

M(8) – 26 AUGUST 2025

Ordinary Council Meeting

Agenda

Notice is hereby given that the next **Ordinary Council Meeting** of the **Alpine Shire Council** will be held in the Bright Council Chambers, 2 Churchill Avenue, Bright on **26 August 2025** commencing at **5:00 pm**.

Agenda

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1 Recording and livestreaming of Council meetings

The CEO will read the following statement:

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

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

In common with all narrative during Council meetings, verbal responses to congratulations, obituaries and question time will not be recorded in the written minutes. By submitting a question, you consent to your question being read aloud at the meeting.

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

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

2 Acknowledgement of Traditional Custodians and recognition of all people

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

Alpine Shire Council acknowledges the Taungurung peoples as the Traditional Owners of the lands on which we are meeting today. Council also acknowledges all of the Traditional Owners of the wider lands of the area known as the Alpine Shire.

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

3 Confirmation of minutes

3.1 ORDINARY COUNCIL MEETING M(7) HELD ON 29 JULY 2025

RECOMMENDATION

That the minutes of M(7) 29 July 2025 as circulated be confirmed.

4 Apologies

Cr Jean-Pierre Ronco

5 Obituaries / Congratulations

Refer to Alpine Shire Council's website www.alpineshire.vic.gov.au; for its YouTube live-streaming recording for responses to obituaries and congratulations.

6 Declarations by Councillors of Conflict of Interest

7 Public Questions

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

G5 Public Question Time

GS3. Questions submitted to Council may be:

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

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

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

GS7. Questions should be limited to items of public interest, and are not intended to replace Council's ordinary Customer Request process. A question may be disallowed by the Chairperson if the Chairperson determines that it:

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

Refer to Alpine Shire Council's website www.alpineshire.vic.gov.au; for its YouTube live-streaming recording for responses to questions.

8 Presentation of reports by officers

8.1 CHIEF EXECUTIVE OFFICER - WILL JEREMY

8.1.1 Native Title Claim

INTRODUCTION

The purpose of the report is to seek Council's approval register as an interested party to the native title determination application to the Federal Court of Australia by the Dhudhuroa, Waywurru and Ngurai Illum People (native title claim group).

RECOMMENDATION

That Council:

- 1. Provides authorisation for the Chief Executive Officer to register Alpine Shire Council to become an interested party to a native title determination application; and**
- 2. Notes that Council may choose to withdraw as an interested party at any time during the process.**

BACKGROUND

The native title claim group is requesting determination that the Dhudhuroa, Waywurru and Ngurai Illum People hold native title of land across Central and North-Eastern Victoria including land within Alpine Shire. Becoming a party to the determination ensures Council remains informed about the determination.

The native title claim group have applied to the Federal Court of Australia seeking a determination that the group holds native title in the area highlighted blue as below.



Figure 1: Native Title Claim (Source: National Native Title Tribunal)

The native title claim group consists of the people known as the Dhudhuroa, Waywurru and Ngurai Illum People, being those Aboriginal people who, according to their traditional laws and customs, hold the common or group rights over Dhudhuroa, Waywurru and Ngurai Illum Country.

The application area covers approximately 24,315 sq km and impacts the following local government areas: Alpine Shire, Benalla Rural City, Campaspe Shire, East Gippsland Shire, Falls Creek Alpine Resort (Unincorporated), Greater Bendigo City, Greater Shepparton City, Indigo Shire, Mansfield Shire, Mitchell Shire, Mount Hotham Alpine Resort (Unincorporated), Murrindindi Shire, Strathbogie Shire, Towong Shire, Wangaratta Rural City, Wellington Shire and Wodonga City.

ISSUES

There is benefit in Council becoming a party to the application in order to be kept informed throughout the process of all information relating to Council's interests.

This will further allow Council to participate in court proceedings, including mediations and hearings, raise objections, present evidence and negotiate outcomes and to be kept informed through the process should this be required.

There is no identified negative consequences of Council registering to become a party to this application.

POLICY IMPLICATIONS

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

- 3.2 Stewardship and care of our natural environment
- 5.3 Bold leadership, strong partnerships and effective advocacy

FINANCIAL AND RESOURCE IMPLICATIONS

There is no cost to Council to provide its notice of intention to become an interested party, should this notice be made before the 1 October 2025 deadline. Should Council wish to become an interested party after 1 October 2025 there would be an unspecified cost to do so.

Council can withdraw its registration as an interested party at any time and at no cost should Council determine to do so.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Council not exercising its due diligence by not filing a notice of intention and not being kept informed as to the outcome of the to the native title claim.	Possible	Moderate	<ul style="list-style-type: none"> Becoming a party to the application will ensure that Council is kept informed as to the progress of the native title claim.

CONSULTATION

The native title claim has been publicly advertised by the National Native Title Tribunal.

CONCLUSION

The *Native Title Act 1993* (Cth) provides a process through which Indigenous Australians can lodge an application to seek determination of native title.

The Officer's recommendation is that Council provide authorisation for the Chief Executive Officer to register Alpine Shire Council to become an interested party to a native title determination application.

DECLARATION OF CONFLICT OF INTEREST

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

- Chief Executive Officer
- Executive Assistant (CEO)

ATTACHMENT(S)

1. **8.1.1.1** VC 2023 001 Copy of Notice.pdf

8.2 DIRECTOR ASSETS - SARAH BUCKLEY

8.2.1 Draft Asset Plan 2025 - 2035

INTRODUCTION

This report relates to the endorsement of the draft Asset Plan 2025-2035 for public exhibition.

RECOMMENDATION

That Council:

- 1. Endorses the draft Asset Plan 2025-2035 for the purpose of seeking public submissions;***
- 2. Invites public submissions on the draft Asset Plan 2025-2035 for a period no less than 28 days; and***
- 3. Considers a recommendation to adopt the final document at a future Ordinary Council Meeting.***

BACKGROUND

The Asset Plan is a legislated requirement introduced in the *Local Government Act 2020* that requires all Victorian councils to develop, adopt and keep in force an Asset Plan. It must be adopted by the 31 October following a general election. The Asset Plan is a strategic document that informs the community about how Council's infrastructure assets will be managed and maintained to support achieving the Community Vision and Council Plan objectives.

The Plan must cover a minimum period of at least the next 10 financial years, and include information about maintenance, renewal, acquisition, disposal and decommissioning in relation to each class of infrastructure asset under the control of the Council.

These asset classes include:

- Roads and car parks
- Buildings
- Pathways
- Open space
- Drainage
- Bridges.

In June 2022, Council adopted its first Asset Plan.

The Plan outlines how Alpine Shire Council will manage its assets responsibly to support community service delivery, now and into the future. It aims to:

- Demonstrate how assets will be maintained in a cost-effective and sustainable way.
- Define the services provided, the standards expected, and how performance will be measured.
- Summarise forecasted operating and capital investment needs.

- Ensure alignment between asset planning, the Council Plan, Financial Plan, and Budget.
- Align asset management practices with relevant local, regional, and state strategies and policies.
- Ensure compliance with legislative requirements.

