

Minutes

Ordinary Meeting of Council

Held at 10:30 am, Wednesday 27 August 2025
Council Chamber, Corryong Council Office
76 Hanson Street, Corryong, Victoria

Our Community Vision

Towong Shire will be the ideal place to be: welcoming, vibrant and diverse communities with quality facilities and services.

This information is available in alternative formats on request.

**Minutes for the Ordinary Meeting of Council held at
76 Hanson Street, Corryong, Victoria
at 10:30 am on Wednesday 27 August 2025**

Commonly Used Acronyms

Abbreviation	Title
Council Officers	
CEO	Chief Executive Officer
DIE	Director Infrastructure and Environment
DCP	Director Community and Planning
DCOD	Director Corporate and Organisational Development
MF	Manager Finance
SAE	Senior Asset Engineer
Government/Organisation	
CH	Corryong Health (formerly Upper Murray Health and Community Services)
DFFH	Department of Families, Fairness and Housing
DJSIR	Department of Jobs, Skills, Industry and Regions
DTP	Department of Transport and Planning
DEECA	Department of Energy, Environment and Climate Action
GMW	Goulburn Murray Water
HRGLN	Hume Region Local Government Network
MAV	Municipal Association of Victoria
NECMA	North East Catchment Management Authority
NERPEN	North East Regional Procurement Excellence Network
NEW	North East Water
NEWRRG	North East Waste and Resource Recovery Group
RCV	Rural Councils Victoria
RDA	Regional Development Australia
RDV	Regional Development Victoria
THS	Tallangatta Health Service
VGC	Victorian Grants Commission
WBNC	Walwa Bush Nursing Centre

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1 Opening Prayer

"Almighty God, we ask that you be present at this meeting to assist us in our service to the Community through Local Government.

We pray that our decisions will be wise and taken with goodwill and clear conscience.

Amen."

2 Councillor and Officer Presence at the Meeting

Councillor Attendance

Crs Whitehead, Wortmann, Anderson, Pitman and Tolsher

Officer Attendance:	Title:
Ms Phelps	Chief Executive Officer
Mr Heritage	Director Infrastructure and Environment
Mr Florence	Director Community and Planning
Ms Taylor	Director Corporate and Organisational Development

3 Apologies and Granting of Leave of Absence

Nil

4 Disclosure of Conflicts of Interest

Section 130 of the Act requires that a 'Relevant person' (which means a person who is a Councillor, a member of a delegated committee who is not a Councillor or a member of Council staff) disclose any conflict of interest in the manner required by Council's Governance Rules and exclude themselves from the decision making process in relation to the matter including any discussion or vote on the matter at any Council meeting.

Council's Governance Rules state as follows:

A2 Obligations with regards to conflict of interest

Councillors, members of delegated committee, and Council staff are required to:

- a. Avoid all situations which may give rise to conflicts of interest;*
- b. Identify any conflicts of interest; and*
- c. 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 he or she:

A3.1 is present must disclose that conflict of interest by explaining the nature of the conflict of interest to those present at the Council meeting immediately before the matter is considered; or

A3.2 intends to be present 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

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 that he or she has 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.

5 Confirmation of Minutes

The minutes of the meetings listed below were circulated to Councillors following each respective meeting. Confirmation of the minutes is now sought.

Ordinary Council Meeting held on 23 July 2025

Special Council Meeting held on 31 July 2025

Recommendation:

That the Minutes of the Ordinary Council Meeting held on 23 July 2025, and Special Council Meeting held on 31 July 2025 be confirmed.

Council Resolution:

CR TOLSHER

CR PITMAN

THAT THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 23 JULY 2025 AND SPECIAL COUNCIL MEETING HELD ON 31 JULY 2025 BE CONFIRMED.

CARRIED

6 Petitions and Joint Letters

Nil

7 Public Question Time

In accordance with Council's Governance Rules, all questions must be submitted to Council in writing by 2.00pm on the day prior to the Council meeting.

An online form is available on Council's website, and a hard copy of the form is available at both the Tallangatta and Corryong Council offices.

Public Notice of Public Question Time was included in the advertisement for the Council meeting.

The Chief Executive Officer will advise of any Public Question Time submissions at the meeting.

The Chief Executive Officer advised there were no Public Questions Time submissions.

8 Informal Meetings of Councillors

In accordance with Council's *Governance Rules*, a written summary of the matters discussed at each informal meeting of Councillors is to be tabled at the next convenient Council meeting and recorded in the minutes of that meeting.

The Meeting Records from the Informal Meeting of Councillors held on 23 July 2025 and 13 August 2025 are attached as follows:

1. Councillor Workshop Agenda - 23 Jul 2025 [**8.1.1** - 3 pages]
2. Councillor Workshop Agenda - 13 Aug 2025 [**8.1.2** - 4 pages]

Recommendation:

That the information be noted.

Council Resolution:

**CR PITMAN
CR ANDERSON**

THAT THE INFORMATION BE NOTED.

CARRIED

9 Organisational Improvement

9.1 Risk and OHS Bi-Monthly report

Disclosure of Interests (S.130):

This report was prepared by Ms Loren Murray, Manager People and Safety. At the time of preparation of this report, the officer did not have a general or material conflict of interest in any matter to which the report or advice relates.

Purpose of Report:

The purpose of this report is to provide an update on Council's Risk and Occupational Health and Safety (OHS) strategy, performance, activities, and key initiatives for the reporting period.

Summary:

The Risk and OHS bi-monthly report provides a summary of the following:

- High level summary of incidents and injuries in the business and WorkCover claims,
- High potential incidents and near misses (HPIs), that have occurred during the reporting period and details of the identified causes, recommended controls, and the progress of developing and implementing these controls to date,
- An insurance report on notable public liability claims that occurred during the reporting period,
- Progress on close out of major hazards by site,
- A high-level summary of the major projects underway and progress on systems development and implementation.

Recommendation:

That the Risk and OHS Bi-Monthly report be noted.

Attachment:

Documents have been circulated to Councillors prior to the meeting.

Background/History:

The Risk and OHS report shows how Council is performing against its OHS strategic plan and accepted industry standards. Council's Risk and OHS management

performance measures and indicators quantify the inputs, outputs, and outcomes of a risk management system. They identify whether the risk management processes are implemented and working as intended; and if the risk management system is effective.

Relevant Law (s.9(2)(a)):

No relevant laws are applicable with any Council decisions or actions required from this report.

Options – Best Outcomes for the Community (s.9(2)(b)):

Not applicable.

Sustainability Implications (s.9(2)(c)):

Not applicable.

Community Engagement (s.9(2)(d)):

Not applicable.

Innovation and Continuous Improvement (s.9(2)(e)):

Innovations and improvements during this reporting period:

- At the August Audit and Risk Committee (ARC), the Committee reviewed and endorsed the Risk Management Risk Matrix, proposed Risk Management Calendar of Events and importantly the final draft of the Risk Appetite Statement (RAS).
- The Safety Incident Management Software (Skytrust) was purchased this reporting period and with the recruitment of a Training and Development Officer in July, implementation is underway.
- Development of the Psychosocial Risk Management and Respect at Work framework is underway. BLC Consulting has been engaged to develop the framework policy and procedure, registers and deliver training. This work will begin in August 2025 and will be completed by the end of the calendar year.

Collaboration (s.9(2)(f)):

Not Applicable.

Financial Viability/Budget Impact (s.9(2)(g)):

Budget requirements and availability have been confirmed, grant funding has been sought where possible, and all expenditure is being monitored and managed within agreed budget allocations.

Regional, State and National Plans and Policies (s.9(2)(h)):

Not Applicable.

Council Plans and Policies:

Council Plans:

This report supports the following Council Plan 2021-2025 priorities.

6. Organisational Improvement - Maintain a high performing customer-centred organisation that works with the community to develop and deliver priorities.

6.7 Provide a safe and healthy workplace for all Councillors and staff in a continually evolving environment

6.13 Continually improve the risk management and governance frameworks and practices

Council Policies:

Occupational Health and Safety Policy.

Risk Management Policy.

Transparency of Decision (s.9(2)(i)):

It is the officer's view that it is appropriate to consider this matter in a Council meeting that is open to the public.

Risk Assessment:

Project activities are prioritised commensurate to the likelihood and impact of identified business and OHS risks.

Officer's View:

This reporting period has seen the commencement of three strategic OHS projects that are key for delivering the OHS strategic priorities in the Council Plan.

- Completion and Audit and Risk Committee endorsement of the Risk Appetite Statement
- The purchase and commencement of implementation of the Safety Incident Management Software (Skytrust)
- Commencement of development of the Psychosocial Risk Management and Respect at Work framework.

The commencement of these projects is a step toward a complete, compliant and holistic OHS management system and the systematic management of business risk.

Council Resolution:

CR WORTMANN

CR PITMAN

THAT THE RISK AND OHS BI-MONTHLY REPORT BE NOTED.

CARRIED

9.2 Long Term Financial Plan - DCOD

Disclosure of Interests (S.130):

This report was prepared by Ms Narelle Taylor, Director Corporate and Organisational Development.

At the time of preparation of this report, the officer did not have a general or material conflict of interest in any matter to which the report or advice relates.

Purpose of Report:

The purpose of this report is to seek approval for the Draft Long Term Financial Plan to be placed on public exhibition.

Summary:

The Long Term Financial Plan is a critical component of the integrated strategic planning and reporting framework as set out in the Local Government Act 2020. It links the Community Vision, Council Plan and Asset Plan with the financial resources required to deliver on these objectives for our communities.

Recommendation:

That:

- The Draft Long Term Financial Plan 2025-2035 be endorsed for public exhibition for a period of 28 days;
- The Draft Long Term Financial Plan be presented and considered at a future Council meeting taking into account all submissions made; and
- If no submissions requesting changes are received, the Draft Long Term Financial Plan 2025-2035 be adopted without further resolution.

Attachment:

1. Draft LTFP FY 26 [9.2.1 - 16 pages]

Background/History:

The Long Term Financial plan is a 10 year forward plan outlining allocation of Council resources, key financial indicators, and our future financial sustainability.

Relevant Law (s.9(2)(a)):

The *Local Government Act 2020*

Under section 91 of the Local Government Act 2020, every council must prepare a Financial Plan covering at least 10 years, adopt it by 31 October in the year following a council election, and review it annually.

Options – Best Outcomes for the Community (s.9(2)(b)):

Not applicable.

Sustainability Implications (s.9(2)(c)):

No economic, social or environmental sustainability factors for the municipal district is required to be promoted through this report.

Community Engagement (s.9(2)(d)):

The Draft Long Term Financial Plan is to be publicly exhibited to receive feedback and comments in line with the Engagement Policy.

Innovation and Continuous Improvement (s.9(2)(e)):

Not applicable.

Collaboration (s.9(2)(f)):

Council has utilised the Better Practice Guide for the preparation of the Long Term Financial Plan, issued by Local Government Victoria, in collaboration with FinPro.

Financial Viability/Budget Impact (s.9(2)(g)):

The Draft Long Term Financial Plan highlights the ongoing financial sustainability challenges facing Council. Some key points to consider:

- A conservative approach has been taken regarding forecasting one-off capital grants, with nil income in future years. It is highly likely that we will attain one off capital grants, however as we have no assurance of this, or of the value, we have not recognised any income in this regard.
- Employee costs are significant, particularly in proportion to rates revenue. We note that approximately 25% of employee costs are related to Early Years service, which is funded through user charges and fees and childcare subsidies.
- Asset renewal requirements for roads, bridges, drainage, buildings and improvements, plant and equipment are funded 100%.

Regional, State and National Plans and Policies (s.9(2)(h)):

Not applicable.

Council Plans and Policies:

Council Plans:

Not applicable.

Council Policies:

Not applicable.

Transparency of Decision (s.9(2)(i)) :

It is the officer's view that it is appropriate to consider this matter in a Council meeting that is open to the public.

Risk Assessment:

The Draft Long Term Financial Plan is conservative with revenue projections, while also allocating significant capital expenditure to new assets – informed by the Council Plan preparation, which has identified significant demand on Council resources to provide new infrastructure to our communities. The future cash position in 10 years highlights the reliance that Council has on one-off Capital grants to be able to fund the demand for new infrastructure.

Officer's View:

It is the Officers view that the Draft Long Term Financial Plan meets the requirements of the Local Government Act 2020 and reinforces the need for Council to be prepared and diligent in its efforts to attain State and Federal funding to deliver new infrastructure in our shire.

Council Resolution:

CR WORTMANN

CR ANDERSON

THAT:

- 1. THE DRAFT LONG TERM FINANCIAL PLAN 2025-2035 BE ENDORSED FOR PUBLIC EXHIBITION FOR A PERIOD OF 28 DAYS;**
- 2. THE DRAFT LONG TERM FINANCIAL PLAN BE PRESENTED AND CONSIDERED AT A FUTURE COUNCIL MEETING TAKING INTO ACCOUNT ALL SUBMISSIONS MADE; AND**
- 3. IF NO SUBMISSIONS REQUESTING CHANGES ARE RECEIVED, THE DRAFT LONG TERM FINANCIAL PLAN 2025-2035 BE ADOPTED WITHOUT FURTHER RESOLUTION.**

CARRIED

10 Community Wellbeing

10.1 Cudgewa Football Oval Lighting Project Tender

Disclosure of Interests (S.130):

This report was prepared by Mr. Michael Stanton, Manager Community Wellbeing

At the time of preparation of this report, the officer did not have a general or material conflict of interest in any matter to which the report or advice relates.

Purpose of Report:

The purpose of this report is to provide information to support the assessment of tender submissions for the Cudgewa Football Oval Lighting Project. The report seeks approval to appoint the recommended contractor.

Summary:

This report demonstrates the tender process followed for the procurement of a suitable contractor to undertake the installation of Football Oval Lighting at Cudgewa Recreation Reserve, and provides a recommendation for the appointment of a contractor to undertake these works.

Recommendation:

That:

1. Contract No. 2024/2025-055 for the supply of Cudgewa Football Oval Lighting Project be awarded to Positive Electrical Services for the lump sum of \$261,857 excluding GST;
2. The Chief Executive Officer be authorised to sign and seal Contract No. 2024/25-055 in accordance with Local Law 1 – Common Seal and Miscellaneous Penalties; and
3. The Chief Executive Officer be authorised to approve contract variations up to the total value of the allocated budget.

Attachment:

A comparative tender evaluation for Contract No. 2024/25-055 has been provided to Councillors prior to the meeting.

Background/History:

The Sports Oval Lighting project will deliver vastly improved lighting infrastructure at the Cudgewa Football Oval. The new lighting infrastructure will incorporate the use of energy saving LED technology to achieve minimum 50 Lux standard lighting, meeting both AFL facilities standards for amateur training.

The current lighting infrastructure at Cudgewa Football Oval places significant limitations on the usage of this important community facility. The existing light towers provide limited lighting to less than half the sports oval. The current light levels do not meet the recommended sporting industry standards for training and are certainly below the preferred facilities guidelines for practice and competition matches.

This project was developed through a strong partnership between Council and the Cudgewa Football Netball Club.

Council has been awarded grant funding of \$250,000 from the Victorian Government to support the delivery of this project. The funding was received through Sport and Recreation Victoria's Local Sporting Infrastructure Fund.

Relevant Law (s.9(2)(a)):

The *Local Government Act 2020* Section 109 states:

"A Council must comply with its Procurement Policy before entering into a contract for the purchase of goods or services or the carrying out of works".

The procurement process followed for this tender and the subsequent assessment and recommendation have been undertaken in accordance with Council's Procurement Policy adopted in June 2023.

Options – Best Outcomes for the Community (s.9(2)(b)):

In terms of achieving the best outcome for the municipal community, including future generations, two options are proposed for consideration:

Option 1 – Approve the tender as presented and award Contract No. 2024/25-055 to Positive Electrical Services **(Recommended)**

Option 2 – Make an alternate decision to appoint a different contractor or to seek a new process.

Sustainability Implications (s.9(2)(c)):

Economic

This project will use local contractors providing a positive impact on the local economy.

Social

The successful completion of this project will significantly improve opportunities for sporting and recreation activities, and community events for the local community and visitors alike.

Community Engagement (s.9(2)(d)):

The Sports Oval Lighting project was developed through strong partnerships between Council and the Cudgewa Football Netball Club. The final project design and delivery will realise the aspirations of the community. Council will maintain contact and engagement with the Cudgewa Football Netball Club committee throughout the construction phase of this project.

Innovation and Continuous Improvement (s.9(2)(e)):

This project will deliver vastly improved lighting infrastructure at the Cudgewa Football Ground for the benefit of the Cudgewa and wider community. The new lighting infrastructure will incorporate the use of energy saving LED technology to achieve minimum 50 lux standard lighting.

Collaboration (s.9(2)(f)):

This project has demonstrated excellent collaboration between Council, State Government via Sport and Recreation Victoria, and the local community, to achieve a positive outcome.

Financial Viability/Budget Impact (s.9(2)(g)):

Budget requirements and availability have been confirmed, grant funding has been sought, and all expenditure will be monitored and managed within agreed budget allocations.

The Cudgewa Football Netball Club has committed to a contribution of \$47,000 to this project. Council has committed to a contribution of \$48,427 to the project.

In addition, the newly constructed asset will be owned by the Committee of Management for Cudgewa Recreation Reserve, so ongoing costs will not be borne by Council.

Regional, State and National Plans and Policies (s.9(2)(h)):

No regional, state or national plans and policies need to be considered in strategic planning and decision making through this report.

Council Plans and Policies:

Council Plans:

This report supports the following *Council Plan 2021-2025* priorities.

2. Community Wellbeing - Encourage and support all people in our Shire to be healthy, happy, connected and resilient.

2.4 Support the development of recreational activities and infrastructure to encourage active lifestyles for all ages and stages

Council Policies:

Procurement Policy

The procurement process followed for this tender and the subsequent assessment and recommendation have been undertaken in accordance with Council's Procurement Policy adopted in June 2023.

Transparency of Decision (s.9(2)(i)) :

It is the officer's view that it is appropriate to consider this matter in a Council meeting that is open to the public. The tender evaluation report has been distributed to Councillors prior to the meeting, as it contains confidential information, being:

Local Government Act 2020 S3 (g): private commercial information, being information provided by a business, commercial or financial undertaking that:

4. *relates to trade secrets; or*
5. *if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;*

Risk Assessment:

The project design and development, and the tender stage, have included strong risk management assessment. The due diligence exercised through the evaluation process has served to mitigate any significant risks associated with the project.

