



# Alpine Shire

**ORDINARY COUNCIL MEETING**

**AGENDA**

**M5 – 4 June 2019**

**Bright Council Chambers**

**7:00pm**



Notice is hereby given that the next **Ordinary Meeting** of the **Alpine Shire Council** will be held in the Council Chambers, Great Alpine Road, Bright on **4 June 2019** commencing at **7:00pm**.

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## **1 RECORDING AND LIVESTREAMING OF COUNCIL MEETINGS**

*The CEO will read the following statement:*

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

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

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

In common with all narrative during council meetings verbal responses to congratulations, obituaries and question time will not be recorded in the written minutes.

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

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

## **2 ACKNOWLEDGEMENT OF TRADITIONAL CUSTODIANS, AND RECOGNITION OF ALL PEOPLE**

*The CEO will read the following statement:*

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

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

## **3 CONFIRMATION OF MINUTES**

### **3.1 ORDINARY COUNCIL MEETING – M4 – 7 MAY 2019**

#### **RECOMMENDATION**

*That the minutes of Ordinary Council Meeting M4 held on 7 May 2019 as circulated be confirmed*

## **4 APOLOGIES**

## **5 OBITUARIES / CONGRATULATIONS**

## **6 DECLARATIONS BY COUNCILLORS OF CONFLICT OF INTEREST**



## **7 PUBLIC QUESTIONS ON AGENDA ITEMS**

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

Questions on Notice can be written or from the floor.

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



**8 PRESENTATION OF REPORTS BY OFFICERS**

**8.1 CHIEF EXECUTIVE OFFICER – CHARLIE BIRD**

**8.1.1 Contracts approved by the CEO**

**RECOMMENDATION**

*That the Contracts approved by the CEO be noted.*

Contract No:	CQ18910	Process:	Request for Quotation
Title:	Myrtleford Library Upgrade – Landscape		
Tenderer:	KR Hoystead		
\$ (excl. GST):	\$132,298		

Contract No:	CQ18100	Process:	Request for Quotation
Title:	Footpath Renewal 2018/19		
Tenderer:	NECC		
\$ (excl. GST):	\$110,731.56		



## **8.2 DIRECTOR CORPORATE – NATHALIE COOKE**

### **8.2.1 Health and Safety Policy**

File Number: Policy Register

#### **INTRODUCTION**

The purpose of this report is to present to Council the 2019 review of the Health and Safety Policy No.52 and seek Council's adoption of the revised policy.

#### **RECOMMENDATION**

*That Council:*

- 1. Revoke Alpine Shire Council Health and Safety Policy No.52, Version 4.0, 5 December 2017;*
- 2. Adopt Alpine Shire Council Health and Safety Policy No.52, Version 5.0; and*
- 3. Sign and seal Alpine Shire Council Health and Safety Policy No.52, Version 5.0.*

#### **BACKGROUND**

The current Health and Safety Policy was last reviewed and approved in December 2017 and was scheduled to be reviewed in April 2019. The review of this policy is timely given Council is in the process of undertaking a holistic review of its policies.

#### **ISSUES**

The content has been reviewed for compliance with relevant legislation and has been benchmarked against other local government health and safety policies. The review did not result in any change to the content or intent of the policy. The policy has been transferred to Council's new policy template requiring some minor changes to the location and heading of some content.

#### **POLICY IMPLICATIONS**

This recommendation is in accordance with the following Strategic Objective of the Council Plan 2017-2021:

- A responsible and sustainable organisation.

#### **CONSULTATION**

The current policy has been reviewed by the Health, Safety and Risk Officer, in consultation with the Health and Safety Committee.

#### **CONCLUSION**

The review of the Health and Safety Policy is now complete with only minor changes to the location of content and rebranding. There has been no change to the substance of the content or the intent of the policy.



**DECLARATION OF CONFLICT OF INTEREST**

Under Section 80C of the *Local Government Act 1989*, the following officers declare that they have no interests to disclose in providing this report.

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

**ATTACHMENT(S)**

- 8.2.1 Alpine Shire Council Health and Safety Policy No.52, Version 5.0



## 8.2.2 Revocation of Employee Employment, Discrimination and Harassment Policies

File Number: Policy Register

### **INTRODUCTION**

Council is in the process of undertaking a holistic review of its policies. A review of employee employment, discrimination and harassment policies has been completed and a new Equal Employment Opportunity, Discrimination and Harassment Policy has been developed.

