the cost of the registration of the agreement on the title of the land.
 - f. This agreement is cancelled if (a) above is satisfied.
18. The owner must provide evidence of registration of the Section 173 Agreement to Goulburn-Murray Water within three months of this occurring.

- Alpine Shire Council Environmental Health Team Conditions -

19. An application must be made for a Permit to Install a Septic Tank System to the satisfaction of Council's Environmental Health Officer prior to a building permit being issued in accordance with the requirements of the Building Act 1993. The septic system must comply with the Code of Practice – onsite Wastewater Management Publication 891.4 and AS1546.1 to 1546.4 and generally be in accordance with the Land Capability Assessment AN08042020-1A from Porta Environmental Pty Ltd.

- Country Fire Authority Conditions -

20. Before the development starts, the Bushfire Management Plan prepared by Mountain Planning (dated 7th September 2021, Rev 0) must be endorsed by the Responsible Authority. Once endorsed, the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority.

-Alpine Shire Council Engineering Team Conditions -

21. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Alpine Shire Council. Issues such as mud on roads, dust generation and erosion and sediment control must be managed, on site, during the construction phase.
22. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads from the subject land, to the satisfaction of the Alpine Shire Council.
23. Prior to occupation of the buildings and works authorised by this permit all stormwater and surface water discharging from the site, buildings and works must be conveyed to the legal point of discharge by underground pipe to the satisfaction of the Alpine Shire Council. No effluent or polluted water of any type may be allowed to enter the Council's stormwater drainage system. The legal point of discharge (LPOD) for this site is an on-site infiltration pit with overflow to be dispersed on site. All roof water from buildings and surface water from paved areas must be collected and discharged to the LPOD to avoid any nuisance discharge to adjacent land to the satisfaction of the responsible authority.
24. Prior to the issue of a building permit, a properly prepared drainage discharge plan with computations must be submitted to, and approved by, Alpine Shire Council. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The information submitted must show the details listed in Council's Infrastructure Design Manual and be designed in

accordance with the requirements of that manual. The information and plan must include:

- a. details of how the works on the land are to be drained and/or retarded.
- b. the discharge rate is to be restricted to the pre-development flowrate for a 20%AEP rainfall event
- c. infiltration pit designed to 20% AEP rainfall event with calculation
- d. underground pipe drains conveying stormwater to the legal point of discharge
- e. maintenance schedules for treatment elements.

Prior to occupation of the buildings and works authorised by this permit, all works constructed or carried out must be in accordance with those plans - to the satisfaction of Alpine Shire Council.

25. Prior to occupation of the buildings and works authorised by this permit, vehicular crossings shall be constructed in accordance with the endorsed plan(s) to the satisfaction of the Alpine Shire Council, and shall comply with the following:
- a. standard vehicular crossings shall be constructed at right angles to the road to suit the proposed driveways, and any existing redundant crossing shall be removed and reinstated to match into the surrounding profile.
 - b. Any proposed vehicular crossing shall have satisfactory clearance to any pit, power or Telecommunications pole, manhole cover or marker, or street tree. Any relocation, alteration or replacement required shall be in accordance with the requirements of the relevant Authority and shall be at the applicant's expense;
 - c. Crossings are to be concrete or have a bituminous seal applied where they abut a sealed road. If the road is unsealed the crossing may remain an unsealed crushed rock pavement. Dimensions and roadside drainage treatments are to be generally in accordance with IDM drawing SD255.

Expiry

26. This permit will expire if one of the following circumstances applies:
- i. the development is not started within two (2) years of the date of this permit.
 - ii. the development is not completed within four (4) years of the date of this permit.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within six (6) months afterwards.

- End of Conditions -

Planning Notes

1. This permit does not grant approval for any existing buildings and works on the site.
2. This permit does not authorise approval under the Building Act. It is the responsibility of the applicant to determine if a building permit is required for the proposed buildings and works.

3. A road opening/crossing permit must be obtained from the responsible authority prior to working in or occupying the road reserve with construction equipment or materials. Applications may be accessed from the Alpine Shire Council website.
4. This permit does not grant approval for any fencing on the site.
5. This application has not been assessed against the provisions of clause 54 within the Alpine Planning Scheme.
6. The Site Plan provided is not a survey plan and may not show the correct boundary. The applicant is responsible for ensuring the development is sited within their freehold land.

8.2.6.b. POLICY AND DECISION GUIDELINES

All of the below mentioned relevant planning considerations from the Alpine Planning Scheme may be viewed at the following link: <https://planning-schemes.delwp.vic.gov.au/schemes/alpine>.

Planning Policy Framework

The Planning Policy Framework (SPPF) provides relevant direction to the proposal at the following clauses:

- 11.01-1S - Settlement
- 11.01-1L - Wandiligong
- 12.05-1L - Public-private land interface
- 12.05-2S – Landscapes
- 12.05-2L - Landscapes
- 13.01-1S – Natural Hazards and Climate Change
- 13.02-1S – Bushfire Planning
- 13.02-1L - Bushfire
- 14.02-1S – Catchment Planning and Management
- 14.02-1L - Catchment Planning and Management
- 14.02-2S – Water Quality
- 14.02-2L - Water Quality
- 15.01-1S - Urban Design
- 15.01-1L - Urban Design
- 15.01-2S – Building Design
- 15.01-5S – Neighbourhood Character
- 15.03-1S – Heritage Conservation
- 16.01-1S - Housing supply
- 19.03-2S – Infrastructure Design and Provision
- 19.03-2L - Infrastructure Design and Provision
- 19.03-3L - Integrated Water Management

Zone

The land is zoned Low Density Residential Zone.

Overlays

The land is covered by the:

- Bushfire Management Overlay,
- Significant Landscape Overlay - Schedule 3, and
- Heritage Overlay - Schedule 83.

Particular Provisions

52.06 Car Parking

53.02 Bushfire Planning

General Provisions

Clauses 65.01 within the Alpine Planning Scheme provides the general decision guidelines.

Cr Hughes re-entered Council Chambers at 6.33pm.

8.2.7 Amendment to Planning Application P.2019.152.3 - 650 Buffalo River Road, Buffalo River

Application number:	<i>P.2019.152.3</i>
Proposal:	<i>Amendment to planning permit P.2019.152.3 - Amended Plans, Conditions and what the permit allows</i>
Applicant's name:	<i>Mark Kennewell</i>
Owner's name:	<i>Yvonne E Kennewell</i>
Address:	<i>650 Buffalo River Road, Buffalo River VIC 3737 (Lot 1 PS 316685C)</i>
Land size:	<i>3733sqm</i>
Current use and development:	<i>The site is currently developed with shedding.</i>
Site features:	<i>The site is of an irregular shape and relatively flat. The site contains several sheds and is fenced on all sides. There is an existing crossover located near the southern corner of the site.</i>
Why is a permit required?	<i>Section 72 of the Planning and Environment Act 1987</i>
Zoning:	<i>Farming Zone (FZ)</i>
Overlays:	<i>Land Subject to Inundation Overlay (LSIO) Bushfire Management Overlay (BMO)</i>
Restrictive covenants on the title?	<i>None</i>
Date received:	<i>27 April 2022 (amended plans)</i>
Statutory days:	<i>69 days</i>
Planner:	<i>James Trimble</i>

*Cr Forsyth
Cr Kelley*

That a Notice of Decision to grant an amendment be issued for the proposed amendment to planning permit P.2019.152.3 in accordance with the conditions outlined in Appendix 8.2.7.a. and based on the following summarised reasons:

1. The proposal generally meets the relevant provisions of the:

- i. Planning Policy Framework;*
- ii. Farming Zone; and*
- iii. Decision guidelines at Clause 65.01*

Carried

BACKGROUND

Corrected planning permit 2019.152.2 was issued on 20 April 2020 for the development of agricultural sea containers and greenhouses (Building and Works) associated with an Aquaculture (Aquaponics) use on the site.

This application was considered by Council at the 3 March 2020 Ordinary Council Meeting. The development approved as part of P.2019.152.2 incorporates the construction of two sea containers with an awning attached to the northern sea container and one greenhouse to allow for the storage of aquaponics and associated equipment, testing and evaluating aquaponic systems. There is an associated endorsed landscaping plan and waste management plan.

Application P.2021.124 for Use and Buildings and Works for a Dwelling, and Alteration of Access to a Road in a Road Zone - Category 1 was refused at the 1 February 2022 Ordinary Council Meeting. That application is not being considered as part of this Council Report.

PROPOSAL

The current proposal involves an amendment to planning permit P.2019.152.3 by amending the currently endorsed plans, conditions and what the permit allows.

The proposed amendments to the currently endorsed plans include

- i. The addition of three (3) 10,000 litre rainwater tanks sited near the north-western corner of the site, in the current setback area between the shipping containers and the western lot boundary;
- ii. Minor (less than 1 metre) increases in the height/s of the sea containers (buildings and works) on the site to reflect what currently exists on the site; and
- iii. The deletion of the endorsed landscaping plan.

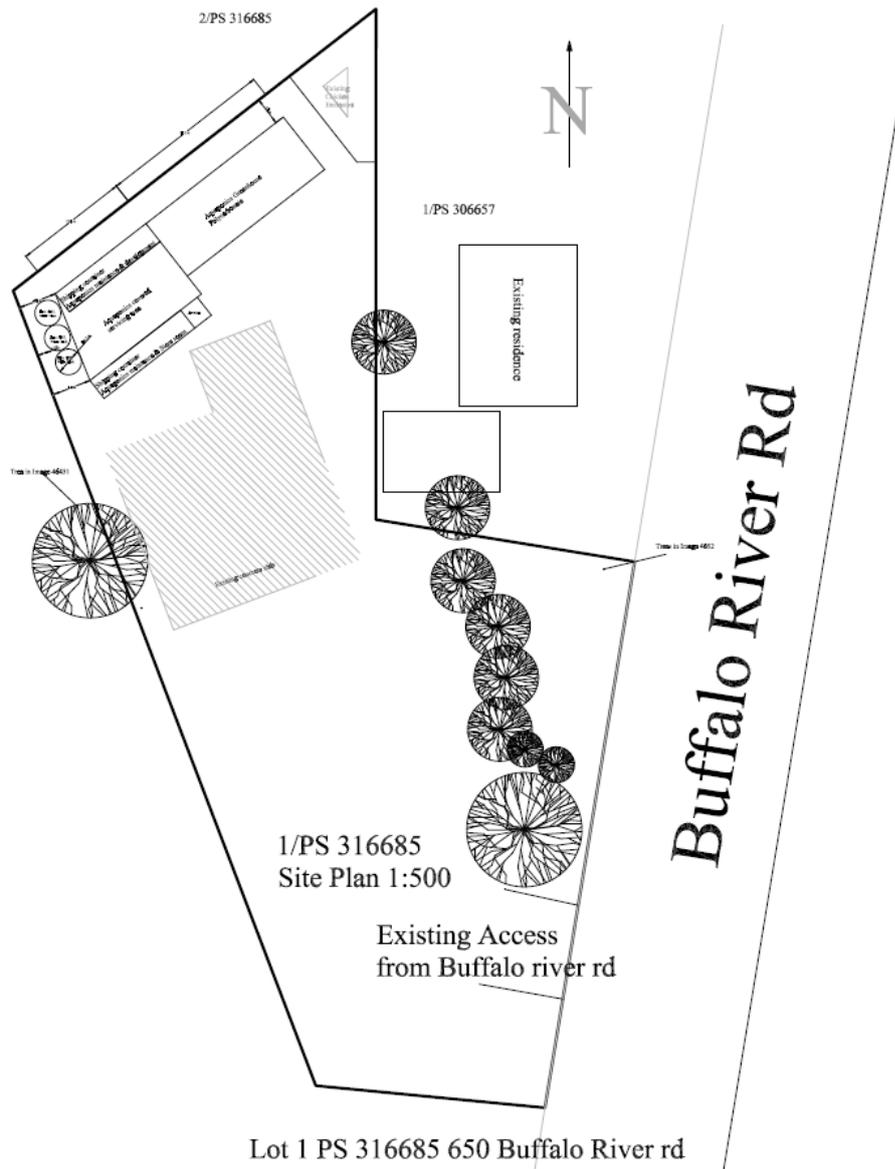


Figure 1: Proposed Site Layout

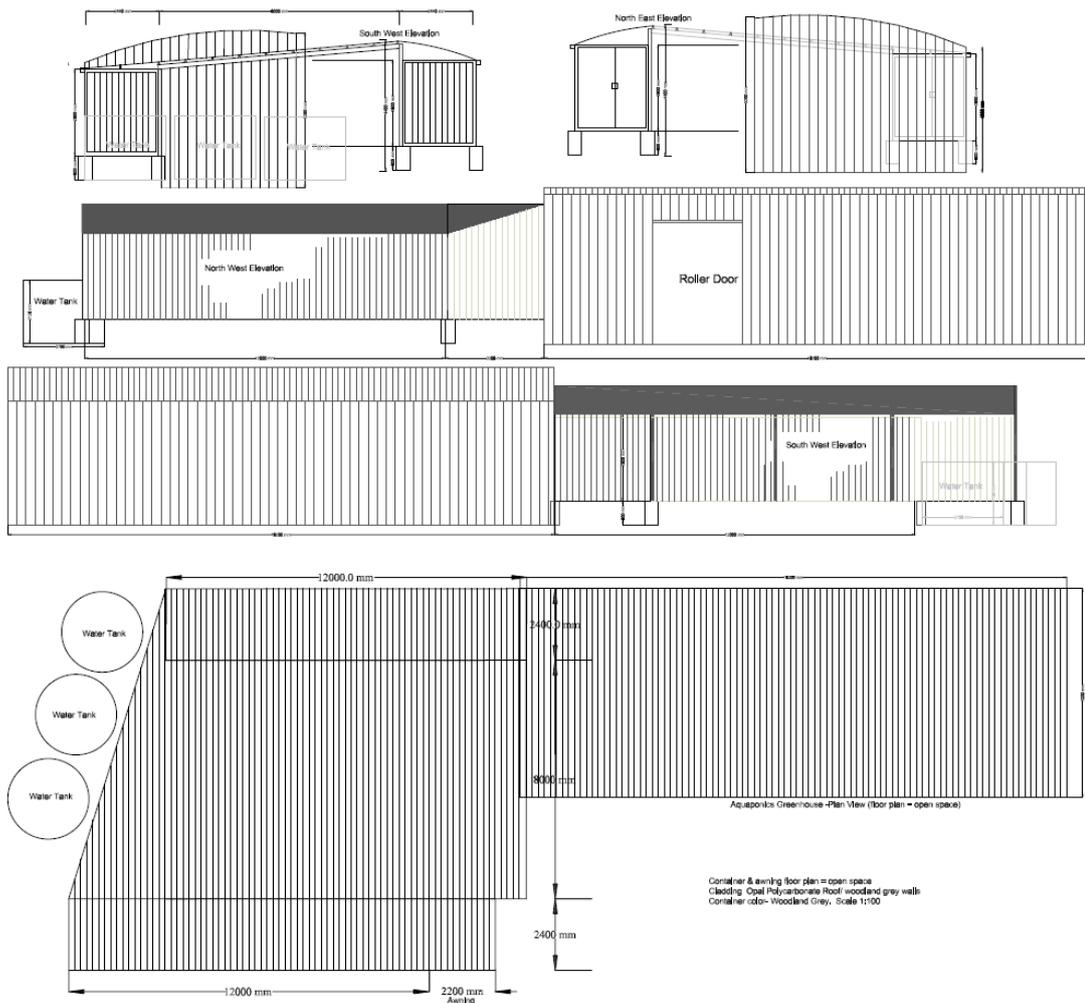


Figure 2: Shows the proposed amended plans

The proposal includes the deletion of the following three (3) conditions from the permit:

Landscape Plan

4. Before the development starts, a landscape plan must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:

- a. The area(s) set aside for landscaping;
- b. Details of surface finishes of pathways and driveways;
- c. A schedule of all proposed trees, shrubs and ground cover, which will include the location, number, height and spread at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface material as specified;
- d. Planting required by any other Condition of this permit;

- e. Canopy trees (minimum two metres tall when planted) in the immediate areas surrounding buildings and works, which provides effective screening of the buildings from existing adjoining dwellings to the north and east of the site;*
- f. The means of watering/irrigation proposed to be used.*

Completion of Landscaping

- 5. Before the occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.*

Landscaping Maintenance

- 6. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.*

What the permit allows is proposed to be amended by adding water storage tanks.

SUBJECT LAND AND SURROUNDS

The site is an irregular shape with the side boundaries measuring 77.65 metres (adjoining 648 Buffalo Rover Road, Buffalo River) and 178.65 metres (adjoining 642 Buffalo River Road, Buffalo River), with the front lot boundary measuring 58.13 metres. The site has an area of 3,733sqm, contains several sheds, fencing on all sides, a concrete pad, a driveway, a crossover and landscaping, and is relatively flat.

The site is surrounded by land of varied lot sizes within the Farming Zone (3,217sqm to 116,267sqm), and to the east of the site on the eastern side of Buffalo River Road the land is zoned Rural Living Zone. Most of the surrounding smaller sites are developed for the purpose of a single dwelling, and larger lots being used for agricultural purposes. The site abuts Buffalo River Road which is zoned Road Zone – Category 1, and is sited approximately 240 metres to the south, and 285 metres to the east of Buffalo River.



Figure 3: Subject land

PUBLIC NOTIFICATION

The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987*. Notice of the application was sent to surrounding landholders and occupiers. A sign was displayed on the site. Three (3) objections were received and maintained. The matters raised in the objections have been summarised as follows:

1. Environmental impacts of wastewater associated with aquaponics activity
2. The landscape screening in the permit should be required to minimise overlooking
3. Negative stormwater impacts and flooding adjoining properties
4. Tanks are wrong size for amount of water runoff from the existing roofing on the site
5. Tanks are sited in the wrong position to catch water from the roof and should not be sited near any water trust pipes
6. Impact on views
7. It will be an eyesore
8. Overlooking
9. Overshadowing

In response to the objections received the applicant submitted a response which is summarised below:

1. No response
2. Landscape Screening - We have had two (2) specialists visit the property and both believe the plants have been poisoned, additionally some of the subject plants moved to a different area are now thriving. The landscaping requirement in the planning permit has been troublesome due to sprays used along fence lines.
3. No response
4. Tanks are the wrong size - Not based on any factual basis.
5. Tanks are in the wrong place - Not based on any factual basis.
6. No response
7. It will be an eyesore - The amendment is to rectify inconsistencies in the previous applications, no physical changes will be made to the current buildings onsite. Structures onsite are no higher than the one's on adjoining properties. 5 meters is modest and even in a residential setting where 6 metres is common.
8. No response
9. No response

The assessing officer's response is provided as follows:

1. Environmental impacts of wastewater associated with aquaponics activity - The proposed amendment does not introduce any new wastewater producing fixtures and fittings on the site. Referral to Goulburn Murray Water (GMW) - conditional consent provided and Alpine Shire Council Environmental Health Team - no concerns raised.
2. Landscape screening removal - There is no valid planning reason for the current landscaping requirements in the permit to be deleted.
3. Negative stormwater impacts - The proposed amendment is not considered to result in substantial additional stormwater impacts. The permit currently includes the following condition which should be maintained - *All roof water from buildings and surface water from paved areas must be collected and conveyed to a drainage easement or to the legal point of discharge so as not to prevent stormwater nuisance to adjoining properties, to the satisfaction of the responsible authority.* The amendment application was referred to the North East Catchment Management Authority (NECMA) to provide specialist comments on associated flooding impacts and consent was provided.
4. Tanks are sited in the wrong place - As above, and the water trust pipes (if any exist on the site) are not protected by any formal easement or other legal agreement on the site.
5. Tanks are the wrong size - The tanks are not specifically required for stormwater mitigation. The permit currently includes the following condition which should be maintained - *All roof water from buildings and surface water from paved areas must be collected and conveyed to a drainage easement or to the legal point of discharge so as not to prevent stormwater nuisance to adjoining properties, to the satisfaction of the responsible authority.*
6. Impact on views - There are no specific view controls that apply to the site and surrounding sites.