ISSUES

Asset Plan Review

Council's current Asset Plan has been reviewed against the following documents:

- Valuation Report 2023-2024
- Asset condition assessments
- Customer Satisfaction Survey
- Community and stakeholder engagement
- Council Plan
- Financial Plan.

The review has been completed to meet the requirements of Section 92 of the *Local Government Act 2020*. The Victorian *Local Government Act 2020* states that the Asset Plan must:

- Include information about maintenance, renewal, acquisition, expansion, upgrade, disposal and decommissioning in relation to each class of infrastructure asset under the control of Council, and
- Be developed, adopted and kept in force in accordance with the Council's deliberative engagement practices.

The review of the Asset Plan ensures the continued sustainable management of Council's Assets and informs investment decisions that balance cost, risk and performance across the asset lifecycle. As a result of the review a draft Asset Plan has been completed with updates to reflect the most accurate asset data and retain consistency with Council's strategic goals and objectives.

POLICY IMPLICATIONS

Council's draft Asset Plan has been prepared to meet the requirements of the *Local Government Act 2020*.

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

4.5 Assets for our current and future needs

FINANCIAL AND RESOURCE IMPLICATIONS

The draft Asset Plan was developed in conjunction with the draft Financial Plan. As such, it provides a long-term view of the resources that are planned to be available, and how these will be allocated and prioritised, over the next ten years. The draft Financial Plan is

also recommended to be endorsed for public exhibition at the August Ordinary Council Meeting.

Council's position on asset management will remain sustainable in the short to medium term and Council will continue to monitor and react to longer term issues in advance of any change requirements. Continued focus on lifecycle costs of infrastructure and alignment to services will assist in understanding the long-term implications of investment decisions.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Local, national, and global trends can all influence the future of our Shire	Possible	Moderate	<ul style="list-style-type: none"> Understand these trends, adapt to challenges, and embrace opportunities that support our health, vibrancy, and long-term sustainability
Aging assets: increasingly prone to failure, require more frequent and costly maintenance, and may no longer meet contemporary standards for safety, accessibility, or functionality.	Possible	Moderate	<ul style="list-style-type: none"> Requires optimised asset spending and proactive renewal programs to prevent service disruption and asset failure.
Tourism is a key industry for the Alpine Shire, and growth in regional and domestic tourism can increase the seasonal and ongoing strain on local infrastructure, especially in areas with iconic natural or cultural attractions.	Possible	Moderate	<ul style="list-style-type: none"> Asset management systems must plan for peak loads, prioritise resilience, and ensure timely maintenance. Service delivery must focus on enhancing visitor experience while protecting local amenity and environmental sustainability.

Risk	Likelihood	Impact	Mitigation Action / Control
Community expectations continue to evolve, with greater emphasis on quality of life, inclusion, and accessible public services	Possible	Moderate	<ul style="list-style-type: none"> Investment in technology, modern amenities, and sustainability features. Agile and responsive service models. Development of strategic alliances with service delivery partners.
Climate - related asset stress	Possible	Moderate	<ul style="list-style-type: none"> Assess vulnerabilities and adapt maintenance and renewal schedules to account for environmental stressors.
Compliance and Regulatory changes at state and federal levels can influence funding allocations and asset compliance requirements	Possible	Moderate	<ul style="list-style-type: none"> Asset planning remains flexible and responsive to government priorities. Review of asset strategies, service delivery models and funding frameworks to align with current policy settings and maintain funding eligibility.

CONSULTATION

In accordance with the requirements of the LGA 2020, the draft Asset Plan must be adopted in accordance with Council's Community Engagement Policy. The content is closely aligned with that of the draft Financial Plan, supports delivery of the Strategic Objectives of the Council Plan 2021-2025, and supports progress towards achieving the Community Vision 2040.

The draft Asset Plan was prepared with significant community engagement, including a deliberative engagement process as part of the development of Council's draft Council Plan 2025-29. A planned 28-day public exhibition period now provides an opportunity for the community to review and provide feedback on the draft Asset Plan. The draft

Asset Plan must be reviewed in accordance with Council's deliberative engagement practices and an update adopted by 31 October in the year following a general election.

CONCLUSION

Council is legislated under LGA 2020 to develop and adopt an Asset Plan which includes information about maintenance, renewal, acquisition, expansion, upgrade, disposal, and decommissioning in relation to each class of infrastructure asset under the control of the Council. Council's Draft Asset Plan has been developed in line with this legislation, and this Plan is ready for public exhibition.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Assets and Waste
- Asset Management Coordinator

ATTACHMENT(S)

1. **8.2.1.1** ASC Draft Asset Plan 2025-2035

8.2.2 Lease of land at the Myrtleford Bowls Club

INTRODUCTION

This report relates to a new lease for part of the land known as Crown Allotment 20D Section E, Parish of Myrtleford. This lease seeks to document the terms and conditions under which the property has been used to date, ensuring clarity on obligations and legal compliance for Council and the proposed lessee, Myrtleford Bowls Club Inc.

RECOMMENDATION

That Council:

- 1. Approves and executes a lease for part of Crown Allotment 20D Section E, Parish of Myrtleford; and***
- 2. Signs and seals the lease for part of Crown Allotment 20D Section E, Parish of Myrtleford at the appropriate stage of the meeting.***

BACKGROUND

Alpine Shire Council, as committee of management, is the appointed land manager for Crown Allotment 20D Section E, Parish of Myrtleford. This lease seeks to correct the absence of a binding agreement for the land on which this facility is located.

ISSUES

The Myrtleford Bowls Club has been located on this parcel of land since 1947, and the building on the site was built by the proposed lessee, Myrtleford Bowls Club Inc. There was limited ability for Council to go to market seeking expression of interest over this parcel of land.

POLICY IMPLICATIONS

The process adopted by Council for the awarding a lease was in accordance with obligations under the *Local Government Act 2020* and Alpine Shire Council's Community Engagement Policy 2024.

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

- 4.5 Assets for our current and future needs
- 5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

The annual lease fee is \$250 plus GST, which is in accordance with the fees published in the Alpine Shire Council 2025-26 Budget. As the building is deemed a tenant improvement, Council will not bear the costs of maintaining it. The proposed lessee has managed the site successfully to date for the benefit of the community and with minimal impact to Council's resources. Given the capital investment by the occupant, the proposed lease is for a twenty (20) year period.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Lessee is unable to fulfill their obligations	Rare	Minor	<ul style="list-style-type: none"> Council may inherit the building and nominate a suitable operating model to manage the facility.

CONSULTATION

Section 115 of the *Local Government Act 2020* states:

'(1) A Council's power to lease any land to any person is limited to leases for a term of 50 years or less.

(2) Subject to any other Act, and except where Section 116 applies, if a Council leases any land to any person subject to any exceptions, reservations, covenants and conditions, it must comply with this section.

(3) A Council must include any proposal to lease land in a financial year in the budget, where the lease is—

(a) for one year or more and

(i) the rent for any period of the lease is \$100 000 or more a year; or

(ii) the current market rental value of the land is \$100 000 or more a year; or

(b) for 10 years or more.