A risk for this project is the time frame available to spend the allocated grant funding. This risk will be mitigated through active management of project delivery and supervision of the contractor.

The appointment of an experienced contractor with strong referrals will facilitate the project being as low risk as possible.

Officer's View:

It is the officer's view that the awarding of Contract No. 2024/25-55 to Positive Electrical Services will result in successful project delivery and an excellent outcome for Council and the community.

Council Resolution:

CR TOLSHER
CR PITMAN

THAT:

- 1. CONTRACT NO. 2024/2025-055 FOR THE SUPPLY OF CUDGEWA FOOTBALL OVAL LIGHTING PROJECT BE AWARDED TO POSITIVE ELECTRICAL SERVICES FOR THE LUMP SUM OF \$261,857 EXCLUDING GST;**
- 2. THE CHIEF EXECUTIVE OFFICER BE AUTHORISED TO SIGN AND SEAL CONTRACT NO. 2024/25-055 IN ACCORDANCE WITH LOCAL LAW 1 – COMMON SEAL AND MISCELLANEOUS PENALTIES; AND**
- 3. THE CHIEF EXECUTIVE OFFICER BE AUTHORISED TO APPROVE CONTRACT VARIATIONS UP TO THE TOTAL VALUE OF THE ALLOCATED BUDGET.**

CARRIED

10.2 Culture and Inclusion Report

Disclosure of Interests (S.130):

This report was prepared by Ms Danielle Brooke, Senior Community Development Officer – Culture and Inclusion and Ms Katherine Lanigan, Senior Community Development Officer – Tallangatta Neighbourhood House.

At the time of preparation of this report, the officers did not have a general or material conflict of interest in any matter to which the report or advice relates.

Purpose of Report:

The purpose of this report is to provide information.

Summary:

This report provides an overview of Community Development activities across Culture and Inclusion and the Tallangatta Neighbourhood House for the period 1 February 2025 to 31 July 2025. A summary of the key activities during this time is as follows:

Youth

- Towong Shire Council Youth Strategy 2025-2029.
- Youth events, programs and activities.
- Engage and Youth Fest funding.

Inclusion activities

- Draft Reconciliation Action Plan (RAP) and implementation of actions, including cultural awareness training.
- Early Years First Nations Art Workshops.
- Reconciliation week, NAIDOC Week and IDAHOBIT Day recognition and events.
- Planning for LGBTQIA+ reference group.
- Seniors Week and Voices for NAIDOC funding.

Community Wellbeing

- Draft Municipal Health and Wellbeing Plan 2025-2029 and consultation details.

Creative Arts

- Murray Arts and Regional Arts partnership engagement.
- Community partnership and support, such as Mitta Valley Art Show and Snowy Mountain Tango Festival.
- Local school student involvement in art installations for inclusion events in libraries.

Libraries Report

- Corryong Elyne Mitchell Library, internal refurbishment project, including consultation, successful funding and procurement progress.
- Successful grant application from Australian Library and Information Association for activation of library programs \$9,900.
- Visitation increases at the libraries.
- Library programming, Storytime, book chats, author talks.

Tallangatta Neighbourhood House

- Knitting workshops.
- Australia's Biggest Morning Tea.
- Tai Chi.
- Craft and Connect.
- Connecting Community Project, inclusive of monthly community lunches.

Recommendation:

That the report be noted.

Attachments:

1. Attachment 1 Culture and Inclusion July 2025 [**10.2.1** - 7 pages]
2. Attachment 2 - TNH Council Report 1 Feb to 31 Jul 2025 [**10.2.2** - 3 pages]
3. Attachment 3 - Towong Shire Libraries Newsletter - July 2025 [**10.2.3** - 4 pages]
4. Attachment 4 - Tallangatta Neighbourhood House Newsletter - July 2025 [**10.2.4** - 16 pages]

Background/History:

This report is provided every six months to inform Council and the community of progress and activity across the Culture and Inclusion department and the Tallangatta Neighbourhood House.

Full details of all activities and highlights across Culture and Inclusion, libraries and the Tallangatta Neighbourhood House are provided in Attachments 1 and 2 to this report.

This report has been prepared with contribution from the following positions within the Community Wellbeing team:

Manager Community Wellbeing

Senior Community Development Officer - Culture and Inclusion. This position includes arts, culture, youth, libraries and social inclusion.

Senior Community Development Officer - Tallangatta Neighbourhood House.

Relevant Law (s.9(2)(a)):

Not applicable.

Options – Best Outcomes for the Community (s.9(2)(b)):

The Culture and Inclusion, and Tallangatta Neighbourhood House activities support community wellbeing by promoting connectedness and engagement, as well as offering community members opportunities to develop skills, and to exhibit talents and expertise.

Sustainability Implications (s.9(2)(c)):

The Municipal Health and Wellbeing plan promotes economic, social and environmental sustainability factors for the municipal district as outlined in the overarching Victorian Health and Wellbeing framework.

Community Engagement (s.9(2)(d)):

Community engagement was specifically conducted during the following:

- Development of the Towong Shire Youth Strategy 2025-2029.
- Development of the Draft Municipal Health and Wellbeing Plan 2025 – 2029.
- Development of the plans for the internal refurbishment of the Corryong Library.
- During the preparation of the LGBTQIA+ Inclusion and Wellbeing report.

Innovation and Continuous Improvement (s.9(2)(e)):

The successful grant application for the internal renovation of the Corryong Elyne Mitchell Library and project plan represents continuous innovation in community library facilities.

Collaboration (s.9(2)(f)):

The Youth Strategy, Municipal Health and Wellbeing Plan, LGBTQIA+ report, Reconciliation Action Plan, and networking with stakeholders all feature strong opportunities to engage and support the Towong community to enhance social community capital.

Collaboration with important partners within the community and outreach services in the youth space, health services, schools, First Nations groups, LGBTQIA+ community, Neighbourhood House and Centres has played and will continue to play a pivotal role in improving health and wellbeing outcomes for the whole community of Towong Shire.

Financial Viability/Budget Impact (s.9(2)(g)):

Budget requirements and availability have been confirmed, grant funding has been sought where possible, and all expenditure is being monitored and managed within agreed budget allocations.

Regional, State and National Plans and Policies (s.9(2)(h)):

Activities have been conducted in accordance with relevant state and national plans including:

- Children, Youth and Families Act 2005
- The Victorian State Government's Creative State 2016-2020
- Victoria's Gender Equality Act 2020
- Victorian Health and Wellbeing Act 2008

Council Plans and Policies:

Council Plans:

This report supports the following Council Plan 2021-2025 priorities.

2. Community Wellbeing – Encourage and support all people in our Shire to be happy, healthy, connected and resilient.
- 2.6 Develop a strategy for arts and culture offerings across the Shire.
- 2.8 Renew the Youth Plan to embed the "youth voice" in all aspects of service delivery.
- 2.11 Support our communities to ensure that Shire places are welcoming to culturally and linguistically diverse (CALD) and LGBTQIA+ communities are inclusive and connected.

2.12 Build relationships and develop understanding of Aboriginal people and consider the commitment to an ongoing reconciliation action plan process.

This report supports the following *Council Plan 2021-2025* priorities.

2. Community Wellbeing - Encourage and support all people in our Shire to be healthy, happy, connected and resilient.

2.3 Maintain a contemporary Municipal Health and Wellbeing Plan which reflects our community priorities

2.5 Review opportunities for communities to access library resources and connect through libraries

2.6 Develop a strategy for arts and cultural offerings across the Shire

Council Policies:

Not applicable.

Transparency of Decision (s.9(2)(i)):

It is the officer's view that it is appropriate to consider this matter in a Council meeting that is open to the public.

Risk Assessment:

Not applicable

Officer's View:

The last six months have been productive in developing community stakeholder relationships and connecting to local community networks to develop a solid foundation to future culture and inclusion activities and community wellbeing.

The focus over the coming six months will be the implementation of the Youth Strategy and Municipal Health and Wellbeing Plan in addition to the management of the Corryong Library internal refurbishment.

Council Resolution:

CR ANDERSON

CR TOLSHER

THAT THE REPORT BE NOTED.

CARRIED

10.3 Funding Extension - Emergency Recovery Victoria - Rebuild Services

Disclosure of Interests (S.130):

This report was prepared by Mr Sven Erikson, Strategic Emergency Management Coordinator.

At the time of preparation of this report, the officer did not have a general or material conflict of interest in any matter to which the report or advice relates.

Purpose of Report:

The purpose of this report is to provide information and seek a decision of Council to authorise the CEO to engage Gateway Health to continue the Rebuild Support Program and Rebuild Brokerage Program as outlined in the fourth Deed of Variation and Delivery Plan for the Victorian Funding Agreement OPP 610.

These programs were previously funded directly by Emergency Recovery Victoria (ERV) to Gateway Health. The funding for the continuation of these programs will be paid by ERV to Council to specifically fund Gateway Health as the nominated provider by ERV.

Summary:

This report explains the circumstances for the exemption to the procurement process in order for Council to support access for Gateway Health to the necessary funding and provides a recommendation to execute a Contract with Gateway Health.

Recommendation:

That:

1. Contract No. 2025/26 - 016 for the continuation of the Rebuild Support Program and Rebuild Brokerage Program, be awarded to Gateway Health for the sum of \$560,000 excluding GST;
2. The procurement exemption for this contract be endorsed for the Chief Executive Officer to approve;
3. The Chief Executive Officer be authorised to sign and seal Contract No. 2025/26 - 016 in accordance with Local Law 1 – Common Seal and Miscellaneous Penalties; and

4. The Chief Executive Officer be authorised to approve contract variations up to the value of the total allocated project budget.

Attachment:

Nil

Background/History:

Since the 2019/2020 bushfires, Council has been part of a rebuild program supporting community members who lost their primary place of residence. Council has been funded by Emergency Recovery Victoria to deliver services in collaboration with a team providing psychosocial and health support services from Gateway Health (Rebuild Support and Rebuild Brokerage Program).

The Rebuild program has been extended to June 2026 with Emergency Recovery Victoria providing funding to Council to extend Council's services. Due to a change in funding categorisation, ERV is not in a position to provide funding directly to Gateway Health to continue providing services under the Rebuild Support and Rebuild Brokerage Program. ERV is able to provide the funding to Council and has requested Council to engage Gateway Health to provide the continuation of services.

Council has accepted the fourth Deed of Variation to funding agreement OPP 610 to now receive funds for the Rebuild Support Program and for the Rebuild Brokerage Program. Council has negotiated a service agreement (Contract) with Gateway Health in order for Gateway Health to receive the funds and recommence delivering the Rebuild Support Program and Brokerage Program by providing Psychosocial and Health support.

Council's procurement policy requires a Council public tender process before entering a contract of this size. Due to the unique circumstances of Emergency Recovery Victoria funding Council to then provide funding to Gateway Health, and with Gateway Health being named as the nominated service provider in the deed of variation, a public tender process is not required, but that variation needs to be acknowledged and accepted by Council.

Relevant Law (s.9(2)(a)):

Emergency Management Legislation Amendment Act 2018.
The Local Government Act 2020

Options – Best Outcomes for the Community (s.9(2)(b)):

In terms of achieving the best outcome for the municipal community, two options are proposed for consideration:

Option 1 – Authorise the CEO to execute Contract No. 2025/26 - 016 to Gateway Health **(Recommended)**

Option 2 – Not authorise the CEO to execute the contract. Council would be obligated to return the funds to ERV and the service would not be able to continue via funding from ERV to Council. Fire impacted community members would not be able to receive the support of Gateway Health.

Sustainability Implications (s.9(2)(c)):

Not applicable.

Community Engagement (s.9(2)(d)):

Not applicable.

Innovation and Continuous Improvement (s.9(2)(e)):

Not applicable.

Collaboration (s.9(2)(f)):

This program and contract demonstrate collaboration between Council, State Government via Emergency Recovery Victoria and Gateway Health to achieve the best outcomes for fire impacted community members.

Financial Viability/Budget Impact (s.9(2)(g)):

Budget requirements and availability have been confirmed, via Funding Agreement OPP 610 where Emergency Recovery Victoria is providing \$560,000 for Council to then transfer to Gateway Health under Contract.

Regional, State and National Plans and Policies (s.9(2)(h)):

State Emergency Management Plan
Hume Regional Emergency Management Plan
Towong Shire Municipal Emergency Management Plan

Council Plans and Policies:

Council Plans

This report supports the following *Council Plan 2021-2025* priorities.

2. Community Wellbeing - Encourage and support all people in our Shire to be healthy, happy, connected and resilient.

2.14 Support our communities to drive their recovery from bushfires and the COVID-19 pandemic and improve their mitigation of and resilience to future adverse events

This report supports the following *Council Plan 2021-2025* priorities.

4. Land Use - Ensure that Council's planning, building and environmental health services support all aspects of liveability and sustainable population growth.

4.1 Support the rebuild process for fire impacted properties

Council Policies:

A procurement process exemption is required for this contract.

Transparency of Decision (s.9(2)(i)) :

It is the officer's view that it is appropriate to consider this matter in a Council meeting that is open to the public.

Risk Assessment:

The psychosocial case support for fire impacted community members rebuilding is at risk of not being able to be continued without Council supporting Emergency Recovery Victoria in providing a funding pathway for the programs to continue.

The contract outlines the obligations of Gateway Health including reference to the program guidelines for both the Rebuild Support and Brokerage programs as outlined by Emergency Recovery Victoria and federal funding partners. This contract mitigates Council's program delivery responsibility and ensures the program can be continue to be delivered by Gateway Health.

Officer's View:

It is the officer's view that the awarding of Contract No 2026/26 - 016 to Gateway Health for the value of \$560,000 will result in the continuation of the Rebuild Support Program and Rebuild Brokerage Program by Gateway Health.

Council Resolution:

**CR PITMAN
CR TOLSHER**

THAT:

- 1. CONTRACT NO. 2025/26 - 016 FOR THE CONTINUATION OF THE REBUILD SUPPORT PROGRAM AND REBUILD BROKERAGE PROGRAM, BE AWARDED TO GATEWAY HEALTH FOR THE SUM OF \$560,000 EXCLUDING GST;**
- 2. THE PROCUREMENT EXEMPTION FOR THIS CONTRACT BE ENDORSED FOR THE CHIEF EXECUTIVE OFFICER TO APPROVE;**
- 3. THE CHIEF EXECUTIVE OFFICER BE AUTHORISED TO SIGN AND SEAL CONTRACT NO. 2025/26 - 016 IN ACCORDANCE WITH LOCAL LAW 1 – COMMON SEAL AND MISCELLANEOUS PENALTIES; AND**
- 4. THE CHIEF EXECUTIVE OFFICER BE AUTHORISED TO APPROVE CONTRACT VARIATIONS UP TO THE VALUE OF THE TOTAL ALLOCATED PROJECT BUDGET.**

CARRIED

11 Asset Management

11.1 Plant Replacement Program – Tender Evaluation Backhoe Tallangatta Depot (DIE)

Disclosure of Interests (S.130):

This report was prepared by Mr Greg Karlson, Co-ordinator Circular Economy and Environment.

At the time of preparation of this report, the officer did not have a general or material conflict of interest in any matter to which the report or advice relates.

Purpose of Report:

The purpose of this report is to provide information to support the assessment of tender submissions for the supply of a backhoe for the Tallangatta depot and to seek Council approval to appoint the recommended supplier.

Summary:

This report outlines the tender process followed for the procurement of a new backhoe loader which will be used for infrastructure works such as drain repairs, culverts, road maintenance and general roadside cleanup activities predominantly within the Tallangatta and surrounding areas. This report also provides a recommendation of the most suitable supplier to supply the best value for money and preferred equipment type to undertake the above works.

Recommendation:

That:

1. Contract No. 2025/2026 – 003 for the supply of a CAT 432 model backhoe be awarded to William Adams for the lump sum of \$192,656 net of trade in excluding GST;
2. The Chief Executive Officer be authorised to sign and seal Contract No. 2025/26-003 in accordance with Local Law 1 – Common Seal and Miscellaneous Penalties; and
3. The Chief Executive Officer be authorised to approve contract variations up to the total value of the allocated budget.

Attachment:

A comparative Tender Evaluation Report for Contract No. 2025/2026 – 003 and supplier tender documentation has been provided to Councillors prior to meeting.

Background/History:

This report provides information on the tender process undertaken for the purchase of a backhoe as part of the plant replacement/upgrade program. The tender includes trade-in of the ageing and high maintenance 2017 JCB Elite backhoe (Plant No. 4006) located at the Tallangatta depot.

Tenders were released through the Municipal Association of Victoria's (MAV's) Procurement Vendor Panel (VP) which closed on 21 July 2025. The contract reference number is: 2025/26-003 reference number VP467512. Two (2) suppliers submitted tenders, the details of which have been circulated.

A budget of \$225,000 was assigned for this purchase in Council's 2025/26 capital works program. Both tender prices came within this budget amount.

The tenders were evaluated on the basis of price, suitability, service backup, machine quality and historical reliability. A copy of the Contractor Evaluation Tool assessment has been circulated to Councillors.

All prices within this report are exclusive of GST and stamp duty.

Evaluation

The Co-ordinator of Circular Economy and Environment and the Manager Infrastructure Asset and Environment assessed each tender based on the criteria of price and suitability for scope of infrastructure work performed by the outdoor crews. Due consideration was also given to service backup, machine quality and historical reliability.

The officer has reviewed all the tenders which called for backhoe rear end hydraulic side shift and tilting quick hitch for hoe operations. The CAT 432 backhoe comes out as the more suitable machine. Moreover, the CAT 432 is within the allocated budget range and there will be no additional requirements for extra buckets and other attachments as these are already available at the depot. Ergonomics are aligned with other backhoe machines within Council's fleet along with operator familiarity, spare parts and servicing requirements.

Relevant Law (s.9(2)(a)):

Section 109 of the *Local Government Act 2020* states:

"A Council must comply with its Procurement Policy before entering a contract for the purchase of goods or services or the carrying out of works."

The procurement process followed for this tender and the subsequent assessment and recommendation have been undertaken in accordance with Council's *Procurement Policy* adopted in June 2023.