7. It will be an eyesore - Subjective. There are no specific built form or design controls that apply to the site. The amendment is not considered to result in significant additional amenity impacts.
8. Overlooking - The site and surrounding sites are zoned farming. There are no specific overlooking controls that apply. The proposed amendment does not introduce any new habitable rooms or private open space associated with a dwelling on the site.
9. Overshadowing - The site and surrounding sites are zoned farming. There are no specific overshadowing controls that apply. The proposed increase in height is not considered to result in unacceptable amenity impacts on the existing adjoining dwellings.

REFERRALS

Referrals / Notice	Advice / Response / Conditions
Section 55 referrals	NECMA - No objection and no conditions. GMW - No objection, subject to conditions.
Internal referrals:	Alpine Shire Council Environmental Health Team - No concerns

PLANNING ASSESSMENT

All applicable policy and decision guidelines can be found in Appendix 8.2.7.b.

Planning Policy Framework

The following Planning Policy Framework (PPF) gives support to the proposal.

15.01-5S Neighbourhood character as the proposal respects the existing neighbourhood character.

The proposal is considered to be generally in accordance with the relevant PPF as it respects the rural character of the area and encourages diversified sustainable agricultural land use.

Zoning

The subject land is zoned Farming Zone. The proposal is considered to be generally in accordance with the purposes and decision guidelines of the Farming Zone as it provides for the use of land for agriculture.

Land Subject to Inundation Overlay`

The land is covered entirely by the Land Subject to Inundation Overlay. There is a planning permit trigger for the proposal at clause 44.04-2. The application was referred to the NECMA for comment. Consent was provided with no conditions. The application is considered to meet the relevant requirements of the Land Subject to Inundation Overlay.

Bushfire Management Overlay

The land is covered entirely by the Bushfire Management Overlay, however there is no planning permit trigger for the proposed amendments within the Bushfire Management Overlay.

General Provisions

Clause 65.01 of the Alpine Planning Scheme provides the general decision guidelines that must be considered before deciding on an application. A detailed assessment of the proposal against the provisions of Clause 65.01 is contained on the planning file – reference no. P.2019.152.3. The proposal is considered to be generally in accordance with the relevant provisions.

CONCLUSION

That a Notice of Decision to grant an amendment be issued for the proposed amendment to planning permit P.2019.152.3 the following summarised reasons. The proposal generally meets the relevant provisions of the:

1. Planning Policy Framework;
2. Farming Zone; and
3. Decision guidelines at Clause 65.01

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 Corporate Performance
- Senior Planning Officer

APPENDICIES

- 8.2.7.a. Conditions
- 8.2.7.b. Policy and decision guidelines

8.2.7.a. Conditions

Amended Plans

1. Before the development starts, amended plans must be submitted to, and approved by, the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a. The accurate dimensions of the width and length of the awning attached to the sea container.
 - b. The removal of the fence surrounding the chicken enclosure.
 - c. The removal of the chicken enclosure.
 - d. The external colour of all sea containers being dark green or a dark and muted colour to reduce the visual impact of the sea containers to the satisfaction of the responsible authority. **(Corrected 20 April 2020)**
 - e. The provision of evergreen screen landscaping around buildings and works, which provides effective screening from existing adjoining dwellings to the north and east of the site to the satisfaction of the responsible authority. **(Condition 1. e. amended 5 July 2022)**
 - f. The plans submitted for the amendment application P.2019.152.3 being in accordance with the currently endorsed plans date stamped 30/07/2020 with the following amendments:
 - i. The maximum height/s of the building and works being increased to those height/s as stated on most recent version of the plans submitted for the P.2019.152.3 amendment application;
 - ii. The inclusion of three (3) 10,000 litre rainwater tanks sited in the north-western corner of the site in the western setback area between the shipping containers and the western lot boundary;
 - iii. The maximum height of the rainwater tanks as referenced above at condition 1. f. ii. being less than the maximum height of the shipping containers above natural ground level. **(Condition 1. f. added 5 July 2022)**

Endorsed Plans

2. The layout of the site and the size of the proposed buildings and works must be generally in accordance with the endorsed plan/s which form part of this permit. The endorsed plan/s must not be altered or modified (whether or not to comply with any statute statutory rule or local law or for any other reason) without the consent of the responsible authority.

External Materials

3. The external materials of the shed including the roof and water tanks must be constructed in materials of muted colours. No materials having a highly reflective surface shall be used. For the purposes of this condition 'highly reflective' surfaces include unpainted aluminium, zinc or similar materials. **(Existing condition 3. amended 5 July 2022)**

Landscape Plan

4. Before the development starts, a landscape plan must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a. The area(s) set aside for landscaping;
 - b. Details of surface finishes of pathways and driveways;
 - c. A schedule of all proposed trees, shrubs and ground cover, which will include the location, number, height and spread at maturity of all plants, the botanical names of such plants and the location of all areas to be covered by grass, lawn or other surface material as specified;
 - d. Planting required by any other Condition of this permit;
 - e. Canopy trees (minimum two metres tall when planted) in the immediate areas surrounding buildings and works, which provides effective screening of the buildings from existing adjoining dwellings to the north and east of the site;
 - f. The means of watering/irrigation proposed to be used.

Completion of Landscaping

5. Before the occupation of the development starts or by such later date as is approved by the responsible authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the responsible authority.

Landscaping Maintenance

6. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the responsible authority, including that any dead, diseased or damaged plants are to be replaced.

External Lighting

7. Any external lighting shall be installed and maintained so as to avoid distracting passing motorists or causing nuisance to neighbouring properties, to the satisfaction of the responsible authority.

Waste Management Plan

8. Prior to the commencement of the use of the buildings hereby permitted a Waste Management Plan shall be submitted for the approval of the Responsible Authority. The Plan shall detail the management of all wastes, including dead stock, generated by the use to the satisfaction of the Responsible Authority. The Plan must include, but not necessarily be limited to:
 - a. The designation of storage areas for all wastes.
 - b. Methods and frequency of collection and transportation of all waste products.
 - c. Methods to prevent vermin and fly infestation.
 - d. Collection and disposal of dead stock.

- e. Contingency plans for the storage and disposal of stock in the event of mass mortalities.
- 9. The storage, removal and disposal of garbage, stock and refuse must be undertaken in accordance with the Waste Management Plan referred to in this permit and in such a manner as to avoid any nuisance, pollution or loss of amenity to the surrounding area, to the satisfaction of the Responsible Authority.

Waste Storage Area Screening

- 10 Waste storage area(s) must be graded, drained and screened from public view to the satisfaction of the responsible authority.

Wastewater

- 11 Effluent must not drain directly or indirectly into any adjoining property, street or any watercourse or drain, to the satisfaction of the Responsible Authority.

Exposed Storage

- 12. No goods shall be stored or left exposed outside the buildings so as to be visible from any public road or thoroughfare.

Vehicle Access

- 13. Access to the site must be made to the satisfaction of Vic Roads and the Responsible Authority.

Loading and Unloading

- 14. The loading and unloading of goods must only be carried out on the land.

Stormwater

- 15. All roof water from buildings and surface water from paved areas must be collected and conveyed to a drainage easement or to the legal point of discharge so as not to prevent stormwater nuisance to adjoining properties, to the satisfaction of the responsible authority.

Use

- 16. The buildings and works authorized by the permit must not be used for human habitation and must not contain any wastewater producing fixtures.

External Fixtures and Fittings

- 17. All external fixtures and fittings including but not limited air conditioners and water pumps, which generate noise must be sited as far away from existing surroundings dwellings as reasonably practical, to the satisfaction of the responsible authority, or alternatively external fixtures and fittings must be acoustically treated or placed in soundproof housing to reduce noise to a level satisfactory to the responsible authority.

Plant/Equipment or Features on Roof

18. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s) without the written consent of the responsible authority.

Security Alarms

19. All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and be connected to a security service.

ENVIRONMENTAL HEALTH CONDITIONS

20. The development of the site must not compromise the existing septic tank system and disposal area.

NORTH EAST CATCHMENT MANAGEMENT AUTHORITY (NECMA) CONDITIONS

21. The shipping containers shall be erected on columns or piers to achieve a minimum finished floor level of RL 215.2 m AHD. For the purposes of these works a finished floor level a minimum 800 mm above the existing surface level will be deemed to comply with this condition.
22. The area beneath the shipping containers shall have the minimum of obstructions to flows, i.e. only bracing, steps and necessary building parts shall be permitted below floor level. The area beneath the structure shall not be subsequently enclosed in any way.
23. The foundations and support system for the shipping containers must be designed to withstand lateral loading from floodwaters, inclusive of potential hydrostatic, hydrodynamic and debris loads, allowing for design velocity 0.5 m/s and prevent dislodgment by floodwater.
24. No fill shall be placed on or allowed to spill to land with an existing surface level below RL 214.9m AHD.
25. Any chemicals, oil, fuel, grease, waste or other potential pollutants must be stored above RL 215.2 m AHD. Adequate storage areas and shelving must be provided for this purpose.
26. If electrical power is to be provided to the proposed greenhouse and shipping containers, all electrical wiring, power outlets, switches, etc. must, to the maximum extent possible, be located above RL 215.2 AHD. Any electrical below this level must be suitable for continuous submergence in water.

GOULBURN MURRAY WATER (GMW) CONDITIONS

27. All construction and ongoing activities must be in accordance with sediment control principles outlined in 'Construction Techniques for Sediment Pollution Control' (EPA, 1991).
28. No buildings are to be constructed within 30 metres of any waterways or on any drainage lines.

EXPIRY CONDITIONS**Time for starting and completion**

29. This permit will expire if one of the following circumstances applies:

- a. If the development is not started within two years of the date of this permit.
- b. If the development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months afterwards.

End of Conditions**PLANNING NOTES:**

1. There is a planning permit trigger for the chicken enclosure and fence if it involves more than post and wire and post and rail fencing.
2. This permit does not authorise approval under the Building Act. It is the responsibility of the applicant to determine if a building permit is required for the proposed buildings and works.
3. The Fisheries Division issues licences that permit the holder to use aquaculture equipment to culture fish as defined in the *Fisheries Act 1995*.
4. All sewage and sullage and polluted drainage must be treated in accordance with the requirements of the *Environment Protection Act 1970* and the *Health Act 1958*.
5. In Victoria any person or company that wishes to conduct aquaculture activity is required to hold an aquaculture licence issued under section 43 of the Fisheries Act 1995 (the Act). The holder of an aquaculture licence is bound by the conditions prescribed by the *Act and the Fisheries Regulations 1998* and conditions prescribed in the licence. Conditions of an aquaculture licence may vary depending on the type of activity being conducted, the species being farmed or any other reason that the Secretary considers appropriate. For licensing enquiries and application forms contact Commercial Licensing at (03) 8392 6861.
6. The placement of additional fill, permanent rainwater tanks, and/or an additional permanent water holding tank not sited within the greenhouse or sea containers on the site requires additional planning permit approval from the responsible authority.
7. Unless no permit is required under the planning scheme, no sign must be constructed or displayed without a further permit.
8. In regard to condition 1. f. the existing endorsed plans date stamped 30/7/2020 should be amended rather than the preparation of entirely new plans. **(Note added 5 July 2022).**

Date of Change	Description
20 April 2020	Due to a clerical error, condition 1(d) was corrected in accordance with Section 71 of the <i>Planning and Environment 1987</i> .

Date of Change	Description
5 July 2022	This permit has been amended pursuant to Section 72 of the <i>Planning and Environment Act 1987</i> . The currently endorsed plans have been amended with the following, addition of three (3) rainwater storage tanks sited near the north-western corner of the site, minor (less than 1 metre) increase in the heights of the buildings and works on the site, what the permit allows has been amended to include rainwater tanks and the conditions of the permit have been amended accordingly.

8.2.7.b. POLICY AND DECISION GUIDELINES

All of the below mentioned relevant planning considerations from the Alpine Planning Scheme may be viewed at the following link: <https://planning-schemes.delwp.vic.gov.au/schemes/alpine>.

Planning Policy Framework

The Planning Policy Framework (PPF) provides relevant direction to the proposal at the following clauses:

- 13.01-1S Natural hazards and climate change
- 13.03-1S Floodplain management
- 14.01-1S Protection of agricultural land
- 14.01-1L Protection of agricultural land
- 14.01-2S Sustainable agricultural land use
- 14.01-2L Sustainable agricultural land use
- 14.02-1S Catchment planning and management
- 14.02-1L Catchment planning and management
- 15.01-2S Building design
- 15.01-5S Neighbourhood character
- 15.01-6S Design for rural areas

Zone

The land is zoned Farming Zone.

Overlays

The land is covered entirely by the Land Subject to Inundation Overlay and Bushfire Management Overlay.

Particular Provisions

None

General Provisions

Clauses 65.01 within the Alpine Planning Scheme provides the general decision guidelines.

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 Forsyth

That the summary of informal meetings of Councillors for May / June 2022 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
31 May	Briefing Session
7 June	Briefing Session
14 June	Planning - Development Meeting
21 June	Briefing Session

Attachment(s)

- 9.0 Informal meetings of Councillors – May / June 2022

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 presentation of 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 Forsyth
Cr Prime*

That the following documents be signed and sealed.

1. *S11A – Instrument of Appointment and Authorisation – Planning & Environment Act 1987 – Senior Statutory Planning Officer.*
2. *S11A – Instrument of Appointment and Authorisation – Planning & Environment Act 1987 – Acting Manager Planning and Amenity.*
3. *Section 173 Agreement – Lindsay David Smith and Lee Mary Smith. The Section 173 Agreement relates to Planning Permit 2019.78 for Three (3) Lot Subdivision in Two Stages, and the Creation/Alteration of Access to a Road in a Road Zone Category 1 at 35 Linlee Ridge Road, Buffalo River (Lot 12 on Plan of Subdivision 421408). Volume 10532 Folio 405. The agreement has specific wording and must explicitly exclude proposed lot 3 from any exemptions allowing the construction of a dwelling without a planning permit.*
4. *Alpine Shire Council Risk Management Policy No.54, version 5*
5. *Landowner Agreement VC_CFL-3752_01 between The Secretary to the Department of Environment, Land, Water and Planning and Alpine Shire Council*

Carried

15. Confidential Report

*Cr Forsyth
Cr Hughes*

That, in accordance with the provisions of s66(2)(a) of the Local Government Act 2020, the meeting be closed to the public for consideration of a confidential report deemed as confidential information as defined by s3 of the Local Government Act 2020, as they deal with Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

Carried

The Ordinary Council Meeting closed at 7:01pm to hear an in-camera item and reopened to the public at 7:04pm.

There being no further business the Chairperson declared the meeting closed at 7:05p.m.

.....
Chairperson



SPM(7) – 15 JULY 2022

Special Council Meeting

Minutes

Notice is hereby given that a **Special Council Meeting** of the **Alpine Shire Council** will be held in the Council Chambers, Great Alpine Road, Bright on **15 July 2022** commencing at **4:30pm**.

PRESENT

COUNCILLORS

Cr Sarah Nicholas - Mayor
Cr Katarina Hughes - Deputy Mayor
Cr John Forsyth
Cr Ron Janas
Cr Simon Kelley
Cr Kelli Prime

OFFICERS

Alan Clark - Acting Chief Executive Officer
William Jeremy - Director Assets
Helen Havercroft - Director Corporate Performance

APOLOGIES

Cr Tony Keeble

Agenda

1.	Recording and livestreaming of Council meetings.....	3
2.	Acknowledgement of traditional custodians, and recognition of all people.....	3
3.	Apologies.....	3
4.	Declarations by Councillors of conflict of interest.....	3
5.	Presentation of report by Mayor.....	4
5.1	Mayors report – Appointment of Chief Executive officer	4
5.1.1	Appointment of Chief Executive Officer	4

1. Recording and livestreaming of Council meetings

The A/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.

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 livestreamed and will be available on Council's YouTube channel which is "Alpine Shire Council".

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

The Mayor will read the following statement:

The Alpine Shire Council acknowledges the Taungurung Traditional Owners and their ancestors as the Traditional Owners of the land we are now on, we pay our respect to Elders, past and present.

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

3. Apologies

Cr Tony Keeble

4. Declarations by Councillors of conflict of interest

Nil

5. Presentation of report by Mayor

5.1 MAYORS REPORT – APPOINTMENT OF CHIEF EXECUTIVE OFFICER

5.1.1 Appointment of Chief Executive Officer

File Number: 1350.01 and Personal File

INTRODUCTION

In accordance with s45 of the *Local Government Act 2020*, and the provisions of Councils Chief Executive Officer Employment and Remuneration Policy, this report relates to the appointment of a Chief Executive Officer (CEO).

The Chief Executive Officer (CEO) must be appointed under a Contract of Employment with Council that does not exceed five (5) years.

A Chief Executive Officer is eligible to be re-appointed within six months prior to the Contract of Employment expiry date and must be made by resolution of Council.

Cr Hughes

Cr Janas

That:

- 1. William Jeremy be appointed as Chief Executive Officer of Alpine Shire Council for a five (5) year term commencing on Monday 25 July 2022.*
- 2. That William Jeremy be offered a Contract of Employment as per the draft Employment Contract (as Confidential attachment 5.1.1.)*
- 3. The Chief Executive Officer be appointed as a Director to MomentumOne, and*
- 4. The Mayor Sarah Nicholas, be authorised to finalise the terms of the Contract of Employment with William Jeremy to be executed thereafter under Council Seal. If, however any material amendment is required to the attached draft Employment Contract (Confidential), then it will need to be referred back to Council for approval of such amendments.*
- 5. The Acting Chief Executive Officer position cease on Sunday 24 July 2022.*

Carried

BACKGROUND

Council at its meeting in December 2021, Council adopted the CEO Employment and Remuneration Policy which sets out its obligations and provides for the recruitment process of a natural person to be appointed to the position of CEO.

In March 2022, Council resolved by resolution to appoint Camden Search to lead the recruitment and selection of a new CEO following the decision of the then CEO to not seek reappointment.

Council at its meeting held in May appointed Alan Clark to the position of Acting Chief Executive Officer for a period of up to twelve months. Upon the successful appointment and commencement of a new Chief Executive Officer, the Acting Chief Executive Officer position will cease.

Camden Search invited applications for the position of CEO by publishing a notice of advertisement in The Local Government News Directory (19 May), Border Mail (21 May) and North East Jobs directory (25 May). The advertisement also appeared on Seek, LinkedIn and on Camden Search's website.

