

Minutes

Special Meeting of Council

Held at 1:00pm, Wednesday 11 September 2024
Council Chamber, Tallangatta Council Office
32 Towong Street, Tallangatta, 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 Special Meeting of Council held at
32 Towong Street, Tallangatta, Victoria
at 1.00pm on Wednesday 11 September 2024**

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

Table of Contents

1 Opening Prayer	4
2 Councillor and Officer Presence at the Meeting.....	4
3 Apologies and Granting of Leave of Absence	4
4 Disclosure of Conflicts of Interest	4
5 Organisational Improvement.....	6
5.1 Chief Executive Officer - Annual Performance Review (Mayor)	6
5.2 Unreasonable Customer Conduct Policy Adoption (DCOD)	7
6 Community Wellbeing.....	12
6.1 Rowen Park Sports Oval Lighting Project Tender Evaluation - 2024/25-010 (CEO).....	12
6.2 Municipal Health and Wellbeing Plan 2021-2025 Review (CEO).....	17
7 Land Use Planning	21
7.1 Hillcrest Avenue Bellbridge - Development Plan - 2024-019 (CEO).....	21
8 Council Policies	28
8.1 Election Period Policy Review	28
9 Closure of Meeting	29

The Mayor declared the meeting open, the time being 1:25 pm.

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, Anderson, Scales, Wortmann and Dikschei

Officer Attendance:	Title:
Ms Phelps	Chief Executive Officer
Ms Fox	Planning Consultant

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.

Ms Phelps advised of a material conflict of interest in relation to Agenda Item 5.1 'Chief Executive Officer - Annual Performance Review'.

Ms Phelps left the meeting due to a conflict of interest disclosed at Item 4, the time being 1.26pm.

5 Organisational Improvement

5.1 Chief Executive Officer - Annual Performance Review (Mayor)

The report was not available at the time of preparing the agenda. The Mayor will circulate the report prior to the meeting and speak to the report at the meeting.

Council Resolution:

**CR SCALES
CR DIKSCH EI**

THAT THE REPORT BE DEFERRED TO A FUTURE MEETING.

CARRIED

Ms Phelps returned to the meeting, the time being 1.28pm

A procedural motion was moved to bring forward an agenda item.

Council Resolution:

**CR DIKSCH EI
CR WORTMANN**

THAT ITEM 7.1 OF THE AGENDA BE BROUGHT FORWARD TO BE ATTENDED TO NEXT.

CARRIED

Item 7.1 of the agenda ' Hillcrest Avenue Bellbridge - Development Plan - 2024-019' was brought forward for discussion.

At the conclusion of item 7.1, the meeting moved to item 5.2, the time being 1.34pm.

5.2 Unreasonable Customer Conduct Policy Adoption (DCOD)

Disclosure of Interests (S.130):

This report was prepared by Mr Justin Troy, Coordinator Governance and Compliance.

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 present the *Unreasonable Customer Conduct Policy* for adoption.

Summary:

Council has a responsibility to maintain a workplace which protects the health, wellbeing and safety of staff and persons involved with the organisation, including Councillors, volunteers and contractors. There is also an expectation that Council utilises ratepayer funded resources, including staff, in an efficient and reasonable manner.

The *Unreasonable Customer Conduct Policy* articulates Council's commitment to protecting those involved with our organisation and sets out how Council will respond to unreasonable customer behaviour and ensure that fair and transparent processes are followed.

Recommendation:

That the *Unreasonable Customer Conduct Policy* be adopted, with the Chief Executive Officer authorised to make minor administrative changes where necessary.

Attachment:

1. Unreasonable Customer Conduct Policy DRAFT [5.2.1 - 8 pages]

Background/History:

Council is committed to providing high quality service to all customers who access our services and request information or assistance. It is recognised that all

community members have a right to ask questions, express opinions and submit complaints, however there must also be a balance with respect to the rights of employees and Councillors, including safety and respect at work.