The Equal Employment Opportunity, Discrimination and Harassment Policy incorporates the provisions of several other Council policies that now need to be revoked before the new policy can be approved.

### **RECOMMENDATION**

*That Council:*

- 1. Revoke Alpine Shire Council Equal Employment Opportunity Policy No.35, adopted 2 September 1997; and*
- 2. Revoke Alpine Shire Council Sexual Harassment Policy No.36, adopted 2 September 1997.*

### **BACKGROUND**

Over time Council has developed a number of policies outlining its position in relation to being an equal opportunity employer and ensuring that its workplaces are free from discrimination and harassment including:

- Equal Employment Opportunity Policy No.35
- Sexual Harassment Policy No.36
- Prevention of Bullying and Occupational Violence Policy No.85

### **ISSUES**

The content of these policies has been reviewed taking into account Council's Code of Conduct, the Alpine Shire Council Enterprise Agreement 2016 and for compliance with relevant State and Federal legislation.

It is proposed that the three existing policies are combined into one policy, the Equal Employment Opportunity, Discrimination and Harassment Policy.

As the CEO is responsible for the recruitment and management of staff under s94A(3) of the *Local Government Act 1989* the Equal Employment Opportunity, Discrimination and Harassment Policy is deemed an operational policy and will be approved by the CEO.

Before the CEO can approve the Equal Employment Opportunity, Discrimination and Harassment Policy, the policies it supersedes must be revoked. In this instance the CEO will revoke the Prevention of Bullying and Occupational Violence Policy No.85 as this was CEO approved. Council must revoke the previous policies it has adopted





being the Equal Employment Opportunity Policy No.35 and Sexual Harassment Policy No.36.

### **POLICY IMPLICATIONS**

The policies have been reviewed in accordance with the *Local Government Act 1989*.

This recommendation is in accordance with the following Strategic Objective of the Council Plan 2017-2021:

- A responsible and sustainable organisation.

### **CONSULTATION**

The proposed new operational Equal Employment Opportunity, Discrimination and Harassment Policy and the revocation of existing policies have been consulted with the relevant Council officers and the Staff Consultative Committee.

### **CONCLUSION**

The review of employee employment, discrimination and harassment policies and the development of the proposed Equal Employment Opportunity, Discrimination and Harassment Policy is complete. To facilitate the approval of the Equal Employment Opportunity, Discrimination and Harassment Policy by the CEO, the superseded policies must now be revoked.

### **DECLARATION OF CONFLICT OF INTEREST**

Under Section 80C of the *Local Government Act 1989*, the following officers declare that they have no interests to disclose in providing this report.

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

### **ATTACHMENT(S)**

- Nil



### 8.2.3 Councillor Reimbursement of Expenses Policy

File Number: Policy register

#### **INTRODUCTION**

This report deals with minor updates to the Councillor Reimbursement of Expenses Policy No.76.

#### **RECOMMENDATION**

*That Council:*

- 1. Note that the Councillor Reimbursement of Expenses Policy No.76 has been reviewed;*
- 2. Revoke the Councillor Reimbursement of Expenses Policy No.76, Version 3.0;*
- 3. Adopt the Councillor Reimbursement of Expenses Policy No.76, Version 4.0, noting that proposed changes are limited to a) typographical improvements and b) an amendment to move the requirement for reporting of Councillor expenses from quarterly to annually, in line with legislation; and*
- 4. Sign and seal the Councillor Reimbursement of Expenses Policy No.76, Version 4.0 at the appropriate time of the meeting.*

#### **BACKGROUND**

The Councillor Reimbursement of Expenses Policy No.76 ("the Policy") defines parameters for the reimbursement of necessary out of pocket expenses incurred while performing duties as a Councillor.

Section 75 of the *Local Government Act 1989* (the Act) requires Council to provide reimbursement to Councillors for bona-fide out-of-pocket expenses incurred while performing their official duties as a Councillor. Further, s75B requires Council to adopt and maintain a Councillor reimbursement policy. Reimbursement of expenses is separate to the allowances that the Mayor and Councillors are entitled to under s74 of the Act.

The Policy was last adopted by Council in June 2018, with a review date of 1 July 2019. At that time, the *Local Government Bill 2018* was being read in parliament, and it was believed that a new Councillor Expenses Policy would be required under the *Local Government Act 2018* by 1 July 2019. The Bill and 2018 Act subsequently lapsed, and Council is ensuring that it has a current policy under s75B of the *Local Government Act 1989*.