(4) If a Council proposes to lease land that is subject to subsection (3) and that was not included as a proposal in the budget, the Council must undertake a community engagement process in accordance with the Council's community engagement policy in respect of the proposal before entering the lease.'

In July 2025, in accordance with Council Policy, notice was given to inform the public that Council intended to enter into a lease over part of the land known as Crown Allotment 20D Section E, Parish of Myrtleford with the current occupant and operator of the bowls club: Myrtleford Bowls Club Inc.

The intent of the notice was to inform the community and provide them with the opportunity to comment prior to the lease being executed. No submissions were received.

The Department of Energy, Environment and Climate Action was consulted and is supportive of the issuing of the lease.

CONCLUSION

Council has met its obligations under Section 115 of the *Local Government Act 2020* and further community engagement is not required. This lease can now be considered by Council.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Growth and Future
- Property and Contracts Coordinator

ATTACHMENT(S)

Nil

8.2.3 Safe Local Roads and Streets Program

INTRODUCTION

The purpose of this report is to note that Council officers have prepared a grant application under the Transport Accident Commission (TAC)'s Safe Local Roads and Streets Program for the construction of the Bright to Wandiligong Trail (Stage 1 - Centenary Park to Pioneer Park) and the Kiewa River Trail (Damms Road Link) in Mount Beauty.

RECOMMENDATION

That Council notes that Council officers have applied for grant funding under the Transport Accident Commission, and Department of Transport and Planning's Safe Local Roads and Streets Program for the following projects:

- a. Merriang Speed Limit Reductions***
- b. Mountain Creek Road Speed Limit Reduction***
- c. Bright to Wandiligong Trail (Stage 1 - Centenary Park to Pioneer Park)***
- d. Kiewa River Trail (Damms Road Link).***

BACKGROUND

The Victorian Government seeks to halve road deaths and reduce serious injuries by 2030. This target aligns with the Transport Accident Commission (TAC) 2025 Strategy including TAC's interest in 'evidence based, targeted and significant investments in pursuit of our vision and the State Strategy.'

The TAC, in partnership with the Department of Transport and Planning (DTP), has developed the Safe Local Roads and Streets Program to support the development and delivery of road safety infrastructure projects on local roads. The program will seek to assist local councils in delivering safety improvements on the highest risk local roads, intersections and precincts. The grant seeks to support management and infrastructure improvements that align with the Victorian Government's Safe Systems principles.

Victoria's local road network covers approximately 132,000 kilometres. Local Government Authorities (LGAs) are responsible for designing, building, and maintaining the local roads and streets within their municipalities. Alpine Shire Council is responsible for approximately 660 kilometres of the state-wide network.

ISSUES

Council officers, the TAC and DTP have taken part in two intervention workshops to discuss a list of speed reduction and traffic control projects that may meet the eligibility criteria for the program. Following these workshops, it was agreed that two speed reduction projects and three shared paths met the criteria to be considered for this grant program and that these projects could proceed to further design. These are:

Speed limit reductions:

- Speed limit reductions in the Merriang area
- Mountain Creek Road, Tawonga

Shared Path Projects:

- Bright to Wandiligong Trail (Stage 1 - Centenary Park to Pioneer Park) - Off Road Links
- Kiewa River Trail (Damms Road Link) - Off Road Trail in Mount Beauty
- Camp Street Off Road Trail and Crossing in Bright

Camp Street in Bright was later removed for consideration due to the complexity of issues that any final design would need to take into account, which would have required extensive consultation and engagement with a variety of stakeholders including local businesses, that would not have met the construction deadlines for the program.

Speed Limit Reductions

The speed limit reductions in Merriang are proposed to apply to sections of Merriang Road, Merriang South Road, Merriang Homestead Road, and Merriang Gap Road. They seek to reduce the speed limits from 100kph to 80kph, extend the existing 60kph speed limit on Merriang Road from the Buffalo River to the Merriang Gap Road/Merriang Homestead Road intersection, and install guideposts and warning signs at high-risk locations. The extent of speed limit reductions is listed in figure one.

Merriang Gap Road has been identified as one of the highest risk local roads in the municipality with five crashes having occurred on this road between 2013 and 2024 possibly caused by, narrow road width, narrow shoulder width, hilly terrain with limited visibility, and sharp curves. Merriang Homestead Road and Merriang South Road have each had one crash in 2013 and 2021 respectively.

It is estimated that the speed limit reductions will cost \$50,000 excl GST to implement.

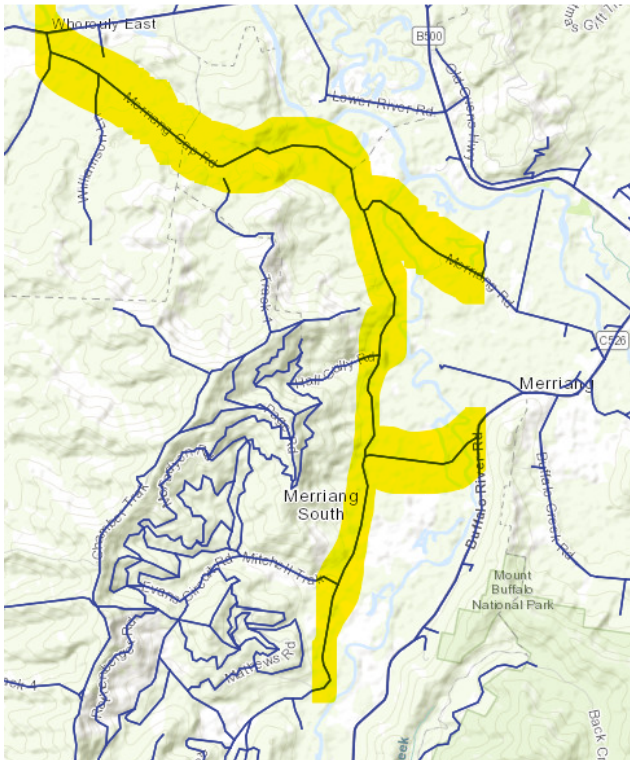


Figure One: Extent of speed limit reductions in Merriang highlighted in yellow.

It is proposed to reduce the speed limit on Mountain Creek Road, Tawonga from 100kph to 80kph between the transmission lines and the Mountain Creek campground, as shown in figure two.