Unreasonable customer conduct towards Council staff has been identified as an increasing workplace risk and negatively impacts the mental health and wellbeing of the staff involved, workplace culture and satisfaction, as well as retention of quality staff within the organisation. It has also been identified that unreasonable customer conduct can lead to a disproportionate allocation of ratepayer funded resources (such as staff) to address insignificant or unreasonable matters. This in turn impacts the ability of Council to provide fair and equitable services for all customers.

A consistent, fair and transparent approach in responding to unreasonable customer conduct is necessary to ensure the rights and responsibilities of both staff and customers are considered. This can be achieved through the deployment of a policy which identifies what conduct is unreasonable, how it can be identified and the process for effectively addressing it. Clear and practical guidelines can then be developed to promote a consistent approach towards implementing the policy.

The *Unreasonable Customer Conduct Policy* intends to contribute towards achieving the following objectives:

- Ensure the health, safety and wellbeing of those employed or involved with Towong Shire Council (Council);
- Ensure Council services and resources are fair and equitable for all customers;
- Identify what constitutes unreasonable customer conduct; and
- Ensure those employed or involved with Council feel supported in taking appropriate action to manage unreasonable customer conduct.

Unreasonable behaviour from customers is not productive for either the Council or our ratepayers and residents. Our staff strive to provide high quality services for the community and expect that they be treated with respect in return. There is never an acceptable circumstance to disrespect, abuse or threaten Councillors or staff, or any other people who are involved with our organisation.

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

Council has a responsibility to ensure health and safety as follows:

Occupational Health and Safety Act 2004

Section 21 – Duties of employers to employees

- *An employer must, so far as is reasonably practicable, provide and maintain for employees of the employer a working environment that is safe and without risks to health.*

Section 5 – Definitions

- *“health” includes psychological health*

The Chief Executive Officer has the power to implement policies and procedures as follows:

Local Government Act 2020

Section 46 – Functions of the Chief Executive Officer

- *A Chief Executive Officer is responsible for—

(b) ensuring the effective and efficient management of the day to day operations of the Council.*

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

The best outcomes for the community are for Council to have employees who feel safe and engaged in their work, and as a result work to the best of their ability to provide great service to ratepayers. This policy is intended to achieve that outcome.

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

Not applicable.

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

This is an internal operational policy, and community engagement is not considered necessary.

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

The Policy aims to continuously improve processes in protecting the health, wellbeing and safety of staff, as well as ensure ratepayer funded resources are being utilised in a fair and equitable manner.

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

In preparing the policy officers have referred to the policies that other Councils have in place.

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

Not applicable.

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

Council Policies:

Council currently does not have a policy to guide staff in how to deal with customer conduct that is unacceptable. This policy will provide this guidance.

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:

Considering the impact unreasonable behaviour from customers has on the health, wellbeing and safety of staff, which is being highlighted across the entire local government sector, mechanisms that support staff through effective processes are beneficial in mitigating such associated risks. The Policy does not prevent customers from being able to contact Council or prevent municipal services from being delivered, but rather identifies when conduct is posing a risk to the organisation or

staff and facilitates the mitigation of the risk from continuing.

Officer's View:

It is the officer's view that the *Unreasonable Customer Conduct Policy* will be an effective mechanism to ensure our staff are supported and that our resources are not being disproportionately utilised on unreasonable matters. It is important that a policy and subsequent guidelines be implemented to demonstrate our commitment towards serving our communities to a high standard, whilst also acknowledging unreasonable conduct from customers will not be tolerated and providing a clear consistent approach to addressing any such behaviour.

Council Resolution:

**CR DIKSCHAI
CR WORTMANN**

THAT THE *UNREASONABLE CUSTOMER CONDUCT POLICY* BE ADOPTED, WITH THE CHIEF EXECUTIVE OFFICER AUTHORISED TO MAKE MINOR ADMINISTRATIVE CHANGES WHERE NECESSARY.