#### **ISSUES**

Minor changes only are proposed to the current Policy, including a) minor typographical improvements, and b) an amendment to move the requirement for formal reporting of Councillor expenses from quarterly to annually, in line with legislation.



It is noted that apart from reporting, there are several controls in place to ensure that Councillor expenses are appropriate. These include mandated CEO, Mayor or Council approval of selected expenses; policy requirements regarding allowed expense types and amounts; and quarterly officer reviews of Councillor expenses.

### **POLICY IMPLICATIONS**

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

- A responsible and sustainable organisation.

Council must adopt and maintain a policy in relation to the reimbursement of expenses for Councillors and members of Council committees in accordance with s75B of the *Local Government Act 1989*.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

The policy has been reviewed in-house. Councillor allowances and expenses are provided for within Council's annual budget each year.

### **CONSULTATION**

Councillors have been consulted regarding proposed changes to the Policy.

### **CONCLUSION**

The minor review of this Policy ensures that Council remains compliant with the *Local Government Act 1989*.

### **DECLARATION OF CONFLICT OF INTEREST**

Under Section 80C of the *Local Government Act 1989*, the following officers declare that they have no interests to disclose in providing this report.

- Director Corporate
- Manager Corporate
- Governance Officer

### **ATTACHMENT(S)**

- 8.2.3 Councillor Reimbursement of Expenses Policy No.76 - version 4.0



## 8.2.4 Quarterly Report - Council Plan

File Number: SU600.03

### **INTRODUCTION**

The purpose of this report is to provide the third Quarterly Report for 2018/19 against the Alpine Shire Council Plan 2017-2021.

### **RECOMMENDATION**

*That the Alpine Shire Council Plan Quarterly Report ending 31 March 2019 be received and noted.*

### **BACKGROUND**

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

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

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

Where quarterly or half-yearly reporting of indicators does not generate meaningful results, these are reported at end of financial year as part of the annual report.

### **HIGHLIGHTS**

#### **A high performing organisation**

- Council's website refresh project is progressing, with content being reviewed, and a contractor appointed to deliver Stage 1 (website design and launch) by 31 July 2019. Stage 2 (systems integration) will be completed by December 2019.

#### **A responsible and sustainable organisation**

- Council's business systems strategy review is nearing completion, with a draft three year roadmap in place. The review of Council's policies is progressing.

#### **Incredible places for our community and visitors**

- Completion of the Myrtleford Alpine Better Places project was largely completed prior to Easter 2019, with an official opening scheduled for Q4.
- The majority of the Alpine Events Park was completed in Q3, with an official opening also scheduled for Q4.



### **Infrastructure and open space that our community is proud of**

- A draft Municipal Emergency Management Fire Plan was developed with consultation undertaken with relevant parties.

### **Highly utilised and well managed community facilities**

- Two free green waste disposal days were held in late March / early April. Both occurred with good participation rates.
- After-hours access to the Bright Sports Centre is now operational.

### **A well planned and safe community**

- The review of the Community Local Law was undertaken, with a final report presented to the April Council meeting.
- The Domestic Wastewater Management Plan was adopted at the March Council meeting, which provides a framework and action plan for managing onsite wastewater systems across the Shire.

### **A thriving and connected community**

- March is the second largest month of the year for event delivery. During March, in addition to regular monthly farmers' markets events, the following events were held: High Country Charity Ride; The Myrtleford Festival; Peaks Challenge; Brighter Days; Dederang Picnic Races; Great Alpine Classic Golf Tournament; Veteran Car Club Rally and High Country Women's Cycling Festival.

### **POLICY IMPLICATIONS**

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

Quarterly reporting aligns with the Alpine Shire Council Plan 2017-2021 (reviewed 2018) Strategic Objective 1: A high performing organisation.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

The Council Plan is a key document informing the financial and human resources required to achieve Council's objectives.

### **CONSULTATION**

The Council Plan is subject to public exhibition prior to being adopted by Council.