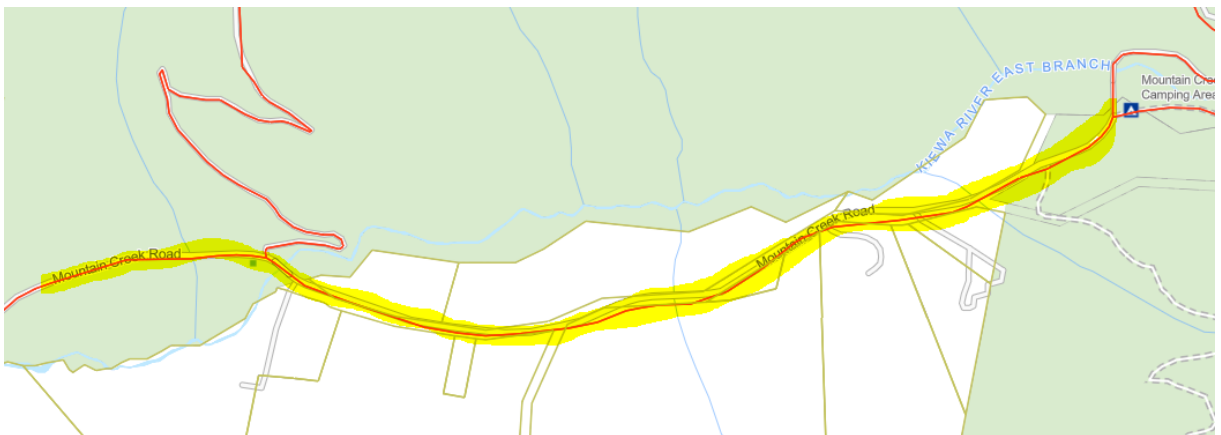


Figure Two: Extent of speed limit reductions on Mountain Creek Road highlighted in yellow.

Mountain Creek Road has issues with high-speed limits, narrow lane width, narrow shoulder width, curve alignment, and moderate to high level roadside. It is a popular road with tourists (including those with larger vehicles and caravans) accessing the Mountain Creek Campground and Mount Bogong.

It is estimated that the speed limit reductions will cost \$25,000 excl GST to implement.

Shared Path Projects

The Bright to Wandiligong Trail (Stage 1 - Centenary Park to Pioneer Park) will construct a new shared path along Morses Creek between the Caravan Park to Coronation Avenue through Pioneer Park. The Caravan Park to Pioneer Park section will be built on a new alignment north of Morses Creek along an existing informal dirt track to the pedestrian bridge at Pioneer Park. The Pioneer Park to Coronation Avenue section will seal an existing gravel path on the south side of Morses Creek. The alignment of the project is listed in below in figure three.



Figure Three: Extent of the Bright to Wandiligong Trail (Stage 1 - Centenary Park to Pioneer Park) outlined in yellow. This project is estimated to cost \$979,000 excl GST to construct.

The Kiewa River Trail (Damms Road Link) will seek to construct a shared path between Embankment Drive and the Kiewa River East Branch in Mount Beauty, below as shown in figure four.



Figure Four: Kiewa River Trail (Damms Road Link) identified by the red dotted line.

This project is estimated to cost \$890,000 excl GST to construct.

Alpine Shire is unique in the volume of pedestrians and cyclists that come to the area to utilise spaces that encourage a higher uptake of walking, hiking, cycling, and riding compared to other rural municipalities.

Both projects align with the objectives of the Safe Local Roads and Streets Program, and the Safe Systems principles. These two projects are in locations with high cyclist and pedestrian usage that are forced to currently share the road with vehicular traffic. These projects would remove the conflict between road vehicles and cyclists/pedestrians.

The current on road cyclist and pedestrian links have medium infrastructure risk ratings with issues including high speeds, narrow lane widths and shoulders, and high roadside hazards. Parts of Morses Creek Road, Centenary Avenue and Damms Road have a risk rating of 1.98-1.99, which is close to the threshold of medium-high risk.

There have been nine crashes along the on-road alignment of the Bright to Wandiligong Trail (Stage 1) between 2014 and 2024; four of which involved cyclists.

Both projects have undergone preliminary design. Council officers recently submitted grant applications for these projects to be funded under the program. If successful, engagement with surrounding landowners, occupiers of land and residents will be carried out as required.

POLICY IMPLICATIONS

These projects are consistent with adopted Council policies, including the Alpine Shire Land Development Strategy 2024 through Strategic Direction 7, which aims to deliver appropriate utility, transport, and community infrastructure when and where it is needed to support growth, and the Alpine Shire Cycling Safety Strategy 2019.

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

- 4.2 Planning and development that reflects the aspirations of the community
- 4.5 Assets for our current and future needs

FINANCIAL AND RESOURCE IMPLICATIONS

The estimated cost to deliver each of the identified projects is as follows:

Project	Cost Estimate (excl GST)
Merriang Speed Limit Reductions	\$50,000
Mountain Creek Road Speed Limit Reduction	\$25,000
Bright to Wandiligong Trail (Stage 1 - Centenary Park to Pioneer Park)	\$979,000
Kiewa River Trail (Damms Road Link)	\$890,000
Total	\$1,944,000

Should Council be successful in obtaining grants, the cost for construction will be fully funded by TAC/DTP. The ongoing costs to Council of the new assets will comprise of:

- Maintenance - approximately \$4,000 (excl GST) per year to maintain the new trails, including any weed or tree maintenance along the trails.
- Renewal - based on the useful life of 42 years an annual commitment of \$9,000/yr. This is a high-level estimate using a m2 rate for asphalt.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
The projects run into unexpected delays or approvals during the design and construction phase.	Possible	Moderate	<ul style="list-style-type: none"> Allocate sufficient staff resourcing to expedite the design and construction of the projects.
The listed projects are unsuccessful in obtaining grant money.	Possible	Moderate	<ul style="list-style-type: none"> The projects have undergone workshops with TAC/DTP and have in-principle support. Council officers have a list of alternative projects that could be considered for design and construction within the program timeframe.

CONSULTATION

Council officers have undertaken initial engagement with business owners along Camp Street in Bright to discuss the Camp Street Off Road Trail and Crossing project through a letter drop and in-person discussions. Given the complexities along this route, it was agreed that this project could not meet the timelines for this grant program, and it was removed from the proposed infrastructure list.

If the grants for the shared paths and speed limit reduction projects are successful, Council officers will undertake targeted engagement with nearby landowners, occupiers of land and residents on the design of these projects, as required.

CONCLUSION

This report recommends that Council note Council officers have applied for two speed limit reduction projects and two shared path projects to be funded under the TAC/DTP Safe Local Roads and Streets Program. If one or all of these projects is funded, Council officers will undertake a community engagement process to inform a final design for these projects, as required.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Growth and Future
- Senior Strategic Planner

ATTACHMENT(S)

Nil

8.2.4 Draft Alpine Shire Neighbourhood Character Strategy 2025

INTRODUCTION

The draft Alpine Shire Neighbourhood Character Strategy is a proactive initiative aimed at guiding future residential development while preserving and enhancing the distinct identity and liveability of Alpine Shire's townships.

This report recommends that Council endorses an engagement process for community consultation. Once consultation is complete, Council will consider any feedback received ahead of adopting a final Alpine Shire Neighbourhood Character Strategy.

RECOMMENDATION

That Council:

- 1. Endorses an engagement process to seek community feedback on the draft Alpine Shire Neighbourhood Character Strategy 2025 for a period of four weeks; and***
- 2. Notes that Council officers will consider community feedback and report back to Council at a future ordinary council meeting.***

BACKGROUND

The Alpine Planning Scheme Review 2023 recommended that Council prepares a neighbourhood character strategy for the municipality with the desired outcome to assist with achieving sustainability and neighbourhood character objectives, while identifying preferred character for future development.

Council engaged Mesh Liveable Urban Communities Pty Ltd in 2024 to develop the Alpine Shire Neighbourhood Character Strategy, which will comprise a neighbourhood character assessment, implementation plan, and design guidelines to support the protection and enhancement of Alpine's neighbourhood character, and to guide future residential development.