CARRIED

6 Community Wellbeing

6.1 Rowen Park Sports Oval Lighting Project Tender Evaluation - 2024/25-010 (CEO)

Disclosure of Interests (S.130):

This report was prepared by Mrs Miranda Mouat, Co-ordinator Recreation and Community 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 provide information to support the assessment of tender submissions for the Rowen Park Sports 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 Sports Oval Lighting at Rowen Park, Tallangatta, and provides a recommendation for the appointment of a contractor to undertake these works.

Recommendation:

That:

1. Contract No. 2024/2025-010 Sports Oval Lighting Project at Rowen Park, Tallangatta, be awarded to Positive Electrical Services for the lump sum of \$328,890 excluding GST;
2. The Chief Executive Officer be authorised to sign and seal Contract No. 2024/25-010 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 value of the total allocated project budget.

Attachment:

A comparative tender evaluation for Contract No. 2024/25-010 has been provided to Councillors prior to the meeting.

Background/History:

The Sports Oval Lighting project will deliver vastly improved lighting infrastructure at the Rowen Park Recreation Reserve for the benefit of the Tallangatta and wider community. The new lighting infrastructure will incorporate the use of energy saving LED technology to achieve 300 lux standard lighting, meeting both AFL and Cricket Victoria facilities standards for competition lighting.

The current lighting infrastructure at Rowen Park Recreation Reserve places significant limitations on the usage of this important community facility. The existing light towers are over 30 years old and 15 metres high, providing 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 strong partnerships between Council, Rowen Park Recreation Reserve Committee of Management, and the local community groups who use Rowen Park for sporting and other activities. Broad community consultation was undertaken in the development of the project.

Council was awarded grant funding of \$250,000 in May 2024 from the Victorian Government for support 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. 2024/25-010 to Positive Electrical Services.

Option 2 – Retender the works. This will impact project timelines significantly due to Council being in Caretaker mode during September and October, and accordingly is not recommended as providing the best outcome for the Community.

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, Rowen Park Recreation Reserve Committee of Management, and the local community groups who use Rowen Park for sporting and other activities. The final project design and delivery will realise the aspirations of the community. Council will maintain contact and engagement with the Committee of Management 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 Rowen Park Recreation Reserve for the benefit of the Tallangatta and wider community. The new lighting infrastructure will incorporate the use of energy saving LED technology to achieve 300 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 where possible and all expenditure is being monitored and managed within agreed budget allocations. In addition, the newly constructed asset will be owned by the CoM for Rowan Park, 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:

- i. relates to trade secrets; or*
- ii. 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 project construction.

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 implementation 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. 2024/25-010 to Positive Electrical Services for the value of \$328,890 will result in successful project delivery and an excellent outcome for Council and the community. The references provided by Positive Electrical Services in the tender submission demonstrate that they will deliver good value and are a low risk to Council for this project.

Council Resolution:

**CR WORTMANN
CR DIKSCHAI**

THAT:

- 1. CONTRACT NO. 2024/2025-010 SPORTS OVAL LIGHTING PROJECT AT ROWEN PARK, TALLANGATTA, BE AWARDED TO POSITIVE ELECTRICAL SERVICES FOR THE LUMP SUM OF \$328,890 EXCLUDING GST;**
- 2. THE CHIEF EXECUTIVE OFFICER BE AUTHORISED TO SIGN AND SEAL CONTRACT NO. 2024/25-010 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 VALUE OF THE TOTAL ALLOCATED PROJECT BUDGET.**

CARRIED

6.2 Municipal Health and Wellbeing Plan 2021-2025 Review (CEO)

Disclosure of Interests (S.130):

This report was prepared by Ms Juliana Phelps, Chief Executive 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:

The report provides an annual summary of the progress toward the priorities detailed in the *Municipal Health and Wellbeing Plan 2021-2025*.