Membership of the CEO Employment and Remuneration Committee is the Mayor, a minimum of two other Councillors and the independent chairperson, David Preiss. The Committee is responsible for managing the CEO recruitment process to recommend to Council a merit-based appointment from a shortlist of preferred candidates. Councillors have been extensively consulted during the recruitment, shortlisting, interview and appointment process.

All applications were assessed and considered with the conditions specified in the notice and interviews conducted with preferred candidates.

The Committee provides this report and recommendation to Council to appoint a Chief Executive Officer by resolution.

The Chief Executive Officer is employed under contract which includes:

- key performance criteria which are reviewed and updated annually; and
- has a specified expiry date.

POLICY IMPLICATIONS

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

- 5.3 Bold leadership, strong partnerships and effective advocacy

FINANCIAL AND RESOURCE IMPLICATIONS

There is sufficient provision allocated in the budget for the recruitment and appointment of a Chief Executive Officer and all contract employment obligations.

CONSULTATION

Council's Community Engagement Policy provides guidance on when Council must consult with the community. As the recruitment of the CEO is operational in nature, guiding the way that Council will deal with the employment and recruitment of the CEO, the community has no ability to inform this decision.

CONCLUSION

Council has completed its recruitment process and has appointed a Chief Executive in accordance with the legislative requirements as set out in the *Local Government Act 2020* and its CEO Employment and Remuneration 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.

- Mayor
- Executive Assistant

ATTACHMENT(S)

5.1.1 Draft Employment Contract (Confidential)

There being no further business the Chairperson declared the meeting closed at 4.43 p.m.

.....

Chairperson

DRAFT

ALPINE SHIRE 2022-24 YOUTH STRATEGY



We acknowledge the First Nations Peoples of the Alpine Shire.
 We acknowledge their living culture and their unique role in the life
 of this region.
 We pay respects to their Elders, past, present, and emerging.

TABLE OF CONTENTS

TABLE OF CONTENTS.....	2
INTRODUCTION.....	3
SCOPE.....	3
OUR YOUNG PEOPLE.....	3
SOCIAL DEVELOPMENT STRATEGY.....	4
OUR VISION.....	4
OUR PRIORITIES.....	4
OUR COMMITMENT.....	5
IMPLEMENTATION PLAN.....	5
WHAT YOUNG PEOPLE TOLD US.....	5
WHAT WE WILL DO.....	6
OUR STRATEGIC ENABLERS.....	8
OUR VALUES.....	8
COMMUNITIES THAT CARE ALPINE.....	9
CLOSING REMARKS.....	10
CONTACT US.....	10

INTRODUCTION

Young people are central to a vibrant and healthy community. When given opportunities, young people bring passion, energy, and creativity to the whole community.

This inaugural Alpine Shire Youth Strategy (the Youth Strategy) 2022-2024 sets the direction for the next three years, guiding Communities that Care Alpine (CTCA) and its partners' efforts to cultivate resilience, wellbeing and opportunities for young people and their families in the Alpine Shire region.

The Youth Strategy establishes a clear focus for CTCA and identifies CTCA's role, priorities, and initiatives to create the greatest positive impact for young people in Alpine Shire.

CTCA consists of a group (coalition members) of passionate and committed schools, community organisations and service providers who will leverage their strengths to deliver on the Youth Strategy. To deliver on the priorities set out in the Youth Strategy, collaboration across the community is critical as well as the participation, contribution, and the voice of young people.

The Youth Strategy was developed in collaboration with coalition members and aligns to their aspirations to create a thriving Alpine Shire where young people live, work and study. It was also designed through an extensive engagement process with young people across the region.

SCOPE

Young people in Alpine Shire are unique and diverse individuals with different identities, needs and priorities.

The Youth Strategy:

- covers young people aged from 12 years to 25 years who work, live, learn and play in Alpine Shire
- is a whole of community strategic document
- Will address the needs and social development of young people with an inclusive and intersectional approach
- recognises that family, peers, community, and school are four key pillars that support, enable and influence healthy behaviours in young people.



Intersectionality is a way of thinking about the relationship between an individual's multiple social identities (race, religion, gender, class, ability, age etc.) which form their experience of power, privilege and disadvantage.

OUR YOUNG PEOPLE

There are approximately 1,600 young people aged 12 to 25 years living in the Alpine Shire, making up 14% of the total population, by contrast, people aged over 65 form approximately 24% of the total population of Alpine Shire.

The Alpine Shire is about 300 kilometres northeast of Melbourne, 70 kilometres south of Albury/Wodonga and 40 kilometres southeast of Wangaratta. Approximately 140 young people travel outside of the Alpine Shire on a daily basis for their secondary schooling.

SOCIAL DEVELOPMENT STRATEGY

The Youth Strategy is underpinned by the Communities That Care Social Development Strategy which is an evidenced based framework that organises protective factors into a simple process for action to promote positive youth development.

The Social Development Strategy identifies the following key components to increase protective factors for young people in Alpine Shire:

Healthy beliefs and clear standards for

behaviour: Young people are more likely to engage in healthy, socially responsible behaviour when parents, teachers and the community around them communicate healthy beliefs and clear standards.

Bonding: Strong, attached relationships with those who hold healthy beliefs and clear standards are an important protective influence. To create these bonds, young people need:

Opportunities: Provide opportunities for active participation and meaningful involvement with prosocial others, including families, schools, communities, and peer groups.

Skills: Teach young Shire people the skills they need to succeed.

Recognition: Provide consistent recognition and praise for their effort, improvement, and accomplishments.



Protective factors can be defined as characteristics or attributes in individuals, families, or communities (including peers, culture and environment) that promote health and wellbeing.

OUR VISION

Young people of the Alpine Shire are aware of and can access opportunities to connect, learn and collaborate to create a thriving, safe, supportive and inclusive community.

OUR PRIORITIES

Our priorities outline the focus of our activities over the next two years. Each of these priorities are important and will require collaboration, strong partnerships, and dedicated resourcing from CTCA coalition members to achieve success.

Health and Wellbeing

Healthy, well, empowered and safe

Opportunities and Recognition

Flourishing in their chosen passions, goals and aspirations

Self-advocacy

Celebrated, and have a voice in shaping our community

OUR COMMITMENT

To support health and wellbeing of young people we will:



Form and maintain impactful partnerships

Form and maintain partnerships with service providers, including schools and community organisations that will empower young people. Our partners connect young people to services, opportunities and resources that will contribute to their social development and enhance their life outcomes.



Elevate the voice of young people

Support the facilitation of ongoing, relevant and tailored opportunities for young people to raise their voice in the community. Our coalition partners support and lend our platforms to uplift and engage young people, to participate and advocate for issues important to them.



Develop an evidence base

Collect information and data that is comprehensive to make informed decisions about our work. This will entail having open communication about activities and outcomes between coalition partners. Moreover, to support reflective practice and continuously improve outcomes for young people, the coalition embeds monitoring and evaluation in processes and funded activities.



Promote service quality and safety

Promote and advocate for high standards of service quality and safety for all young people, maintaining a 'do no harm' approach.

IMPLEMENTATION PLAN

The Youth Strategy is supported by an implementation plan that will define key actions against priority areas, including measures to track progress and outcomes.

WHAT YOUNG PEOPLE TOLD US

The 2019 CTC Youth survey results for Alpine students provided a rich snapshot of health and social issues. CTCA also used data from Mission Australia Youth Survey 2020 to identify additional social issues. In 2021 CTCA engaged Spark Strategy to take a deeper dive into the presenting health and social issues for young people following bushfires and public health orders due to the COVID-19 pandemic.

- 450 students from years 5, 6, 7, 9, and 11 attending eight schools across the Alpine Shire completed the CTC Youth survey in September 2019
- 5,826 young people from Victoria aged 15 to 19 years completed the Mission Australia 2020 Youth Survey

- 201 young people aged between 12 and 25 years attended consultations with Spark Strategy to take a deeper dive into the presenting health and social issues from November 2021 to May 2022.

The most important issues that young people identified throughout the CTC Youth Survey, the Mission Australia Youth Survey and Spark Strategy consultations were:

- Substance use – alcohol, tobacco, marijuana, vaping
- Community Norms – normalisation of drugs and alcohol use
- Mental Health & Wellbeing – bullying, coping with stress, confidence in confidentiality of services
- Social isolation – need for more events due to a sense of loss of celebration where young people acknowledge specific milestones or events in their lives
- A place where young people can meet for information and support
- Family conflict
- Academic and vocational opportunities, work experience, pathways
- Establishment of creative arts culture
- A voice about social issues
 - Gender identity
 - The environment
 - Equity and discrimination
 - Body image

WHAT WE WILL DO

Priority 1: Young people are healthy, well, empowered and safe

Young people will have increased information about and confidence in the health and wellbeing services available to them.

We will achieve this by:

Initiative	Coordinator
Delivering drug and alcohol-free events in collaboration with young people	Alpine Shire Council
Implementing mental health week in the Alpine Shire	Alpine Shire Council Alpine Health
Exploring delivery of Youth and Teen Mental Health First Aid training	Alpine Shire Council Alpine Health
Exploring funding to develop a strength-based communications strategy which utilises contemporary and engaging tools to ensure key messages are reaching all young people and community.	CTCA – steering committee
Exploring funding to support a feasibility study of a mobile youth truck which travels to different towns in the Alpine Shire.	Alpine Shire Council Alpine Health
Lobbying for ongoing funding to support placed-based mental health services e.g. AYSS	Alpine Health NESAY

Priority 2: Young people are flourishing in their chosen passions, goals, and aspirations

Alpine Shire's young people will be supported with pursuing and achieving their passions, goals, and aspirations for the future. The coalition will come together to promote existing initiatives on contemporary and relevant channels to ensure they reach as many young people as possible. Over the next two years education, career and special interest opportunities will be enhanced to support young people flourish in their aspirations.

We will achieve this by:

Initiative	Coordinator
Promoting existing employment pathway programs to all young people and local employers that enhance the creation of, and engagement in, local employment opportunities.	NELLEN
Exploring and promoting a broad range of vocational training opportunities.	Alpine Shire Council Alpine Health NELLEN
Continuously improving the Alpine Shire Youth Awards by collaborating with young people to lead and organise the event.	Alpine Shire Council
Developing a calendar of events associated with arts, culture, creativity, and design for all young people who are interested in these vocations.	Alpine Shire Council
Delivering drug and alcohol-free events in collaboration with young people	Alpine Shire Council
Supporting and promoting collaboration for delivery of STEM events	CTCA

Priority 3: Young people are celebrated, and have a voice to shape their community

Young people will be empowered to participate in events which promote their voice, unique ideas, and experiences. This includes opportunities to get involved in organising youth events, participating in leadership and mentoring programs and playing active roles in the Alpine Shire.

We will achieve this by:

Initiative	Coordinator
Exploring and supporting establishment of Youth Advisory or Action Groups	Alpine Shire Council Alpine Health
Providing opportunities for young people to participate in school and community leadership opportunities	Alpine Shire Council Schools in Alpine Shire
Delivering Alpine Shire Youth Awards in collaboration with young people to lead and organise the event.	Alpine Shire Council
Promoting and supporting volunteering opportunities for young people	Alpine Shire Council

OUR STRATEGIC ENABLERS

During the planning process we identified three strategic enablers that will underpin our success in delivering on the Youth Strategy. These enablers must be in place for us to achieve all three strategic priorities and the ultimate impact we seek for our young people, and our community at large.

Collaboration and partnerships

Seeking appropriate partners to achieve our strategic priorities will drive positive outcomes for young people. This will include networking, information exchange, coordination of activities, and sharing of resources within the coalition to avoid duplication and create maximum collective impact.

Data and reflective practice

A critical factor of the CTC approach is ensuring actions are driven by robust data collection, which is underpinned by the latest research and best practice. This is about using data and evidence to inform decision-making, improving services and pivoting away from programs that are not leading to positive outcomes.

Reshaping community norms

Young people are shaped by those they spend time with and in the environments in which they spend their time. To support healthy behaviours and positive role modelling, the coalition will work together to build positive and healthy messages around shared social standards, norms and perceptions in the community. A key part of this is delivering effective, tailored, and consistent messaging to young people, community, partners, parents, carers and other stakeholders.

OUR VALUES

Our values underpin how we will work together as coalition members, with young people and the broader community and how we want others to work with us. Our values also act as a reminder of the important role we play in being role models and mentors to young people in the Alpine Shire.



Accountability and commitment: We build trust between coalition partners, our community and with the young people we work with. We inspire change by doing what we said we were going to do, being bold and putting our hand up when things don't always go to plan.



Youth Participation and empowerment: We seek young people's voices, energy, engagement and participation to inform our approach and initiatives. Young people, our partners and the community will be empowered to create meaningful outcomes in the Alpine Shire.



Belonging and compassion: Our interactions with each other, young people and the broader community are underpinned by instilling a sense of belonging and compassion. We will strive to walk in other's shoes, hear different perspectives and use empathy and pragmatism to inform our actions and decision-making.

COMMUNITIES THAT CARE ALPINE

CTCA is a community-based initiative designed to promote the healthy social development of children and young people. Alpine Health is the coordinating agency for CTCA within the Alpine Shire and it is supported by a range of coalition members who are made up of schools, community organisations and health and wellbeing service providers in the region. CTCA aims to improve the lives of children, young people and families living in the Alpine Shire.



Alpine Health is a Multi-Purpose Service with three sites in the Alpine Shire towns of Bright, Mount Beauty and Myrtleford. Alpine Health provides integrated Acute Health, Community Health and Community and Aged Residential Services for residents and visitors of the Alpine Shire.



Alpine Shire Council is the local government council of the Alpine Shire region, the council provides a broad range of services to residents, ratepayers, businesses, and visitors.



The North East Local Learning and Employment Network (NELLEN) is one of 31 Victorian Local Learning and Employment Networks (LLENs). NELLEN's core objective is to improve education and employment participation, engagement, attainment and transition for all young people aged 12 to 25 years



NESAY is a youth and family community agency based in North East Victoria, providing a range of services that enables young people to achieve safe housing, develop their independent living skills, foster and nurture family relationships and sustain education and employment.



Myrtleford P-12 College is a prep to year 12 co-educational public school. It has over 375 students.



Marian College is a Catholic co-educational secondary school serving Myrtleford and Alpine Valley regions. It has over 190 students.



Mount Beauty Secondary College is a co-educational public school, serving years 7-12. It has approximately 180 students.



Bright P-12 College is a co-educational public school serving prep to year 12. It has approximately 595 students.



**POREPUNKAH
PRIMARY SCHOOL**

Porepunkah Primary School has approximately 100 students.



Dederang Primary School has approximately 38 students.



Victoria Police provides policing services to the Victorian community across 54 Police Service Areas, within 21 divisions and four regions.

CLOSING REMARKS

The Youth Strategy captures our commitment to the safety, health and wellbeing of young people in the Alpine Shire. CTCA and its partners look forward to working together with young people to activate this Youth Strategy into meaningful and tangible impact for young people today and for future generations.

The development of this Youth Strategy involved a co-design approach that was driven by extensive stakeholder engagement, research and analysis. Our strategic planning process included three workshops, ten focus groups, seven group interviews, and two surveys. The result has been engagement with over 201 young people between the ages of 12 to 25, 29 representatives from CTCA coalition member organisations – Myrtleford P-12, Marian College, Mount Beauty Secondary College, Bright P-12 College, Alpine Health, Alpine Shire Council, NELLEN, NESAY, Myrtleford Football and Netball Club Wellbeing Team, and Victoria Police. This extensive engagement has been successful in revealing a wealth of rich ideas, perspectives, and insights to create a thriving Alpine Shire for our young people.

Alpine Health and Alpine Shire Council have conducted a Gender Impact Assessment for the Alpine Shire Youth Strategy.

We extend our thanks to everyone involved in the strategic planning process, who shared their time, experiences, suggestions, and stories with us.

CONTACT US

If you have any questions about the Youth Strategy or the work we do, we'd love to hear from you. Please get in touch through the following contact details:

CTCA Coordinator
Email: Lisa.neville@alpinehealth.org.au
Tel: 03 5755 0132
30 O'Donnell Avenue
Myrtleford, 3737

Alpine Shire Council
Email ydo@alpineshire.vic.gov.au
Tel: 03 5755 0555
2 Churchill Avenue
Bright, 3741



Governance Rules

Draft amendments for public comment

DOCUMENT UNCONTROLLED WHEN PRINTED

Document Control		
	Status Adopted	Approved by Council
Date approved	Next review date 30 June 2022	
Directorate Corporate	Department Corporate	Internal / External External

REVISION RECORD

~~MANDATORY—Use 1.0, 2.0 for adopted / approved versions and 1.1, 1.2 for drafts or revisions without change.~~

Date	Version	Revision description
26/6/2020	0.1	Initial draft for discussion
28/6/2020	0.2	Revised draft for public consultation
28/5/2020	1.0	Presented for adoption by Council
2/8/2022	1.1	Draft for public exhibition incorporating virtual Council meetings and other minor amendments

Contents

Chapter 1	Introduction	4
Chapter 2	Procedure for Election of Mayor and Deputy Mayor	8
	PART A Background.....	8
	PART B Detailed steps, procedures and actions.....	10
Chapter 3	Meeting Procedure for Council meetings	13
	PART A Introduction.....	13
	PART B Meeting roles.....	13
	PART C Notices of meetings and agenda	14
	PART D Apologies and absences.....	17
	PART E Quorums.....	17
	PART F During a council meeting.....	18
	PART G Other matters.....	25
Chapter 4	Joint Council meetings	30
Chapter 5	Meeting Procedure for Delegated Committees	31
Chapter 6	Meeting Procedure for Community Asset Committees and other committees under the auspices of Council.....	32
Chapter 7	Disclosure of Conflicts of Interest.....	33
Chapter 8	Miscellaneous.....	37
Chapter 9	Election Period Policy.....	38
	PART A Purpose	38
	PART B Scope.....	38
	PART C Policy details.....	38
	PART D Roles and responsibilities.....	49
	PART E Breaches.....	49
	PART F Human Rights Charter compatibility.....	49
	PART G Supporting documents	50
	PART H Definitions and abbreviations.....	50

Chapter 1 Introduction

A1 Overview

These are the Governance Rules of the **Alpine Shire Council**, made in accordance with s60 of the *Local Government Act 2020* (the "Act"). These Rules should be read in conjunction with the Alpine Shire Council Councillor Code of Conduct.

A2 Purpose

Council recognises that integrity, transparency and accountability to the community are of fundamental importance in all of its undertakings. In accordance with s60(2) of the Act, the purpose of these Rules is to ensure that Council's governance practices:

- Are undertaken in a fair, transparent, orderly and consistent manner
- Are conducted in accordance with relevant laws
- Withstand scrutiny
- Provide means for inappropriate behaviours to be identified and addressed
- Promote good community engagement
- Promote adherence to the overarching governance principles of the LGA 2020.

A3 Principles

In accordance with s60(2) of the Act, Council decisions will be:

- Considered and made fairly, by giving consideration in a balanced, ethical and impartial manner
- Made on the merits, free from favouritism or self interest
- Made in adherence to the principles of natural justice, including that any person whose rights are directly affected by a decision is entitled to communicate their views and have their interests considered.