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

### **CONCLUSION**

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



**DECLARATION OF CONFLICT OF INTEREST**

Under Section 80C of the *Local Government Act 1989*, the following officers declare that they have no interests to disclose in providing this report:

- Directors
- Managers
- Governance Officer

**ATTACHMENT(S)**

- 8.2.4 Alpine Shire Council Quarterly Report - ending 31 March 2019



## 8.2.5 Finance Report - Quarterly Review

### INTRODUCTION

The purpose of this report is to note the Finance Report - Quarterly Review for the periods ending 31 March 2019 and 31 December 2018.

### RECOMMENDATION

*That the Finance Report - Quarterly Review for the periods ending 31 March 2019 and 31 December 2018 are received and noted.*

### BACKGROUND

The purpose of the Finance Report - Quarterly Review (the "Report") is to provide Council with an overview of quarterly results and an update on the forecast financial position against the full year budget. Explanations are provided for variances to budget greater than \$100,000.

### ISSUES

#### Quarter Three Report Highlights

Council is forecasting a full year surplus of \$7.2m, which is \$3.4m higher than the budgeted surplus of \$3.8m. The primary drivers of this increase include:

- Lower than expected employee costs by \$0.7m, largely due to the impact of vacant positions; and
- Higher than expected grant income by \$3.2m, including a) early receipt of 50% of the 2019/20 Victorian Grants Commission funding (\$1.9m) and b) unbudgeted capital works grants (\$1.3m).

These favourable items are partially offset by other items including:

- Lower than expected rates and charges, due to a projected 25% capacity factor discount on the Rates in Lieu budgeted from AGL (\$0.2m);
- December 2018 Flood Damage Remediation works (\$0.15m expenditure, grant funded);
- Workforce support to assist with workload stemming from vacant positions (\$0.1m expenditure); and
- Expenditure on grant funded unbudgeted community projects (\$0.1m).

Major forecast variances to capital works expenditures are as follows:

- Alpine Events Park – additional \$0.7m spend compared to budget, due to additional costs incurred in addressing rebuild of the lower level change rooms, and omissions from the architect's plans for the upper level pavilion;
- Myrtleford Indoor Sports Stadium Expansion - \$0.5m spend will be carried forward from 2018/19 to 2019/20 due to program delays;
- Station Street Upgrade – unbudgeted new project with expenditure of \$0.5m, due to additional funding received from Regional Roads Victoria;



- Road Reconstruction (2018/19) – unbudgeted new project with expenditure of \$0.4m, due to additional funding received from Regional Roads Victoria.

### **Quarter Two Report**

The Finance Report – Quarterly Review for the period ending December 31 2018 is also provided as an attachment as it was accidentally omitted from formal Council reports earlier in the year. It is noted that this Report was discussed at Council’s Quarter Two Finance Committee, and at a subsequent Council Briefing and Audit Committee meeting.

The commentary in the Quarter Two report is superseded by the commentary in the Quarter Three Report which provides a more up-to-date reflection of the end-of-year forecast.

### **POLICY IMPLICATIONS**

The Report has been prepared in line with the requirements of the *Local Government Act 1989*:

- Section 137 (Budgeting and reporting framework) - Council must establish and maintain a budgeting and reporting framework that is consistent with the principles of sound financial management.
- Section 138 (Quarterly statements) – At least every three months, the Chief Executive Officer must ensure that a statement comparing the budgeted revenue and expenditure for the financial year with the actual revenue and expenditure to date is presented to the Council at a Council meeting which is open to the public.

The recommendation is consistent with the following Strategic Objective of the Council Plan:

- A responsible and sustainable organisation.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

Financial performance to date indicates a full year surplus of \$7.2m, which is \$3.4m higher than the budgeted surplus of \$3.8m.

### **CONSULTATION**

The Report has been prepared based on a rigorous process which includes each department reviewing their budget and providing explanations for variances at the master account level.

The Report has been presented to the Finance Committee, and also to the Audit Committee for noting.





**CONCLUSION**

The Finance Report - Quarterly Review for the period ending 31 March 2019 is presented for noting.

**DECLARATION OF CONFLICT OF INTEREST**

Under Section 80C of the *Local Government Act 1989*, the following officers declare that they have no interests to disclose in providing this report:

- Chief Executive Officer
- Director Corporate
- Manager Corporate
- Accountant

**ATTACHMENT(S)**

- 8.2.5(a) Quarterly Review for the period ending 31 December 2018
- 8.2.5(b) Quarterly Review for the period ending 31 March 2019



## 8.2.6 Dinner Plain Design Guidelines

File Number: 1468.53

### **INTRODUCTION**

The purpose of this report is to:

1. Explain a technical and legal issue that has arisen in relation to Council's previous decision to both prepare and seek authorisation for an amendment C53 to the Alpine Planning Scheme.
2. Recommend that Council seek authorisation from the Minister for Planning to prepare an identical amendment with the new amendment number C59, and when authorised, exhibit the amendment.