Summary:

The annual review of the *Municipal Health and Wellbeing Plan 2021-2025* demonstrates that good progress has been made against the key priorities outlined in the plan. Some key highlights of progress against the plan over the last year include:

- A draft Reconciliation Action Plan was endorsed by Council and submitted to Reconciliation Australia for its endorsement
- IDAHOBIT Day events were successfully staged in Tallangatta and Corryong
- Staff have participated in the Upper Murray Family Violence Network
- A Celebration of Recovery event was held in July 2024
- Continued expansion of recreational facilities and opportunities including creation/upgrades of walking and bike tracks, improved pedestrian footpaths and playgrounds
- Introduction of the new waste service
- Advocacy undertaken in relation to the Albury Hospital development

Recommendation:

That Council note the report.

Attachment:

1. Health and Wellbeing Plan 2021-2025 [6.2.1 - 18 pages]

Background/History:

The *Public Health and Wellbeing Act 2008* (the Act) recognises the significant role of

councils in improving the health and wellbeing of people who live, work, study and play in their municipality. The Act requires councils to develop a municipal public health and wellbeing plan every four years. Towong Shire's *Municipal Health and Wellbeing Plan 2021-2025* was adopted in October 2021. A new Plan will be developed in 2025.

The Act also requires councils to conduct an annual review of the Plan and, if appropriate, amend the plan (s. 26(4)).

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

Public Health and Wellbeing Act 2008.

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

As detailed in the Annual Review of *Municipal Public Health and Wellbeing Plan Guidance Note*, Council should consider if sufficient progress has been made against the plan and whether changes are required. A review of the progress against the priorities indicates that all agencies are progressing well against the plan and no changes are required to the current priorities.

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

There are several priorities within the *Municipal Health and Wellbeing Plan 2021-2025* that explicitly address the impacts of environmental risks and climate change. Progress has been made against these priorities throughout the year.

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

The Act does not explicitly require councils to involve the community in the annual review but does require councils to provide for the involvement of people in the local community in the implementation of the Plan (s. 26(2)(c)). The majority of priorities are delivered alongside extensive community engagement processes.

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

The purpose of the *Municipal Health and Wellbeing Plan 2021-2025* is to ensure continuous improvement and innovation is undertaken across the municipality to improve and sustain the general health and wellbeing of the population. The specific improvements and innovations that have occurred during the year concerning the plan include:

- Ongoing implementation of the *Recreation Strategy for Towong Shire 2022-33* to support ongoing improvements and upgrades to all recreational facilities across the municipality;
- Improvements to accessibility and communications for people with disability and/or developmental delays in all kindergartens;
- Maintaining a healthy eating program in all early years centres run by Council to encourage children to develop lifelong healthy behaviours; and
- Delivery of new inclusive playgrounds in all council run kindergartens/early years centres.

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

The plan is developed and implemented in collaboration with the key partners of the Towong Alliance: Corryong Health, Tallangatta Health Service and Walwa Bush Nursing Centre.

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

Not applicable.

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

The *Victorian Public Health and Wellbeing Plan 2019-2023* and *Municipal Health and Wellbeing Planning Advice Notes 1 and 2* and *Annual review of Municipal Public Health and Wellbeing Plan Guidance Note* have been considered in the development of and reporting for the *Municipal Health and Wellbeing Plan 2021-2025*.

Council Plans and Policies:

All activities under the *Municipal Health and Wellbeing Plan 2021-2025* also support the delivery of the Council Plan 2021-2025 priorities.

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:

It is the Officer's view that there has been good progress towards achieving the priorities listed in *Municipal Health and Wellbeing Plan 2021-2025* and no changes are required to the current priorities.

Council Resolution:

**CR WORTMANN
CR SCALES**

THAT COUNCIL NOTE THE REPORT.