Options – Best Outcomes for the Community (s.9(2)(b)):

A public tender process is generally the best way to ensure we achieve the best outcome for these specialised, high value items of plant.

Sustainability Implications (s.9(2)(c)):

Economic

This tender used preferred suppliers from Vendor Panel's accepted supplier network, with the primary dealers working closely with local dealerships under their network. This will have a positive impact on the local economy through the purchase of local materials and services over the life of the asset.

Climate change/Environmental

This capital expenditure will have a minimal contribution either positive or negative to carbon emission levels due to the slow advancement of alternate fuel types for heavy vehicle equipment.

Community Engagement (s.9(2)(d)):

Not applicable.

Innovation and Continuous Improvement (s.9(2)(e)):

Not applicable.

Collaboration (s.9(2)(f)):

Not applicable.

Financial Viability/Budget Impact (s.9(2)(g)):

Budget requirements and availability have been confirmed, grant funding has been sought where possible, and all expenditure is being monitored and managed within agreed budget allocations.

Regional, State and National Plans and Policies (s.9(2)(h)):

Not Applicable

Council Plans and Policies:

Council Plans: The tender has been conducted in accordance with the *Procurement Policy* and supports the following *Council Plan 2021-2025* priority:

4. *Deliver 100% of the annual plant replacement program.*

Council Policies:
Procurement Policy

Transparency of Decision (s.9(2)(i)) :

It is the officer's view that it is appropriate to consider this matter in a Council meeting that is open to the public.

Risk Assessment:

Minimal risk is associated with this acquisition despite prolonged lead times on supply with current machinery equipment in use being adequately resourced to deliver capital works projects and/or Council asset maintenance programs. These risks will be mitigated by active management and continued servicing of machinery equipment in accordance with scheduled maintenance programs with little downtime expected. CAT through its online

Officer's View:

After a thorough assessment of both tender submissions and consultation with Council plant operators and mechanics, the assessment panel recommends the purchase of the William Adams CAT 432.

- CAT is a major industry player in the heavy vehicle earthmoving market whose brand is most reputable and is well regarded in the civil earthworks industry;

- Engine specifications and safety features are far superior and afford greater safety, flexibility and functionality for everyday tasks;
- The CAT 432 backhoe is largely compatible with Council's existing backhoe fleet and depot operators are familiar with CAT equipment.
- Our depot mechanics are well-versed in servicing the CAT brand as most of the existing heavy equipment fleet are CAT, affording greater efficiency gains when performing mechanical maintenance and machine servicing related tasks;
- The international backing of a reputable industry player demonstrates the ability to provide a quality end product along with a dedicated aftercare service offering delivering good value and low risk to Council. After-sales support from the supplier is readily available, and the unit comes with an extended 36-month warranty with comprehensive coverage that includes Powertrain+Hydraulics components, as well as additional electrical and structural components

Council Resolution:

**CR WORTMANN
CR PITMAN**

THAT:

- 1. CONTRACT NO. 2025/2026 – 003 FOR THE SUPPLY OF A CAT 432 MODEL BACKHOE BE AWARDED TO TO WILLIAM ADAMS FOR THE LUMP SUM OF \$192,656 NET OF TRADE IN EXCLUDING GST;**
- 2. THE CHIEF EXECUTIVE OFFICER BE AUTHORISED TO SIGN AND SEAL CONTRACT NO. 2025/26-003 IN ACCORDANCE WITH LOCAL LAW 1 – COMMON SEAL AND MISCELLANEOUS PENALTIES; AND**
- 3. THE CHIEF EXECUTIVE OFFICER BE AUTHORISED TO APPROVE CONTRACT VARIATIONS UP TO THE TOTAL VALUE OF THE ALLOCATED BUDGET.**

CARRIED

11.2 Road Management Plan

Disclosure of Interests (S.130):

This report was prepared by Mr Bivek Regmi, Manager Assets and Environment.

At the time of preparation of the report the officer did not have a general or material conflict interest in any matter to which the report or advice relates.

Purpose of Report:

To obtain the endorsement of the recently reviewed Road Management Plan (RMP) 2025 by the Council.

Summary:

A full review of the Road Management Plan has been undertaken in March 2025, resulting in updates to improve clarity, statutory compliance, and operational effectiveness. The amendments address scope, responsibilities, asset records, inspection regimes, service levels, and emergency management provisions. The following table summarises the major changes proposed in this version for Council's consideration:

Section / Paragraph	Change Summary	Reason for Change
1.1 Purpose of the Plan	Expanded detail on Council's role as Coordinating Road Authority and interaction with other agencies (VicRoads/DTP, DEECA, Parks Victoria, Goulburn-Murray Water).	Clarify statutory responsibilities and demarcations.
1.2 Exceptional Circumstances	Broadened criteria to include natural disasters, labour shortages, and other disruptions; added CEO-led activation and public notification requirements.	Strengthen governance and ensure flexible response to emergencies.
2.7 Recreational Paths	New section recognising off-road paths as road-related assets with maintenance duties under the Act.	Capture additional assets and clarify management responsibilities.
2.8 Vehicle Crossovers	Expanded guidance on owner and Council responsibilities; clarified maintenance boundaries.	Reduce disputes and improve consistency.
3.1–3.3 Inspection Regimes	Adjusted inspection frequencies; added post-flood inspections for high-risk assets; clarified proactive vs reactive inspections.	Improve hazard identification and resilience.
3.4, Table 8 Response Standards	Revised hazard response timeframes; added provision for temporary safety measures when immediate rectification is not possible.	Balance safety, cost, and operational capacity.
4.1–4.2 Design & Service Levels	Clarified minimum design targets; reviewed defect tolerance levels.	Ensure sustainable, realistic service standards.

Recommendation:

That:

1. The Draft Road Management Plan 2025-2029 be endorsed for public exhibition for a period of 28 days from 1 September 2025;
2. The Draft Road Management Plan 2025-2029 be presented and considered at a future ordinary council meeting taking into consideration all submissions made; and
3. If no submissions requesting changes are received, the Draft Road Management Plan 2025-2029 be adopted without further resolution.

Attachments:

1. Road Management Plan - DRAFT Aug 2025 [**11.2.1** - 28 pages]
2. Road Register - Aug 2025 [**11.2.2** - 12 pages]

Background/History:

Council's Road Management Plan (RMP) was first adopted in 2004. It was developed in accordance with Part 4, Division 5 of the Road Management Act 2004 and it is aligned with the Local Government Act 2020.

The RMP identifies the roads for which Council is responsible and documents the management system in place to ensure that the road assets continue to be effectively maintained to provide a safe road network for the community.

The processes within the Road Management Plan are necessary to ensure that Council meets its risk management, insurance and asset management obligations in regards to its roads infrastructure. The plan states that it is to be reviewed every four years and it has recently been reviewed and the updated version is being presented to Council for endorsement.

Relevant Law (s.9(2)(a)):

Local Government Act 2020 – s.92 - Asset Plan.
Road Management Act 2004.

Options – Best Outcomes for the Community (s.9(2)(b)):

Not applicable.

Sustainability Implications (s.9(2)(c)):

4. Economic
5. Social
6. Climate change/Environmental

Community Engagement (s.9(2)(d)):

The plan is being made available to the public for feedback and comment, in line with Council's Engagement Policy.

Innovation and Continuous Improvement (s.9(2)(e)):

Not applicable.

Collaboration (s.9(2)(f)):

Not applicable.

Financial Viability/Budget Impact (s.9(2)(g)):

The review of the RMP 2025 does not have a financial impact, however it will influence the development of future asset renewal budgets. This is considered in the Long Term Financial Plan.

Regional, State and National Plans and Policies (s.9(2)(h)):

Not applicable.

Council Plans and Policies:

Council's asset management policy;
Council's asset management strategy;
Council's road asset management plan.

Transparency of Decision (s.9(2)(i)) :

It is the officer's view that it is appropriate to consider this report in an open meeting.

Risk Assessment:

Not applicable.

Officers View:

It is the officers view that it is appropriate for the road management plan 2025 be endorsed for public exhibition.

Council Resolution:

**CR TOLSHER
CR ANDERSON**

THAT:

- 1. THE DRAFT ROAD MANAGMENT PLAN 2025-2029 BE ENDORSED FOR PUBLIC EXHIBITION FOR A PERIOD OF 28 DAYS FROM 1 SEPTEMBER 2025;**
- 2. THE DRAFT ROAD MANAGMENT PLAN 2025-2029 BE PRESENTED AND CONSIDERED AT A FUTURE ORDINARY COUNCIL MEETING TAKING INTO CONSIDERATION ALL SUBMISSIONS MADE; AND**
- 3. IF NO SUBMISSIONS REQUESTING CHANGES ARE RECEIVED, THE DRAFT ROAD MANAGEMENT PLAN 2025-2029 BE ADOPTED WITHOUT FURTHER RESOLUTION.**

CARRIED

11.3 Resealing of Council Roads Contract 2025/26

Disclosure of Interests (S.130):

This report was prepared by Syed Abdullah, Civil Asset Engineer.

At the time of preparation of this report, the officer did not have a general or material conflict of interest in any matter to which the report or advice relates.

Purpose of Report:

The purpose of this report is to seek approval to appoint the recommended contractor for Spray Sealing and Associated Services.

Summary:

This report describes the tender process followed for the procurement of a Spray Sealing contractor to undertake the resealing of Council roads and recommends the appointment of a contractor to undertake the work.

Recommendation:

That:

- Contract No. 2024/25-058 for the resealing of Council roads be awarded to Szabolics Construction Pty Ltd for the lump sum of \$686,415.00 excluding GST for the year 2025/2026.
- The Chief Executive Officer be authorised to sign and seal Contract No. 2024/25-058 in accordance with Local Law 1 – Common seal and Miscellaneous Penalties; and
- The Chief Executive Officer be authorised to approve contract variations up to the total value of the allocated project budget.

Attachment:

Nil

Background/History:

The resealing of Council roads is completed annually as part of the capital works program. In 2025 Procurement Australia was appointed to act as a tender agent for the purpose of seeking resealing tenders under their contract 2024/25-058 - Spray Sealing and Associated Services for the North-East Regional Procurement Excellence Network (RPEN) group of Councils.

This is a regional contract designed to achieve the best value and quality control through a bulk procurement process.

The North-East RPEN Councils participating in this process include Benalla Rural City Council, Moira Shire Council, Wodonga City Council and Towong Shire Council.

Tenders were invited from qualified parties to be part of a panel of providers for the supply and delivery of spray sealing and associated services on Council's rural and urban roads.

Six tender submissions were received from the contractor panel under Contract 2024/25-058 for the 2025/26 financial year. Tenders were received from Boral Resources (VIC) Pty Ltd, Country Wide Asphalt, Szabolics Construction Pty Ltd, Head – Transport for Victoria t/s Sprayline Road Services, Fulton Hogan Industries Pty Ltd and Downer Pty Ltd. A detailed comparative analysis was completed based on the selection criteria and weighting to determine the preferred contractor.

Relevant Law (s.9(2)(a)):

The Local Government Act 2020

Options – Best Outcomes for the Community (s.9(2)(b)):

Option 1 - Approve the tender as presented and award the contract to Szabolics Construction Pty Ltd for the lump sum of \$686,415.00 excluding GST.

Option 2 – Select a different tender submission to approve.

Sustainability Implications (s.9(2)(c)):

Economic

The resealing works are sourced from the budget allocated for this financial year.

Social

Successful completion of the project will improve road safety in various townships.

Environmental/Climate Change

The contractor will use crumb rubber, a recycled tyre product that increases the life of seals on rural roads.

Community Engagement (s.9(2)(d)):

Not applicable.

Innovation and Continuous Improvement (s.9(2)(e)):

Not applicable.

Collaboration (s.9(2)(f)):

The tender process has been a collaboration between the municipalities of Benalla Rural City Council, Moira Shire Council, Wodonga City Council, Towong Shire Council and Procurement Australia.

Financial Viability/Budget Impact (s.9(2)(g)):

Budget requirements and availability have been confirmed, grant funding has been sought where possible, and all expenditure is being monitored and managed within agreed budget allocations. The costs to reseal specific roads within the schedule of works will be sourced from the 2025/26 reseal capital budget.

Regional, State and National Plans and Policies (s.9(2)(h)):

Not Applicable.

Council Plans and Policies:

Council Plans:

This report supports the following *Council Plan 2021-2025 priorities*.

1. Asset Management - Maintain and improve our Shire's infrastructure to meet the levels of service established in consultation with our communities.

1.1 Deliver 100% of the annual capital works program and bushfire recovery projects

Council Policies:

Procurement Policy

Transparency of Decision (s.9(2)(i)) :

It is the officer's view that it is appropriate to consider this matter in a Council meeting that is open to the public.

Risk Assessment:

Due to the quality process followed through Procurement Australia, the risks for this contract are low.

Officer's View:

The references provided by Szabolics Construction Pty Ltd in their tender submission as well as the quality of the work delivered for Council in 2024/25 for Stabilization of major patches, support the view that they will deliver work of a high quality and provide good value and low risk to Council.

It is the officer's recommendation that Szabolics Construction Pty Ltd are awarded Contract No. 2024/25-058.

Council Resolution:

CR PITMAN

CR ANDERSON

THAT:

- 1. CONTRACT NO. 2024/25-058 FOR THE RESEALING OF COUNCIL ROADS BE AWARDED TO SZABOLICS CONSTRUCTION PTY LTD FOR THE LUMP SUM OF \$686,415.00 EXCLUDING GST FOR THE YEAR 2025/2026.**
- 2. THE CHIEF EXECUTIVE OFFICER BE AUTHORISED TO SIGN AND SEAL CONTRACT NO. 2024/25-058 IN ACCORDANCE WITH LOCAL LAW 1 – COMMON SEAL AND MISCELLANEOUS PENALTIES; AND**
- 3. THE CHIEF EXECUTIVE OFFICER BE AUTHORISED TO APPROVE CONTRACT VARIATIONS UP TO THE TOTAL VALUE OF THE ALLOCATED PROJECT BUDGET.**

CARRIED

12 Land Use Planning

12.1 PA25002 - 257 Drummond Road Talgarno (DCP)

Disclosure of Interests (S.130):

This report was prepared by Mrs Margaret Fox, Contract Planning Officer.

At the time of preparation of this report, the officer did not have a general or material conflict of interest in any matter to which the report or advice relates.

Purpose of Report:

A decision is required in relation to a Planning Permit PA25002 application for the re-subdivision of the land in two lots, the use and development of the land for two dwellings and two outbuildings within 100m of a waterway and within 500m of land used for extractive industry.

Summary:

Council has received a Planning Permit application for the re-subdivision of two separately titled lots into two lots, the use and development of the land for two dwellings and two outbuildings within 100m of a waterway and 500m of land used for extractive industry. The land is formally known as Lot 1 TP318077D and Lot 1 on TP681750P being part of 257 Drummond Road Talgarno. The land is within the Rural Activity Zone and is subject to the Significant Landscape Overlay Schedule 1, with a small portion of the land subject to the Environmental Significance Overlay Schedule

1. The proposal would result in two lots each containing a dwelling and shed. Lot 1 is proposed to be a battleaxe style allotment of approximately 6.2ha and will be bordered by the Murray River Road to the west and south. Lot 2 will border the Murray River Road to the south and Drummond Road to the east and have an area of 5.47ha. Both allotments will be accessed via Drummond Road.

The application has been assessed and several key considerations associated with the proposal which include the:

- Creation of small rural lots with no definitive agricultural use proposed
- Fragmentation of agricultural land
- Potential for conflicting land uses
- Intensification of small rural lots
- Impact of vistas from the public real and specifically the Murray River Road tourist route
- Visual impact of the proposal in the landscape

Recommendation:

That Council:

Refuses Planning Permit application PA25002 for the subdivision of the land formally known as Lot 1 TP318077D and Lot 1 TP681750P being part of 257 Drummond Road, Talgarno into two lots, use and development of the land for two dwellings and two outbuildings within 100m of a waterway and 500m of land use for extractive industry on the following grounds:

- The proposal is not consistent with Clause 12.03-2 – the siting of the proposed dwellings will detract from the natural and aesthetic value of the landscape.
- The proposal is not consistent with Clause 12.05-2S – the two dwellings and sheds will detract from the natural qualities of a significant landscape area.
- The proposal is not consistent with Clause 1307-1S – the applicant has not demonstrated that the use and development of the land is compatible with adjoining and nearby land uses.
- The proposal is not consistent with Clause 14.01-1S – the proposal does not protect productive agricultural land from unplanned loss due to permanent changes in land use. The proposed land use is uncertain. The proposal will create two isolated small lots in the rural zone for use for dwellings.
- The proposal is not consistent with Clause 14.01-1L-01 – the proposal has not demonstrated that the proposed use and development of dwellings on the land are compatible with the agricultural and environmental characteristics of the area.
- The proposal is not consistent with Clause 14.01-1L-02 – the subdivision will lead to a concentration of lots that would change the general use and character of the area.
- The proposal is not consistent with Clause 14.01-2S – the proposal has not demonstrated that it will lead to the sustainable use of the land for agriculture.
- The proposal is not consistent with Clause 15.01-6S – the visual amenity of the rural landscape and character of the area along the Murray River Road tourist route will not be protected.
- The proposal is not consistent with Clause 16.01-3S – the proposal will result in the development of small lots in the rural zone for residential use.
- The proposal is not consistent with the purpose of Clause 35.08 – the proposal has not demonstrated that the land will be used for agriculture and that the use and development will not adversely affect the surround land use.

- The proposal is not consistent with Clause 35.08-5 – the proposal has not demonstrated methods for sustainable land management; the dwellings and sheds will result in the fragmentation of agricultural land; the proposed land use has not been established and therefore there is uncertainty about the compatibility with adjoining and nearby land uses; there is a potential for adverse amenity impacts from the extractive industry; and the siting will impact on vistas from Murray River Road.
- The proposal is not consistent with the purpose of Clause 42.03 – the proposal will not conserve and enhance the character of the significant landscape; the dwellings and sheds when viewed from the western boundary from the Murray River Road will detract from the landscape character.
- The proposal is not consistent with Clause 42.03-5 – the proposal does not protect Lake Hume and the surrounding landscapes from visual intrusion.