The goal of this document is to provide diversity to Alpine's housing offering while upholding the character values that attract residents and visitors to Alpine's four service towns – Bright, Mount Beauty–Tawonga South, Myrtleford and Porepunkah.

The purpose of the draft Alpine Shire Neighbourhood Character Strategy is to:

1. Identify the existing neighbourhood character of residential areas of Alpine's four service towns.
2. Identify the valuable elements of Alpine's landscape and streetscape character.
3. Define a preferred future character for residential areas that have commonalities, identified as neighbourhood character typology areas.
4. Set design guidelines to provide certainty to the community and development industry of intended built form and landscape outcomes for residential development.

5. Set an implementation plan for neighbourhood character and support Council decision-making for future residential development.

The strategy provides an opportunity to shape and support residential development by acknowledging the existing character of Alpine Shire's service towns, identifying preferred character outcomes and how they can be interpreted through the process of redevelopment.

ISSUES

Alpine Planning Scheme Review 2023 identified that guidance regarding neighbourhood character was absent from the Alpine Planning Scheme. The Review recommended that future strategic work should be undertaken to identify and realise the preferred neighbourhood character and valued landscape characteristics of the Shire.

Recent state planning reforms may impact how a final neighbourhood character strategy is implemented into the Alpine Planning Scheme; however, Council officers have been advised by the Department of Transport and Planning to continue with the completion of this already commenced work to help guide future development in and inform future structure planning for the four service towns.

POLICY IMPLICATIONS

Further to recommendations of the Alpine Planning Scheme Review 2023, the recommendation is in accordance with the following Strategic Objective of the Council Plan 2021-2025:

- 4.1 Conservation and promotion of the distinct character across the Shire
- 4.2 Planning and development that reflects the aspirations of the community

FINANCIAL AND RESOURCE IMPLICATIONS

The draft Alpine Shire Neighbourhood Character Strategy has been fully funded by Council. Mesh Liveable Urban Communities Pty Ltd (Mesh) completed, amongst other things, a Draft Bright Neighbourhood Character Assessment in 2022/2023 for \$46,470 excl GST.

Given how important neighbourhood character is to inform future structure plans for each of the four service towns, Council subsequently undertook a public procurement exercise to engage a consultant to prepare a neighbourhood character study for Mount Beauty–Tawonga South, Myrtleford and Porepunkah. Mesh was also the successful consultant and was awarded the contract for \$86,166 excl. GST for this further work.

Undertaking community engagement on the draft strategy, and the preparation of a final Alpine Shire Neighbourhood Character Strategy, will not result in any financial implications for Council.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Lack of community feedback on the draft Alpine Shire Neighbourhood Character Strategy 2025.	Possible	Minor	<ul style="list-style-type: none"> Create an engagement plan with appropriate tools for the community to provide feedback.
Community opposition to the draft Alpine Shire Neighbourhood Character Strategy 2025.	Possible	Minor	<ul style="list-style-type: none"> Manage community expectations during the engagement process in accordance with the engagement plan. Council officers will consider all feedback received.

CONSULTATION

Pre-draft Consultation

Council officers undertook pre-draft engagement for the draft Alpine Shire Neighbourhood Character Strategy 2025 in August 2024. Across the 28-day engagement period, four pop-ups were conducted in the key service towns of Bright, Mount Beauty–Tawonga South, Myrtleford and Porepunkah. An online survey was made available via Engage Alpine, which utilised interactive mapping for the first time on this platform.

Engagement was designed to directly inform the draft strategy, specifically whether defined neighbourhood characteristics had been described and mapped correctly. Online survey results via Engage Alpine showed that Council had 530 page views, 470 visits, 331 visitors and 30 submissions.

The majority of feedback, both online and in-person, supported the preliminary findings. Feedback with opposing suggestions informed description and mapping changes seen in the draft Alpine Shire Neighbourhood Character Strategy 2025.

Draft Consultation

Council officers are proposing to undertake a further community engagement process requesting feedback on the draft Alpine Shire Neighbourhood Character Strategy 2025. Engagement will be undertaken over a 28-day period, and will include a digital survey via Engage Alpine, with the opportunity for in-person feedback to be arranged by appointment.

Following engagement, Council officers will consider feedback and update the strategy, where appropriate. Community feedback and the final Alpine Shire Neighbourhood Character Strategy 2025 will be considered by Council at a future council meeting.

CONCLUSION

It is recommended that Council notes the draft Alpine Shire Neighbourhood Character Strategy 2025 and supports proceeding to community consultation.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Growth and Future
- Graduate Strategic Planner

ATTACHMENT(S)

1. **8.2.4.1** [Draft Alpine Shire Neighbourhood Character Strategy 2025](#)

8.2.5 Bright Valley Development - Road Deviation and Land Exchange

INTRODUCTION

The purpose of this report is for Council to:

1. commence the statutory procedures to consider carrying out the Road Deviation and Land Exchange (as those terms are defined in the "Issues" section of this report);
2. advertise and invite public submissions on the proposed Road Deviation and Land Exchange under sections 207A and 223 of the *Local Government Act 1989* (LGA1989) and section 114 of the *Local Government Act 2020* (LGA2020).

RECOMMENDATION

That Council:

1. ***Commences the statutory procedures in respect of the proposed road deviation of the government road between Great Alpine Road and Stackey Gully Road, Bright, which comprises the:***
 - a. ***road shown hatched on the plan attached to this report as Attachment 2 - Plan of Road Deviation (Unused Road), which will be discontinued and vest in Council; and***
 - b. ***road shown cross-hatched on the plan attached to this report as Attachment 2 - Plan of Road Deviation (New Road), which will be designated as a "road" and vest in Council, (together, the Road Deviation); and***
2. ***Commences the statutory procedures in respect of the transfer of the Unused Road to the adjoining owner (Land Exchange), subject to Council carrying out the necessary statutory procedures required by Council to proceed with the proposed Road Deviation and Land Exchange;***
3. ***Authorises the Chief Executive Officer to:***
 - a. ***give public notice of the proposed Road Deviation and Land Exchange, pursuant to sections 207A and 223 of the LGA1989 and section 114 of the LGA2020; and***
 - b. ***undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the LGA1989 and section 114 of the LGA2020 in relation to this matter.***
4. ***Considers any public submissions received in respect of the proposed Road Deviation and Land Exchange at a future Council meeting with a date and time to be determined, pursuant to section 223 of the LGA1989 and Council's Community Engagement Policy.***

BACKGROUND

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

On 20 January 2011, Amendment C15 to the Alpine Planning Scheme was approved by the Minister for Planning and included in the Victoria Government Gazette.

The Bright Western Gateway Development Plan was approved by Council on 5 July 2022. Stage 1 and 2 Planning Permit was approved by Council on 28 November 2023.

A Plan of Sub-division was lodged 19 December 2023 but could not include Stage 2 due to the existing Government Road alignment.

In order to align with the Bright Western Gateway Development Plan, it is required that the existing unused government road traversing through the freehold land is deviated to the necessary alignment.