CARRIED

Confirmed

7 Land Use Planning

7.1 Hillcrest Avenue Bellbridge - Development Plan - 2024-019 (CEO)

Disclosure of Interests (S.130):

This report was prepared by Mrs Margaret Fox, Contract Planner.

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 Council's direction in this matter.

Summary:

Council received an application to approve a Development Plan for the land at Hillcrest Avenue Bellbridge. The land is within the Township Zone and subject to the Development Plan Overlay Schedule 2. The purpose of a Development Plan is *'to identify areas which require the form and conditions of future use and development to be shown a development plan before a permit can be granted to use or develop the land.'*

The application was accompanied by a range of reports in relation to Road Layout, Traffic Movement, Native Vegetation Removal, Bushfire Hazard, Connectivity and Movement, Drainage and Landscaping. The land is steep with part of the land having a gradient of 39%. A review of the proposed development plan has been undertaken. A request has been made for a geotechnical report demonstrating that the land can be developed without contributing to erosion or landslip. Revised plans have also been requested to show compliance with the Traffic Impact Assessment and the gradient, width and length of all court ends that demonstrate compliance with Council requirements. No formal request for further information was made. Council's officer has attempted to work collaboratively with the applicant to resolve the limitations of the site and achieve an outcome that would provide the community of Bellbridge with a quality development. The reports and amended plans have not been submitted to Council.

The application has been referred to North East Water, AusNet Services, Country Fire Authority, Goulburn Murray Water, Telstra and Council's Infrastructure Department. Not all the referral authorities have provided their feedback. North East Water identified that the plan was inadequate.

Due to the above no advertising to affected parties has been undertaken.

The officer has made attempts to contact the applicant to resolve the outstanding issues to progress the application, without success.

The information provided in the application is insufficient, and it is the officer's opinion that the application cannot be supported in its current form.

The applicant has made an application under Section 149(1)(a) of the Planning and Environment Act 1987 for failure to make a decision. The decision on this planning application now sits with VCAT and Council are required to determine its position.

Recommendation:

That Council resolves if it were to decide on the application in its current form it would determine to refuse the application on the following basis:

That:

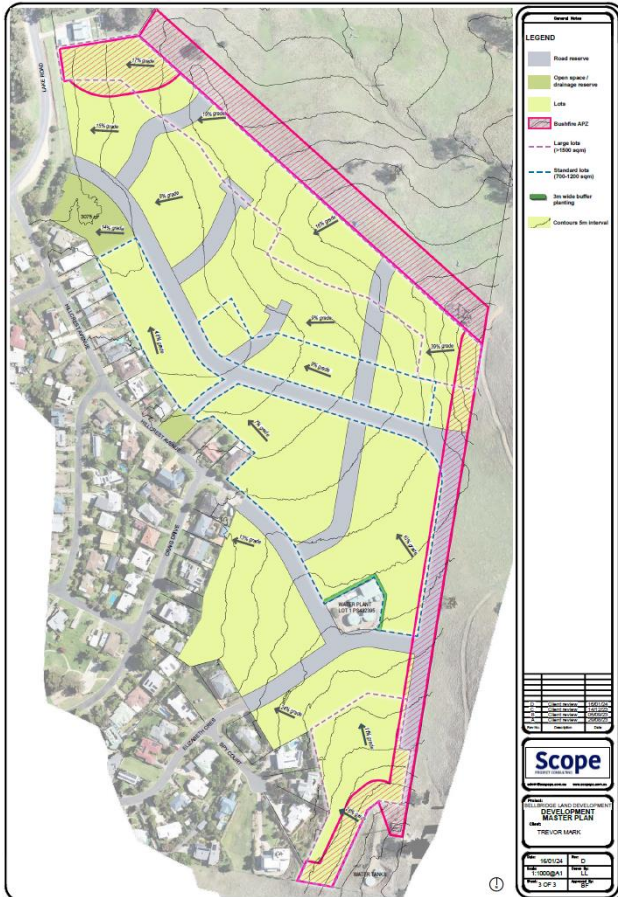
1. there is insufficient information to decide the application, particularly in relation to slope and drainage;
2. the application has not been advertised to affected parties;
3. the CFA have not responded to the proposal; and
4. this is the position of Council and the position be communicated to VCAT.