Council must, in the performance of its role, give effect to the overarching governance principles outlined in the Act. These principles are:

- Council decisions are to be made and actions taken in accordance with the relevant law;
- Priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- The economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
- The municipal community is to be engaged in strategic planning and strategic decision making;
- Innovation and continuous improvement is to be pursued;

- Collaboration with other Councils and Governments and statutory bodies is to be sought;
- The ongoing financial viability of the Council is to be ensured;
- Regional, state and national plans and policies are to be taken into account in strategic planning and decision making;
- The transparency of Council decisions, actions and information is to be ensured.

A4 Definitions

In these Governance Rules, unless the context suggests otherwise the following words and phrases mean:

<i>Act</i>	means the <i>Local Government Act 2020</i>
<i>Advisory committee</i>	means a committee established by the Council, that provides advice to: <ul style="list-style-type: none"> a) the Council; or b) a member of Council staff who has been delegated a power, duty or function of the Council; that is not a Delegated Committee or a Community Asset Committee.
<i>Agenda</i>	means a document containing the date, time, and place of a meeting, and a list of business to be transacted at the meeting
<i>attend, attending and in attendance</i>	<u>include attend, attending or in attendance by electronic means</u>
<i>Audit and Risk Committee</i>	means the Audit and Risk Committee established by a Council under s53 of the Act
<i>Chairperson</i>	means the person who chairs a meeting of the Council, Delegated Committee, Community Asset Committee, or Advisory Committee, and includes an acting, temporary or substitute Chairperson
<i>Chamber</i>	means any room where the Council holds a Council meeting
<i>Chief Executive Officer</i>	means the person occupying the office of Chief Executive Officer of Council, or any person acting in that position during their absence
<i>Code of Conduct</i>	has the same meaning as in the Act
<i>Community Asset Committee</i>	means a Community Asset Committee established under s65 of the Act
<i>Council</i>	means the Alpine Shire Council
<i>Councillor</i>	means a person who is an elected member of the Council
<i>Council meeting</i>	means a meeting of the Council, comprised entirely of Councillors, held in accordance with s61(1) of the Act and held in accordance

with these Governance Rules, and includes both Ordinary (scheduled) and Special (unscheduled) meetings whether held as face-to-face attendance in a set location or via electronic means or in a hybrid format that mixes in-person and electronic attendance.

<i>Delegate</i>	means a member of Council staff to whom powers, functions and duties have been delegated by an instrument of delegation
<i>Delegated Committee</i>	has the same meaning as established under s63 of the Act
<i>Delegated Committee meeting</i>	means a meeting of a Delegated Committee <u>convened in accordance with these Governance Rules and includes both Ordinary (scheduled) and Special (unscheduled) meetings whether held as face-to-face attendance in a set location or via electronic means or a hybrid format that mixes in-person and electronic attendance.</u>
<i>Deputy Mayor</i>	means the Deputy Mayor of the Council, or any person appointed by Council to act as Deputy Mayor
<i>Disorder</i>	means any disorderly conduct of a member of the Gallery or a Councillor and includes: <ul style="list-style-type: none"> • interjecting when another person is speaking, except in the case of where a Councillor is raising a Point of Order; • making comments that are defamatory, malicious, abusive or offensive; • refusing to leave the meeting when requested, ordered or directed to do so by the Chairperson in accordance with the Act and the Governance Rules; and • engaging in any other conduct which prevents the orderly conduct of the meeting.
<i>Division</i>	means a formal count and record taken of those for and against a motion
<i>Foreshadowed Item</i>	means a matter raised in the relevant section of the Council meeting that a Councillor intends to submit a Notice of Motion for the next Council meeting
<i>Lot</i>	means a decision or choice made by drawing a card from a container
<i>Mayor</i>	means the Mayor of Council, or any person acting in that position during their absence
<i>Minister</i>	means the Minister responsible for administering the Act (Minister for Local Government)
<i>Minutes</i>	means the official record of the proceedings and decisions of a meeting

<i>Motion</i>	means a proposal framed in a way that will result in the opinion of Council being expressed, and a Council decision being made, if the proposal is adopted
<i>Municipal district</i>	means the municipal district of Council
<i>Notice of Motion</i>	means a notice setting out the text of a Motion which a Councillor proposes to move at a Council meeting
<i>Notice of Rescission</i>	means a Notice of Motion to rescind a resolution made by Council
<i>Offence</i>	means an act or default contrary to the Governance Rules
<i>On Notice</i>	means held or deferred to enable preparation of a response
<i>Ordinary meeting</i>	means any meeting of Council which is not a Special meeting
<i>Penalty unit</i>	has the meaning ascribed to it by s110(2) of the <i>Sentencing Act 1991</i>
<i>Point of Order</i>	means a procedural point about how the meeting is being conducted, not involving the substance of a matter before a meeting
<i>Preside</i>	means to act as Chairperson of the Council meeting
<i>Procedural Motion</i>	means a Motion that relates to a procedural matter only and which is not designed to produce any substantive decision
<i>Public notice</i>	means a notice published in one or more of the following locations: <ul style="list-style-type: none"> a. Council's website; b. in a newspaper generally circulating in the municipal district of the Council
<i>Resolution</i>	means a motion moved, seconded and carried by a vote of the meeting
<i>Special meeting</i>	means an extra-Ordinary meeting of Council convened for a particular purpose that cannot be effectively dealt with in the schedule of Ordinary Council meetings set by Council
<i>Suspension of standing orders</i>	means the suspension of the provisions of these Governance Rules to facilitate full discussion of an issue without formal constraints
<i>s# or s#(#)</i>	Reference to a section in the Act
<i>Urgent Business</i>	means a matter that relates to or arises out of a matter which has arisen since distribution of the agenda and cannot safely or conveniently be deferred until the next meeting

Chapter 2 Procedure for Election of Mayor and Deputy Mayor

PART A BACKGROUND

A1 Overview

The role and functions of the Mayor are provided in the Act. The holder of this significant office is the Chairperson at Council meetings, is the leader of the Councillors, acts as the principal spokesperson for Council and carries out civic and ceremonial duties.

This section describes how the Mayor and Deputy Mayor are to be elected in accordance with s25-s27 of the Act.

A2 Timing

Election of a Councillor to the office of Mayor must occur no later than one month after the date of a general election. In following years, the next election of the Mayor must be held on a day that is as close to the end of the term of Mayor as possible.

At all other times after a vacancy in the office of the Mayor, an election must be held within one month of the vacancy occurring.

A3 Meeting Format

The election of the Mayor must take place at a meeting of the Council that is open to the public. The Chief Executive Officer will preside at the election of a Councillor to the office of Mayor noting that the Chief Executive Officer has no voting rights.

The elected Mayor will then preside over the election of Deputy Mayor.

A4 Term of Office

Prior to the election of the Mayor, the Council must resolve to elect a Councillor to the office of Mayor for a term of one year or two years.

A5 Nominations

Subject to s167 of the Act, any Councillor is eligible for election or re-election to the office of Mayor. Candidates must be nominated by another Councillor.

A nomination must be seconded to be eligible to be put to a vote. A Councillor nominated may accept or refuse the nomination. Only accepted nominations will be put to a vote.

A nominator may only nominate one Councillor and a seconder may only second one nomination.

A6 Sole Candidate Must be Elected

If only one nomination (seconded and accepted) is received, a vote is not taken and the Councillor nominated will be declared elected.

If there is only one nomination, the Councillor is a candidate nominated, they must be declared to be duly elected.

A7 Voting

Councillors present in attendance at the time of voting must vote. There must be a quorum (4 or more Councillors) present in attendance at the meeting to enable a vote to be taken.

Voting for the election of Mayor and Deputy Mayor is by a show of hands or such other visual or audible means as the Chief Executive Officer determines.

A8 Absolute Majority Requirement

Except where Rule A6 applies, an absolute majority of votes is required to be elected, meaning at least half the total number of Councillors of the Council. There are no casting votes. If an absolute majority of the Councillors cannot be obtained, the Council may resolve to conduct a new election at a later specified time and date.

A9 Deputy Mayor

A council may establish an office of Deputy Mayor in accordance with s20A of the Act.

Where a council chooses not to elect a Deputy Mayor, it must follow the provisions of s20B of the Act and appoint an Acting Mayor in accordance with that section if:

- (a) the Mayor is unable for any reason to attend a Council meeting or part of a Council meeting; or
- (b) the Mayor is incapable of performing the duties of the office of Mayor for any reason, including illness; or
- (c) the office of Mayor is vacant.

Council has historically:

- appointed a Councillor to the office of Deputy Mayor to fulfil the requirements of s20A of the Act, that is a Councillor to act on behalf of the Mayor; and
- aligned the length of the term of the Deputy Mayor to that of the office of the Mayor.

It is assumed for the purpose of this procedure that the historical precedence will be maintained.

PART B DETAILED STEPS, PROCEDURES AND ACTIONS

B1 Term of office of the Mayor

- B1.1 The Chief Executive Officer will request a motion on the term of the office of the Mayor.
- B1.2 The term must be either one year or two years.

B2 Nominations

- B2.1 The Chief Executive Officer will invite nominations for the office of Mayor.
- B2.2 The Chief Executive Officer will ask for a seconder for each nomination.
- B2.2.1 If a seconder is not forthcoming the nomination lapses.
- B2.2.2 If a nomination is seconded, the Chief Executive Officer will ask the nominated Councillor if they accept the nomination.
- (a) If the nominated Councillor refuses the nomination the nomination lapses.
- (b) If the nominated Councillor accepts the nomination, the nomination is put to the vote.

B3 Voting: when only one nomination is received

- B3.1 If only one nomination (seconded and accepted) is received, a vote is not taken and the Councillor nominated will be declared elected to the office of Mayor.

B4 Voting: when two nominations are received

- B4.1 The Chief Executive Officer will invite each Councillor nominated (in the order that the nominations were received) to address the Council for no more than five minutes.
- B4.2 The Chief Executive Officer will put each nomination to the vote in the order that the nominations were received.
- B4.2.1 If one of the nominees receives the votes of an absolute majority of Councillors, they will be declared elected to the office of Mayor.
- B4.2.2 In the event that the vote results in an equality of votes (for example a 3-3 vote outcome), the Councillors in attendance at the meeting may resolve to conduct a new election at a later specified time and date. ~~Otherwise, the Chief Executive Officer will conduct a Lot (refer to B6) to determine which nominee is declared elected to the office of Mayor.~~
- B4.2.3 If it is not resolved to conduct a new election at a later time and date, Councillors must continue to vote until one of the nominees receives the votes of an absolute majority of Councillors, at which point that nominee will be declared duly elected.
- ~~B4.2.2~~B4.2.4 If, after two or more further votes are taken, neither nominee receives the votes of an absolute majority of Councillors, the Councillors in attendance at

the meeting must resolve to conduct a new election at a later specified time and date.

B5 Voting: when more than two nominations are received

B5.1 The Chief Executive Officer will invite each Councillor nominated (in the order that the nominations were received) to address the Council for no more than five minutes.

B5.2 The Chief Executive Officer will put each nomination to the vote in the order that the nominations were received.

B5.2.1 If one of the nominees receives the votes of an absolute majority of Councillors, they will be declared elected to the office of Mayor.

B5.2.2 In the event that the vote results in no nominee receiving an absolute majority of Councillors, the Councillors in attendance at the meeting may resolve to conduct a new election at a later specified time and date.

~~B5.2.2~~ B5.2.3 If it is not resolved to conduct a new election at a later time and date, the following will apply: ~~Otherwise:~~

a. where one nominee clearly has the lowest number of votes (for example a 3-3-1 vote outcome) the Chief Executive Officer will:

- Eliminate the nominee with the lowest number of votes from the election.
- Put each of the remaining nominations to the vote in accordance with sub-Rule B4.2. the order that the nominations were received and the nominee that receives a majority of the votes will be declared elected to the office of Mayor.

a. where two or more nominees have the equal lowest number of votes (for example a 3-2-2 vote outcome), the Chief Executive Officer will:

- Conduct a Lot in accordance with Rule B6 to determine which nominee is eliminated.
- Put each of the remaining nominations to the vote in accordance with sub-Rule B4.2. the order that the nominations were received and the nominee that receives a majority of the votes will be declared elected to the office of Mayor.

b. where three nominees have an equal number of votes (for example a 2-2-2 vote outcome), the Chief Executive Officer will:

- Conduct a Lot in accordance with Rule B6 to determine which nominee is eliminated.
- Put each of the remaining nominations to the vote in accordance with sub-Rule 4.2. in the order that the nominations were received and where:
— one of the nominees receives a majority of the votes, they will be declared elected to the office of Mayor;

- ~~where the nominees have an equal number of votes (eg. a 3-3 vote outcome), the Chief Executive Officer will conduct a Lot to determine which nominee is declared elected to the office of Mayor.~~

B6 Determination by Lot

- B6.1 In the event that two or more nominees have an equal number of votes and a determination by Lot is required, the Chief Executive Officer will conduct the Lot to declare the nominee ~~either elected or eliminated as the case requires.~~
- B6.2 The following process for conducting the Lot will apply:
- B6.2.1 For every nominee who receives an equal number of votes, and is therefore subject to the Lot, an identical card will be placed in a container.
 - B6.2.2 Each nominee will draw one card from the container in the order that the nominations were received;
- B6.3 Where the Lot is being conducted to determine who is an eliminated nominee:
- B6.3.1 the word 'eliminated' will be imprinted on one of the cards; and
 - B6.3.2 the nominee who draws the card with the word 'eliminated' on it will be declared as an eliminated nominee.

~~B6.4 Where the Lot is being conducted to determine which nominee is to be elected:~~

~~B6.4.1 the word 'elected' will be imprinted on one of the cards; and~~

~~B6.5 B6.4 the nominee who draws the card with the word 'elected' on it will be declared elected to the office of Mayor.~~

B7 Statement by outgoing Mayor

The Chief Executive Officer will invite the outgoing Mayor to address the Council.

B8 Statement by incoming Mayor

The Chief Executive Officer will invite the incoming Mayor to address the Council.

B9 Mayor to take Chair

The Mayor must take the Chair of the meeting immediately after being elected and preside over the balance of the business to be transacted at the meeting including the matters relating to the office of Deputy Mayor.

B10 Office of Deputy Mayor

The Mayor will conduct an election for the office of Deputy Mayor using the procedures detailed under ~~Rules B1-B6 sections 1 to 6 of this procedure~~ (replacing the words Mayor with Deputy Mayor and Chief Executive Officer with Mayor as required).

Chapter 3 Meeting Procedure for Council meetings

PART A INTRODUCTION

A1 Purpose of Council meetings

- A1.1 Council holds Ordinary (scheduled) and when required, Special (unscheduled) meetings to conduct the business of Council.
- A1.2 Council is committed to transparency in decision making, and in accordance with s66 of the Act, Council meetings are open to the public and the community are able to attend.
- A1.3 Meetings will only be closed to members of the public if:
- There are clear reasons for particular matters to remain confidential; or
 - A meeting is required to be closed for security reasons; or
 - It is necessary to enable the meeting to proceed in an orderly manner.

PART B MEETING ROLES

B1 Chairperson and Councillors

- B1.1 The Chairperson and Councillors will ensure good Council decision-making by endeavouring to ensure:
- Decision making is transparent to members and observers;
 - Meeting members have sufficient information to make good decisions;
 - Every Councillor is able to contribute to decision making;
 - Any person whose rights are affected has their interests considered;
 - Debate and discussion is focussed on the issues at hand;
 - Meetings are conducted in an orderly manner;
 - Decisions are made on the merits of the matter.

B2 Mayor to take the Chair

- B2.1 In accordance with s61 and s63 of the Act, the Mayor must take the Chair at all Council meetings at which the Mayor is ~~present~~ in attendance.
- B2.2 If the Mayor is not in attendance at a Council meeting, the Deputy Mayor must take the Chair.
- B2.3 If the Mayor and Deputy Mayor are not in attendance at a Council meeting, Council must appoint one of the Councillors as Chairperson of the meeting by resolution.

B3 Chairperson's Duties and Discretions

B3.1 In addition to the specific duties and discretions provided in these Governance Rules, the Chairperson:

- Must not accept any Motion, question or statement which is:
 - Vague or ambiguous;
 - Defamatory, malicious, abusive or objectionable in language or substance; or
 - Outside the powers of Council.
- Must allow the Chief Executive Officer the opportunity to correct factual errors or incorrect assertions that arise during the meeting;
- Must call a person to order if their behaviour is disruptive and interferes with the conduct of the business of Council;
- May direct that a vote be recounted to be satisfied of the result; and
- Must decide on all points of order.

PART C NOTICES OF MEETINGS AND AGENDA

C1 Scheduling of Ordinary Council meetings

C1.1 The date, time and locations of Ordinary Council meetings will be fixed by Council from time to time.

C1.2 Notwithstanding sub-clause (C1.1) the date, time and location of a Council meeting may be altered by:

- Council resolution, or
- the Chief Executive Officer may change the date, time and place of, or cancel, any Council meeting which has been fixed.

Public notice of any change of schedule must be made in accordance with sub-sections (C1.3) and (C1.4).

C1.3 A schedule of Council meetings fixed in accordance with sub-Rule C1.1 must be prepared and published on Council's website at least once a year, and updated with such frequency as the Chief Executive Officer determines.

C1.4 Public notice of upcoming Ordinary Council meetings must be given in accordance with Rule C3.

C2 Special Council meetings

- C2.1 A Special Council meeting, outside the Schedule set in Rule C1, may be called in the following manner:
- By resolution of the Council; or
 - By written notice from the Mayor; or
 - By written notice from at least three Councillors; or
 - By the Chief Executive Officer immediately following a general election to allow:
 - i. Councillors to take their oath or affirmation of office, or
 - ii. An Election of Mayor or Deputy Mayor.
- C2.2 The resolution or written notice must specify:
- The date and time of the Special Council meeting; and
 - The business to be transacted.
- C2.3 The resolution or written notice in sub-section C2.2 must be provided to the Chief Executive Officer to allow sufficient time for public notice and preparation of the agenda.
- C2.4 Public notice, containing the items specified in the resolution or written notice, should be given in accordance with Rule C3.
- C2.5 The Chief Executive Officer must convene the Special Council meeting in accordance with the resolution or written notice.
- C2.6 Unless all Councillors unanimously agree either at the meeting or in writing prior to the meeting to deal with any other matter, only the business specified in the resolution or written notice is to be transacted.

C3 Public notice of Council meetings

- C3.1 Unless urgent or extraordinary circumstances apply, Council must at least six days before the holding or any type of Council meeting, give public notice, which includes the mode of attendance in accordance with Rule G2.
- C3.2 If urgent or extraordinary circumstances prevent Council from complying with sub-section C3.1 the Council must:
- Give such public notice as is practicable; and
 - Specify the urgent or extraordinary circumstances which prevented the Council from complying with sub-section C3.1.

C4 Order of business

- C4.1 The Chief Executive Officer is responsible for determining the order and content of business of any Council meeting.
- C4.2 A notice of a meeting, incorporating or accompanied by an agenda and the business to be dealt with, must state:
- the date, time and place of the meeting; and
 - the business to be dealt with.

No business may be conducted at an Ordinary meeting of Council unless it is business notice of which has been given either by:

- inclusion in the agenda, or
- any report accompanying the agenda, or
- in a notice of motion,

provided that the Council may resolve to admit (without such notice) an item considered to be urgent business, not being a matter which required that notice shall be given.