The reason for the proposed deviation is to improve the connection angle at Great Alpine Road intersection, avoid various constraints preventing the construction of a road within the existing Road Reserve, notably the gradient at several points along the reserve, and to avoid a cluster of native vegetation and gradient at the southern end of reserve.

ISSUES

Road

The existing government road (**Road**) is:

- a. Crown land set aside as a government road.
- b. not currently constructed as a road.

A copy of the manual title search of the Road is attached to this report as Attachment 1.

It is proposed that the Road be deviated as follows:

- a. to discontinue those parts of the Road which are shown hatched on the plan attached to this report as Attachment 2 - Plan of Road Deviation (Unused Road); and
- b. to designate the land shown cross-hatched on the plan attached to this report as Attachment 2 - Plan of Road Deviation as a "road", comprising parts of the land contained in certificates of title volume 12344 folios 348 and 350 (New Road), (together, the **Road Deviation**).

Council has agreed to consider undertaking the Road Deviation by exercising its power under clause 2 of Schedule 10 of the *LGA1989*.

Council's power to deviate roads under clause 2 of Schedule 10 of the *LGA1989* is subject to Council complying with its statutory obligations under section 223 of the *LGA1989* in respect of the Road Deviation.

As the Roads are government roads (which if the Road Deviation is completed would result in the vesting of former Crown land in Council pursuant to section 207B(2A) of the *LGA1989*, Council is required to obtain the consent of the Minister administering the *Land Act 1958*, pursuant to clause 2(2) of Schedule 10 to the *LGA1989*.

Council has obtained the consent of the Department of Environment, Energy and Climate Action (**DEECA**), as delegate for the Minister for Environment, to the Road Deviation. A copy of the letter of consent is attached to this report as Attachment 3 - Ministerial Consent.

If the Road Deviation is completed, its effect will be to:

- a. designate the New Road as a "road" for the purpose of the *LGA1989*, which will vest in Council at law; and
- b. vest the Unused Road in Council at law, pursuant to section 207B(2A) of the *LGA1989*.

Subject to Council making a decision to undertake the Road Deviation, the parties have agreed to realign the title boundaries of the adjoining properties, so that they are consistent with the location of the New Roads, as follows:

- a. the Unused Road will be transferred from Council to the owner of the adjoining properties (**Adjoining Owner**);
- b. the title to the New Road will be registered in Council's name; and
- c. the parties will submit an application in a form required by the Land Registry with effect that the title boundaries of the Adjoining Owner's properties will be realigned to reflect the new boundaries between the Adjoining Owner's properties and the New Road,

(together, the **Land Exchange**).

A copy of the proposed survey plan which shows the Road Deviation and Land Exchange is attached to this report as Attachment 2.

Council has the power to complete the Land Exchange, subject to complying with its statutory obligations under section 114 of the *LGA2020*.

Licence

There is currently an 'unused road license' held for the Government Road that the Road Deviation and Land Exchange is proposed. A request has been forwarded to DEECA's State Transaction Centre for cancellation. The licence cancellation process may take a period of 3 to 4 months before the cancelation can be finalised.

The road deviation will be subject to the cancelation of the 'unused road license'.

POLICY IMPLICATIONS

Council must ensure that it is complying with the relevant sections of the *Local Government Act 1989* and the *Local Government Act 2020* when undertaking road discontinuance, road deviation, and land exchange.

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

4.2 Planning and development that reflects the aspirations of the community

FINANCIAL AND RESOURCE IMPLICATIONS

Council and the Adjoining Owner have agreed that no monetary consideration is payable for the transfer of the Unused Road to the Adjoining Owner on the basis that the:

- a. value of the New Road is \$970,250.
- b. value of the Unused Road is \$970,125; and
- c. consideration payable for the transfer of the Unused Road to the Adjoining Owner is the Adjoining Owner agreeing to the New Road vesting in Council under the Road Deviation.

The Adjoining Owner has agreed to bear the following costs in connection with the Road Deviation and Land Exchange:

- a. stamp duty;
- b. surveying;
- c. lodging and PEXA fees; and
- d. valuation fees in connection with any land which is the subject of the Road Deviation and Land Exchange.

The resources required to carry out the discontinuation of the road and carry out a road deviation and land exchange have been sourced internally and externally.

RISK MANAGEMENT

No risks to report.

CONSULTATION

Council has entered into an agreement with the adjoining landowners to document the 'in principle' agreement between Council and the adjoining owners regarding the Land Exchange, which is subject to Council carrying out the necessary statutory processes required by Council to proceed with the proposed road deviation and land exchange.

Council must give public notice of the proposed Road Deviation and Land Exchange in accordance with section 207A of the LGA1989 and section 114 of the LGA2020, and consider any submissions received in accordance with section 223 of the LGA1989 and Council's community engagement policy.

Council will consider any public submissions at a future Council meeting.

CONCLUSION

For the reasons set out in this report, it is recommended that Council proceeds with the Road Deviation and Land Exchange as set out in the Recommendation.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Assets
- Manager Assets and Waste
- Project Officer

ATTACHMENT(S)

1. **8.2.5.1** Manual Title Search (Status Road Bright)
2. **8.2.5.2** Plan of Road Deviation V07
3. **8.2.5.3** DEECA Ministerial Consent

8.3 DIRECTOR CORPORATE AND COMMUNITY - NATHALIE COOKE

8.3.1 Council Plan 2025 - 2029 Community Submissions

INTRODUCTION

The purpose of this report is to respond to the submissions received on the draft Alpine Shire Community Vision, Council Plan and Municipal Public Health and Wellbeing Plan 2025-2029.

RECOMMENDATION

That Council:

- 1. Considers written submissions received for the draft Alpine Shire Council Community Vision, Council Plan and Municipal Public Health and Wellbeing Plan 2025-2029;***
- 2. Adopts the proposed amendments to the draft Community Vision, Council Plan and Municipal Public Health and Wellbeing Plan as detailed in this report; and***
- 3. Notifies in writing each person or organisation who made a submission to the draft Council Plan, explaining how their submission has been considered in the final Plan.***

BACKGROUND

Council has prepared a Community Vision, Council Plan and Municipal Public Health and Wellbeing Plan ("the Plan") as required by the *Local Government Act 2020* and the *Public Health and Wellbeing Act 2008*.

The draft Plan was exhibited for a period of 28 days from 29 April 2025. This report details submissions received and how they have been considered in finalising the Plan.

ISSUES

Community Consultation for the Plan

The Community Vision, Council Plan, and Municipal Public Health and Wellbeing Plan have been prepared with extensive consultation and involvement of our communities, starting in July 2024.

In addition to broad community engagement, Council undertook a deliberative engagement process, which brought a representative group of community members from across Alpine Shire together with Councillors. This group met over a series of six workshops to review, consider, and provide direction on wider community feedback and respond to the key challenges facing Council.