Attachment:

Nil

Background/History:

An application was received for the approval of a Development Plan for the land at Hillcrest Avenue Bellbridge. The land is an irregular shaped allotment of 26.48ha split over two zones. The development plan applies to the southern portion of the land that is zoned Township and consists of approximately 14ha. The land rises approximately 50m from Lake Road extending approximately 400m to the eastern boundary. The land becomes steeper towards the eastern boundary with some sections having a 39% slope.



Clause 43.04-2 specifies the requirements detailed in the Schedule to the Overlay are met. Schedule 2 dot point 4 states that a development plan must include:

- *Describe the relationship of uses proposed on the land to existing and proposed uses on adjoining land and identify any proposed buffer areas to separate them.*

This has been provided. North East Water have responded to our referral and have stated that they do not consider the access to the water treatment plant and high-level water supply tanks is adequate.

- *Identify any sites of conservation, heritage or archaeological significance and the means by which they will be managed.*

No sites of conservation, heritage or archaeological significance have been identified on the land.

- *Provide appropriate arrangements for the provision and funding of necessary physical and social infrastructure.*

The applicant has not proposed any physical and social infrastructure. A drainage reserve is proposed to be created to the west of the land abutting Lake Road. This reserve cannot be considered as public open space.

- *Identify the staging and anticipated timing of development.*

No staging plan has been included as part of the proposal.

- *Provide an overall scheme of landscaping and any necessary arrangements for the preservation or regeneration of existing vegetation.*

This has been supplied and a biodiversity report has been prepared. Any subsequent planning permit application for the subdivision of the land will include an assessment of any native vegetation proposed to be removed.

- *Provide suitable linkages between the site using road, bicycle and pedestrian transport facilities to township areas.*

The development plan proposes to extend Hillcrest Avenue and Elizabeth Crescent. These two roads are proposed to intersection giving the water treatment plan two frontages. A road is proposed from Lake Road running east across the land. A pedestrian access from this road is proposed to lead into Hillcrest Avenue. Another road further to the east will connect Hillcrest Avenue and the proposed internal road. It is also proposed to create a road along the eastern boundary to provide a buffer with the land to the east which is zoned Rural Activity Zone. The proposal also includes two courts. The applicant has not identified that these courts will be of suitable dimensions to allow for waste collection trucks to turn without reversing.

- *Provide a Soil and Water Management Plan (SWMP) to demonstrate the capacity of infrastructure to service the development, treat and retard stormwater, and reduce any impacts on soil and water downstream of the proposed development. Reference must be made to the publication – Soil and Water Management Guidelines for Subdivision, publication prepared jointly by Albury, Hume, and Wodonga Councils, undated.*

A drainage strategy has been developed and was included in the application however the applicant has not provided any Soil Management Plan. A request has been made to provide a geotechnical report as evidence that the steep slopes are suitable for any future development.

Clause 02.03-3 requires consideration of Environmental Risks and Amenity and aims to avoid development of steep land that does not respond to site characteristics and environmental conditions. The applicant has not addressed this clause and has requested that the submission of a geotechnical report be deferred to the subdivision application.

The application was referred to the CFA who have not provided any response.

The application has not been notified to adjoining or surrounding landowners.

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

Planning & Environment Act 1987

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

The site offers potential for the future population growth and could accommodate an increase in housing diversity within the Township of Bellbridge and is consistent with Clause 02.03 of the Towong Planning Scheme.

An application that satisfies the requirements of Clause 43.04-2 could be supported to achieve the strategic objectives for Bellbridge.