C5 Agenda distribution

- C5.1 This clause applies to both Ordinary and Special Council meetings.
- C5.2 At least 48 hours before a meeting is scheduled to occur, an agenda incorporating the business to be dealt with must be:
- Delivered to each Councillor by electronic means; and
 - Published on Council's website.
- C5.3 If it is not possible to comply with sub-rule C5.2 for any reason, the Chief Executive Officer must ensure delivery and publication of the agenda as soon as reasonably possible.

PART D APOLOGIES AND ABSENCES

D1 Apologies

- D1.1 Councillors who are unable to attend a meeting may submit an apology:
- To the Chairperson, who will advise the meeting; or
 - By seeking another Councillor to submit it at the meeting on their behalf.
- D1.2 An apology submitted to a meeting will be recorded in the minutes.

D2 Leave of absence

- D2.1 A Councillor intending to take a leave of absence should formally advise the Mayor and Chief Executive Officer.
- D2.2 The Chief Executive Officer will include any leave of absence request received in the agenda of the next Council meeting.
- D2.3 A leave of absence not included in a Council meeting agenda may still be considered by Council if a formal request has been received by the Mayor and Chief Executive Officer prior to the meeting.
- D2.4 Council will not unreasonably withhold its approval of a leave of absence request.
- D2.5 A Councillor who has not submitted an apology or had a leave of absence approved who is not in attendance at a Council meeting will be recorded as absent.

PART E QUORUMS

E1 Quorum to be present in attendance

E1.1 No business may be conducted at any Council meeting unless a quorum is present in attendance.

E1.2 Quorum means presence by a majority of Councillors. For the avoidance of doubt, where there are seven (7) Councillors elected, a quorum is four (4) Councillors present in attendance at the meeting.

E1.3 In accordance with s61(6A) of the Act, a Councillor present by electronic means is deemed present for the purposes of a quorum. Councillors present by electronic means must follow the mode of attendance requirements in Rule G2.

E2 Inability to achieve or maintain a quorum

- E2.1 If no quorum can be obtained or maintained within 45 minutes of the Council meeting commencing or the quorum being lost, the Chief Executive Officer must adjourn the meeting to another date and time.
- E2.2 Unless the meeting is adjourned to a later time on the same day, the Chief Executive Officer or delegate, must give notice of the adjourned meeting in accordance with Rule C3 and C5.

E3 Inability to achieve or maintain a quorum due to Conflicts of Interest

- E3.1 The Chairperson may defer an item of business in respect of which there is, or is likely to be, a disclosure of a conflict of interest by one or more Councillors that will cause a quorum to be lost, and direct the Chief Executive Officer to include that item of business on an agenda for a future Council meeting. The Chief Executive Officer must give notice of the adjourned meeting in accordance with Rule C3 and C5.
- E3.2 If a quorum cannot be achieved or maintained due to the declaration of conflicts of interest by the majority of Councillors, Council will:
- Determine the matter will be considered in separate parts, if a quorum can be maintained for each separate part; or
 - Determine to make decisions on separate parts of the matter at a meeting where a quorum can be maintained, before making a decision on the whole matter at a meeting for which a quorum can be maintained.

PART F DURING A COUNCIL MEETING**F1 Confirmation of Minutes**

- F1.1 At every Ordinary meeting of the Council the minutes of the previous meetings must be dealt with as follows:
- if the minutes have been delivered to each Councillor at least 48 hours before the meeting a motion must be passed for confirmation of the minutes; or
 - if the minutes have not been so delivered the minutes must be read and a motion must be passed for confirmation of the minutes.
- F1.2 No discussion is permitted on the minutes except as to their accuracy as a record of proceedings.

F2 Motions

- F2.1 Motions must be clear and unambiguous and not be defamatory or objectionable in language or nature.
- F2.2 The Chairperson may require motions to be put in writing.
- F2.3 Where a motion contains more than one part, the Chairperson may put the motion to the vote in separate parts.

F3 Procedure for Moving a Motion

- F3.1 The mover must state the nature of the motion.
- F3.2 The Chairperson must call for a seconder unless the motion is a call to enforce a point of order.
- F3.3 If there is no seconder the motion lapses.
- F3.4 If there is a seconder then the Chairperson must call the mover to address the meeting.

- F3.5 After the mover has addressed the meeting the seconder may address the meeting.
- F3.6 After the seconder has addressed the meeting (or after the mover has addressed the meeting if the seconder does not address the meeting) the Chairperson must call upon any Councillor who wishes to speak against the motion.
- F3.7 If no Councillor speaks against the motion then the Chairperson may put the motion or call any other member to speak.

F4 Procedure for moving an Amendment

- F4.1 Any Councillor may move or second an amendment.
- F4.2 A Councillor may speak once on the motion and once on any amendment, except for the mover of an original motion which has not been amended (but not of an amendment) who has a right of reply after which the motion must be put to the meeting for decision.
- F4.3 A Councillor may be permitted by the Chairperson or by resolution to speak more than once to explain that the Councillor has been misrepresented or misunderstood.
- F4.4 A Councillor calling the attention of the Chairperson to a point of order is not regarded as speaking to the motion or the amendment.
- F4.5 No motion or amendment may be withdrawn without the consent of the meeting.
- F4.6 Amendments must be dealt with one at a time.
- F4.7 An amendment must not be considered until any previous amendment is decided upon.

F5 Conduct of Debate

- F5.1 A Councillor must address the Chairperson to move a motion, amendment or take part in the debate.
- F5.2 Councillors and members of Staff must designate each other by their official titles.
- F5.3 Once acknowledged by the Chairperson the Councillor has the floor and must not be interrupted unless called to order or time has expired.

F5.4 Debate must be relevant to the motion, and if not, the Chairperson must request the speaker to confine debate to the motion.

F5.5 If the Chairperson wishes to speak to the debate other than to clarify a point or ask other Councillors a question, they must make it clear to the meeting that they are speaking as a Councillor, and not in their official spokesperson role as Mayor.

F5.6 Where the Mayor wishes to actively participate in a detailed or contentious debate the Mayor may temporarily vacate the Chair. In this circumstance the Deputy Mayor will temporarily assume the Chair. Where the Deputy Mayor also wishes to participate in the debate, the Chief Executive Officer will temporarily assume the Chair. Once agenda item, motion or amendment has been determined the Mayor will resume the Chair.

F6 Points of Order

- F6.1 The Chairperson is the final arbiter of all Points of Order.
- F6.2 The Point of Order may be taken on the grounds that the matter is:
- contrary to this local law;
 - defamatory;
 - irrelevant;
 - outside Council's power; or
 - improper.

F7 Time Limits

- F7.1 No Councillor may speak longer than the time set out below unless granted an extension by the meeting:
- The mover of a motion 5 minutes
 - Any other member 3 minutes
 - The mover of a motion exercising a right of reply 2 minutes

F8 Voting

F8.1 All voting on matters is by show of hands or such other visible or audible means as the Chairperson determines.

~~F8.2~~ F8.2 Where a Councillor intends to abstain from voting on a matter the Councillor must indicate to the Chairperson that they are abstaining from voting.

~~F8.2~~ F8.3 If there is an equal division of votes upon any matter, other than the election of the Mayor or Deputy Mayor, the Chairperson at such meeting shall in addition to a vote as a Councillor have a second or casting vote.

~~F8.3~~ F8.4 A Councillor may, after a vote on a motion or amendment has been taken, request that their opposition or support of the motion or amendment be recorded in the minutes of the meeting.

F9 Divisions

F9.1 Immediately after any question is put to a meeting and before the next item of business has commenced, a Councillor may call for a division.

F9.2 When a division is called for, the vote already taken must be treated as set aside and the division shall decide the question, motion or amendment.

~~F9.3~~ F9.3 When a division is called by a Councillor, the Chairperson must:

F9.3.1 Ask each Councillor wishing to vote in the affirmative to raise a hand or otherwise signify their support in a manner recognised by the Chairperson (see sub-Rule F8.1). The Chairperson must state the names of each Councillor voting in the affirmative; and

F9.3.2 Ask each Councillor wishing to vote in the negative to raise a hand or otherwise signify their support in a manner recognised by the Chairperson (see sub-Rule F8.1). The Chairperson must state the names of each Councillor voting in the negative.

~~F9.2.1~~ ~~F9.3.3~~ the vote must be taken by Councillors voting in an affirmative first holding up their hands and then those voting in the negative holding up their hands. The chairperson must declare the result.

~~F9.3~~ F9.4 The Chief Executive Officer must record in the minutes the names of Councillors and whether they voted for or against in the affirmative or negative.

F10 No Discussion Once Declared

F10.1 Once a vote on a question has been taken, no further discussion relating to the question is allowed unless the discussion involves:

- a Councillor requesting, before the next item of business is considered, that their opposition to a resolution be recorded in the minutes; or
- foreshadowing a notice of rescission (see rule F12) where a resolution has just been made, or a positive motion where a resolution has just been rescinded.

For example, Rule F10 would allow some discussion if, immediately after a resolution was made, a Councillor foreshadowed lodging a notice of rescission to rescind that resolution.

Equally, Rule F10 would permit discussion about a matter which would otherwise be left in limbo because a notice of rescission had been successful. For instance, assume that Council resolved to refuse a planning permit application. Assume further that this resolution was rescinded.

Without a positive resolution – to the effect that a planning permit now be granted – the planning permit application will be left in limbo. Hence the reference to discussion about a positive motion where a resolution has just been rescinded.

F11 Notice of Motion

F11.1 A notice of motion must:

- Identify two supporting Councillors who are not obliged to move, second or vote in favour of the motion but are of the opinion that the proposed motion relates to a matter sufficiently important that it warrants formal consideration by Council;
- Briefly explain the rationale for the proposed motion, with any supporting documentation being not more than 500 words;
- Be lodged either electronically or in writing, with the Chief Executive Officer by 5pm on the 10th working day prior to the date of the meeting to allow sufficient time for the notice of motion to be included in the Agenda for the next Council meeting;
- Call for a Council report to be presented to the following Ordinary Council meeting if proposing any action that:
 - Impacts on the levels of Council service
 - Proposes to establish, amend or extend council policy
 - Proposes to impact the rights of any person who has not had the opportunity to contribute their views
 - Commits Council to any contractual arrangement
 - Concerns any litigation in respect of which Council is a party.

F11.2 The Chief Executive Officer may reject any notice of motion which:

- is the same as, or similar intent to, a notice of motion or other motion (including lost and lapsed motions) that has been considered by Council in the preceding six (6) months;
- is vague or unclear in intention;
- is defamatory;
- may be prejudicial to any person or Council;
- is objectionable in language or nature;
- is outside the powers of Council;
- is submitted during an Election Period; or
- if passed would result in Council otherwise acting invalidly,
but must give the Councillor who lodged it an opportunity to amend it prior to rejection, if it is practicable to do so.

F11.3 Except by resolution of Council, notice of motion before any Council meeting must be considered in the order in which they were submitted.

F11.4 If both Councillors who have given a notice of motion:

- a. Are absent from the Council meeting; or
 - b. Fail to move the motion when called upon by the Chairperson;
- any other Councillor may move the notice of motion.

F11.5 If a notice of motion is not moved and seconded at the Council meeting for which it was included in the agenda, it lapses.

F11.6 Before the notice of motion is put to the vote, it may be withdrawn by the two supporting Councillors.

F12 Revocation or Alteration of Previous Resolution (Notice of Rescission)

F12.1 A notice of motion to revoke or alter a previous resolution:

- Must be signed by two Councillors;
- Must be lodged either electronically or in writing, with the Chief Executive Officer by 5pm on the 10th working day prior to the date of the meeting to allow sufficient time for the notice of motion to be included in the Agenda for the next Council meeting~~must be given to the Chief Executive Officer in sufficient time to enable 7 clear days' notice to all Councillors;~~
- must be deemed withdrawn if not moved at the next meeting at which such business may be transacted;
- if it is a second or subsequent notice to revoke or alter an earlier resolution, must not be accepted by the Chief Executive Officer until a period of one calendar month has elapsed after the date of the meeting at which the first or last motion of revocation or alteration was dealt with;
- is not valid if the resolution of Council has been acted upon, including if its details have been formally communicated to persons affected by or reliant on the resolution, or where a statutory procedure has commenced.

F12.2 A revocation or alteration of a previous resolution must be passed by an absolute majority of the whole of the Councillors.

F13 Foreshadowed motions

F13.1 At any time during debate a Councillor may foreshadow a motion, so as to inform Council of their intention to move a motion at a later stage in the meeting.

F13.2 Foreshadowing a motion does not extend any special right to the motion.

F13.3 The Chairperson is not obliged to accept foreshadowed motions.

F14 Behaviour

F14.1 Suspension

F14.1.1 Council may suspend from a meeting and for the balance of the meeting any Councillor, or member of the public gallery, whose actions have disrupted the business of the Council and impeded its orderly conduct.

F14.2 Removal from Chamber

F14.2.1 The Chairperson, or the Council in the case of a suspension, may ask a senior member of Staff or a member of the police force to remove from the

chamber any person whose behaviour disrupts any meeting or fails to comply with a direction from the Chairperson.

F14.3 Chairperson may close a meeting to the public gallery

F14.3.1 In accordance with s66(2)(b) and s66(2)(c) of the Act, the Chairperson may close a meeting to the public gallery where there are security reasons, or to enable the meeting to proceed in an orderly manner.

F14.3.2 Where a meeting is closed as such, the meeting must be or continue to be livestreamed and continue to be recorded, in accordance with s66(3) of the Act.

F14.4 Chairperson may adjourn disorderly meeting

F14.4.1 If the Chairperson is of the opinion that disorder at the Council table or in the public gallery makes it desirable to adjourn the Council meeting, they may adjourn the meeting to a later time on the same day, or to some later day as they think proper.

F14.4.2 In the event that a meeting is adjourned, the Chief Executive Officer must provide notice to each Councillor and provide public notice of the date, time and place of the meeting, and the business remaining to be transacted.

PART G OTHER MATTERS

G1 Recording of council meetings

- G1.1 Council meetings that are open to the public will be audio-visually recorded by Council, and made available to the public via its website: www.alpineshire.vic.gov.au.
- G1.2 Where a meeting or part of a meeting is closed to the public to consider confidential information, the meeting or part of a meeting will not be livestreamed or recorded.
- G1.3 Where a public gallery is removed from a Council meeting for either security reasons, or to enable the meeting to proceed in an orderly manner, the meeting will continue to be livestreamed.
- G1.4 Where there are any issues that cause a delay to livestreaming, such as inability to obtain a quorum, or technology issues preventing broadcast, the Chief Executive Officer will attempt to advise the general public through the appropriate channels, including but not limited to Council's social media platforms.
- G1.5 Except where Council conducts the recording, no video or audio recording of proceedings of Council meetings shall be permitted without specific approval by resolution of the meeting.

G2 Mode of attendance

- G2.1 Each notice of meeting must indicate whether the relevant Council meeting is to be conducted:
- wholly in person;
 - wholly by electronic means;
 - partially in person and partially by electronic means.
- G2.2 The indication in the notice of meeting must be consistent with any resolution of Council that has expressed a preference for, or otherwise specified, when Council meetings are to be conducted:
- wholly in person;
 - wholly by electronic means;
 - partially in person and partially by electronic means.
- G2.3 Council must endeavour to meet wholly in person where possible before electronic attendance is considered.
- G2.4 Where Council's technology allows, if a Council meeting is to be conducted wholly in person a Councillor may nonetheless request to attend by electronic means.

G2.5 Any request under G2.3 must:

- be in writing;
- be given to the Chief Executive Officer no later than 24 hours prior to the commencement of the relevant Council meeting; and
- specify the reasons why the Councillor is unable or does not wish to attend the Council meeting in person.

G2.6 The Chief Executive Officer must ensure that any request received in accordance with G2.4 and any other request received from a Councillor to attend by electronic means is made known at the commencement of the relevant Council meeting.

G2.7 Council may approve and must not unreasonably refuse any request.

G2.8 A Councillor who is attending a Council meeting by electronic means is responsible for ensuring that they are able to access such equipment and are present in such an environment that facilitates participation in the Council meeting.

G2.9 Without detracting from anything in sub-Rule G2.5, a Councillor who is attending a meeting by electronic means must be able to:

- hear the proceedings;
- see all Councillors and members of Council staff who are also attending the Council meeting, at least while a Councillor or member of Council staff is speaking;
- be seen by all Councillors, members of Council staff and members of the public who are physically present at the Council meeting; and
- be heard when they speak.

G2.10 If the conditions of sub-Rule G2.8 cannot be met by one or more Councillors attending a Council meeting, whether because of technical difficulties or otherwise:

- the Council meeting will nonetheless proceed as long as a quorum is present; and
- the relevant Councillor (or Councillors) will be treated as being absent from the Council meeting or that part of the Council meeting;

unless the Council meeting has been adjourned in accordance with these Governance Rules.

G2.11 When determining whether a meeting must be adjourned in sub-Rule G2.9, Council must consider Rule E2 "Inability to achieve or maintain a quorum".

G2.12 For any Councillor who is present at the commencement of a Council meeting, but becomes absent in accordance with sub-Rule G2.9, the period of absence must be noted in the Council meeting minutes.

G2.13 Where the Chairperson of the Council meeting is attending by electronic means, and the conditions of sub-Rule G2.8 cannot be met, whether because of technical difficulties or otherwise, the Deputy Mayor will temporarily Chair the meeting. Where the deputy Mayor is unavailable, the Chief Executive Officer will temporarily Chair the meeting.

G2.14 Nothing in G2 prevents a Councillor from joining (or re-joining) a Council meeting at the time that they achieve compliance with G2.8 even if the Council meeting has already commenced or has continued in their absence.

G3 Meetings conducted remotely

If a Council meeting is conducted wholly or partially by electronic means, the Chairperson may, with the consent of the meeting, modify the application of any of the Rules in this Chapter to facilitate the more efficient and effective transaction of the business of the meeting.

G2G4 Petitions

G2.1G4.1 No petition shall be considered until the next ordinary meeting of the Council after that at which it was presented unless otherwise resolved by the Council.

G2.2G4.2 Every petition presented to Council must:

- be in permanent ink writing (not pencil), typing or printing;
- be clear, and on each signatory page contain a statement which outlines the matter and action sought from Council;
- not be derogatory, defamatory, or objectionable in language or nature;
- not relate to matters outside the functions and powers of Council; and
- contain the names, addresses and original signatures of at least ten (10) people.

G4.3 Any signature appearing on a page which does not bear the text of the whole of the petition or request as outlined in sub-Rule G4.2.2(b) may not be considered by Council.

G4.4 Every page of a hard copy petition must be a single piece of paper and not be posted, stapled, pinned or otherwise affixed or attached to any piece of paper other than another page of the petition.

G2.3G4.5 Electronic or online petitions must contain the name and email address of each petitioner or signatory, which for the purposes of sub-Rule G4.2, will qualify as the address and signature of such petitioner or signatory.

G4.6 Where a petition has been signed by less than ten (10) people, it may be treated as a joint letter, and forwarded directly to the appropriate member of Council staff for action as an operational item.

G2.4G4.7 If a petition or joint letter relates to an operational matter, Council must refer it to the Chief Executive Officer for consideration.

G3G5 Public Question Time

G3.1G5.1 There must be a public question time at every Ordinary Council meeting fixed under Rule C1 to enable members of the public to submit questions to Council, with the exception of the Council meeting held immediately before a general election.