The following points summarise the consultation and responses received in the preparation of the Plan:

- Surveys: Council received 141 completed surveys, providing a broad range of community feedback.
- Market pop-ups: Council undertook market pop-ups in Bright, Myrtleford, Mount Beauty, and Harrietville.
- Youth engagement: Council received feedback from The Lighthouse in Bright, with community members aged 12-17, ensuring that the voices of our younger residents were included in the planning process.
- Community Panel: The Community Panel consisted of 13 members who responded to our public Expression of Interest. They participated in six two-hour, in-person sessions alongside Councillors and managers, as well as engaging through an online hub where members could contribute digitally. These sessions gathered perspectives from across the Shire. One of these sessions was held in conjunction with local health services, ensuring a holistic approach to community well-being. An additional workshop was held just with health services to assist in preparing the MPHWP.
- One-on-one sessions: Council consulted with a wide range of staff to gather detailed input, ensuring that voices within our organisation were heard and considered.
- Workshops: Council conducted a number of workshops with our Executive team and Councillors to refine the Plan and consider the range of feedback.
- Traditional Owner engagement: Council engaged with Traditional Owners with the goal that their voices and aspirations were meaningfully reflected. Council received a formal submission from the Taungurung Land and Waters Council (TLaWC), outlining key recommendations for inclusion. Following the release of the draft Council Plan, TLaWC provided further feedback specific to our municipality.

Draft Council Plan Submissions

The draft Council Plan was adopted for public exhibition at the Ordinary Council Meeting on 29 April 2025. During the exhibition period, Council received nine submissions, and an internal (staff) submission.

The submissions, and the resulting changes to the draft document, are detailed in the table below.

Submission	Feedback	Council response / changes to Council Plan
1	<ul style="list-style-type: none"> • Organisational structure changes to be reflected in Plan. • Typographical changes. • Ensure Corporate Department is adequately reflected in Plan. • Include disability in community snapshot. • Other minor edits and changes. 	<ul style="list-style-type: none"> • Updated organisational structure. • Amended typographical / grammatical issues. • Amended Priorities to reflect Corporate team role. • Disability included in snapshot. • Minor edits and changes throughout.

Submission	Feedback	Council response / changes to Council Plan
2	<ul style="list-style-type: none"> Community Vision does not adequately reflect the unique 'place' value of Alpine Shire. 	<ul style="list-style-type: none"> Inserted preamble to Community Vision to ensure it is reflective of our Shire.
3	<ul style="list-style-type: none"> Reflect community groups / organisations in the Plan. Include more detail on delivery of Plan (e.g. dates for major initiatives). Be more specific on economic development aims to guide future strategy development. Clearer linkages between the strategic elements of the Plan. 	<ul style="list-style-type: none"> Volunteering participation has been included in Community Snapshot. Action Plan has been prepared to detail how the Major Initiatives will be delivered and provide clearer linkages between the strategic elements of the Plan. Economic Development - more specific economic development aims have not been incorporated into the Council Plan document, however key actions that support the economic development of the Shire have been detailed in the accompanying Action Plan.
4	<ul style="list-style-type: none"> Include measurable and specific indicators for 'key performance indicators'. A number of questions to clarify matters in the Plan and include more detail on dates for delivery of Major Initiatives. Concern about financial sustainability of Council. Feedback that many Council Plan initiatives are 'business as usual' and not a 'major initiative'. 	<ul style="list-style-type: none"> Measures of success ('key performance indicators') have been reviewed and revised to ensure that each can be measured and is specific to tracking a performance target. Questions have in some instances resulted in changes to improve clarity or will be communicated to the submitter in Council's response. In many instances these questions are resolved through preparation of the Action Plan. Measure of success included on budget deficit performance. Council Plan major initiatives have been reviewed, and 'business as usual' initiatives have been retained where required to meet the criteria for acceptance

Submission	Feedback	Council response / changes to Council Plan
		as a Municipal Public Health and Wellbeing Plan, and where community priorities have been strongly articulated.
5	<ul style="list-style-type: none"> Policy framework / structure for Council to integrate reconciliation and indigenous engagement in Council activities going forward. Feedback on specific language and items within draft Council Plan. 	<ul style="list-style-type: none"> The Council Plan acknowledges that further work is required to engage with traditional owners and see meaningful change reflected throughout Council's activities. The Plan includes specific actions to advance this process over its four-year timeline. Changes have been made to the Plan as suggested in the submission on the draft Plan.
6	<ul style="list-style-type: none"> More emphasis on housing for residents and controls on holiday rentals. Natural disasters and economic change are broad and should be considered separately. What does 'thrive' mean? Include LGBTQIA+ community. Endorse focus on access and inclusion. Greater focus on tracks / trails/ footpaths to reflect this as a key transport option for young people. Lack of mental health support (especially Mount Beauty), and general health / bulk billing. Better public transport services. Ensure plan colours / fonts / layout is accessible. 	<ul style="list-style-type: none"> Advocacy item on housing notes the challenges relating to short stay accommodation. Council will continue to advocate for change to improve access to housing for residents. LGBTQIA+ included as suggested Walking accessibility included in Priorities. Mental health specifically included in advocacy items. Public transport specifically included in advocacy items. Review of document prior to publishing will ensure accessibility of colours, format and layout.
7	<ul style="list-style-type: none"> Seeking greater commitment to preserve and promote biodiversity within the Shire. 	<ul style="list-style-type: none"> Council values biodiversity but is not currently planning an increased focus on preserving and promoting biodiversity in this Council plan term.

Submission	Feedback	Council response / changes to Council Plan
8	<ul style="list-style-type: none"> Detailed feedback on MPHWP initiatives. 	<ul style="list-style-type: none"> Changes to MPHWP initiatives made to address feedback.
9	<ul style="list-style-type: none"> Positive feedback on draft Plan. No suggested changes. 	<ul style="list-style-type: none"> No changes made.
10	<ul style="list-style-type: none"> Feedback is generic and does not relate to specific elements of the Plan. 	<ul style="list-style-type: none"> Development of the Action Plan may address some of the matters raised in this submission.

POLICY IMPLICATIONS

The Community Vision, Council Plan and Municipal Public Health and Wellbeing Plan have been prepared in accordance with the *Local Government Act 2020* and the *Public Health and Wellbeing Act 2008*. Submission processes have been governed by Council's Community Engagement Policy.

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

5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

The financial and resource implications of the Community Vision, Council Plan and Municipal Public Health and Wellbeing Plan are detailed in the Agenda item addressing those documents.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Incorrect, incomplete, ineffective and/or untimely information provided to a stakeholder.	Rare	Moderate	<ul style="list-style-type: none"> Develop and implement a comprehensive engagement plan including seeking feedback prior to drafting the plan and on the draft plan Consider all submissions received

Risk	Likelihood	Impact	Mitigation Action / Control
Delivery of a project/program that is outside budget, not fit for purpose, of poor quality or does not meet community expectations.	Possible	Minor	<ul style="list-style-type: none"> • Develop the Plan through wide-ranging community engagement. • Work to balance the needs of the community with financial sustainability considerations. • Develop an Action Plan that addresses key community priorities and needs. • Develop an advocacy approach that supports the community by advocating for services, projects and resources that fall outside of Council's remit for delivery.

CONSULTATION

The draft Council Plan was released for public exhibition following the April Ordinary Council Meeting. Public submissions formally closed on Tuesday 27 May 2025.