### **RECOMMENDATION**

*That Council:*

1. *Request under Section 8A(2) and (3) of the Planning and Environment Act 1987 that the Minister for Planning authorise Alpine Shire Council to prepare Amendment C59 to the Alpine Planning Scheme;*
2. *Notify the Minister for Planning that when it exhibits Amendment C59, Alpine Shire Council intends to give full notification of the amendment under Section 19 of the Planning and Environment Act 1987 for the minimum statutory exhibition period of one month; and*
3. *When authorised by the Minister for Planning exhibit Amendment C59 to the Alpine Planning Scheme under Section 19 of the Planning and Environment Act 1987.*

### **BACKGROUND**

On 14 November 2017 Council resolved to prepare a planning scheme amendment C53. The recommendation approved is identical to the above recommendation apart from the amendment number, which is now recommended to be changed to amendment C59. The full documentation of the previous report and decision is attached for the information and consideration of Councillors. The contents of the attachments are still valid and relevant for the purposes of consideration of the preparation of the currently proposed amendment.

The reason for the matter being returned to Council is that a technical issue has arisen which prevents amendment C53 being prepared. This is due to the introduction of a new "Amendment Tracking System" by the Department of Environment, Land, Water and Planning (DELWP). The new system will not allow the creation of an amendment C53. It will, however, allow the preparation of an amendment number C59.

Enquiries have been made of DELWP about the issue and it is not practically possible to correct it.



Given the current situation, Council now does not have a valid resolution in relation to the preparation of an amendment for the Dinner Plain Design Guidelines, which is reliant on an amendment number that cannot be used.

Continuing with the amendment without a valid resolution will potentially create confusion for stakeholders and in addition, create the pre-requisites for a legal challenge.

It is therefore considered appropriate that a new resolution be made to incorporate the new amendment number.

### **ISSUES**

The need to proceed to implement the amendment with a valid amendment number is the only issue.

### **POLICY IMPLICATIONS**

The proposal assists in the implementation of previously supported planning policy.

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

- A well planned and safe community.

### **FINANCIAL AND RESOURCE IMPLICATIONS**

Nil

### **CONSULTATION**

Consultation has taken place with officers of Department of Environment, Land, Water and Planning.

### **CONCLUSION**

In order to avoid confusion and potential legal issues, it is considered appropriate that Council reaffirm its intention to prepare an amendment to implement Design Guidelines for Dinner Plain via a fresh resolution incorporating the amendment number C59.

### **DECLARATION OF CONFLICT OF INTEREST**

Under Section 80C of the *Local Government Act 1989*, the following officers declare that they have no interests to disclose in providing this report.

- Director Corporate
- Strategic Planner

### **ATTACHMENT(S)**

- 8.2.6 (a) Council Report M11 - 14 November 2017 item 9.3.4
- 8.2.6(b) Minutes M11 – 14 November 2017 (extract) item 9.3.4
- 8.2.6(c) Attachment 9.3.4 presented to M11 - 14 November 2017



## 9 ASSEMBLY OF COUNCILLORS

### INTRODUCTION

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

### RECOMMENDATION

*That the summary of the Assemblies of Councillor for May 2019 be received.*

### BACKGROUND

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

<b>Date</b>	<b>Meeting</b>
7 May	Briefing Session
21 May	Briefing Session

### ATTACHMENT(S)

- 9.0 Assemblies of Councillors – May 2019



**10 GENERAL BUSINESS**

**11 MOTIONS FOR WHICH NOTICE HAS PREVIOUSLY BEEN GIVEN**

**12 RECEPTION AND READING OF PETITIONS**



### **13 DOCUMENTS FOR SEALING**

#### **RECOMMENDATION**

*That the following documents be signed and sealed.*

- 1. Alpine Shire Council Health and Safety Policy No.52, Version 5.0.*
- 2. Councillor Reimbursement of Expenses Policy No.76, Version 4.0 at the appropriate time of the meeting.*

There being no further business the Chairperson declared the meeting closed at \_\_\_\_p.m

.....  
Chairperson