Attachment:

1. 257 Drummond Road - Planning Report Rev B [**12.1.1** - 34 pages]
2. APPENDIX 4 - Lot 1 Dwelling plans [**12.1.2** - 5 pages]
3. APPENDIX 4 - Lot 2 Dwelling plans [**12.1.3** - 5 pages]
4. APPENDIX 6 - Existing site plan [**12.1.4** - 1 page]
5. APPENDIX 2 - Proposed plan of subdivision and site plan [**12.1.5** - 1 page]
6. 501251 Sheds Plans and elevations [**12.1.6** - 3 pages]
7. 257 Drummond Road - Additional RAZ Planning justification 02 (1) [**12.1.7** - 25 pages]
8. 257 Drummond Road - Additional RAZ Planning justification 02 [**12.1.8** - 25 pages]
9. PA250002 257 Drummond Road Talgarno Delegate Report [**12.1.9** - 26 pages]

Background/History:

The subject land is formally identified as Lot 1 TP318077 and Lot 1 TP681750 and is commonly known as part of 257 Drummond Road Talgarno.

Lot 1 TP318077 is the largest of the two allotments and is an irregular shaped allotment with an area of 10.07ha. The land slopes from the west to the east and contains a dam near the northern boundary. A minor drainage line bisects the western tip of the subject site and flows to the northeast to the neighbouring allotments. The parcel is mostly cleared of native vegetation with the exemption of four scattered trees. The land is currently used for grazing. The southern boundary abuts the Murray River Road Reserve.

Lot 1 TP681750 is a 20m wide parcel that runs adjacent to the northern boundary of Lot 1 TP318077 from east to west. This parcel is free from any development and contains part of the drainage line and three native trees.

The subject land forms part of a larger landholding that is separated by a Lot1/743910 to the north that is under separate ownership known as 215 Drummonds Road.

The subject site is in Talgarno on the north side of the Bethanga Peninsula, approximately 9.5km northwest of Bellbridge and 17km west of Albury. The land surrounding the subject site comprises a broad range of lot sizes and land uses. Lot sizes of neighbouring properties range from 1.3ha up to 100ha. The smaller allotments are used as rural lifestyle properties with the balance used for grazing purposes.



Relevant Law (s.9(2)(a)):

The Planning & Environment Act 1987 provides the standard process for assessing a planning permit application.

The Towong Planning Scheme sets out the planning permit triggers that require a planning permit application.

A planning permit is triggered under the Rural Activity Zone for:

- The subdivision of the land
- The use of the land for a dwelling
- The development of the land for a dwelling
- The development of the land for a dwelling within 100m of a waterway
- The development of the land for a dwelling within 500m of land use for extractive industry.

A planning permit is triggered under the Environmental Significance Overlay Schedule 1 for the subdivision of the land. Only part of the land is subject to the Environmental Significance Overlay and is not relevant to the development of the land for a dwelling.

A planning permit is triggered under the Significant Landscape Overlay Schedule 1 for the development of the land for a dwelling.

A detailed assessment of the proposal is contained within the attached Delegate Report.

Options – Best Outcomes for the Community (s.9(2)(b)):

It is the officer's view that the proposal is not consistent with the Municipal Planning Strategy, the Planning Policy Framework and the objectives and decision guidelines of the Rural Activity Zone, the Significant Landscape Overlay Schedule 1 and the Environmental Significance Overlay Schedule 1.

Sustainability Implications (s.9(2)(c)):

The proposal does not meet the sustainability policies of the Planning Policy Framework; the applicant has not demonstrated that the proposed lots can sustain an agricultural use of the land.

Community Engagement (s.9(2)(d)):

Notice was undertaken to all adjoining and nearby landowners and occupiers pursuant to Section 52 of the Planning and Environment Act 1987.

No objections or submissions were received.

Innovation and Continuous Improvement (s.9(2)(e)):

Not Applicable.

Collaboration (s.9(2)(f)):

Not Applicable.

Financial Viability/Budget Impact (s.9(2)(g)):

As with all planning matters, there is a risk that this matter may be appealed pursuant to Section 78 of the Planning and Environment Act 1987 to the Victorian Civil Administrative Tribunal (VCAT). It is the officer's view that proceeding to VCAT would have a budgetary impact. It is not possible to quantify this now.

Regional, State and National Plans and Policies (s.9(2)(h)):

The proposal is not consistent with the Planning Policy Framework as discussed in the attached Delegate Report.

Council Plans and Policies:

Council Plans:

This report supports the following Council Plan 2021-2025 priorities.

4. Land Use - Ensure that Council's planning, building and environmental health services support all aspects of liveability and sustainable population growth.

Council Policies:

The proposal is not consistent with the Municipal Strategic Statement as discussed in the attached Delegate Report.

Transparency of Decision (s.9(2)(i)):

It is the officer's view that it is appropriate to consider this matter in a Council meeting that is open to the public.

Risk Assessment:

The attached Delegate Report outlines many of the sensitive considerations associated with the proposed subdivision and use and development of the land for dwellings and outbuildings. Upon assessment it is not considered that the proposal is consistent with the policies relating to the protection of agricultural land and to avoid the creation of small lots and the intensification of development in rural zones. Further the proposed dwellings will result in the proliferation of buildings in the landscape and detract from the significant landscape character.

Officer's View:

The site is located within the Peri-Urban area of Towong Shire (Clause 02.04 Strategic framework plan) where rural residential development is to be encouraged. Clause 02.03-6 Housing – Rural Residential Development also supports rural residential development but aims to achieve this through appropriate rezoning of land rather than allowing ad hoc development to occur. The proposal is not supported by the following policies:

- Clause 02.03-2 Environmental and Landscape value - Landscapes
- Clause 12.05-2S Significant Environments and Landscapes – Landscapes
- Clause 13.07-1S Land Use Compatibility
- Clause 14.01-1S Agriculture - Protection of Agricultural Land
- Clause 14.01-1L-01 Agriculture – Dwellings in Rural Areas
- Clause 14.01-1L-02 Agriculture – Subdivision in Rural Areas
- Clause 14.01-2S Agriculture – Sustainable Agricultural Land Use
- Clause 15.01-6S Built Environment and Heritage – Design for Rural Areas
- Clause 16.01-3S Housing – Rural Residential Development
- Clause 35.08-5 Rural Activity Zone – Decision Guidelines
- Clause 42.03-5 Significant Landscape Overlay Schedule 1 – Decision Guidelines

It is considered that, while the applicant has demonstrated that the proposed subdivision and dwellings would not have any impact on any waterways, all effluent could be disposed of on-site, and the risks associated with climate change and bushfire could be mitigated via planning permit conditions, the land would be removed from agriculture and result in an intensification and proliferation of buildings that would change the landscape character.

On balance the proposal is not consistent with the Municipal Planning Strategy, Planning Policy Framework and the objectives of the Rural Activity Zone, Significant Landscape Overlay Schedule 1 and the Environmental Significance Overlay Schedule

1. On this basis the application for the re-subdivision of the land and the use and development of the land for dwellings and outbuildings is not an appropriate outcome for the site. It is recommended that Council resolves to refuse the application on the following grounds:
 - The proposal is not consistent with Clause 02.03-2 – the siting of the proposed dwellings will detract from the natural and aesthetic value of the landscape.
 - The proposal is not consistent with Clause 12.05-2S – the two dwellings and sheds will detract from the natural qualities of a significant landscape area.
 - The proposal is not consistent with Clause 1307-1S – the applicant has not demonstrated that the use and development of the land is compatible with adjoining and nearby land uses.
 - The proposal is not consistent with Clause 14.01-1S – the proposal does not protect productive agricultural land from unplanned loss due to permanent changes in land use. The proposed land use is uncertain. The proposal will create two isolated small lots in the rural zone for use for dwellings.
 - The proposal is not consistent with Clause 14.01-1L-01 – the proposal has not demonstrated that the proposed use and development of dwellings on the land are compatible with the agricultural and environmental characteristics of the area.
 - The proposal is not consistent with Clause 14.01-1L-02 – the subdivision will lead to a concentration of lots that would change the general use and character of the area.
 - The proposal is not consistent with Clause 14.01-2S – the proposal has not demonstrated that it will lead to the sustainable use of the land for agriculture.
 - The proposal is not consistent with Clause 15.01-6S – the visual amenity of the rural landscape and character of the area along the Murray River Road tourist route will not be protected.
 - The proposal is not consistent with Clause 16.01-3S – the proposal will result in the development of small lots in the rural zone for residential use.
 - The proposal is not consistent with the purpose of Clause 35.08 – the proposal has not demonstrated that the land will be used for agriculture and that the use and development will not adversely affect the surrounding land use.
 - The proposal is not consistent with Clause 35.08-5 – the proposal has not demonstrated methods for sustainable land management; the dwellings and sheds will result in the fragmentation of agricultural land; the proposed land use has not been established and therefore there is uncertainty about the compatibility with adjoining and nearby land uses; there is a potential for

adverse amenity impacts from the extractive industry; and the siting will impact on vistas from Murray River Road.

- The proposal is not consistent with the purpose of Clause 42.03 – the proposal will not conserve and enhance the character of the significant landscape; the dwellings and sheds when viewed from the western boundary from the Murray River Road will detract from the landscape character.
- The proposal is not consistent with Clause 42.03-5 – the proposal does not protect Lake Hume and the surrounding landscapes from visual intrusion.

Council Resolution:

CR WORTMANN

CR TOLSHER

THAT:

COUNCIL APPROVES PLANNING PERMIT PA25002 257 DRUMMOND ROAD TALGARNO AND THE PROPOSED PERMIT CONDITIONS ON THE FOLLOWING BASIS:

- 1. THE PROPOSAL ALIGNS WITH COUNCIL'S MUNICIPAL STRATEGIC OBJECTIVES BY PROMOTING LAND USE DIVERSITY AND SUPPORTING RURAL RESIDENTIAL DEVELOPMENT IN AREAS CHARACTERISED BY LOW TO MODERATE AGRICULTURAL VALUE WITHIN A 40-MINUTE COMMUTE OF ALBURY/WODONGA.**
- 2. THE PROPOSED RE-SUBDIVISION WOULD CREATE TWO LOTS OF APPROXIMATELY 6 HECTARES EACH, POTENTIALLY SUITABLE FOR SPECIALISED OR NICHE AGRICULTURAL OPPORTUNITIES.**
- 3. THE VISUAL IMPACTS RESULTING FROM THE CONSTRUCTION OF DWELLINGS AND OUTBUILDINGS CAN BE EFFECTIVELY MINIMISED THROUGH THE IMPLEMENTATION OF LANDSCAPING ALONG THE WESTERN AND SOUTHERN BOUNDARIES OF LOT 1 AND THE SOUTHERN AND EASTERN BOUNDARIES OF LOT 2.**

PROPOSED PERMIT CONDITIONS

COMPLIANCE WITH DOCUMENTS APPROVED UNDER THIS PERMIT

- 1. AT ALL TIME WHAT THE PERMIT ALLOWS MUST BE CARRIED OUT IN ACCORDANCE WITH THE REQUIREMENTS OF ANY DOCUMENT APPROVED UNDER THIS PERMIT TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.**

COMMENCEMENT OF PERMIT

2. THIS PERMIT WILL OPERATE FROM THE ISSUED DATE OF THE PERMIT.

LAYOUT NOT ALTERED

3. THE LAYOUT OF THE DEVELOPMENT MUST NOT BE ALTERED FROM THE LAYOUT ON THE APPROVED AND ENDORSED PLANS WITHOUT THE WRITTEN CONSENT OF THE RESPONSIBLE AUTHORITY.

AMENDED PLANS REQUIRED

4. BEFORE THE PLAN OF SUBDIVISION IS CERTIFIED AND THE DEVELOPMENT STARTS AMENDED PLANS MUST BE APPROVED AND ENDORSED BY THE RESPONSIBLE AUTHORITY. THE PLANS MUST:

- a. BE PREPARED TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY**
- b. BE DRAWN TO SCALE WITH DIMENSIONS AND SUBMITTED IN ELECTRONIC FORM**
- c. BE GENERALLY IN ACCORDANCE WITH THE PLANS FORMING PART OF THE APPLICATION BUT MODIFIED TO SHOW THE FOLLOWING DETAILS:**
- d. AREAS TO BE SET ASIDE FOR THE PURPOSES OF EFFLUENT DISPOSAL AND MARKED ON THE PLAN AS AN EFFLUENT ENVELOPE.**

DWELLINGS - MATERIALS AND COLOURS SCHEDULE

5. BEFORE THE DEVELOPMENT STARTS, A SCHEDULE OF CONSTRUCTION MATERIALS, EXTERNAL FINISHES AND COLOURS MUST BE APPROVED AND ENDORSED BY THE RESPONSIBLE AUTHORITY. THE SCHEDULE MUST:

- a. BE PREPARED TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY**
- b. INCLUDE THE FOLLOWING:**
 - i. PAINT SAMPLES**
 - ii. SWATCH SAMPLES OF MATERIALS**

THE RESPONSIBLE AUTHORITY MAY CONSENT IN WRITING TO VARY THESE REQUIREMENTS AND THE DETAILS IN AN APPROVED SCHEDULE.

DWELLINGS (RURAL MINIMUM WATER SUPPLY

6. THE WATER SUPPLY TO EACH DWELLING MUST HAVE A MINIMUM COMBINED WATER CAPACITY OF 45,000 LITRES. 20,000L MUST ALWAYS BE IN RESERVE EXCLUSIVELY FOR FIREFIGHTING PURPOSES. THE FOLLOWING REQUIREMENTS APPLY TO THE 20,000 LITRES:

- a. **BE STORED IN AN ABOVE-GROUND WATER TANK CONSTRUCTED OF CONCRETE OR METAL**
- b. **HAVE ALL FIXED ABOVE-GROUND WATER PIPES AND FITTINGS REQUIRED FOR FIREFIGHTING PURPOSES MADE OF CORROSIVE RESISTANT METAL.**
- c. **INCLUDE A SEPARATE OUTLET FOR OCCUPANT USE IF THE SUPPLY IS COMBINED.**
- d. **BE READILY IDENTIFIABLE FROM THE BUILDING OR APPROPRIATE IDENTIFICATION SIGNAGE.**
- e. **BE LOCATED WITHIN 60 METRES OF THE OUTER EDGE OF THE APPROVED BUILDING.**
- f. **THE OUTLET/S OF THE WATER TANK MUST BE WITHIN FOUR (4) METRES OF THE ACCESS WAY AND UNOBSTRUCTED.**
- g. **INCORPORATE A SEPARATE BALL OR GATE VALVE (BRITISH STANDARD PIPE (BSP 65 MILLIMETRE) AND COUPLING (64-MILLIMETRE CFA 3 THREAD PER INCH MALE FITTING)**
- h. **ANY PIPEWORK AND FITTING MUST BE A MINIMUM OF 65 MILLIMETRES (EXCLUDING THE CFA COUPLING)."**

DWELLINGS - CONTROL OF LIGHT SPILL

7. **EXTERNAL LIGHTING MUST BE DESIGNED, BAFFLED AND LOCATED SO AS TO PREVENT ANY ADVERSE EFFECT ON ADJOINING LAND TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.**

DWELLINGS – RURAL STORMWATER

8. **ALL STORMWATER MUST BE CONVEYED BY MEANS OF DRAINS TO SATISFACTORY POINTS OR AREAS OF DISCHARGE APPROVED BY THE RESPONSIBLE AUTHORITY, SO THAT IT WILL HAVE NO DETRIMENTAL EFFECT ON THE ENVIRONMENT OR ADJOINING PROPERTY OWNERS.**

DWELLINGS - EXCESS BUILDING MATERIAL)

9. **BEFORE THE DWELLING IS OCCUPIED, THE LAND MUST BE CLEARED OF ALL EXCESS AND UNUSED BUILDING MATERIALS AND DEBRIS TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.**

DWELLINGS – WORKS TO BE COMPLETED BEFORE OCCUPATION

10. THE DWELLINGS MUST NOT BE OCCUPIED UNTIL THE FOLLOWING WORKS HAVE BEEN COMPLETED TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY:

- a. AN ALL-WEATHER ACCESS ROAD HAS BEEN CONSTRUCTED OF ADEQUATE DIMENSIONS.**
- b. PROVISION HAS BEEN MADE TO TREAT AND RETAIN ALL WASTEWATER ON-SITE IN ACCORDANCE WITH THE EPA CODE OF PRACTICE – ONSITE WASTEWATER MANAGEMENT**
- c. THE DWELLINGS HAVE BEEN CONNECTED TO A POTABLE WATER SUPPLY WITH ADEQUATE STORAGE FOR DOMESTIC USE AS WELL AS FOR FIRE FIGHTING PURPOSES.**
- d. THE DWELLINGS HAVE BEEN CONNECTED TO AN ENERGY SOURCE.**

DWELLINGS - DUST CONTROL

11. THE INTERNAL ACCESS ROAD THAT SERVICES LOT 1 MUST BE MAINTAINED TO AVOID DUST NUISANCE TO ANY DWELLING TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.

ENVIRONMENTAL HEALTH

RETICULATED SEWERAGE

12. BEFORE THE DEVELOPMENT IS OCCUPIED, RETICULATED SEWERAGE MUST BE PROVIDED TO EACH LOT AND ANY EXISTING BUILDINGS MUST BE CONNECTED TO THE RETICULATED SEWERAGE SYSTEM TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.

DISCHARGE TO EPA APPROVED ON-SITE WASTEWATER TREATMENT SYSTEM

13. BEFORE THE DEVELOPMENT IS OCCUPIED, ALL SEWAGE AND SULLAGE WASTEWATER FROM THE PROPOSED DEVELOPMENT MUST BE DISCHARGED INTO A NEW EPA APPROVED ON-SITE WASTEWATER TREATMENT SYSTEM TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.

EPA APPROVED ON-SITE WASTEWATER TREATMENT SYSTEM WITHIN PROPERTY BOUNDARIES

14. BEFORE THE DEVELOPMENT IS OCCUPIED, ALL SEWAGE AND SULLAGE WASTEWATER FROM THE PROPOSED DEVELOPMENT MUST BE RETAINED WITHIN THE PROPERTY BOUNDARIES OF THE SUBJECT LAND TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.