G3.2G5.2 Sub-Rule G3G5.1 does not apply during any period when a meeting is closed to members of the public in accordance with s66(2) of the Act.

~~G3.3~~G5.3 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~~At~~ the Chairperson's discretion, asked directly by a member of the public gallery at the Council meeting during public question time.

~~G3.4~~G5.4 No person may submit or ask more than two questions at any one meeting.

G5.5 The Chairperson or a member of Council staff nominated by the Chairperson may read to those present in attendance at the meeting a question which has been submitted in accordance with this Rule.

~~G3.5~~G5.6 Where a Council meeting is held either wholly or partially by electronic means, questions must be submitted on notice in accordance with sub-Rule G5.3, and read out in accordance with sub-Rule G5.5.

~~G3.6~~G5.7 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.

G5.8 A Councillor, the Chief Executive Officer, or a member of staff may require a question to be put on notice. If a question is put on notice, an answer will be provided to the person who asked the question as soon as practical after the meeting.

~~G3.7~~—

~~G4~~G6 **Form and Availability of Minutes**

~~G4.1~~G6.1 The Chief Executive Officer (or other person authorised by the Chief Executive Officer to attend the meeting and to take the minutes of such meeting) must keep minutes of each Council meeting, and those minutes must record:

- The date, place, time and nature of the meeting;
- The names of the Councillors present in attendance and the names of any Councillors who apologised in advance for their non-attendance;
- The names of the members of Council staff present in attendance;

- Any disclosure of a conflict of interest made by a Councillor, including the explanation given by the Councillor under Chapter 7, and whether the conflict of interest was said by the Councillor to be a general conflict of interest or a material conflict of interest;
- Any period of absence during an electronic meeting, in accordance with sub-Rules G2.9 and G2.11.
- Each motion and amendment moved;
- The vote cast by each Councillor upon a division, and any abstention from voting;
- The vote cast or by any Councillor who has requested that their vote be recorded in the minutes;
- Questions upon notice;
- The failure of a quorum;
- The adjournment of the meeting and the reasons for that adjournment;
- The time at which standing orders were suspended and resumed.

~~G4.2~~G6.2 The Chief Executive Officer must ensure that the minutes of any Council meeting are published on Council's website and are available for inspection at Council's office during normal business hours.

G6.3 In accordance with s66 of the Act, if a meeting is closed to the public to consider confidential information, the minutes must record the grounds for determining to close the meeting.

~~G4.3~~G6.4 Nothing in sub-Rule G6.2 requires Council or the Chief Executive Officer to make public any minutes relating to a Council meeting or part of a Council meeting closed to members of the public in accordance with s66 of the Act.

Chapter 4 Joint Council meetings

Regional collaboration can provide substantial benefits through activities such as joint procurement, joint projects, shared services, and combined advocacy. While on some collaborative matters it is possible for the participating Councils to make their own decisions and determinations, in some circumstances, it may be beneficial to hold Joint Council meetings as provided for in the Act.

- A1.1 Council may resolve to participate in a Joint Council meeting with one or more other Councils, in accordance with s62 of the Act.
- A1.2 Procedures for the holding of Joint Council meetings must be agreed on by the participating Councils prior to the meeting. The Chief Executive Officer may seek the agreement of the other Councils prior to the meeting.
- A1.3 Councils must elect to follow the Governance Rules of one nominated Council while holding Joint Council meetings.
- A1.4 Where Alpine Shire Council is the lead Council calling the Joint Council meeting, the Alpine Shire Council Mayor will be Chairperson of the Joint meeting.
- A1.5 All Alpine Shire Councillors must be invited to the Joint Council meeting. All Councillors from all participating councils must receive consistent information through pre-meeting briefings and agenda papers.
- A1.6 A joint briefing may be organised between Councils prior to the Joint Council meeting. This joint briefing may be held electronically.

Chapter 5 Meeting Procedure for Delegated Committees

A1 Meeting Procedure Generally

A1.1 If Council establishes a Delegated Committee:

A1.1.1 all of the provisions of Chapter 3 apply to meetings of the Delegated Committee; and

A1.1.2 any reference in Chapter 3 to:

- a. a Council meeting is to be read as a reference to a Delegated Committee meeting;
- b. a Councillor is to be read as a reference to a member of the Delegated Committee; and
- c. the Mayor is to be read as a reference to the Chairperson of the Delegated Committee.

A2 Meeting Procedure Can Be Varied

A2.1 Notwithstanding Rule 1, if Council establishes a Delegated Committee that is not composed solely of Councillors:

- Council may, or
- the Delegated Committee may, with the approval of Council

resolve that any or all of the provisions of Chapter 2 are not to apply to a meeting of the Delegated Committee, in which case the provision or those provisions will not apply until Council resolves, or the Delegated Committee with the approval of Council resolves, otherwise.

A3 Delegated Committee Chairperson

A3.1 At the meeting at which Council establishes a delegated committee it must also appoint a Chairperson.

A3.2 The Chairperson of a delegated committee must be a Councillor.

A3.3 For the avoidance of doubt, sub-rule (1) does not intend to limit the powers of the Mayor provided in the Act. The Act provides for the Mayor to appoint a Councillor as Chairperson of a Delegated Committee and any such appointment prevails over any appointment made by Council.

Chapter 6 Meeting Procedure for Community Asset Committees and other committees under the auspices of Council

A1 Introduction

In this Chapter, "Instrument of Delegation" means an instrument of delegation made by the Chief Executive Officer under s47(1)(b) of the Act.

A2 Meeting Procedure for Community Asset Committees

Unless anything in the Instrument of Delegation provides otherwise, the conduct of a meeting of a Community Asset Committee is in the discretion of the Community Asset Committee.

A Community Asset Committee must report the minutes of all committee meetings to the Chief Executive Officer.

A Community Asset Committee must act in accordance with its adopted Charter, Instrument of Delegation, and any Terms of Reference adopted by Council.

A3 Meeting Procedure for other committees under the auspices of Council

A "meeting conducted under the auspices of Council" means a meeting of the kind described in s131(1) of the Act, and includes:

- Councillor briefing sessions;
- Advisory committees formed by Council; and
- Reference groups formed by Council.

Unless anything in the Terms of Reference provide otherwise, the conduct of a meeting of a committee under the auspices of Council, is in the discretion of that committee.

A4 Meeting Procedure for Council's Audit and Risk Committee

The Governance Rules do not apply to the Audit and Risk Committee.

The Audit and Risk Committee must comply with its own Charter.

Chapter 7 Disclosure of Conflicts of Interest

1. Introduction

The following Rules in this Chapter apply only upon Division 1A of Part 4 of the *Local Government Act 1989* being repealed.

A1 Definition

In this Chapter:

A1.1 "attend" and "in attendance" include attend or in attendance by electronic means;

A1.1A1.2 "meeting conducted under the auspices of Council" means a meeting of the kind described in s131(1) of the Act, and includes a meeting referred to in Rule A3 of Chapter 6 (whether such a meeting is known as a 'Councillor Briefing Session' or by some other name); and

A1.2A1.3 a member of a Delegated Committee includes a Councillor.

A2 Obligations with regards to conflict of interest

Councillors, members of Delegated Committee, and Council staff are required to:

- Avoid all situations which may give rise to conflicts of interest;
- Identify any conflicts of interest; and
- Disclose or declare all conflicts of interest.

A3 Disclosure of a Conflict of Interest at a Council meeting

A Councillor who has a conflict of interest in a matter being considered at a Council meeting at which they:

A3.1 are present in attendance must disclose that conflict of interest by explaining the nature of the conflict of interest to those present in attendance at the Council meeting immediately before the matter is considered and indicating whether it is a general conflict of interest or a material conflict of interest; or

A3.2 intends to be present in attendance must disclose that conflict of interest by providing to the Chief Executive Officer before the Council meeting commences a written notice:

A3.2.1 advising of the conflict of interest;

A3.2.2 explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest; and

A3.2.3 detailing, if the nature of the conflict of interest involves a Councillor's relationship with or a gift from another person, the:

- a. name of the other person;
- b. nature of the relationship with that other person or the date of receipt, value and type of gift received from the other person; and

c. nature of that other person's interest in the matter,

and then immediately before the matter is considered at the meeting announcing to those present in attendance that they have a conflict of interest and that a written notice has been given to the Chief Executive Officer under this sub-Rule.

The Councillor must, in either event, leave the Council meeting immediately after giving the explanation or making the announcement (as the case may be) and not return to the meeting until after the matter has been disposed of.

A4 Disclosure of Conflict of Interest at a Delegated Committee meeting

A4.1 A member of a Delegated Committee who has a conflict of interest in a matter being considered at a Delegated Committee meeting must follow the procedure outlined in A3, where a reference to:

- a Council meeting is to be read as a reference to a Delegated Committee meeting;
- a Councillor is to be read as a reference to a member of the Delegated Committee; and
- the Chief Executive Officer is to be read as a reference to the Chairperson of the Delegated Committee.

A4.2 The Chairperson of the Delegated Committee meeting must ensure that any Conflicts of Interest are included in the minutes of the meeting and forwarded to the Chief Executive Officer.

A5 Disclosure of a Conflict of Interest by a Councillor attending a Community Asset Committee meeting, or any other meeting under the auspices of Council

A Councillor who has a conflict of interest in a matter being considered at a Community Asset Committee meeting, or any other meeting under the auspices of Council, at which they are present in attendance must follow the procedure outlined in A3 where a reference to a Council meeting is to be read as a reference to a Community Asset Committee meeting, or the relevant committee meeting at which the Councillor is present in attendance.

A6 Disclosure by Members of Council Staff Preparing Reports for meetings

A6.1 A member of Council staff who, in their capacity as a member of Council staff, has a conflict of interest in a matter in respect of which they are preparing or contributing to the preparation of a Report for the consideration of a:

- Council meeting;
- Delegated Committee meeting;
- Community Asset Committee meeting; or
- Any other meeting under the auspices of Council

must, immediately upon becoming aware of the conflict of interest, provide a written notice to the Chief Executive Officer disclosing the conflict of interest and explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest.

A6.2 The Chief Executive Officer must ensure that the Report referred to in sub-Rule 6.1 records the fact that a member of Council staff disclosed a conflict of interest in the subject-matter of the Report.

A6.3 If the member of Council staff referred to in sub-Rule A6.1 is the Chief Executive Officer:

A6.3.1 the written notice referred to in sub-Rule A6.1 must be given to the Mayor;
and

A6.3.2 the obligation imposed by sub-Rule A6.2 may be discharged by any other member of Council staff responsible for the preparation of the Report.

A7 Disclosure of Conflict of Interest by Members of Council Staff in the Exercise of Delegated Power

A7.1 A member of Council staff who has a conflict of interest in a matter requiring a decision to be made by the member of Council staff as delegate must, immediately upon becoming aware of the conflict of interest, provide a written notice to the Chief Executive Officer explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest.

A7.2 If the member of Council staff referred to in sub-Rule 7.1 is the Chief Executive Officer the written notice must be given to the Mayor.

A8 Disclosure by a Member of Council Staff in the Exercise of a Statutory Function

A8.1 A member of Council staff who has a conflict of interest in a matter requiring a statutory function to be performed under an Act by the member of Council staff must, upon becoming aware of the conflict of interest, immediately provide a written notice to the Chief Executive Officer explaining the nature of the conflict of interest and indicating whether it is a general conflict of interest or a material conflict of interest.

A8.2 If the member of Council staff referred to in sub-Rule 9.1 is the Chief Executive Officer the written notice must be given to the Mayor.

A9 Advice provided by a Member of Council Staff with a disclosed conflict of interest

A member of Council staff who has disclosed a conflict of interest may provide advice to Council or another staff member acting under delegation or authorisation if:

- The staff member who has disclosed the conflict of interest is the only staff member with expertise in the area; and
- The staff member's Director determines that the conflict of interest has not influenced the advice provided; and

- The existence of the conflict of interest is documented in all advice provided by that staff member, and in the case of verbal advice, is documented by the decision maker.

Where the staff member is a Director, the Chief Executive Officer must determine that the conflict of interest has not influenced the advice provided. Where the staff member is the Chief Executive Officer, this determination is to be made by the Mayor.

A10 Retention of Written Notices

The Chief Executive Officer must retain all written notices received under this Chapter for a period of three years.

DRAFT

Chapter 8 Miscellaneous

A1 Informal meetings of Councillors

A1.1 If there is a meeting of Councillors that:

- A1.1.1 is scheduled or planned for the purpose of discussing the business of Council or briefing Councillors;
- A1.1.2 is attended by at least one member of Council staff; and
- A1.1.3 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
- recorded in the minutes of that Council meeting.

A2 Confidential Information

A2.1 If, ~~after the repeal of s77(2)(c) of the *Local Government Act 1989*,~~ the Chief Executive Officer is of the opinion that information relating to a meeting is confidential information within the meaning of the Act, they may designate the information as confidential and advise Councillors and/or members of Council staff in writing accordingly.

A2.2 Information which has been designated by the Chief Executive Officer as confidential information within the meaning of the Act, and in respect of which advice has been given to Councillors and/or members of Council staff in writing accordingly, will be presumed to be confidential information.

A2.2 A2.3 Nothing in sub-Rule A2.2 will, without more, mean that information designated by the Chief Executive Officer under sub-Rule A2.1 satisfies the definition of "confidential information" contained in s3(1) of the Act.

Chapter 9 Election Period Policy

PART A PURPOSE

The purpose of this policy is to ensure that Alpine Shire Council:

- Demonstrates compliance with the election period provisions of the *Local Government Act 2020* (the Act);
- Demonstrates that public resources are not used for election campaigning;
- Is aware of what can and cannot be done during the election period; and
- Continues to provide high standards of service to the community.

PART B SCOPE

This policy defines the practices and behaviours of Councillors, members of special committees, and Council staff during the election period.

Councillors must comply with this policy, regardless of whether they intend to nominate, or have already nominated, as candidates for the election.

In accordance with s34(2)(d) of the Act, Council staff members who are candidates for election must comply with this policy and in addition:

- Take leave from their duties for the duration of the election period;
- Return any council equipment, including vehicles, telephones, computers, and documents or information which is not available to the public for the duration of the election period; and
- Immediately resign from their position upon election.

Other candidates for election are expected to comply with the obligations of this policy where they apply.

PART C POLICY DETAILS

C1 Election period

The 'election period' is defined by the Act as starting at the time that nominations close on nomination day, and ending at 6pm on election day.

The Chief Executive officer will ensure that all employees are informed of and understand the requirements of this policy.

C2 Misuse of position

S123(1) of the Act prohibits a person that is, or has been, a Councillor or a member of a delegated committee from using their position to gain advantage for themselves or another person, or to cause detriment to Council or another person.

Significant penalty units apply to this provision.

For the purposes of s123(3) of the Act and this policy, misuse of position includes the following circumstances:

- Making improper use of information acquired as a result of the position the person held or holds; or
- Disclosing information that is confidential information within the meaning of the Act; or
- Directing or improperly influencing, or seeking to directly or improperly influence, a member of Council staff; or
- Exercising or performing, or purporting to exercise or perform, a power, duty or function that the person is not authorised to exercise or perform; or
- Using public funds or resources in a manner that is improper or unauthorised; or
- Participating in a decision on a matter in which the person has a conflict of interest.

S124 further specifies that a Councillor must not intentionally direct, or seek to direct, a member of Council staff in the exercise of any power or in the performance of any duty or function.

C3 Decision making

It is an established democratic principle that elected bodies should not unnecessarily bind an incoming government during an election period. Council therefore commits to this principle in that it will make every endeavour to avoid making decisions that inappropriately bind the incoming Council.

This includes a commitment to not only comply with the requirements of s69 of the Act, but to apply restrictions to the making of 'major policy decisions', 'inappropriate decisions', and 'significant decisions' as defined within this policy.

Council may hold a scheduled Council meeting during the election period, however no decisions specified in this policy may be made.

Scope exists for Council to hold an unscheduled Council meeting but only in the most urgent or extraordinary circumstances or for any statutory processes that may arise.

Prohibition on decisions

In accordance with s69(2) of the Act, Council is prohibited from a making decision during the election period for a general election, which:

- relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or
- commits the Council to expenditure exceeding one percent (1%) of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or
- the Council considers could be reasonably deferred until the next Council is in place; or

- the Council considers should not be made during an election period.

In accordance with s69(3) of the Act, Council is prohibited from making a decision during the election period for a general election or a by-election that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

Decisions made in contravention of this policy

In accordance with s69(4) of the Act, any Council decision made in contravention of these specified prohibitions is invalid.

Decisions that Council considers could be reasonably deferred or should not be made during an election period

To provide context, Council will avoid making decisions during the election period that are of a significant nature and which would unnecessarily bind an incoming Council, or would use resources inappropriately during the election period. These include:

- Irrevocable decisions that commit the Council to substantial expenditure or major actions;
- Irrevocable decisions that will have a major impact on the municipality or the community;
- Decisions that would affect voting in an election; and
- Decisions that could reasonably be made after the election.

Examples of decisions that should not be made during an election period are:

- Approval of contracts that require significant funding in future financial years or are regarded as politically sensitive;
- Decisions that have significant impacts on Council's income or expenditure that relate to expenditure on politically sensitive matters;
- Awarding of community grants funded by Council;
- Decisions of a politically sensitive nature;
- Policy or strategy decisions; and
- Planning scheme amendments.

C4 Council and Committee meetings

Council meetings

Council will hold its ordinary meeting scheduled in the month leading up to the election during the election period. The meeting will be live-streamed on Council's website, as per Council's current practice.

In accordance with s100 of the Act, the Council meeting held to consider the annual report must be held on a day not later than the day before election day.

All items for consideration must be scrutinised for compliance with this policy, and be approved by the Chief Executive Officer before being included in the agenda. Each agenda item must include the electoral period statement.

Councillors must limit their discussion during debate to the topic under consideration and avoid raising electoral matters.

Delegated Committees and Community Asset Committees

Delegated Committees are required to include Councillors as committee members, and are bound by Council's Governance Rules, and misuse of position requirements. Delegated Committees will not be permitted to hold Committee meetings during the election period.

Community Asset Committees are not required to include Councillors as committee members, and will be permitted to hold Committee meetings during the election period.

Advisory Committees will be permitted to hold Committee meetings during the election period.

Question Time, Notices of Motion, General Business and Reports by Delegates

Question Time will not be held during the election period. Notices of Motion, General Business and Reports by Delegates will not be presented during the October meeting during the election period.

Election Period Statement – Council meeting Reports

In order to facilitate compliance with its commitment to ensuring appropriate decision making during elections, the Chief Executive Officer will ensure that an 'Election Period Statement' is included in every report submitted to a Council meeting for a decision.

The 'Election Period Statement' will specify:

"The recommendation is not a prohibited decision as defined by s69(2) or s69(3) of the Local Government Act 2020, nor is it a decision that could be reasonably deferred, or should not be made in accordance with Council's Election Period Policy."

During the election period, the Council will not make a decision on any matter or report that does not include the Election Statement.

C5 Council Resources

It is an established democratic principle that public resources must not be used in a manner that would influence the way people vote in elections. Council therefore commits that it will ensure Council resources are not used inappropriately during a Council election.

C6 Council resources including staff

Council resources, including offices, staff, hospitality services, vehicles, IT equipment (phones and computers) and stationery will be used exclusively for normal Council business during the election period, and shall not be used in connection with any election campaign activity.