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

All planning decisions should ensure the long-term sustainability of new housing, including access to services, infrastructure, walkability to activity centres, and open space. The application in its current form does not meet these requirements.

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

Council has not commenced community engagement as it is not in a form that Council could support.

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 public assets created by the proposed development will pass to Council and it is incumbent on Council to ensure that all assets it takes over are fit for purpose and do not place an onerous burden on Council to maintain. Supporting the application in its current form may expose Council to inheriting assets at risk of being impacted by erosion and landslip.

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

Towong Planning Scheme

- Clause 02.03 Municipal Planning Strategy – Strategic Direction
- Clause 11.01-1L-01 Planning Policy Framework – Settlement – Bellbridge

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.

2.9 Advocate for the development of a variety of housing options to match community needs, particularly for older people

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 officer considers the Approval of the Development Plan without both the CFA referral response and a geotechnical report demonstrating that the land can be developed without contributing to erosion or landslip, to be an unacceptable risk in regard to future development of the land.

As outlined above, Clause 02.03-3 of the Planning and Environment Act requires consideration of Environmental Risks and Amenity and aims to avoid development of steep land that does not respond to site characteristics and environmental conditions. The land is steep with part of the land having a gradient of 39%.

Revised plans have also been requested to show compliance with the Traffic Impact Assessment and the gradient, width and length of all court ends that demonstrate compliance with Council requirements and this information has not been provided.

Officer's View:

It is the Officer's view that the application in its current form should be refused on the following basis:

1. there is insufficient information to decide the application, particularly in relation to slope and drainage;
2. the application has not been advertised to affected parties;
3. the CFA have not responded to the proposal; and
4. North East Water have advised that the access to the water treatment plant

and high level water tanks is inadequate.

Council Resolution:

**CR ANDERSON
CR WORTMANN**

THAT COUNCIL RESOLVES IF IT WERE TO DECIDE ON THE APPLICATION IN ITS CURRENT FORM IT WOULD DETERMINE TO REFUSE THE APPLICATION ON THE FOLLOWING BASIS:

THAT:

- 1. THERE IS INSUFFICIENT INFORMATION TO DECIDE THE APPLICATION, PARTICULARLY IN RELATION TO SLOPE AND DRAINAGE;**
- 2. THE APPLICATION HAS NOT BEEN ADVERTISED TO AFFECTED PARTIES;**
- 3. THE CFA HAVE NOT RESPONDED TO THE PROPOSAL; AND**
- 4. THIS IS THE POSITION OF COUNCIL AND THE POSITION BE COMMUNICATED TO VCAT.**

CARRIED

Ms Fox left the meeting, the time being 1.33pm.

8 Council Policies

8.1 Election Period Policy Review

The following policy is being tabled for adoption:

- Election Period Policy

Council's Election Period Policy is located at Chapter 9 within the Governance Rules. As per section 60(3) of the *Local Government Act 2020*, Council may amend its Governance Rules.

The 2024 Local Government Elections will be held in October 2024, prompting a review of the Election Period Policy. A briefing was provided to Council on the Policy and subsequent Guidelines, as well as an opportunity to provide feedback towards any amendments required to the Policy (and therefore the Governance Rules).

Attachment:

- Election Period Policy [8.1.1 - 18 pages]

Recommendation:

That the updated Election Period Policy be noted and endorsed, with the Chief Executive Officer authorised to make minor administrative changes where necessary.

Council Resolution:

**CR DIKSCHAI
CR SCALES**

**THAT THE UPDATED ELECTION PERIOD POLICY BE NOTED AND ENDORSED,
WITH THE CHIEF EXECUTIVE OFFICER AUTHORISED TO MAKE MINOR
ADMINISTRATIVE CHANGES WHERE NECESSARY.**

CARRIED

9 Closure of Meeting

There being no further business, the Mayor declared the meeting closed, the time being 1:51 pm.

Confirmed