DISCHARGE TO EPA APPROVED ON-SITE SECONDARY WASTEWATER TREATMENT SYSTEM

- 15. BEFORE THE DEVELOPMENT IS OCCUPIED, ALL SEWAGE AND SULLAGE WASTEWATER FROM THE PROPOSED DEVELOPMENT MUST BE DISCHARGED INTO A NEW, EPA APPROVED, ON-SITE SECONDARY WASTEWATER TREATMENT SYSTEM TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY. THE TREATED EFFLUENT MUST BE DISPOSED OF VIA SUB SURFACE PRESSURE COMPENSATING SUBSURFACE IRRIGATION RETAINING ALL WASTEWATER WITHIN THE BOUNDARIES OF THE SUBJECT LAND TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.**

WASTEWATER ENVELOPE – PROTECTION DURING CONSTRUCTION

- 16. BEFORE THE DEVELOPMENT STARTS, THE AREA SET ASIDE FOR THE WASTEWATER ENVELOPE AND PURPOSES OF DISTRIBUTION AND ABSORPTION OF WASTEWATER MUST BE PROTECTED TO PREVENT SOIL DISTURBANCE DURING CONSTRUCTION OF THE PROPOSED DEVELOPMENT TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.**

WASTEWATER ENVELOPE REQUIRED

- 17. A WASTEWATER ENVELOPE APPROVED BY THE RESPONSIBLE AUTHORITY MUST BE INCLUDED ON THE ENDORSED PLAN. THE ENVELOPE MUST OBSERVE ALL RELEVANT SETBACK DISTANCES DETAILED IN THE MOST CURRENT EDITION OF THE EPA ONSITE WASTEWATER AND TECHNICAL REFERENCE GUIDELINES**

WASTEWATER ENVELOPE – SECTION 173 AGREEMENT (SUBDIVISION)

- 18. BEFORE THE ISSUE OF STATEMENT OF COMPLIANCE, THE OWNER MUST ENTER INTO A SECTION 173 AGREEMENT WITH THE RESPONSIBLE AUTHORITY FOR WASTEWATER ENVELOPES DESIGNATED ON THE ENDORSED PLAN TO BE REGISTERED ON THE TITLE OF THE LAND. THE ON-SITE WASTEWATER TREATMENT SYSTEM MUST NOT BE INSTALLED OUTSIDE OF THE AREA DESIGNATED FOR THE WASTEWATER ENVELOPE WITHOUT THE PRIOR WRITTEN CONSENT FROM THE RESPONSIBLE AUTHORITY.**

LANDSCAPE PLAN

- 19. BEFORE THE PLAN OF SUBDIVISION IS CERTIFIED A LANDSCAPE PLAN MUST BE APPROVED AND ENDORSED BY THE RESPONSIBLE AUTHORITY. THE LANDSCAPE PLAN MUST:**
- a. BE PREPARED TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY**
 - b. BE DRAWN TO SCALE WITH DIMENSIONS AND SUBMITTED IN ELECTRONIC FORM**

c. BE GENERALLY IN ACCORDANCE WITH THE PLANS FORMING PART OF THE APPLICATION

d. INCLUDE THE FOLLOWING:

i. SCREEN PLANTING ALONG THE WESTERN AND SOUTHERN BOUNDARIES WITH THE MURRAY RIVER ROAD

ii. PLANTING SCHEDULE OF ALL PROPOSED TREES SHRUBS AND INCLUDE BOTANICAL NAMES, COMMON NAMES, POT SIZES, SIZES AT MATURITY AND QUANTITIES OF EACH PLANT.

LANDSCAPING

20. BEFORE THE ISSUE OF STATEMENT OF COMPLIANCE THE LANDSCAPING WORKS SHOWN ON THE APPROVED AND ENDORSED PLANS MUST BE CARRIED OUT AND COMPLETED TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.

21. THE LANDSCAPING SHOWN ON THE APPROVED AND ENDORSED PLANS MUST BE MAINTAINED IN ACCORDANCE WITH THE ENDORSED PLANS TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY. AREAS SHOWN ON THE ENDORSED PLAN AS LANDSCAPED MUST NOT BE USED FOR ANY OTHER PURPOSE AND ANY DEAD, DISEASED OR DAMAGED PLANTS MUST BE REPLACED.

NEW VEHICULAR CROSSING (SUBDIVISION)

22. BEFORE THE ISSUE OF STATEMENT OF COMPLIANCE NEW VEHICULAR CROSSINGS MUST BE LOCATED AND CONSTRUCTED TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY. ANY ACCESS ROADS, CLEARINGS, OR BANKS RESULTING FROM EXCAVATION MUST BE STABILISED BY USING RETAINING WALLS, TERRACING, REVEGETATION, OR OTHER MEANS OF SLOPE STABILIZATION TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.

TELECOMMUNICATIONS AGREEMENT

23. THE OWNER OF THE LAND MUST ENTER INTO AN AGREEMENT WITH:

- a. A TELECOMMUNICATIONS NETWORK OR SERVICE PROVIDER FOR THE PROVISION OF TELECOMMUNICATION SERVICES TO EACH LOT SHOWN ON THE ENDORSED PLAN IN ACCORDANCE WITH THE PROVIDER'S REQUIREMENTS AND RELEVANT LEGISLATION AT THE TIME; AND**
- b. A SUITABLY QUALIFIED PERSON FOR THE PROVISION OF FIBRE READY TELECOMMUNICATION FACILITIES TO EACH LOT SHOWN ON THE ENDORSED PLAN IN ACCORDANCE WITH ANY INDUSTRY SPECIFICATIONS OR ANY STANDARDS SET BY THE AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY, UNLESS THE APPLICANT CAN DEMONSTRATE THAT THE LAND IS IN AN AREA WHERE THE**

NATIONAL BROADBAND NETWORK WILL NOT BE PROVIDED BY OPTICAL FIBRE.

PROVISION OF TELECOMMUNICATIONS

24. BEFORE THE ISSUE OF A STATEMENT OF COMPLIANCE FOR ANY STAGE OF THE SUBDIVISION UNDER THE *SUBDIVISION ACT 1988*, THE OWNER OF THE LAND MUST PROVIDE WRITTEN CONFIRMATION FROM:

- a. A TELECOMMUNICATIONS NETWORK OR SERVICE PROVIDER THAT ALL LOTS ARE CONNECTED TO OR ARE READY FOR CONNECTION TO TELECOMMUNICATIONS SERVICES IN ACCORDANCE WITH THE PROVIDER'S REQUIREMENTS AND RELEVANT LEGISLATION AT THE TIME; AND**
- b. A SUITABLY QUALIFIED PERSON THAT FIBRE READY TELECOMMUNICATION FACILITIES HAVE BEEN PROVIDED IN ACCORDANCE WITH ANY INDUSTRY SPECIFICATIONS OR ANY STANDARDS SET BY THE AUSTRALIAN COMMUNICATIONS AND MEDIA AUTHORITY, UNLESS THE APPLICANT CAN DEMONSTRATE THAT THE LAND IS IN AN AREA WHERE THE NATIONAL BROADBAND NETWORK WILL NOT BE PROVIDED BY OPTICAL FIBRE.**

AGREEMENT FOR THE CONNECTION OF SERVICES

THE OWNER OF THE LAND MUST ENTER INTO AGREEMENTS WITH THE RELEVANT AUTHORITIES FOR THE PROVISION OF WATER SUPPLY, DRAINAGE, SEWERAGE FACILITIES, ELECTRICITY AND GAS (WHERE IT IS PROPOSED TO BE CONNECTED) SERVICES TO EACH LOT SHOWN ON THE ENDORSED PLAN IN ACCORDANCE WITH THE AUTHORITY'S REQUIREMENTS AND RELEVANT LEGISLATION AT THE TIME.

PROVISION OF EASEMENTS

25. ALL EXISTING AND PROPOSED EASEMENTS AND SITES FOR EXISTING OR REQUIRED UTILITY SERVICES AND ROADS ON THE LAND MUST BE SET ASIDE IN THE PLAN OF SUBDIVISION SUBMITTED FOR CERTIFICATION IN FAVOUR OF THE RELEVANT AUTHORITY FOR WHICH THE EASEMENT OR SITE IS TO BE CREATED.

REFERRALS TO RELEVANT AUTHORITIES

26. THE PLAN OF SUBDIVISION SUBMITTED FOR CERTIFICATION UNDER THE *SUBDIVISION ACT 1988* MUST BE REFERRED TO THE RELEVANT AUTHORITY IN ACCORDANCE WITH SECTION 8 OF THAT ACT.

HEAD OF TRANSPORT FOR VICTORIA – NO DIRECT ACCESS

27. NO DIRECT VEHICULAR ACCESS FROM THE SUBJECT LAND TO THE MURRAY RIVER ROAD IS PERMITTED. ALL ACCESS MUST BE LIMITED TO DRUMMOND ROAD.

GOULBURN MURRAY WATER

CONSTRUCTION & ONGOING ACTIVITIES

28. ALL CONSTRUCTION AND ONGOING ACTIVITIES MUST BE IN ACCORDANCE WITH EPA PUBLICATION 1834.1 CIVIL CONSTRUCTION, BUILDING AND DEMOLITION GUIDE (SEPTEMBER 2023).

APPLICATION FOR CERTIFICATION MUST BE REFERRED

29. ANY PLAN OF SUBDIVISION LODGED FOR CERTIFICATION MUST BE REFERRED TO GOULBURN MURRAY RURAL WATER CORPORATION PURSUANT TO SECTION 8(1)(A) OF THE SUBDIVISION ACT.

PLAN OF SUBDIVISION TO SHOW EXCLUSION ZONES

30. ANY PLAN OF SUBDIVISION SUBMITTED FOR CERTIFICATION MUST SHOW EXCLUSION ZONES THAT PREVENT FUTURE WASTEWATER DISPOSAL AREAS FROM BEING LOCATED:

- a. 300 METRES OF THE FULL SUPPLY LEVEL OF LAKE HUME (MEASURED FROM THE 192 MAHD LEVEL),**
- b. WITHIN 60 METRES OF ANY DAM,**
- c. WITHIN 40 METRES OF ANY DRAINAGE LINE.**

WASTEWATER TO BE TREATED

ALL WASTEWATER FROM THE DWELLINGS 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 EPA GUIDELINE FOR ON-SITE WASTEWATER MANAGEMENT, MAY 2024 AND CERTIFICATE OF CONFORMITY.

PRESSURE COMPENSATING SUB-SURFACE IRRIGATION

31. ALL WASTEWATER MUST BE APPLIED TO LAND VIA PRESSURE-COMPENSATING SUB-SURFACE IRRIGATION INSTALLED ALONG THE CONTOUR.

DISPOSAL AREA

32. THE WASTEWATER DISPOSAL AREA MUST BE LOCATED IN ACCORDANCE WITH THE SETBACK DISTANCES SET OUT IN TABLE 4-10 OF THE EPA GUIDELINE FOR ONSITE WASTEWATER MANAGEMENT, MAY 2024, AS UPDATED OR REPLACED.

WASTEWATER MANAGEMENT

- 33. THE WASTEWATER MANAGEMENT SYSTEMS MUST BE APPROPRIATELY DESIGNED TO MANAGE THE POTENTIAL VOLUME OF WASTEWATER GENERATED UNDER FULL OCCUPANCY, INCLUDING AN APPROPRIATELY SIZED WASTEWATER DISPOSAL AREA BASED ON A FULL WATER BALANCE SPECIFIC TO THE PROPOSAL AND SUBJECT LAND.**

WASTEWATER AREA FREE OF STOCK

- 34. THE WASTEWATER DISPOSAL AREAS MUST BE KEPT FREE OF STOCK, BUILDINGS, DRIVEWAYS, PATHS, CAR PARKING AND SERVICE TRENCHING AND MUST BE PLANTED WITH APPROPRIATE VEGETATION TO MAXIMISE ITS PERFORMANCE.**

STORMWATER

- 35. STORMWATER MUST BE DIVERTED AWAY. UNLESS DISPOSAL IS BY SUBSURFACE IRRIGATION METHODS, 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.**

SHEDS NOT TO CONTAIN BEDROOMS

- 36. THE SHEDS 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.**

ENCROACHMENT ON TREATMENT SYSTEM

- 37. THE SHEDS MUST NOT ENCROACH ON THE WASTEWATER TREATMENT SYSTEM OR DISPOSAL AREA, OR BREACH THE MINIMUM SETBACK DISTANCES SPECIFIED IN THE RELEVANT AUSTRALIAN STANDARD(S) AND EPA GUIDELINE FOR ONSITE WASTEWATER MANAGEMENT, MAY 2024, AS UPDATED OR REPLACED.**

STORMWATER RUNOFF

- 38. STORMWATER RUN-OFF FROM THE SHED ROOF MUST NOT BE DIRECTED TOWARDS THE DISPOSAL AREA.**

EXPIRY – SUBDIVISION

39. THIS PERMIT AS IT RELATES TO DEVELOPMENT (SUBDIVISION) WILL EXPIRE IF ONE OF THE FOLLOWING CIRCUMSTANCES APPLIES:

- a. THE PLAN OF SUBDIVISION HAS NOT BEEN CERTIFIED UNDER THE *SUBDIVISION ACT 1988* WITHIN 2 YEARS OF THE ISSUED DATE OF THIS PERMIT.**
- b. A STATEMENT OF COMPLIANCE IS NOT ISSUED WITHIN 5 YEARS OF THE DATE OF CERTIFICATION.**
- c. IN ACCORDANCE WITH SECTION 69 OF THE *PLANNING AND ENVIRONMENT ACT 1987*, AN APPLICATION MAY BE SUBMITTED TO THE RESPONSIBLE AUTHORITY FOR AN EXTENSION OF THE PERIODS REFERRED TO IN THIS CONDITION.**

EXPIRY – DEVELOPMENT & USE

40. THIS PERMIT WILL EXPIRE IF ONE OF THE FOLLOWING CIRCUMSTANCES APPLIES:

- a. THE DEVELOPMENT IS NOT STARTED WITHIN 2 YEARS OF THE ISSUED DATE OF THIS PERMIT**
- b. THE DEVELOPMENT IS NOT COMPLETED WITHIN 4 YEARS OF THE ISSUED DATE OF THIS PERMIT.**
- c. IN ACCORDANCE WITH SECTION 69 OF THE *PLANNING AND ENVIRONMENT ACT 1987*, AN APPLICATION MAY BE SUBMITTED TO THE RESPONSIBLE AUTHORITY FOR AN EXTENSION OF THE PERIODS REFERRED TO IN THIS CONDITION.**

CARRIED

12.2 PA240059 - Omeo Highway Mitta Mitta - Mitta Mountain Bike Trail (DCP)

Disclosure of Interests (S.130):

This report was prepared by Mrs Margaret Fox, Contract Planning Officer.

At the time of preparation of this report, the officer did not have a general or material conflict of interest in any matter to which the report or advice relates.

Purpose of Report:

A decision is required in relation to Planning Permit PA240059 application for the construction of a mountain bike trail and the removal of native vegetation.

Council received seven objections to the proposal, and it is considered appropriate that the application be presented to Council for consideration and decision.

Summary:

Council has received a Planning Permit application for the construction of a mountain bike trail and the removal of native vegetation on Crown Land on the outskirts of the township of Mitta Mitta. The proposed track will be contained within the Mitta Mitta State Forest and utilize the northern slopes of Mt Welcome. There are two privately owned parcels within the the State Forest. While the applicant initially understood they had the landowner's permission to use the land for the trail, no written permission has been provided and accordingly these areas will be excluded from the proposal.

The land is within the Public Conservation and Resource Zone and is subject to the Bushire Management Overlay. Pursuant to Clause 36.03-3 of the Towong Planning Scheme the consent of the Department of Energy, Environment and Climate Action (DEECA) for the construction of the trail is required and has been obtained. A planning permit is also required for the removal of native vegetation pursuant to Clause 52.17 of the Towong Planning Scheme.

The consent from DEECA requires Towong Shire Council to enter into a suitable land management agreement to consolidate and specify land areas, responsibilities and requirements of each party. It is likely that such an agreement will take the form of a Land Usage Licence.

The application was advertised widely to all owners and occupiers of adjoining land and the wider township of Mitta Mitta. Seven objections and 45 letters of support

were received. Of the seven objections, six were from residents of Mitta Mitta while the 45 letters of support were predominantly from people within 100km of Mitta Mitta.

The application has been assessed against the relevant provisions of the Towong Planning Scheme. It is considered that the concerns raised by the objectors can be mitigated through conditions on a planning permit.

Recommendation:

That the Planning Permit application PA240059 be approved subject to the following conditions:

Instrument of Agreement

1. Works must not commence until a suitable tenure and management type, and formal Instrument of Agreement has been agreed by both DEECA and the Towong Shire Council.
2. This Agreement will articulate all governance and regulatory matters to effect appropriate management of the defined land area to be the responsibility of Towong Shire, and the activities of the proposal.
3. If appointment of the Towong Shire Council through an agreed tenure type, all costs associated with the appointment of the Towong Shire Council through a Licence Agreement (survey and plan preparation) must be borne by Towong Shire Council.
4. In the event that an Agreement cannot be reached between DEECA and Towong Shire Council, this permit cannot be executed.

Compliance with documents approved under this permit

5. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

Commencement of permit

6. This permit will operate from the issued date of this permit.

Approved and Endorsed Plans

7. Before the use commences, a Multi-Agency Emergency Response Plan must be approved and endorsed by the responsible authority. The plans must:
 - a. Be prepared to the satisfaction of the responsible authority
 - b. Be drawn to scale with dimensions
 - c. Be submitted in electronic form
 - d. Show the following details:
 - i. Details of the agencies engaged in the preparation of the plan
 - ii. Preparedness arrangements including but not limited to

- iii. Communication planning
- iv. Access arrangements – Omeo Highway and Ottos Road
- v. Response arrangements
- vi. Control, Command & Coordination
- vii. Incident Command Post
- viii. Safety & Risk Assessment
- ix. Activation of Response
- x. Injured persons
- xi. Media Communications
- xii. Staging Areas
- xiii. Aircraft management
- xiv. Responder Information
- xv. Briefings, debriefings and review
- xvi. Contact lists
- xvii. Maps of Emergency access

Buffer around private land

- 8. No tracks or trails are to be constructed with 20m of the land described as CA A8 Parish of Dorchap and CA A7 Parish of Dorchap (also known as Ottos Road Mitta Mitta). A 20m buffer must be maintained at all times.