The Chief Executive Officer or any staff must not be asked to undertake any tasks connected directly or indirectly with an election campaign.

Council will ensure other Alpine Shire Council resources are not used inappropriately in ways that may influence voting in an election or provide an undue advantage for a candidate. This includes financial, human and material resources:

- Council staff will not undertake an activity that may affect voting in the election;
- Council staff will not authorise, use or allocate a Council resource for any purpose that may influence voting in the election; and

Any staff member who considers that a particular use of Council resources may influence voting in an election or provide an undue advantage for a candidate, shall advise both their Manager and Director before authorising, using or allocating the resource. The Manager and Director may seek advice from the Manager Corporate to determine if the use of Council resources is appropriate or not.

C7 Council branding and stationery

No Council events, logos, letterheads or other Alpine Shire Council branding should be used for, or linked in any way to, a candidate's election campaign.

Photos or images taken by or provided by Council are not to be used by Councillors for the purposes of electioneering or in support of their election campaign. This applies equally to images on Council websites that may be able to be copied.

C8 Councillor support

Councillors will not request staff to undertake any tasks connected directly or indirectly with an election campaign.

Information and briefing material prepared by staff for Councillors during the election period will relate only to factual matters or to existing Council services to assist Councillors in conducting normal day-to-day activities.

C9 Councillor expenses

Reimbursements of Councillors out of pocket expenses during the election period will only apply to costs that have been incurred in the performance of normal Council duties, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign.

C10 Councillor resources

Equipment and facilities provided to Councillors for the purpose for conducting normal Council business should not be used for election campaign purposes.

Where Councillors have Council funded services, such as mobile phones, tablets / computers and internet connections, and where it is impractical for Councillors to discontinue their use of these during the election, Councillors will reimburse the Council for excess usage of those services during the election period. Standard allowances for communication equipment are defined in Council Policy No. 76 – Councillor Reimbursement of Expenses.

Councillors who are standing as candidates must not use council email addresses as part of their election campaign.

C11 Council Events

Public events run by Council will only be organised and run if it is totally unavoidable to conduct such events during the election period and then only with the express permission of the Chief Executive Officer.

However, Councillors may attend community meetings, events and functions during the election period which are relevant to Council and the community.

When attending events as part of their official Council duties, Councillors must not use the event to promote their individual election campaign.

Speeches for Councillors will only be prepared by Council staff in relation to events that are part of the normal services or operation of the Council and such speeches will not be circulated or available for publication. Official speaking engagements will be limited to a brief welcome and will not contain any electoral matters or references to the election. Councillors who are not standing as candidates in the election or the Chief Executive Officer will be given preference to speaking at public events.

No election material or active campaigning is to be conducted at a Council sponsored event or be displayed in any Council building. This does not apply to Victorian Electoral Commission material.

Speeches will be subject to the publication certification process as outlined in.

C12 Public Consultation

Council will limit public consultation and scheduling of Council events during the election period.

Public consultation means a process that involves inviting individuals, groups or organisations or the community general to comment on an issue or proposed action or proposed policy, and which includes discussion of that matter with the public.

Public consultations include inviting the community to express opinions through social media.

If public consultation is required, the representative / spokesperson will be the Chief Executive Officer and not a Councillor.

Public consultations are best avoided during the election period where possible.

C13 Statutory process consultations

The public consultation required under the *Planning and Environment Act 1987* and matters subject to s223 of the *Local Government Act 1989* are not subject to the restrictions of this policy. These consultations may be undertaken during the election period to facilitate the day-to-day business of Council and to ensure matters continue to be proactively managed. Consultations will avoid any express or implied links to the election.

Consultations under statutory provisions shall only proceed after express agreement of the Chief Executive Officer and only if they relate solely to the normal day-to-day business of the Council.

Where at all possible, statutory process consultations should conclude before the election period commences, or be delayed until after the general election has been held. Any outcomes of the consultation should be delayed until after the election, where possible.

C14 Media and Communications

Council's communications and media will not be used in any way that might influence the outcome of a Council election.

Media outlets and the community will be advised that during the election period, communications will be restricted according to the following principles.

Media requests

Council contact with local media (newspapers, television, radio) will be restricted to the communication of normal Council activities and responding to questions not involving the election or possible election outcomes.

In response to media inquiries the response will be provided by the Chief Executive Officer or Directors only, and such information should relate to current services and operations.

Media releases / statements

During the election period, Council initiated communications shall be restricted to the communication of normal Council activities.

In the election period no media releases will be issued quoting or featuring any Councillor.

Publicity of Council events (if any during the election period) will be restricted to the communication of factual material and will not mention or quote any Councillor.

During the election period, no employee will initiate any public statement that relates to an election issue. Public statements are not only formal press releases but also verbal comments at meetings, functions and events where attending as part of their role.

Issuing of written media releases / statements will be subject to the publication approval processes outlined within C15.

Councillors

No media advice or assistance will be provided to Councillors in relation to election campaign matters.

No publicity will be provided that involves specific Councillors.

Councillors must not use their position as an elected representative of their access to Council staff and other Council resources or information in support of an elections campaign. This includes photos or images provided by Council for past Council activities.

Councillor participation at Council sponsored events (if any during the election period) should not be used to gain attention of an election campaign. Council sponsored events includes launches, events and any other public forum outside of the normal Council meeting cycle.

Social media

Social media is a key means of Council communicating and interacting with its community.

The nature of social media means that Councils should be monitoring and moderating the content on any pages that Council has ownership / control over.

Any publication on social media sites that are under the auspices of Council will also require certification by the Chief Executive Officer as described within C15.

Social media communications will be restricted in the same manner as restrictions on communications / media in this policy.

In addition, the following processes will be implemented on Council's social media pages during the election period:

- Any social media pages maintained by Council will be routinely monitored (including periodically during the weekend) during the election period.
- Posts by others on the page will be moderated by Council, and any electioneering, offensive or inappropriate matter will be removed by Council.
- At the completion of each day, Council will ensure that a copy of the page is taken for records of the Council.
- Before any posts may be removed or moderated by Council, a snapshot of the page must be recorded.

The above processes will be communicated on Council's social media pages prior to the election period commencing.

C15 Council Publications

Council must not print, publish or distribute publications containing specified electoral matter during the election period, unless it is electoral material provided by the Victorian Electoral Commission about the election process. This is to ensure that Council does not utilise public funds that may influence or be seen to influence people's voting intentions.

Council must not print, publish or distribute a publication during the election period unless it has been certified in writing by the Chief Executive Officer.

What is 'electoral matter'?

Electoral matter is any matter that is intended or likely to affect voting in an election. Material is definitely electoral matter if it:

- Publicises the strength or weaknesses of a candidate
- Advocates the policies of the Council or of a candidate
- Responds to claims made by a candidate
- Publicises the achievements of the elected Council
- Publicises matters that have already been the subject of public debate
- Is about matters that are known to be contentious in the community and likely to be the subject of election debate
- Deals with Election Candidates statements
- Refers to Councillors or candidates by name or by implicit reference

What is considered a 'publication'?

A publication refers to documents produced for the purpose of communicating with the community, including but not limited to:

- Council newsletters
- Advertisements and notices (for example job advertisements, public notices of contracts)
- Media releases
- Leaflets and brochures
- Mailouts (including emails) to multiple addresses
- Internet-based sources including Council's website and social media pages.

All the publication types listed above require certification by the Chief Executive Officer.

The recommended practice is where possible to avoid all publication activity during the election period except where it is essential for the conduct of Council operations.

Certification of documents by Chief Executive Officer

All documents fitting the descriptions above must be presented to the Chief Executive Officer prior to publication or distribution during the election period.

The Chief Executive Officer must not certify a publication that contains electoral matter, unless that material is only about the election process. It is an offence for the Chief Executive Officer to contravene this requirement.

The certification by the Chief Executive Officer must be in writing and cannot be delegated.

Council must develop a procedure for approval and monitoring of publications within the organisation to support this policy.

Council's website

The requirement for Chief Executive Officer certification of publications during the election period also applies to the publication of material on Council's website. This applies to all websites under the auspices of Council.

New pages or new material on the website will require certification and approval by the Chief Executive Officer.

Councillor details

Profiles and photographs of current Mayor and Councillors will be removed from Council's website during the election period but retain their contact details for their day to day role as Councillor (for example names and mobile numbers).

Recordings of Council meetings

The Council meeting held during the election period will be live-streamed on the internet, as per Council's current practice. Audio-visual recordings of Council meetings will remain on Council's website for the duration of the election period.

New material on website

Any new material published on Council's website during the election period that may be an advertisement, handbill, pamphlet or notice must also be subject to the certification process.

Council agendas, minutes and the annual report are considered exempt from certification.

Annual Report

The annual report adopted during the election period will not contain any material that could be regarded as overt electioneering or that inappropriately promotes individual Councillors but will fulfil its statutory obligations on reporting matters.

C16 Assistance to Candidates

The Council affirms that all candidates for the Council election will be treated equally.

Any assistance and advice to be provided to candidates as part of the conduct of the Council election will be provided equally to all candidates.

All election-related enquiries from candidates, whether sitting Councillors or not, will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the Chief Executive Officer or the election period contact officer designated within C17.

C17 Access to Information by Candidates

The Council recognises that all election candidates have rights to information from the Council administration.

Neither Councillors nor candidates will receive information or advice from Council staff that might be perceived to support election campaigns, and there shall be complete transparency in the provision of all information and advice during the election period.

Election Period point of contact

The Manager Corporate will be the point of contact for both candidates and Councillors seeking information from Council during the election period.

All questions relating to the conduct of the election will be referred to the Victorian Electoral Commission's Returning Officer.

Information provided to Councillors

Information and briefing material prepared by staff for Councillors during the election period will relate only to factual matters or to existing Council services to assist Councillors in conducting their elected roles.

Information request register

The Manager Corporate will be assigned as the point of reference for all candidate enquiries.

The Manager Corporate will maintain an Information Request Register commencing from the opening of nominations. This register will be available for inspection and will record all requests relating to electoral matters and non-routine requests for information by Councillors and candidates, and the responses given to those requests.

Responses to candidate requests will be provided by Managers, Directors or the Chief Executive Officer. Managers will be required to discuss the request and the proposed response with their Director and the Manager Corporate (as the election period contact) prior to the response being issued. Only information that can be reasonably accessed will be released.

All candidates will be referred to the Victorian Electoral Commission Returning Officer for any election process enquiries.

Improper use of position

S123 of the Act prescribes serious penalties for any Councillor or member of a Delegated Committee who inappropriately makes use of the position or information obtained in their role.

Freedom of Information

Any Freedom of Information (FoI) applications lodged during the election period regarding potential 'electoral matters' will be dealt with where possible outside of the election period. S21 of the *Freedom of Information Act 1982* requires a notice of decision to be supplied to the applicant within a specified number of days.

PART D ROLES AND RESPONSIBILITIES

Responsibility	Role / Position
Implementation	Chief Executive Officer All staff Councillors Candidates Members of special committees
Compliance	Manager Corporate
Development / Review	Governance Officer / Manager Corporate
Interpretation / Advice	Manager Corporate

PART E BREACHES

This policy is issued with the authority of Council. Compliance with this policy is mandatory. Any breach of or failure to comply with this policy should be immediately reported to the Chief Executive Officer.

PART F HUMAN RIGHTS CHARTER COMPATIBILITY

This policy has been assessed as being compatible with the *Charter of Human Rights and Responsibilities Act 2006* [Vic].

PART G SUPPORTING DOCUMENTS

This policy should be read in conjunction with all other relevant, Council policies and procedures, as well as relevant legislative requirements.

Related Legislation

- *Local Government Act 2020 [Vic]*

Related Procedures

- Nil

PART H DEFINITIONS AND ABBREVIATIONS

<i>Act</i>	means the <i>Local Government Act 2020</i>
<i>Council staff</i>	includes full time, part-time, casual and temporary council employees
<i>Election</i>	is defined by s3(3) of the Act, and unless expressly provided, means a reference to the following: <ul style="list-style-type: none"> • A general election conducted under s257 of the Act; • A by-election conducted under s260 of the Act; • A countback conducted under s261 of the Act.
<i>General election</i>	is defined by s257 of the Act, and means a general election of Councillors for all Councils, which must be held: <ul style="list-style-type: none"> • On the fourth Saturday in October 2020; and • Thereafter on the fourth Saturday in October in the fourth year after the last general election of Councillors for all Councils was held.
<i>Election day</i>	is defined by s3(1) of the Act, and means the day of an election determined under s257 or s260 the Act
<i>Election period</i>	is defined by s3(1) of the Act, and means the period that: <ul style="list-style-type: none"> • Starts at the time that nominations close on nomination day; and • Ends at 6pm on election day
<i>Electoral material</i>	means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper that is only announcing the holding of a meeting
<i>Electoral matter</i>	is defined by s3(4) and s3(5) of the Act, and means matter which is intended or likely to affect voting in an election, but does not include any electoral material produced by or on behalf of the election manager for the purposes of conducting an election.

It is matter to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on:

- The election; or
- A candidate in the election; or
- An issue submitted to, or otherwise before, the voters in connection with the election.

Nomination day is defined by s3(1) of the Act, and means the last day on which nominations to be a candidate at a Council election may be received in accordance with the Act, and the Local Government (Electoral) Regulations as made.

Publish is defined by s3(1) of the Act, and means publish by any means including by publication on the Internet.

DRAFT

Approval of Governance Rules (incorporating the Election Period Policy)

THE COMMON SEAL OF THE ALPINE SHIRE COUNCIL was hereunto affixed this ~~25^{XX}~~ day of August ~~XXXX~~ 20~~XX~~20 in the presence of:

.....
COUNCILLOR NAME

.....
SIGNATURE

.....
COUNCILLOR NAME

.....
SIGNATURE

.....
CHIEF EXECUTIVE OFFICER NAME

.....
SIGNATURE



COUNCIL POLICY

Revenue and Debtor Management

Contents

1. Purpose	4
2. Scope	4
3. Policy details	4
3.1 Invoicing	4
3.2 General Management of Outstanding Debt.....	4
3.2.1 Aging Debtor Management	4
3.2.2 Payment Arrangements.....	5
3.2.3 Provision for Doubtful Debts	5
3.2.4 Write-Off of Bad Debts.....	5
3.3 Outstanding Rates and Charges	6
3.3.1 Interest.....	6
3.3.2 Payment Plans.....	6
3.3.3 Financial Hardship Assistance.....	6
3.3.4 Sale of Land for Unpaid Rates and Charges	7
4. Roles and responsibilities	8
5. Breaches.....	8
6. Human Rights Charter compatibility.....	8
7. Gender Equality.....	8
8. Supporting documents.....	8
9. Definitions and abbreviations.....	9
10. Approval	10

DOCUMENT UNCONTROLLED WHEN PRINTED

Document Control		
Policy number 102	Status	Approved by Council
Date approved	Next review date July 2024	
Directorate Corporate Performance	Department Corporate	External

REVISION RECORD

Date	Version	Revision description
07/06/2016	1.0	Endorsed by Finance Committee
05/02/2019	2.0	Updated to incorporate the Application for Financial Hardship Policy, the Debt Write Off Policy and the Sale of Occupied Land for Unpaid Rates and Charges Policy
30/07/2022	3.0	Standard Review re Legislation changes etc

1. Purpose

Alpine Shire Council (Council) relies on income from rates, grants, leases, fees, and charges to fund its operations. Good revenue and debtor management practises are essential in enabling Council's income to be collected effectively.

Policy objectives include ensuring that the collection of debts is undertaken equitably (that is, fairly and impartially), consistently, efficiently, effectively and in accordance with good governance.

2. Scope

This policy applies to Council employees and contractors who have responsibility to collect payments due to Council.

Council may engage a debt collection agency to assist with collection of outstanding rates and charges. Council staff responsible for overseeing the activities of debt collection agencies ensure that practises are applied in line with this policy.

This policy does not apply to transactions where the payment is received prior to the receipt of works, services, or permits by the customer. Receipt of these payments is governed by the Cash Handling Policy.

3. Policy details

3.1 INVOICING

Invoices are to be raised whenever goods or services are provided by Council prior to payment being made by the recipient of those goods or services. For example, invoices may be raised for grant income, lease and license income, and provision of services such as waste collection or use of sporting facilities.

It is the responsibility of the officer that provides the good or service to ensure that the invoice is raised, and to raise any credit notes where required. Invoice and credit note requests are to be lodged with Finance who will record the associated revenue in the general ledger.

Debtor accounts may be established for credit approved debtors where there is a genuine business need that has been approved by the relevant Manager. Where there is any doubt, Finance should be contacted to assist with obtaining a credit check.

All invoices are to be charged as per the fees and charges schedule in the current Council budget or as per the relevant legislation.

3.2 GENERAL MANAGEMENT OF OUTSTANDING DEBT

3.2.1 Aging Debtor Management

The following actions are to be undertaken for debts that are outstanding beyond Council's standard terms of 30 days:

- 31 - 60 days: finance will contact the debtor to remind them of payment being overdue and issue a debtor statement.
- 61 - 90 days: finance will contact the debtor to remind them of payment being overdue (second contact) and issue a further debtor statement.
- 91 - 120 days: finance will contact the debtor to remind them of payment being overdue and to organise a payment arrangement if necessary. Debtor may also be advised that legal action may be commenced if payments are not received within the stipulated timeframe.
- 120+ days overdue: amounts 120 days and over require direction from the relevant manager (or the responsible officer in their team) in relation to:
 - Whether debt collection proceedings are to commence for pursuit of legal recovery of the debt at the expense of the relevant area
 - Whether there are any special circumstances relating to the debt that justify the recovery action to be held for any reason or
 - Whether the debt is recoverable and if the debt should be recommended to be written off. This may have budgetary implications.

3.2.2 Payment Arrangements

Any person, organisation or company who is having difficulty in paying their debt is encouraged to contact Council. The responsible officer may raise a request with Rates Coordinator to establish a personal payment arrangement with the debtor to pay off the debt in a reasonable and manageable timeframe. This can occur before the debt becomes overdue. For example, the plan may involve making a weekly payment of an agreed amount until the debt is paid in full. The Rates Coordinator must ensure arrangements are adhered to

3.2.3 Provision for Doubtful Debts

An annual review shall be undertaken of long outstanding debts for the purposes of maintaining a provision for doubtful debts based on the following factors:

- All debts known to be doubtful shall be included in the provision, for example if a debtor is known to have gone into liquidation; and
- Debts aged over 90 days will be reviewed and a proportion of these debts maybe included in the provision, as deemed appropriate.

3.2.4 Write-Off of Bad Debts

All cost-effective actions to recover debt should be taken by Council officers in accordance with sector practices including Ombudsman recommendations in relevant reports. Debts may be written-off either when Council is unable to collect the debt or when Council chooses not to collect a debt for compassionate reasons.

The reason for proposing the debt write-off must be clearly documented and authorised by either the Manager Corporate (up to \$10,000), the Director Corporate Performance (up to \$30,000) and the Chief Executive Officer (between \$30,000 and \$50,000). Write-offs over \$50,000 must be authorised by Council.

3.3 OUTSTANDING RATES AND CHARGES

Council will generally enforce the legislative powers available under the *Local Government Act 1989* ('the Act') in the pursuit of outstanding rates and charges.