Runoff Control

- 9. Polluted and/or sediment laden run-off must not be discharged directly or indirectly into any waterways or drainage lines.

Ongoing soil erosion control

- 10. All works must be undertaken in a manner that minimises soil erosion to greatest extent practicable, and any exposed areas of soil must be stabilised to prevent soil erosion, to the satisfaction of the Responsible Authority.

Environmental weeds

- 11. No environmental weeds referred to in the Advisory List of Environmental Weeds in Victoria M. White, D. Cheal G.W. Carr et al. April 2018 may be planted on or allowed to invade the site.

Review of Traffic & Carparking Demand

- 12. Within 6 months of the commencement of the use of the land a traffic and carparking assessment must be undertaken. The assessment must include the following:
 - a. Carparking demand assessment
 - b. Traffic movement assessment
 - c. Incident report including all traffic related incidents within 100m of the entrance to The Mill campground and Ottos Road.

Bushfire protection measures

13. The bushfire protection 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.

Goulburn Murray Water – Construction activities

14. All construction activities must be in accordance with the EPA Publication 1834.1 Civil Construction, Building and Demolition Guide (September 2023) and there must be no transport of sediment or other materials to waterways either during or following construction.

Goulburn Murray Water Works within waterways

15. Proposed works must be undertaken in accordance with the relevant Works on a Waterway Permit as issued by the North East Catchment Management Authority.

Department of Energy, Environment and Climate Action (DEECA) - Native Vegetation

Native vegetation permitted to be removed, destroyed or lopped

16. The native vegetation identified in Native Vegetation Removal Report ID: RGE_2024_003 and permitted to be removed, destroyed or lopped under this permit is 3.055 hectares of native vegetation, which is comprised of:
 - a. 3.055 hectares of native vegetation, including zero (0) large trees.

Native vegetation offsets

17. To offset the removal of 3.055 hectares of native vegetation, the permit holder must secure a native vegetation offset in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017). The permit holder must secure the following offsets:
18. A general offset of 1.431 general habitat units located within the North East Catchment Management boundary or Towong Shire municipal area, with a minimum strategic biodiversity value of at least 0.582.
19. Within six (6) months of the completion of the works, a follow up assessment of the actual impacts from the construction works on native vegetation, including retained trees and associated Tree Protection Zones (TPZ), must be conducted by an appropriately qualified and experienced arborist, to identify any discrepancies from the current Native Vegetation Removal Report associated with this permit (NVR Report ID No. RGE_2024_003). The arborist's assessment report must be provided to the responsible authority and DEECA.

20. Within six (6) months of the completion of the project, the offset requirements can be reconciled with the written agreement of the responsible authority and DEECA.

Offset evidence

21. Before any native vegetation is removed, evidence that the offset required by this permit has been secured, must be provided to the satisfaction of the responsible authority. The offset must be in the form of a credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
22. A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit.

Construction Environmental Management Plan

23. Before any works start, including removal of native vegetation, a Construction Environmental Management Plan (CEMP) must be prepared to the satisfaction of the responsible authority and submitted to and approved by the responsible authority in consultation with DEECA. When approved, the CEMP will form part of this permit. The CEMP must include (but not necessarily be limited to) details regarding the following:
24. Measures to be implemented to protect the native vegetation and other biodiversity values to be retained on the work/impact site and on land directly adjoining the work/impact site, during and post construction works. These measures must include the erection of native vegetation protection fencing around all native vegetation to be retained on site, including the tree protection zones of all native trees to be retained in accordance with AS 4970-2009 Protection of Trees on Development Sites.
25. Details for the implementation of recommendations and mitigation measures from the Native Vegetation Report: Detailed Assessment (Red-Gum Environmental Consulting 23 February 2024) to mitigate impacts on biodiversity.
26. Details for the implementation of the recommendations, methods and techniques in accordance with the Arboricultural Impact Assessment and Tree Protection Plan (High Country Arborist Reports, 29 January 2025) to avoid and minimise impacts of construction works on retained trees, including works within Structural Root Zones (SRZs) and Tree Protection Zones (TPZs).
27. Identification of all stockpiles, storage, parking and vehicle/machinery storage locations and appropriate management requirements for these – all to be located within the identified facility development and impact areas.
28. Details of management measures to be implemented before, during and after the construction phase, including weed control, sediment control, erosion and drainage management, rehabilitation and stabilisation of the site and impacted areas, vehicle/plant hygiene requirements.

29. Measures to protect aquatic habitats and vegetation outside of the construction footprint from the impacts of sediment run-off, erosion, work-related debris, and construction activities, with appropriate control measures in accordance with all relevant EPA Victoria guidelines (EPA Publications 175, 275, 480, 960, and 1834). All erosion and sediment control measures should be established prior to the commencement of works and be monitored regularly throughout the entire duration of construction, particularly after heavy rain events.
30. Details regarding the retention of habitat features such as coarse woody debris and rocks etc, and relocation (if necessary) into adjoining areas of native vegetation.
31. The CEMP should also include details and requirements regarding fauna management.
32. Pre-clearance surveys must be undertaken by a qualified ecologist and within an appropriate timeframe, before impacts occur, e.g. 2 weeks or less, in accordance with the recommendations of the Detailed Assessment (Red-Gum Environmental Consulting 23 February 2024).
33. Native fauna salvage, handling or relocation to be conducted by an appropriated qualified, experienced and licenced handler.
34. Details pertaining to timing of works to avoid impacts during key times such as breeding and nesting periods.
35. Monitoring and reporting requirements for all aspects and actions identified in the endorsed CEMP.
36. Identification of persons responsible for all aspects and actions identified in the endorsed CEMP.
37. All persons undertaking works on site must be fully briefed on all aspects and requirements of the endorsed CEMP. All works constructed or carried out must be in accordance with the endorsed CEMP, to the satisfaction of the responsible authority.

Protection of native vegetation to be retained

38. Before works start, native vegetation protection fencing must be erected around or along native vegetation to be retained on and in the direct vicinity of the work site/footprint. This fencing must be erected in accordance with the AS 4970-2009 Protection of Trees on Development Sites. The fence must be constructed of highly visible, durable materials to the satisfaction of the responsible authority. The protective fence must remain in place until all works are completed to the satisfaction of the responsible authority.
39. Except with the written consent of the responsible authority within the area of native vegetation to be retained and any tree or vegetation protection zone associated with the permitted use and/or development, the following is prohibited:
 - a. vehicular or machinery access

- b. trenching or soil excavation
- c. storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
- d. entry and exit pits for the provision of underground services e. any other actions or activities that may result in adverse impacts to retained native vegetation.

Other conditions

40. Before any works start, including native vegetation removal, an Operational and Trail Management Plan must be prepared to the satisfaction of the responsible authority and submitted to and approved by the responsible authority in consultation with the Department of Energy, Environment and Climate Action, Hume Region. When approved, the Trail Management Plan will form part of this permit. The Trail Management Plan may be generally in accordance with the Trail Management Plan (Mitta Valley Inc) and must include (but is not necessarily limited to) details regarding the following:
- a. Trail and surrounding area management and responsibilities
 - b. Maintenance requirements, including schedule of works
 - c. Site environmental values
 - d. Ongoing biodiversity matters; vegetation management, sediment control, management of pest plants and animals,
 - e. Regular monitoring and reporting, identifying any potential hazards and compliance requirements
 - f. Event management
 - g. Transport arrangements to and from the site for patrons, to ensure that impacts on road traffic are minimised on event days.
 - h. Car parking locations
 - i. Contingency provisions in the event of traffic accidents, breakdowns and illegal parking on road reserves on event days.
 - j. Appropriate signage and traffic measures between the site and car parking areas
 - k. How patron numbers will be controlled and monitored
 - l. Staffing and other measures which are designed to ensure the orderly arrival and departure of patrons.
 - m. The location for emergency vehicle access and width of emergency vehicle assess and location of an emergency assembly area.
 - n. Road signage on event days
 - o. Management structure, roles, responsibilities, powers and procedures
 - p. A compliant hotline for the duration of the event in relation to patron and security issues.
 - q. Post closure rehabilitation standards

41. If the trail and associated infrastructure is no longer required or closed, the subject site must be rehabilitated to the satisfaction of the Department of Energy, Environment and Climate Action, Hume Region.

Bushfire and emergency management

42. Prior to commencement of use of the Mountain Bike Park, an Operational Emergency Management Plan (OEMP) must be prepared to the satisfaction of the responsible authority and the Department of Energy, Environment and Climate Action. The EMP must include (but not limited to):
- a. Access controls
 - b. Bushfire and user safety
 - c. Evacuation procedures
 - d. Any other matters raised in consultation with DEECA relating to the protection of human life on the site.

Expiry – Development and use

43. This permit will expire if one of the following circumstances applies:
- e. The development is not started within 2 years of the issued date of this permit
 - f. The development is not completed within 4 years of the issued date of this permit.
 - g. The use does not start within 2 years of completion of the development
44. In accordance with Section 69 of the Planning & Environment Act 1987, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

Permit Notes

Goulburn Murray Water

45. The subject property is located within an area of Cultural Heritage Sensitivity. Should the activity associate with proposed development require a Cultural Heritage Management Plan (CHMP), planning permits, licences and work authorities cannot be issued unless a CHMP has been approved for the activity.

North East Catchment Management Authority

46. In the vicinity of the proposed bike trails, Deep Gully (along the western side of the site) and a tributary, along with an unnamed waterway draining north toward the Mitta River, are gazetted by the Authority to be designated waterways under the *Water Act 1989*.
47. A Works on Waterways permit must be obtained from the Authority in accordance with By-Law No 2024/01 Waterways Protection prior to

commencing any works in, on or over designated waterways (such as landscaping, access crossings, stormwater outlets, etc.).

Department of Energy Environment and Climate Action

PUBLIC LAND

48. Before any works on public land start, if any flora species listed as protected under the *Flora and Fauna Guarantee (FFG) Act 1988* are to be removed, a permit to take protected flora will be required. To obtain a permit to take protected flora or for further information, please contact, Hume Natural Environment Program - Hume_NEP@deeca.vic.gov.au.
49. The granting of this permit does not exempt the holder of a permit from the requirements of other Commonwealth and State legislation or policy.

Attachment:

1. P A 240059 Omeo Highway Mitta Mitta - Cultural Heritage Management Plan [12.2.1 - 71 pages]
2. P A 240059 Omeo Highway Mitta Mitta - Environmental Management Plan [12.2.2 - 30 pages]
3. P A 250059 Omeo Highway Mitta Mitta - Trail Management Plan [12.2.3 - 48 pages]
4. P A 240059 Omeo Highway Mitta Mitta - Trail Map [12.2.4 - 18 pages]
5. PA240059 Omeo Highway Mitta Mitta Summary of Objections [12.2.5 - 13 pages]
6. P A 240059 Omeo Highway Mitta Mitta - Objections Response [12.2.6 - 24 pages]

Background/History:

The subject site is located to the south and west of the township of Mitta Mitta. The land is Crown Land. A trail head has already been established on the opposite side of the Omeo Highway at The Mill Campground that contains public carparking and toilet facilities. The site contains walking trails that lead to Mt Welcome.

The land contains two privately owned parcels that are not able to be developed. The land consists of forest with steep slopes. The land is currently managed by DEECA. The plan for the Mountain Bike Park has been funded through a State Government grant. Funding has also been secured through the Victorian State Government's Local Economic Recovery program for the completion of the first stage of the development.

The proposal will provide additional cycling options within the North East Region that has become Victoria's premier cycling destination. It is anticipated that the trail

will provide an additional tourism offering for Mitta Mitta.

It is intended that Towong Shire Council will secure and Licence agreement with DEECA which will detail the delivery of the requirements of any planning permit issued.



Relevant Law (s.9(2)(a)):

The *Planning & Environment Act 1987* provides the overarching standard process for assessing a planning permit application.

The Towong Planning Scheme sets out the planning permit triggers that require a planning permit application.

A planning permit is triggered under the Public Conservation and Resource Zone and the Bushfire Management Overlay.

Clause 36.03-1 identifies the use of the land for Informal Outdoor Recreation as a section 1 use where the use is being conducted by or on behalf of a public land manager. The applicant is not the public land manager and therefore a planning

permit is required.

Clause 36.03-2 identifies that a planning permit is required to carry out works associated with the use of the land for Informal Outdoor Recreation that are not carried out by or on behalf of the public land manager.

Clause 36.03-6 Requires consideration of the following decision guidelines:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The comments of any public land manager or other relevant land manager having responsibility for the care or management of the land or adjacent land.*
- *Whether the development is appropriately located and designed, including in accordance with any relevant use, design or siting guidelines.*

Response

The proposal is consistent with the Municipal Planning Strategy and the Planning Policy Framework as discussed below.

The public land manager is the Department of Energy Environment & Climate Action (DEECA) which has consented to the issue of a planning permit subject to conditions. The approval is conditional upon Towong Shire Council being securing an agreed tenure agreement with DEECA.

The trail will meander through the forest and only trees and understorey that is necessary to be removed for the safe operation of the trail will be removed. The tracks are proposed to be narrow. The track will intersect the existing walking track but will not utilise any of the existing tracks to avoid any conflict in land use. The trail head will be located at the The Mill campground. This is located on the opposite side of the Omeo Highway. Any permit issued for the proposal will require the applicant to prepare traffic and car parking assessments after the first 12 months of operation. Further an incident report will be required in relation to any traffic incidents that have occurred within 100m of the The Mill Campground and the entrance to Ottos Road.

A planning permit is triggered under the Bushfire Management Overlay. Clause 44.06-2 identifies a planning permit is required for works associated with the use of the land for Leisure and recreation.

Response

The application was referred to DEECA as the relevant authority. DEECA proposes to include a condition requiring the preparation of an Operational Emergency Management Plan before the use can commence.

Clause 52.17 identifies that a planning permit is required to remove, destroy or lop native vegetation. Clause 52.17-1 states *"A permit is required to remove, destroy or lop native vegetation, including dead native vegetation"*

Clause 52.17-4 requires consideration of the decision guidelines associated with a basic, intermediate or detailed pathway. The proposed vegetation removal falls within the Detailed Pathway. An application for the removal of native vegetation in a Detailed Pathway must be referred to DEECA.

Response

DEECA have reviewed the application material and ecological assessment and has consented to the issue of a planning permit subject to extensive conditions as outlined above.

Municipal Planning Strategy and Planning Policy Framework

Clause 02.03 sets out the strategic direction for Towong Shire to achieve its aspirations. Clause 02.03-1 identifies Mitta Mitta as a compact settlement with a quaint character and scenic setting that attracts many visitors. It is described as a popular stop along the Omeo Highway. The strategic direction aims to facilitate development that contributes to a network of settlements that support each other in their service base and offer a variety and choice of lifestyle opportunities. It is anticipated that the mountain bike trail will strengthen the existing tourism for the town. It will also provide an additional recreational activity for the wider Mitta Mitta Valley Community.

Clause 02.03-2 (Environmental and landscape values - Biodiversity) aims to protect and enhance areas of identified landscape and environmental value and assist the protection and conservation of biodiversity, particularly remnant vegetation. While native vegetation will be removed for the construction of the trail, the trail has been designed to avoid and minimise the loss of native vegetation.

Clause 02.03-3 (Environmental risks and amenity) requires consideration of the impact of climate change. Further consideration of the impact of bushfire and erosion and landslip. Any permit issued for the proposal will require the preparation of an Operational Emergency Management Plan to ensure the trail is managed to protect visitors in the event of bushfire. The trail has also been designed to minimise the risk of erosion and landslip.

Clause 02.03-7 (Economic development – Tourism) aims to encourage land use and development that results in tourism investment and support opportunities for eco-tourism and cultural tourism. The trail will provide an additional offering for the Mitta Mitta Valley and wider Towong Shire. With the opening of the Omeo

Mountain Bike Trail the Mitta trail will provide an additional offering on the way to Omeo.

Clause 12 of the Towong Planning Scheme provides the policy basis concerning 'Environmental and Landscape Values'. The policy contained in Clause 12.01 (Biodiversity) focuses on protecting Victoria's biodiversity, particularly from unnecessary removal, destruction or lopping of native vegetation and the fragmentation of habitat and the spread of pest plants, animals and pathogens into natural ecosystems. The applicant has provided a detailed Construction Environmental Management Plan outlining how the environment will be protected during the construction phase. As discussed above the native vegetation proposed to be removed is to the minimum extent possible to ensure the safe operation of the trail. Clause 12.01-2S aims to ensure there is no net loss of biodiversity. The proposed vegetation removal will be offset, and the applicant has already provided a quotation to secure these offsets.

Clause 12.03-1S (Water bodies and wetlands) aims to protect and enhance waterway systems and limit earthworks in the proximity of waterways. Any permit issued for the proposal will require that all waterways be protected from any construction activities. A further condition will require the control of any environmental weed species that may invade the site.

Clause 12.05-2S aims to ensure significant landscape areas such as forests are protected and to ensure development does not detract from the natural qualities of significant landscape areas. While some native vegetation will be removed to make way for the trail the ongoing maintenance requirements will ensure weeds are controlled and the remaining vegetation is protected.

Clause 13 operates in much the same way as Clause 12.03-3 and requires consideration of the impact of climate change, bushfire risk and soil degradation. As previously discussed, the trail will be constructed to ensure there is no soil degradation or impact on any waterways. Permit conditions have been included to protect riders from the risk of bushfire.

Clause 17.04-1S (Tourism – facilitating tourism) aims to encourage tourism development to maximise the economic, social and cultural benefits of developing the State. Clause 17.04-1L aims to encourage the development of tourist trails based on the cultural heritage and significant landscape features of the Shire. The proposal is supported by this policy.

Options – Best Outcomes for the Community (s.9(2)(b)):

The proposal will provide additional recreational facilities for the Mitta Mitta Valley and wider Towong Shire. It will contribute to the wider tourism objectives of the Hume region and link the network of mountain bike trails and parks throughout the northeast with the newly opened mountain bike park at Omeo.

The creation of trails within the State Forest will result in some loss of biodiversity and could lead to the introduction of weed species to the site. The proposal has considered these factors and aims to minimise the impact of the trail on the environment.

It is considered that the objectors concerns can be mitigated through conditions on any permit issued for the proposal and, on balance, it is the officers view that the proposal is consistent with the Municipal Planning Strategy and the Planning Policy Framework.

Sustainability Implications (s.9(2)(c)):

Economic

It is anticipated that the proposed trail will attract tourism to the Mitta Mitta Valley and contribute to the economic sustainability of the small township of Mitta Mitta.

Social

The construction of a mountain bike trail will provide an additional recreational facility for the community of the Mitta Mitta Valley and the wider Towong Shire community.

Community Engagement (s.9(2)(d)):

The application was advertised, and seven objections were received. There were 45 letters of support received. It is the officers view that the concerns of the objectors relating to traffic management, rider safety and threats to biodiversity can be address through conditions.

Innovation and Continuous Improvement (s.9(2)(e)):

Not Applicable.

Collaboration (s.9(2)(f)):

Not Applicable.

Financial Viability/Budget Impact (s.9(2)(g)):

As with all planning matters, there is a risk that this matter may be appealed pursuant to Section 82 of the Planning and Environment Act 19987 to the Victorian Civil Administrative Tribunal (VCAT). It is the officer's view that proceeding to VCAT would have a budgetary impact. It is not possible to quantify this now.

Regional, State and National Plans and Policies (s.9(2)(h)):

The proposal is consistent with the Planning Policy Framework as discussed above.

Council Plans and Policies:

Council Plans:

This report supports the following *Council Plan 2021-2025* priorities.

4. Land Use - Ensure that Council's planning, building and environmental health services support all aspects of liveability and sustainable population growth.

Council Policies:

The proposal is consistent with the Municipal Strategic Statement as discussed above.

Transparency of Decision (s.9(2)(i)):

It is the officer's view that it is appropriate to consider this matter in a Council meeting that is open to the public.

Risk Assessment:

The relevant law section outlines many of the sensitive considerations associated with the proposed construction of a Mountain Bike Trail. Upon assessment it is considered the proposal is generally consistent with the policies and can be supported.

The risk factors considered relate to the risk to:

- The environment through the removal of native vegetation and the potential impact on biodiversity.
- The increase in traffic, car parking and speed limits
- The increased bushfire threat
- The response to rider incidents and injuries

Any permit issued for the development contains conditions that aim to mitigate these risks.

Officer's View:

It is the officers view that the proposal is consistent with the requirements of the Towong Planning Scheme and that it is appropriate for a Notice of Decision to Grant be issued subject to conditions.

Council Resolution:

**CR PITMAN
CR TOLSHER**

**THAT THE PLANNING PERMIT APPLICATION PA240059 BE APPROVED
SUBJECT TO THE FOLLOWING CONDITIONS:**

INSTRUMENT OF AGREEMENT

- 1. WORKS MUST NOT COMMENCE UNTIL A SUITABLE TENURE AND MANAGEMENT TYPE, AND FORMAL INSTRUMENT OF AGREEMENT HAS BEEN AGREED BY BOTH DEECA AND THE TOWONG SHIRE COUNCIL.**
- 2. THIS AGREEMENT WILL ARTICULATE ALL GOVERNANCE AND REGULATORY MATTERS TO EFFECT APPROPRIATE MANAGEMENT OF THE DEFINED LAND AREA TO BE THE RESPONSIBILITY OF TOWONG SHIRE, AND THE ACTIVITIES OF THE PROPOSAL.**
- 3. IF APPOINTMENT OF THE TOWONG SHIRE COUNCIL THROUGH AN AGREED TENURE TYPE, ALL COSTS ASSOCIATED WITH THE APPOINTMENT OF THE TOWONG SHIRE COUNCIL THROUGH A LICENCE AGREEMENT (SURVEY AND PLAN PREPARATION) MUST BE BORNE BY TOWONG SHIRE COUNCIL.**
- 4. IN THE EVENT THAT AN AGREEMENT CANNOT BE REACHED BETWEEN DEECA AND TOWONG SHIRE COUNCIL, THIS PERMIT CANNOT BE EXECUTED.**

COMPLIANCE WITH DOCUMENTS APPROVED UNDER THIS PERMIT

- 5. AT ALL TIMES WHAT THE PERMIT ALLOWS MUST BE CARRIED OUT IN ACCORDANCE WITH THE REQUIREMENTS OF ANY DOCUMENT APPROVED UNDER THIS PERMIT TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.**

COMMENCEMENT OF PERMIT

THIS PERMIT WILL OPERATE FROM THE ISSUED DATE OF THIS PERMIT.

APPROVED AND ENDORSED PLANS

- 6. BEFORE THE USE COMMENCES, A MULTI-AGENCY EMERGENCY RESPONSE PLAN MUST BE APPROVED AND ENDORSED BY THE RESPONSIBLE AUTHORITY. THE PLANS MUST:**
- a. BE PREPARED TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY**
 - b. BE DRAWN TO SCALE WITH DIMENSIONS**
 - c. BE SUBMITTED IN ELECTRONIC FORM**
 - d. SHOW THE FOLLOWING DETAILS:**
 - i. DETAILS OF THE AGENCIES ENGAGED IN THE PREPARATION OF THE PLAN**
 - ii. PREPAREDNESS ARRANGEMENTS INCLUDING BUT NOT LIMITED TO**
 - iii. COMMUNICATION PLANNING**
 - iv. ACCESS ARRANGEMENTS – OMEO HIGHWAY AND OTTOS ROAD**
 - v. RESPONSE ARRANGEMENTS**
 - vi. CONTROL, COMMAND & COORDINATION**
 - vii. INCIDENT COMMAND POST**
 - viii. SAFETY & RISK ASSESSMENT**
 - ix. ACTIVATION OF RESPONSE**
 - x. INJURED PERSONS**
 - xi. MEDIA COMMUNICATIONS**
 - xii. STAGING AREAS**
 - xiii. AIRCRAFT MANAGEMENT**
 - xiv. RESPONDER INFORMATION**
 - xv. BRIEFINGS, DEBRIEFINGS AND REVIEW**
 - xvi. CONTACT LISTS**
 - xvii. MAPS OF EMERGENCY ACCESS**

BUFFER AROUND PRIVATE LAND

- 7. NO TRACKS OR TRAILS ARE TO BE CONSTRUCTED WITH 20M OF THE LAND DESCRIBED AS CA A8 PARISH OF DORCHAP AND CA A7 PARISH OF DORCHAP (ALSO KNOWN AS OTTOS ROAD MITTA MITTA). A 20M BUFFER MUST BE MAINTAINED AT ALL TIMES.**

RUNOFF CONTROL

- 8. POLLUTED AND/OR SEDIMENT LADEN RUN-OFF MUST NOT BE DISCHARGED DIRECTLY OR INDIRECTLY INTO ANY WATERWAYS OR DRAINAGE LINES.**

ONGOING SOIL EROSION CONTROL

- 9. ALL WORKS MUST BE UNDERTAKEN IN A MANNER THAT MINIMISES SOIL EROSION TO GREATEST EXTENT PRACTICABLE, AND ANY EXPOSED AREAS OF SOIL MUST BE STABILISED TO PREVENT SOIL EROSION, TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.**

ENVIRONMENTAL WEEDS

- 10. NO ENVIRONMENTAL WEEDS REFERRED TO IN THE ADVISORY LIST OF ENVIRONMENTAL WEEDS IN VICTORIA M. WHITE, D. CHEAL G.W. CARR ET AL. APRIL 2018 MAY BE PLANTED ON OR ALLOWED TO INVADE THE SITE.**

REVIEW OF TRAFFIC & CARPARKING DEMAND

- 11. WITHIN 6 MONTHS OF THE COMMENCEMENT OF THE USE OF THE LAND A TRAFFIC AND CARPARKING ASSESSMENT MUST BE UNDERTAKEN. THE ASSESSMENT MUST INCLUDE THE FOLLOWING:**
 - a. CARPARKING DEMAND ASSESSMENT**
 - b. TRAFFIC MOVEMENT ASSESSMENT**
 - c. INCIDENT REPORT INCLUDING ALL TRAFFIC RELATED INCIDENTS WITHIN 100M OF THE ENTRANCE TO THE MILL CAMPGROUND AND OTTOS ROAD.**

BUSHFIRE PROTECTION MEASURES

- 12. THE BUSHFIRE PROTECTION MEASURES FORMING PART OF THIS PERMIT OR SHOWN ON THE ENDORSED PLANS, INCLUDING THOSE RELATING TO CONSTRUCTION STANDARDS, DEFENDABLE 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.**

GOULBURN MURRAY WATER – CONSTRUCTION ACTIVITIES

- 13. ALL CONSTRUCTION ACTIVITIES MUST BE IN ACCORDANCE WITH THE EPA PUBLICATION 1834.1 CIVIL CONSTRUCTION, BUILDING AND DEMOLITION GUIDE (SEPTEMBER 2023) AND THERE MUST BE NO TRANSPORT OF SEDIMENT OR OTHER MATERIALS TO WATERWAYS EITHER DURING OR FOLLOWING CONSTRUCTION.**

GOULBURN MURRAY WATER WORKS WITHIN WATERWAYS

- 14. PROPOSED WORKS MUST BE UNDERTAKEN IN ACCORDANCE WITH THE RELEVANT WORKS ON A WATERWAY PERMIT AS ISSUED BY THE NORTH EAST CATCHMENT MANAGEMENT AUTHORITY.**

DEPARTMENT OF ENERGY, ENVIRONMENT AND CLIMATE ACTION (DEECA) - NATIVE VEGETATION

NATIVE VEGETATION PERMITTED TO BE REMOVED, DESTROYED OR LOPPED

- 15. THE NATIVE VEGETATION IDENTIFIED IN NATIVE VEGETATION REMOVAL REPORT ID: RGE_2024_003 AND PERMITTED TO BE REMOVED, DESTROYED OR LOPPED UNDER THIS PERMIT IS 3.055 HECTARES OF NATIVE VEGETATION, WHICH IS COMPRISED OF:**

- a. 3.055 HECTARES OF NATIVE VEGETATION, INCLUDING ZERO (0) LARGE TREES.**

NATIVE VEGETATION OFFSETS

- 16. TO OFFSET THE REMOVAL OF 3.055 HECTARES OF NATIVE VEGETATION, THE PERMIT HOLDER MUST SECURE A NATIVE VEGETATION OFFSET IN ACCORDANCE WITH GUIDELINES FOR THE REMOVAL, DESTRUCTION OR LOPPING OF NATIVE VEGETATION (DELWP 2017). THE PERMIT HOLDER MUST SECURE THE FOLLOWING OFFSETS:**

- 17. A GENERAL OFFSET OF 1.431 GENERAL HABITAT UNITS LOCATED WITHIN THE NORTH EAST CATCHMENT MANAGEMENT BOUNDARY OR TOWONG SHIRE MUNICIPAL AREA, WITH A MINIMUM STRATEGIC BIODIVERSITY VALUE OF AT LEAST 0.582.**

- 18. WITHIN SIX (6) MONTHS OF THE COMPLETION OF THE WORKS, A FOLLOW UP ASSESSMENT OF THE ACTUAL IMPACTS FROM THE CONSTRUCTION WORKS ON NATIVE VEGETATION, INCLUDING RETAINED TREES AND ASSOCIATED TREE PROTECTION ZONES (TPZ), MUST BE CONDUCTED BY AN APPROPRIATELY QUALIFIED AND EXPERIENCED ARBORIST, TO IDENTIFY ANY DISCREPANCIES FROM THE CURRENT NATIVE VEGETATION REMOVAL REPORT ASSOCIATED WITH THIS PERMIT (NVR REPORT ID NO. RGE_2024_003). THE ARBORIST'S ASSESSMENT REPORT MUST BE PROVIDED TO THE RESPONSIBLE AUTHORITY AND DEECA.**

- 19. WITHIN SIX (6) MONTHS OF THE COMPLETION OF THE PROJECT, THE OFFSET REQUIREMENTS CAN BE RECONCILED WITH THE WRITTEN AGREEMENT OF THE RESPONSIBLE AUTHORITY AND DEECA.**

OFFSET EVIDENCE

20. BEFORE ANY NATIVE VEGETATION IS REMOVED, EVIDENCE THAT THE OFFSET REQUIRED BY THIS PERMIT HAS BEEN SECURED, MUST BE PROVIDED TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY. THE OFFSET MUST BE IN THE FORM OF A CREDIT EXTRACT(S) ALLOCATED TO THE PERMIT FROM THE NATIVE VEGETATION CREDIT REGISTER.

21. A COPY OF THE OFFSET EVIDENCE WILL BE ENDORSED BY THE RESPONSIBLE AUTHORITY AND FORM PART OF THIS PERMIT.

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

22. BEFORE ANY WORKS START, INCLUDING REMOVAL OF NATIVE VEGETATION, A CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (CEMP) MUST BE PREPARED TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY AND SUBMITTED TO AND APPROVED BY THE RESPONSIBLE AUTHORITY IN CONSULTATION WITH DEECA. WHEN APPROVED, THE CEMP WILL FORM PART OF THIS PERMIT. THE CEMP MUST INCLUDE (BUT NOT NECESSARILY BE LIMITED TO) DETAILS REGARDING THE FOLLOWING:

23. MEASURES TO BE IMPLEMENTED TO PROTECT THE NATIVE VEGETATION AND OTHER BIODIVERSITY VALUES TO BE RETAINED ON THE WORK/IMPACT SITE AND ON LAND DIRECTLY ADJOINING THE WORK/IMPACT SITE, DURING AND POST CONSTRUCTION WORKS. THESE MEASURES MUST INCLUDE THE ERECTION OF NATIVE VEGETATION PROTECTION FENCING AROUND ALL NATIVE VEGETATION TO BE RETAINED ON SITE, INCLUDING THE TREE PROTECTION ZONES OF ALL NATIVE TREES TO BE RETAINED IN ACCORDANCE WITH AS 4970-2009 PROTECTION OF TREES ON DEVELOPMENT SITES.

24. DETAILS FOR THE IMPLEMENTATION OF RECOMMENDATIONS AND MITIGATION MEASURES FROM THE NATIVE VEGETATION REPORT: DETAILED ASSESSMENT (RED-GUM ENVIRONMENTAL CONSULTING 23 FEBRUARY 2024) TO MITIGATE IMPACTS ON BIODIVERSITY.

25. DETAILS FOR THE IMPLEMENTATION OF THE RECOMMENDATIONS, METHODS AND TECHNIQUES IN ACCORDANCE WITH THE ARBORICULTURAL IMPACT ASSESSMENT AND TREE PROTECTION PLAN (HIGH COUNTRY ARBORIST REPORTS, 29 JANUARY 2025) TO AVOID AND MINIMISE IMPACTS OF CONSTRUCTION WORKS ON RETAINED TREES, INCLUDING WORKS WITHIN STRUCTURAL ROOT ZONES (SRZS) AND TREE PROTECTION ZONES (TPZS).

- 26. IDENTIFICATION OF ALL STOCKPILES, STORAGE, PARKING AND VEHICLE/MACHINERY STORAGE LOCATIONS AND APPROPRIATE MANAGEMENT REQUIREMENTS FOR THESE – ALL TO BE LOCATED WITHIN THE IDENTIFIED FACILITY DEVELOPMENT AND IMPACT AREAS.**
- 27. DETAILS OF MANAGEMENT MEASURES TO BE IMPLEMENTED BEFORE, DURING AND AFTER THE CONSTRUCTION PHASE, INCLUDING WEED CONTROL, SEDIMENT CONTROL, EROSION AND DRAINAGE MANAGEMENT, REHABILITATION AND STABILISATION OF THE SITE AND IMPACTED AREAS, VEHICLE/PLANT HYGIENE REQUIREMENTS.**
- 28. MEASURES TO PROTECT AQUATIC HABITATS AND VEGETATION OUTSIDE OF THE CONSTRUCTION FOOTPRINT FROM THE IMPACTS OF SEDIMENT RUN-OFF, EROSION, WORK-RELATED DEBRIS, AND CONSTRUCTION ACTIVITIES, WITH APPROPRIATE CONTROL MEASURES IN ACCORDANCE WITH ALL RELEVANT EPA VICTORIA GUIDELINES (EPA PUBLICATIONS 175, 275, 480, 960, AND 1834). ALL EROSION AND SEDIMENT CONTROL MEASURES SHOULD BE ESTABLISHED PRIOR TO THE COMMENCEMENT OF WORKS AND BE MONITORED REGULARLY THROUGHOUT THE ENTIRE DURATION OF CONSTRUCTION, PARTICULARLY AFTER HEAVY RAIN EVENTS.**
- 29. DETAILS REGARDING THE RETENTION OF HABITAT FEATURES SUCH AS COARSE WOODY DEBRIS AND ROCKS ETC, AND RELOCATION (IF NECESSARY) INTO ADJOINING AREAS OF NATIVE VEGETATION.**
- 30. THE CEMP SHOULD ALSO INCLUDE DETAILS AND REQUIREMENTS REGARDING FAUNA MANAGEMENT.**
- 31. PRE-CLEARANCE SURVEYS MUST BE UNDERTAKEN BY A QUALIFIED ECOLOGIST AND WITHIN AN APPROPRIATE TIMEFRAME, BEFORE IMPACTS OCCUR, E.G. 2 WEEKS OR LESS, IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE DETAILED ASSESSMENT (RED-GUM ENVIRONMENTAL CONSULTING 23 FEBRUARY 2024).**
- 32. NATIVE FAUNA SALVAGE, HANDLING OR RELOCATION TO BE CONDUCTED BY AN APPROPRIATED QUALIFIED, EXPERIENCED AND LICENSED HANDLER.**
- 33. DETAILS PERTAINING TO TIMING OF WORKS TO AVOID IMPACTS DURING KEY TIMES SUCH AS BREEDING AND NESTING PERIODS.**

34. MONITORING AND REPORTING REQUIREMENTS FOR ALL ASPECTS AND ACTIONS IDENTIFIED IN THE ENDORSED CEMP.

35. IDENTIFICATION OF PERSONS RESPONSIBLE FOR ALL ASPECTS AND ACTIONS IDENTIFIED IN THE ENDORSED CEMP.

36. ALL PERSONS UNDERTAKING WORKS ON SITE MUST BE FULLY BRIEFED ON ALL ASPECTS AND REQUIREMENTS OF THE ENDORSED CEMP. ALL WORKS CONSTRUCTED OR CARRIED OUT MUST BE IN ACCORDANCE WITH THE ENDORSED CEMP, TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.