3.3.1 Interest

In line with Section 172 of the Act, Council may require debtors to pay interest on outstanding rates and charges. The interest is calculated at the rate fixed under section 2 of the *Penalty Interest Rates Act 1983*.

Council may choose to reduce or waive interest if there are extenuating circumstances, for example due to Council error in processing the applicant's correct mailing address, or in the case of hardship. Interest waivers must be authorised by the Rates Coordinator up to \$5,000 or a more senior officer based on the amount being waived being within the relevant officer's financial delegation as per 3.2.4

It should be noted that the Victorian Government recently introduced the *Local Government Legislation Amendment (Rating and Other Matters) Bill 2022*.

The Bill delivers the first phase of reforms arising from the 2020 Local Government Rating System Review and recommendations of the 2021 Victorian Ombudsman's 'Investigation into how local councils respond to ratepayers in financial hardship'.

The Bill will amongst other measures:

- Prescribe payment plans as a means by which councils can recover unpaid rates and charges in addition to the four instalments for payment currently mandated;
- Require the Minister for Local Government to set the maximum interest rate that - may be levied by councils on unpaid rates and charges;
- Empower the Minister for Local Government to make Ministerial Guidelines on unpaid rates and charges and hardship to ensure greater consistency across councils in how they deal with ratepayers experiencing financial hardship;

3.3.2 Payment Plans

The Rates Coordinator or responsible Customer Service Coordinator may arrange a personal payment arrangement with the debtor to pay off the debt in a reasonable and manageable timeframe.

Terms of payment plans may be renegotiated on amount payable, incidence or length. Any interest will continue to accrue according to the renegotiated terms.

3.3.3 Financial Hardship Assistance

Financial hardship assistance may be granted to individuals experiencing hardship with regard to the rates on their primary residence. Applications for assistance for residential investment, commercial or industrial properties will not be granted.

A debtor seeking hardship assistance must request assistance from Council and provide complete details of the circumstances preventing them from meeting their financial obligation to Council. Following a review of this information, approval of hardship

assistance must be authorised by either Manager Corporate or Director Corporate Performance up to their financial delegation, or otherwise by the Chief Executive Officer. Any information provided for this assessment will be treated as strictly confidential.

Council may offer the following forms of financial hardship assistance:

- **Deferral of Payment:** Section 170 of the Act allows Council to defer, in whole or in part, the payment of rates for a specified period. Rates and interest continue to accrue throughout the period unless interest is otherwise reduced or waived.
- **Waiver of Rates or Charges:** Section 171A of the Act allows Council to waive, in whole or in part, any rate or charge, or any interest imposed for late payment. This provision is generally only used in extenuating circumstances involving serious illness or death or severe financial hardship, where the ratepayer is seeking professional financial assistance from a recognised financial counsellor or similarly qualified person. Council does not waive rates as a general rule. This is to ensure that financial hardship assistance approved for one ratepayer does not have a re-distributional effect on the rate base.

All waivers must be authorised by either the Manager Corporate and the Director Corporate Performance (up to \$30,000) or the Director Corporate Performance and the Chief Executive Officer (up to \$50,000). Waivers over \$50,000 must be authorised by Council.

Hardship assistance may be terminated if Council deems that the debtor's circumstances have changed so that the payment of the outstanding debt would no longer cause hardship to the person, or if the debtor no longer owns or occupies the land to which the rate or charge was levied.

3.3.4 Sale of Land for Unpaid Rates and Charges

In line with Section 181 of the Act, Council may sell occupied and unoccupied land for the recovery of outstanding rates and charges where:

- a. rates are more than three years overdue, and
- b. no current payment arrangement exists, and
- c. Council has a court order requiring payment.

Council may sell the land, or have it transferred to itself for a value equal to or more than the estimated value of the land as set out by a valuer not more than 6 months before the date of sale or transfer.

Council may recover from the sale proceeds all expenses incurred in connection with the sale or transfer including staff time, any enforcement expenses and interest, and any other amount due in respect of rates and charges. Any remaining amount must be used to discharge any other charges in respect of the land, and then any further remaining amount must be paid to each person who appears to have an interest or estate in the land.

4. Roles and responsibilities

The following positions are responsible for

Role/Position	Responsibility
Council	Approving Debt write-offs over \$50,000.
Chief Executive Officer	For ensuring the Policy and procedures are in place. For approving all applications for Debt write offs and Rates Deferrals/Waivers between \$30,000 and \$50,000.
Director Corporate Performance	For ensuring the Policy and procedures are implemented and for reviewing any complaints received with respect to the application of the Policy by the Manager Corporate. For approving all applications for Debt Write offs and Rates Deferrals/Waivers up to \$30,000.
Manager Corporate	For monitoring and reporting on implementation of this Policy. For approving all applications for Debt write offs and Rates deferrals/Waivers up to \$10,000. For reviewing any complaints received with respect to the application of the Policy by the Rates Coordinator.
Rates Coordinator	For administration of this Policy and for approval of, and ensuring adherence to Payment Plans.

5. Breaches

Failure to comply with Council policy, supporting procedures or guidelines, will be subject to investigation which may lead to disciplinary action.

6. Human Rights Charter compatibility

This policy has been assessed as being compatible with the *Charter of Human Rights and Responsibilities Act 2006 [Vic]*.

7. Gender Equality

Council acknowledges that it must comply with the Gender Equality Act 2020, (GEA Act) the main purpose of which are to require the public sector, councils and universities to:

- a) take positive action towards achieving workplace gender equality; and
- b) promote gender equality in their policies, programs and services.

Council also notes that the GEA Act requires councils to undertake a gender impact assessment when developing or reviewing any policy or program or service provided by, the entity that has a direct and significant impact

on the public.

This policy has been assessed as being compatible with the GEA Act

8. Supporting documents

This policy should be read in conjunction with all other relevant, Council policies and procedures, as well as relevant legislative requirements.

Related Legislation

- *Local Government Act 1989 [Vic]*
- *Local Government Act 2020 [Vic]*
- *Local Government Legislation Amendment (Rating and Other Matters) Bill 2022 [Vic]*.

Related Guidelines, Operational Directives or Policies

- Cash Handling Policy, No.94
- Annual Budget: Rating Policy and Fee Schedule

Related Procedures

- Nil

9. Definitions and abbreviations

Term	Meaning
Bad Debts	A bad debt expense is incurred when Council abandons its claim to the amount owing where there is no reasonable prospect of collection, or the costs of collection are expected to be greater than the amount owed.
Compassionate Grounds	Means circumstances of a compassionate nature including financial hardship, illness, or death.
Credit	Credit refers to the purchase and provision of goods and/or services from Council by debtors based on a promise to pay at a future time.
Debt (Goods and/or Services)	Debt is the amount (of money) owed by a debtor as a result of a credit transaction with Council.
Debt (Rates and Charges)	Overdue amounts of rates, charges and/or interest, in accordance with Part 8 of the <i>Local Government Act 1989</i> .

Term	Meaning
Deferment	A 'deferment' of payment can be provided in whole or in part and be for a specific period and subject to any conditions determined by Council. Where deferment has been granted, Rate Notices must be sent as required under the provisions of the <i>Local Government Act 1989</i> . A deferral only suspends the payment for a specified period of time, but the full amount will eventually be recovered.
Financial Hardship	Financial hardship applies where a ratepayer demonstrates a severely diminished ability to fulfil their financial obligations to Council and where hardship assistance through alternative payment plans and/or deferral of payments may be of assistance.
Waiver	A "waiver" is a one-off abandonment, which removes the liability to pay, and may be offered to include the whole or part of any interest and costs.

10. Approval

THE COMMON SEAL OF THE
ALPINE SHIRE COUNCIL was
hereunto affixed this 2 August 2022
in the presence of:

.....
COUNCILLOR

.....
SIGNATURE

.....
COUNCILLOR

.....
SIGNATURE

.....
CHIEF EXECUTIVE OFFICER

.....
SIGNATURE



INSTRUMENT OF DELEGATION

**Council to
Chief Executive Officer**

2 August 2022

Instrument of Delegation

In exercise of the power conferred by s 11(1) of the *Local Government Act 2020* (the Act) and all other powers enabling it, the Alpine Shire Council (Council) delegates to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule to this Instrument of Delegation,

AND declares that

1. this Instrument of Delegation is authorised by a Resolution of Council passed on **2 August 2022**;
2. the delegation
 - 2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;
 - 2.2 is subject to any conditions and limitations set out in the Schedule;
 - 2.3 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and
 - 2.4 remains in force until Council resolves to vary or revoke it.

THE COMMON SEAL OF THE
ALPINE SHIRE COUNCIL was
hereunto affixed this 2nd day of
August 2022 in the presence of:

COUNCILLOR NAME

SIGNATURE

COUNCILLOR NAME

SIGNATURE

CHIEF EXECUTIVE OFFICER NAME

SIGNATURE

Schedule

The power to

1. determine any issue;
2. take any action; or
3. do any act or thing

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing

1. if the issue, action, act or thing is an issue, action, act or thing which involves
 - 1.1. entering into a contract or making any expenditure that exceeds the value of \$150,000 (excluding GST);
 - 1.2. appointing an Acting Chief Executive Officer for a period exceeding 28 days;
 - 1.3. electing a Mayor or Deputy Mayor;
 - 1.4. granting a reasonable request for leave under s35 of the Act;
 - 1.5. making any decision in relation to the employment, dismissal or removal of the Chief Executive Officer;
 - 1.6. approving or amending the Council Plan;
 - 1.7. adopting or amending any policy that Council is required to adopt under the Act;
 - 1.8. adopting or amending the Governance Rules;
 - 1.9. appointing the chair or the members to a delegated committee;
 - 1.10. making, amending or revoking a local law;
 - 1.11. approving the Budget or Revised Budget;
 - 1.12. approving the borrowing of money;
 - 1.13. subject to section 181H(1)(b) of the *Local Government Act 1989*, declaring general rates, municipal charges, service rates and charges and specified rates and charges; or
2. if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
3. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;

4. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
 - 4.1. policy; or
 - 4.2. strategy
adopted by Council;
5. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of s 11(2)(a)-(n) (inclusive) of the Act or otherwise; or
6. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.



Informal Meeting of Councillors

In accordance with Chapter 8, section A1 of Council's [Governance Rules](#), the Chief Executive Officer must ensure that a summary of the matters discussed at an Informal meeting of Councillors is tabled at the next convenient Council meeting, and recorded in the minutes of that Council meeting.

Meeting Title: Briefing Session
Date: 28 June 2022
Location: Briefing Session – Bright Committee Room
Start Time: 2.00pm
Finish Time: 5.30pm
Chairperson: Alan Clark, A/Chief Executive Officer

Councillor and staff attendees:

Name	Position	Name	Position
Cr Sarah Nicholas	Mayor	Alan Clark	A/Chief Executive Officer
Cr Katarina Hughes	Deputy Mayor	Will Jeremy	Director Assets
Cr Ron Janas	Councillor	Helen Havercroft	Director Corporate Performance
Cr Simon Kelley	Councillor		
Cr Kelli Prime	Councillor		
Cr Tony Keeble	Councillor		
Cr John Forsyth	Councillor		

Councillor and staff apologies:

Name	Position

1. Conflict of interest disclosures

Disclosures of Conflicts of Interests must be made in accordance with Chapter 7, sections A3-A5 of Council's [Governance Rules](#), and recorded here.

N/A

2. Record of Councillors that have disclosed a conflict of interest leaving the meeting

N/A

3. Items

Item
Acknowledgement of Traditional Owners
Alpine Better Places – Tawonga Project Update
Contracts for Award <ul style="list-style-type: none">• Energy Efficient Streetlight Installation &• Tawonga Caravan Roads and Carpark Construction
Bushfire Recovery Activities update
Risk Policy and framework
Bright Western Gateway discussion
Ordinary Council Meeting Agenda review
General Business
Planning / Building Statistics presentation



Informal Meeting of Councillors

In accordance with Chapter 8, section A1 of Council's [Governance Rules](#), the Chief Executive Officer must ensure that a summary of the matters discussed at an Informal meeting of Councillors is tabled at the next convenient Council meeting, and recorded in the minutes of that Council meeting.

Meeting Title: Briefing Session
Date: 5 July 2022
Location: Briefing Session – Bright Committee Room
Start Time: 3.00pm
Finish Time: 4.45pm
Chairperson: Alan Clark, A/Chief Executive Officer

Councillor and staff attendees:

Name	Position	Name	Position
Cr Sarah Nicholas	Mayor	Alan Clark	A/Chief Executive Officer
Cr Katarina Hughes	Deputy Mayor	Will Jeremy	Director Assets
Cr Ron Janas	Councillor	Helen Havercroft	Director Corporate Performance
Cr Simon Kelley	Councillor		
Cr Kelli Prime	Councillor		
Cr Tony Keeble	Councillor		
Cr John Forsyth	Councillor		

Councillor and staff apologies:

Name	Position

1. Conflict of interest disclosures

Disclosures of Conflicts of Interests must be made in accordance with Chapter 7, sections A3-A5 of Council's [Governance Rules](#), and recorded here.

N/A

2. Record of Councillors that have disclosed a conflict of interest leaving the meeting

N/A

3. Items

Item
Acknowledgement of Traditional Owners
External Presentation – Dr Helen Haines Member for Indi
Ordinary Council Meeting Agenda review
General Business



Informal Meeting of Councillors

In accordance with Chapter 8, section A1 of Council's [Governance Rules](#), the Chief Executive Officer must ensure that a summary of the matters discussed at an Informal meeting of Councillors is tabled at the next convenient Council meeting, and recorded in the minutes of that Council meeting.

Meeting Title:	Community Grants Program Assessment Panel
Date:	12 July 2022
Location:	Committee Room, Alpine Shire Council Offices
Start Time:	3.30pm
Finish Time:	5.00pm
Chairperson:	Jenny Corser, Acting Manger Community Development

Councillor and staff attendees:

Name	Position	Name	Position
Cr. Ron Janas	Councillor	Will Jeremy	Director Assets
Cr. Kelli Prime	Councillor	Elaine Burridge	Manager Economic & Community Development
		Jenny Corser	A/Manager Community Development

Councillor and staff apologies:

Name	Position

1. Conflict of interest disclosures

Disclosures of Conflicts of Interests must be made in accordance with Chapter 7, sections A3-A5 of Council's [Governance Rules](#), and recorded here.

2. Record of Councillors that have disclosed a conflict of interest leaving the meeting

Cr. Kelli Prime declared a Conflict of Interest with Community Grants applications submitted by: Alpine Children's Services and the Bright Food Coop

Cr. Ron Janas declared a Conflict of Interest with respect to Myrtleford Landcare Community Grant application.

3. Items discussed

A list of items discussed at the meeting must be included here.

Item
Recommendations for distribution of community grant funding.

Informal Meeting of Councillors

In accordance with Chapter 8, section A1 of Council's [Governance Rules](#), the Chief Executive Officer must ensure that a summary of the matters discussed at an Informal meeting of Councillors is tabled at the next convenient Council meeting, and recorded in the minutes of that Council meeting..

Meeting Title: Events Funding Assessment Panel
Date: 12 July 2022
Location: Committee Room, Alpine Shire Council Offices
Start Time: 1.30pm
Finish Time: 3.30pm
Chairperson: Elaine Burridge, Manger Economic & Community Development

Councillor and staff attendees:

Name	Position	Name	Position
Cr. Tony Keeble	Councillor	Will Jeremy	Director Assets
Cr. John Forsyth	Councillor	Elaine Burridge	Manager Economic & Community Development
Cr Katarina Hughes	Deputy Mayor	Melanie Atkins	Events Officer
		Sara Mathews	Events Officer

Councillor and staff apologies:

Name	Position

1. Conflict of interest disclosures

Disclosures of Conflicts of Interests must be made in accordance with Chapter 7, sections A3-A5 of Council's [Governance Rules](#), and recorded here.

2. Record of Councillors that have disclosed a conflict of interest leaving the meeting

Deputy Mayor Cr Katarina Hughes declared a Conflict of Interest with respect to the following two Event Funding Applications:

- Make it Bake It Grow It Market
- Porepukah Primary School 150th Celebration Funding Application

3. Items discussed

A list of items discussed at the meeting must be included here.

Item
Recommendations for distribution of Event Funding.



Informal Meeting of Councillors

In accordance with Chapter 8, section A1 of Council's Governance Rules, the Chief Executive Officer must ensure that a summary of the matters discussed at an Informal meeting of Councillors is tabled at the next convenient Council meeting, and recorded in the minutes of that Council meeting.

Meeting Title:	Planning Objectors Forum for Planning Application P.2021.206 – 24 Toorak Road, Bright
Date:	Thursday, 14 June 2022
Location:	Online (Zoom)
Start Time:	12pm (noon)
Finish Time:	12:30pm
Chairperson:	James Trimble – Planning Officer

Councillor and staff attendees:

Name	Position	Name	Position
Cr John Forsyth	Councillor	Helen Havercroft	Director Cooperate Performance
Cr Kelli Prime	Councillor	James Trimble	Senior Planning Officer
Cr Katarina Hughes	Councillor		
Cr Ron Janas	Councillor		

Councillor and staff apologies:

Name	Position	Name	Position
Dr Tony Keeble	Councillor		

1. Conflict of interest disclosures

Disclosures of Conflicts of Interests must be made in accordance with Chapter 7, sections A3-A5 of Council's Governance Rules, and recorded here.

None

2. Record of Councillors that have disclosed a conflict of interest leaving the meeting

None

3. Items discussed

A list of items discussed at the meeting must be included here.

Item

Planning Objectors Forum, to discuss submissions received on a planning application for Buildings and Works for the Construction of Two (2) Dwellings and a Two (2) Lot Subdivision with Common Property at 24 Toorak Road, Bright.



Informal Meeting of Councillors

In accordance with Chapter 8, section A1 of Council's [Governance Rules](#), the Chief Executive Officer must ensure that a summary of the matters discussed at an Informal meeting of Councillors is tabled at the next convenient Council meeting, and recorded in the minutes of that Council meeting.

Meeting Title: Briefing Session
Date: 19 July 2022
Location: Briefing Session – Bright Committee Room
Start Time: 2.00pm
Finish Time: 5.30pm
Chairperson: Alan Clark, A/Chief Executive Officer

Councillor and staff attendees:

Name	Position	Name	Position
Cr Sarah Nicholas	Mayor	Alan Clark	A/Chief Executive Officer
Cr Katarina Hughes	Deputy Mayor	Will Jeremy	Director Assets
Cr Ron Janas	Councillor	Helen Havercroft	Director Corporate Performance
Cr Simon Kelley	Councillor		
Cr Tony Keeble	Councillor		

Councillor and staff apologies:

Name	Position
Cr John Forsyth	Councillor
Cr Kelli Prime	Councillor

1. Conflict of interest disclosures

Disclosures of Conflicts of Interests must be made in accordance with Chapter 7, sections A3-A5 of Council's [Governance Rules](#), and recorded here.

N/A

2. Record of Councillors that have disclosed a conflict of interest leaving the meeting

N/A

3. Items

Item
Acknowledgement of Traditional Owners
External Presentation – Destination Collective
Draft Youth Strategy
Community Grant Funding
Events Funding
Telecommunications Strategy
Dargo High Plains Road Project update
Dinner Plain Contract
Immunisation and MCH Services
General Business