PROTECTION OF NATIVE VEGETATION TO BE RETAINED

37. BEFORE WORKS START, NATIVE VEGETATION PROTECTION FENCING MUST BE ERECTED AROUND OR ALONG NATIVE VEGETATION TO BE RETAINED ON AND IN THE DIRECT VICINITY OF THE WORK SITE/FOOTPRINT. THIS FENCING MUST BE ERECTED IN ACCORDANCE WITH THE AS 4970-2009 PROTECTION OF TREES ON DEVELOPMENT SITES. THE FENCE MUST BE CONSTRUCTED OF HIGHLY VISIBLE, DURABLE MATERIALS TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY. THE PROTECTIVE FENCE MUST REMAIN IN PLACE UNTIL ALL WORKS ARE COMPLETED TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.

38. EXCEPT WITH THE WRITTEN CONSENT OF THE RESPONSIBLE AUTHORITY WITHIN THE AREA OF NATIVE VEGETATION TO BE RETAINED AND ANY TREE OR VEGETATION PROTECTION ZONE ASSOCIATED WITH THE PERMITTED USE AND/OR DEVELOPMENT, THE FOLLOWING IS PROHIBITED:

- a. VEHICULAR OR MACHINERY ACCESS**
- b. TRENCHING OR SOIL EXCAVATION**
- c. STORAGE OR DUMPING OF ANY SOILS, MATERIALS, EQUIPMENT, VEHICLES, MACHINERY OR WASTE PRODUCTS**
- d. ENTRY AND EXIT PITS FOR THE PROVISION OF UNDERGROUND SERVICES**
- e. ANY OTHER ACTIONS OR ACTIVITIES THAT MAY RESULT IN ADVERSE IMPACTS TO RETAINED NATIVE VEGETATION.**

OTHER CONDITIONS

39. BEFORE ANY WORKS START, INCLUDING NATIVE VEGETATION REMOVAL, AN OPERATIONAL AND TRAIL MANAGEMENT PLAN MUST BE PREPARED TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY AND SUBMITTED TO AND APPROVED BY THE RESPONSIBLE AUTHORITY IN CONSULTATION WITH THE DEPARTMENT OF ENERGY, ENVIRONMENT AND CLIMATE ACTION, HUME REGION. WHEN

APPROVED, THE TRAIL MANAGEMENT PLAN WILL FORM PART OF THIS PERMIT. THE TRAIL MANAGEMENT PLAN MAY BE GENERALLY IN ACCORDANCE WITH THE TRAIL MANAGEMENT PLAN (MITTA VALLEY INC) AND MUST INCLUDE (BUT IS NOT NECESSARILY LIMITED TO) DETAILS REGARDING THE FOLLOWING:

- a. TRAIL AND SURROUNDING AREA MANAGEMENT AND RESPONSIBILITIES**
- b. MAINTENANCE REQUIREMENTS, INCLUDING SCHEDULE OF WORKS**
- c. SITE ENVIRONMENTAL VALUES**
- d. ONGOING BIODIVERSITY MATTERS; VEGETATION MANAGEMENT, SEDIMENT CONTROL, MANAGEMENT OF PEST PLANTS AND ANIMALS,**
- e. REGULAR MONITORING AND REPORTING, IDENTIFYING ANY POTENTIAL HAZARDS AND COMPLIANCE REQUIREMENTS**
- f. EVENT MANAGEMENT**
- g. TRANSPORT ARRANGEMENTS TO AND FROM THE SITE FOR PATRONS, TO ENSURE THAT IMPACTS ON ROAD TRAFFIC ARE MINIMISED ON EVENT DAYS.**
- h. CAR PARKING LOCATIONS**
- i. CONTINGENCY PROVISIONS IN THE EVENT OF TRAFFIC ACCIDENTS, BREAKDOWNS AND ILLEGAL PARKING ON ROAD RESERVES ON EVENT DAYS.**
- j. APPROPRIATE SIGNAGE AND TRAFFIC MEASURES BETWEEN THE SITE AND CAR PARKING AREAS**
- k. HOW PATRON NUMBERS WILL BE CONTROLLED AND MONITORED**
- l. STAFFING AND OTHER MEASURES WHICH ARE DESIGNED TO ENSURE THE ORDERLY ARRIVAL AND DEPARTURE OF PATRONS.**
- m. THE LOCATION FOR EMERGENCY VEHICLE ACCESS AND WIDTH OF EMERGENCY VEHICLE ASSESS AND LOCATION OF AN EMERGENCY ASSEMBLY AREA.**
- n. ROAD SIGNAGE ON EVENT DAYS**
- o. MANAGEMENT STRUCTURE, ROLES, RESPONSIBILITIES, POWERS AND PROCEDURES**
- p. A COMPLIANT HOTLINE FOR THE DURATION OF THE EVENT IN RELATION TO PATRON AND SECURITY ISSUES.**
- q. POST CLOSURE REHABILITATION STANDARDS**

40. IF THE TRAIL AND ASSOCIATED INFRASTRUCTURE IS NO LONGER REQUIRED OR CLOSED, THE SUBJECT SITE MUST BE REHABILITATED TO THE SATISFACTION OF THE DEPARTMENT OF ENERGY, ENVIRONMENT AND CLIMATE ACTION, HUME REGION.

BUSHFIRE AND EMERGENCY MANAGEMENT

41. PRIOR TO COMMENCEMENT OF USE OF THE MOUNTAIN BIKE PARK, AN OPERATIONAL EMERGENCY MANAGEMENT PLAN (OEMP) MUST BE PREPARED TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY AND THE DEPARTMENT OF ENERGY, ENVIRONMENT AND CLIMATE ACTION. THE EMP MUST INCLUDE (BUT NOT LIMITED TO):

- a. ACCESS CONTROLS**
- b. BUSHFIRE AND USER SAFETY**
- c. EVACUATION PROCEDURES**
- d. ANY OTHER MATTERS RAISED IN CONSULTATION WITH DEECA RELATING TO THE PROTECTION OF HUMAN LIFE ON THE SITE.**

EXPIRY – DEVELOPMENT AND USE

42. THIS PERMIT WILL EXPIRE IF ONE OF THE FOLLOWING CIRCUMSTANCES APPLIES:

- e. THE DEVELOPMENT IS NOT STARTED WITHIN 2 YEARS OF THE ISSUED DATE OF THIS PERMIT**
- f. THE DEVELOPMENT IS NOT COMPLETED WITHIN 4 YEARS OF THE ISSUED DATE OF THIS PERMIT.**
- g. THE USE DOES NOT START WITHIN 2 YEARS OF COMPLETION OF THE DEVELOPMENT**

43. IN ACCORDANCE WITH SECTION 69 OF THE PLANNING & ENVIRONMENT ACT 1987, AN APPLICATION MAY BE SUBMITTED TO THE RESPONSIBLE AUTHORITY FOR AN EXTENSION OF THE PERIODS REFERRED TO IN THIS CONDITION.

PERMIT NOTES

GOULBURN MURRAY WATER

44. THE SUBJECT PROPERTY IS LOCATED WITHIN AN AREA OF CULTURAL HERITAGE SENSITIVITY. SHOULD THE ACTIVITY ASSOCIATE WITH PROPOSED DEVELOPMENT REQUIRE A CULTURAL HERITAGE MANAGEMENT PLAN (CHMP), PLANNING PERMITS, LICENCES AND WORK AUTHORITIES CANNOT BE ISSUED UNLESS A CHMP HAS BEEN APPROVED FOR THE ACTIVITY.

NORTH EAST CATCHMENT MANAGEMENT AUTHORITY

45. IN THE VICINITY OF THE PROPOSED BIKE TRAILS, DEEP GULLY (ALONG THE WESTERN SIDE OF THE SITE) AND A TRIBUTARY, ALONG WITH AN UNNAMED WATERWAY DRAINING NORTH TOWARD THE MITTA RIVER, ARE GAZETTED BY THE AUTHORITY TO BE DESIGNATED WATERWAYS UNDER THE *WATER ACT 1989*.

46.A WORKS ON WATERWAYS PERMIT MUST BE OBTAINED FROM THE AUTHORITY IN ACCORDANCE WITH BY-LAW NO 2024/01 WATERWAYS PROTECTION PRIOR TO COMMENCING ANY WORKS IN, ON OR OVER DESIGNATED WATERWAYS (SUCH AS LANDSCAPING, ACCESS CROSSINGS, STORMWATER OUTLETS, ETC.).

DEPARTMENT OF ENERGY ENVIRONMENT AND CLIMATE ACTION

PUBLIC LAND

47.BEFORE ANY WORKS ON PUBLIC LAND START, IF ANY FLORA SPECIES LISTED AS PROTECTED UNDER THE *FLORA AND FAUNA GUARANTEE (FFG) ACT 1988* ARE TO BE REMOVED, A PERMIT TO TAKE PROTECTED FLORA WILL BE REQUIRED. TO OBTAIN A PERMIT TO TAKE PROTECTED FLORA OR FOR FURTHER INFORMATION, PLEASE CONTACT, HUME NATURAL ENVIRONMENT PROGRAM - HUME_NEP@DEECA.VIC.GOV.AU.

48.THE GRANTING OF THIS PERMIT DOES NOT EXEMPT THE HOLDER OF A PERMIT FROM THE REQUIREMENTS OF OTHER COMMONWEALTH AND STATE LEGISLATION OR POLICY.

CARRIED

13 Environmental Sustainability

There are no Environmental Sustainability reports to present this meeting.

14 Economic and Tourism Development

There are no Economic and Tourism Development reports to present this meeting.

15 Councillor Reports

15.1 Rural Councils Victoria Forum

Date of Meeting/Event:	Thursday, 31 July and Friday 1 August 2025 Councillors Whitehead, Pitman, Anderson, Tolsher and Chief Executive Officer Phelps
Key information presented/discussed at meeting:	Discussions about planning policy on councils to create housing within their boundaries, finance sustainability within rural councils. There was a panel on childcare and maternal health issues and the effect of the drought, and the emergency services levy will have and has impacted on our communities,
Members Comments/Thoughts:	It was a very worthwhile forum for opportunities to network with other councillors and understand what issues there are for all rural councils.
Action required by Council:	Nil
Additional Information Available:	Nil Available on the Rural Councils Victoria Website
Cr name and date:	Cr Peter Tolsher – 26 August 2025

Recommendation:

That the report be noted.

Council Resolution:

**CR TOLSHER
CR PITMAN**

THAT THE REPORT BE NOTED.

CARRIED

15.2 National General Assembly Conference 2025

Date of Meeting/Event:	Tuesday 24 June to Friday 27 June
Key information presented/discussed at meeting:	The annual event begins with the 2025 Regional Cooperation and Development Forum on 24 June, allowing delegates from regional areas to discuss a range of issues and challenges. This year's forum included sessions on the state of the regions, driving efficiency through technology, rural mental health, creating vibrant communities and safer roads.
Members Comments/Thoughts:	In late June, our CEO and I attended the National General Assembly in Canberra. It was a very busy and valuable few days, with this year's theme being "National Priorities Need Local Solutions." The Assembly brought together more than 1,300 representatives from local councils across Australia. The program included a Welcome from the Co-Chair of the ACT Reconciliation Council, followed by ALGA President Matt Burnett, the Honourable Kristy McBain MP, and ministers representing the opposition. We were again privileged to hear from the Governor-General, Her Excellency the Honourable Ms. Sam Mostyn AC, along with keynote speakers including Mark Bouris AM, Dr. Marriden Varrell, and Jason Clarke. Topics explored throughout the Assembly included local government leadership in a changing climate, the role of AI in shaping society, emergency management, safer roads, housing, community infrastructure, and jobs & skills. Delegates also participated in an interactive ministerial engagement forum, with ministers from the federal government discussing national priorities and answering direct questions from councils. Each council had the opportunity to move, debate, and vote on motions previously submitted to ALGA. These motions, once endorsed, will be presented to government to ensure the voice of local councils is heard at the national level.

	Alongside the sessions, 74 exhibitors showcased innovative technologies, services, and products. These displays were both informative and practical, and I look forward to exploring some of the ideas and potential cost savings they may bring to our own council. For me, a personal highlight was once again hearing from the Governor-General. At last year's ALGA meeting, it was her very first official duty, where she expressed her commitment to visiting as many local communities as possible. She has certainly honoured that commitment, and I hope one day our community has the privilege of welcoming her too.
Action Required:	
Additional Information Available:	Nil

Recommendation:

That the report be noted.

Council Resolution:

**CR ANDERSON
CR PITMAN**

THAT THE REPORT BE NOTED.

CARRIED

15.3 Corryong Community Rally

Date of Meeting/Event:	Sunday, 10 August 2025
Key information presented/discussed at meeting:	Rally to advocate for a new Albury Wodonga Hospital on a greenfield site.
Members Comments/Thoughts:	The Corryong Hospital Rally commenced with Mayor Andrew Whitehead, who welcomed everyone to the event. We then heard from Mayor Michael Goble from Wodonga City Council and Mayor Kevin Mack from Albury City Council, who both spoke strongly in support of a Greenfield hospital site, rather than redeveloping the existing Albury Wodonga Health (AWH) site. They both highlighted the cross-border alliance of councils, working alongside the Border Medical Association and Better Border Health, to expose the shortcomings of the proposed redevelopment. Mayor Andrew Whitehead shared personal stories, including his son Harry's broken leg and the passing of his father, to illustrate the ongoing strain on families. He highlighted bed-blocking at AWH as a daily, critical issue. Kate Wheeler, from Corryong, spoke about the changing role of local health services and the importance of AWH to the Upper Murray and Towong Shire. Drawing on her experience as a long-time mental health nurse, she raised serious concerns about the proposal to place the mental health ward on the sixth floor of the redeveloped hospital. Stan Stavros, Director of Better Border Health, presented the hard facts and data demonstrating why redeveloping the current site will not meet community needs. Pastor Carol Allen, also from Corryong, shared local experiences, including patients being discharged from Albury hospital in the middle of the night with

	no way to get home. She also spoke of the difficulty in organising care packages for local patients transferred to Albury. Russell and Robyn Kelly, from the Mitta Valley, spoke about ambulance services and the severe impact of capacity constraints at AWH. They also raised concerns about emergency transport, as the helipad has been removed from AWH, leaving the North East without its own helicopter service—meaning the closest are in Traralgon or Ballarat. Dr. Lachie McKeeman Deputy Secretary of the Border Medical Association, spoke from a medical perspective. He referred to the 2021 Clinical Services Plan, which recommended a Greenfield site, a decision overturned by state ministers in 2022. He noted doctors' long-standing concerns, including a recent letter from 206 doctors to the Prime Minister and state ministers, urging reconsideration of the redevelopment. Cr. Denise Anderson spoke of her own experiences with long waits and the risks caused by bed-blocking. She issued a challenge to state ministers: "If we have our facts so wrong, then please come and sit down with us to discuss further." Mayor Whitehead closed the program by thanking all the speakers and community members who attended in strong support of better healthcare for our region.
Additional Information Available:	Nil

Recommendation:

That the report be noted.

Council Resolution:

CR ANDERSON

CR TOLSHER

THAT THE REPORT BE NOTED.

CARRIED

Mr Florence the Director Community and Planning left the chamber, the time being 11.45am.

16 Urgent Business

In accordance with Council's Governance Rules, matters of urgent business can only be considered if:

- a) It relates to or arises out of a matter which has arisen since distribution of the agenda; and
- b) It cannot safely or conveniently be deferred until the next Council meeting; and
- c) The Council resolves to admit an item considered to be urgent business.

Nil. There was no urgent business.

17 Committee Minutes

There are no Committee Meeting minutes for review or confirmation this meeting.

18 Council Policies

There are no policies for review or adoption.

19 Sealing of Documents

Nil.

20 Confidential

Section 66 of the *Local Government Act 2020* declares that meetings are to be open to the public unless the following specified circumstances apply:

1. *A Council or delegated committee must keep a meeting open to the public unless the Council or delegated committee considers it necessary to close the meeting to the public because a circumstance specified in subsection (2) applies.*
2. *The circumstances are –*

- a) *the meeting is to consider confidential information; or*
 - b) *security reasons; or*
 - c) *it is necessary to do so to enable the meeting to proceed in an orderly manner.*
- 3. *If the circumstance specified in subsection (2)(b) or (2)(c) applies, the meeting can only be closed to the public if the Council or delegated committee has made arrangements to enable the proceedings of the meeting to be viewed by members of the public as the meeting is being held.*
- 4. *For the purposes of subsection (3), the arrangements may include provision to view the proceedings on the Internet or on closed circuit television.*
- 5. *If a Council or delegated committee determines that a meeting is to be closed to the public to consider confidential information, the Council or delegated committee must record in the minutes of the meeting that are available for public inspection –*
 - a) *the ground or grounds for determining to close the meeting to the public by reference to the grounds specified in the definition of confidential information in section 3(1); and*
 - b) *an explanation of why the specified ground or grounds applied.*

As defined in section 3(1) of the Local Government Act 2020 "confidential information" means the following information

- a. *Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released;*
- b. *Security information, being information that if released is likely to endanger the security of Council property or the safety of any person;*
- c. *Land use planning information, being information that if prematurely released is likely to encourage speculation in land values;*
- d. *Law enforcement information, being information which if released would be reasonably likely to prejudice the investigation in an alleged breach of the law or the fair trial or hearing of any person;*
- e. *Legal privileged information, being information to which legal professional privilege or client legal privilege applies;*
- f. *Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;*
- g. *Private commercial information, being information provided by a business, commercial or financial undertaking that –*
 - (i) *relates to trade secrets; or*

- (ii) *if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;*
- h. *Confidential meeting information, being the records of meetings closed to the public under section 66(2)(a);*
- i. *Internal arbitration information, being information specified in section 145;*
- j. *Councillor Conduct Panel confidential information, being information specified in section 169;*
- k. *Information prescribed by the regulations to be confidential information for the purposes of this definition; and*

Information that was confidential information for the purposes of section 77 of the Local Government Act 1989.

Nil.

21 Closure of Meeting

There being no further business, the Mayor declared the meeting closed, the time being 11:48 am.

Mayor