Nine submissions were received. All submissions received were considered in the finalisation of the Council Plan 2025-2029.

CONCLUSION

All submissions have been considered by Council. This report reflects the Officers' recommendations to Council following a review of each submission.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate and Community
- Manager Customer Experience

ATTACHMENT(S)

Nil

8.3.2 Alpine Shire Community Vision and Council Plan 2025-2029 (incorporating the Municipal Public Health and Wellbeing Plan)

INTRODUCTION

The purpose of this report is to recommend that Council adopts the Alpine Shire Community Vision and Council Plan 2025-2029 (incorporating the Municipal Public Health and Wellbeing Plan) and notes the Council Plan Action Plan 2025-2029.

RECOMMENDATION

That Council:

- 1. Adopts the Alpine Shire Community Vision and Council Plan 2025-2029, incorporating the Municipal Public Health and Wellbeing Plan; and***
- 2. Notes the Council Plan Action Plan 2025-2029, which supports the implementation of the Council Plan.***

BACKGROUND

Under the *Local Government Act 2020*, Council is required to adopt a Council Plan by 31 October in the year following a general election, for the period of the next four financial years. Council must also adopt a Community Vision for the next ten years. In addition, Council may incorporate the Municipal Public Health and Wellbeing Plan (prepared under the Public Health and Wellbeing Act 2008) within the Council Plan.

At its Ordinary Council Meeting on 29 April 2025, Council endorsed the draft Council Plan 2025-2029, inclusive of the Community Vision and Public Health and Wellbeing Plan ("the Plan"), to be placed on public exhibition. Following the period of public exhibition, and the receipt of internal and external submissions, amendments and refinements have been made to finalise the Alpine Shire Council Plan 2025-2029.

Council has also prepared a detailed Action Plan to support the implementation of the Plan. This document is separate from the Plan and is intended to be reviewed and updated on an annual basis throughout the four-year life cycle of the Plan.

ISSUES

Community Vision

Council has prepared a Community Vision in accordance with Section 88 of the *Local Government Act 2020* (LGA 2020). The Community Vision covers the next ten years, with a further aspirational outlook to 2050. It has been derived from the community consultation undertaken and has been modified following community submissions.

Council Plan incorporating the Municipal Public Health and Wellbeing Plan

Council has developed the Council Plan for the period of four years after its general election in accordance with section 90 of the LGA 2020.

The Municipal Public Health and Wellbeing Plan (MPHWP) has been prepared in accordance with Section 26 of the *Public Health and Wellbeing Act 2008*. Section 27 of the Act allows for the MPHWP to be incorporated into the Council Plan, which is the approach taken by Council. On 24 April 2025, the Department of Health granted approval for Council to incorporate the MPHWP into the Council Plan.

Public exhibition

The Plan was prepared through a process of broad public consultation, deliberative engagement through a Community Panel, and stakeholder engagement with community and business groups, health services, government agencies and other key stakeholders.

The draft Plan was endorsed for exhibition at the Ordinary Council Meeting on 29 April 2025. A number of external and internal submissions were received on the draft Plan.

The consultation process, submissions and changes made to the document to reflect the submissions which were discussed in detail in the previous agenda report.

Plan structure and supporting documents

The Plan includes strategic directions, objectives, priorities, measures of success (indicators), and major initiatives. Collectively this structure provides direction to Council's activities during its term.

Separate to the Plan, a more detailed Action Plan has been prepared. It provides further detail on the Major Initiatives in the Plan. The Action Plan in turn supports more detailed departmental planning and delivery within Council. The Action Plan will be reviewed and updated (as required) on an annual basis.

The Council Plan, Action Plan, Financial Plan, annual budget, and other strategic documents have been prepared in a holistic and integrated way, consistent with Council's strategic planning requirements under the LGA 2020. Together, these documents provide transparency, accountability, and consistency across all Council's activities.

POLICY IMPLICATIONS

The Alpine Shire Council Plan, Community Vision and Municipal Public Health and Wellbeing Plan have been prepared in accordance with the *Local Government Act 2020* and the Public Health and Wellbeing Act 2008.

The Plan covers a four-year period, including the budget year 2025/26, and the subsequent three financial years. The Community Vision covers a period of ten years to 2035, with a further aspirational outlook to 2050.

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

5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

The Council Plan has been prepared in coordination with the Budget and longer-term financial planning, workforce planning and other strategic planning processes. A detailed Action Plan has also been prepared to guide Council's activities over the coming four years, which in turn is supported by more detailed departmental planning.

The Council Plan and Action Plan explicitly capture many of Council's activities and service provision over the coming four years. While there will be some activities that are not directly mentioned in the Council Plan, all actions undertaken by Council will be consistent with the objectives and directions defined in the Council Plan, Community Vision and Municipal Public Health and Wellbeing Plan. The Council Plan is integral to the financial and resource planning process for Council.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Delivery of a project/program that is outside budget, not fit for purpose or of poor quality	Possible	Major	<ul style="list-style-type: none"> Develop Action Plan to ensure accountability for Major Initiatives. Allocate Ownership of Measures of Success (strategic indicators) to ensure accountability for progress.

Risk	Likelihood	Impact	Mitigation Action / Control
Significant adverse impact on Councils financial sustainability	Possible	Major	<ul style="list-style-type: none"> • Review and refine service delivery to deliver within budgetary constraints. • Implement appropriate financial management, financial control and reporting processes. • Recognise challenges and appropriate analysis and planning in the Council Plan. • Review and adjust Action Plan to reflect changes to budgetary environment.
Operating outside legislative obligations	Rare	Moderate	<ul style="list-style-type: none"> • Develop and implement a project plan taking into account Council meeting/briefing schedule and engagement plan to achieve legislated timeframes.

CONSULTATION

The Community Vision, Council Plan, and Municipal Public Health and Wellbeing Plan have been prepared with extensive consultation and involvement of our community, starting in July 2024.

In addition to broad community engagement, Council undertook a deliberative engagement process, which brought a representative group of community members from across Alpine Shire, together with Councillors. This group met over a series of six workshops to review, understand, and provide direction on wider community feedback and respond to the key challenges facing Council.

Overview of Consultation

- Surveys: Council received 141 completed surveys, providing a broad range of community feedback.
- Market pop-ups: Council undertook face-to-face market pop-ups in Bright, Myrtleford, Mount Beauty, and Harrietville.
- Youth engagement: Council received feedback from The Lighthouse in Bright, with community members aged 12-17, ensuring that the voices of our younger residents were included in the planning process.
- Community Panel: The Community Panel consisted of 13 members who responded to our public Expression of Interest. They participated in six two-hour, in-person sessions alongside Councillors and managers, as well as engaging through an online hub where members could contribute digitally. These sessions gathered perspectives from across the Shire. One of these sessions was held in conjunction with local health services, ensuring a holistic approach to community well-being. An additional workshop was held just with health services to assist in preparing the MPHWP.
- One-on-one sessions: Council consulted with a wide range of staff to gather detailed input, ensuring that voices within our organisation were heard and considered.
- Workshops: Council conducted a number of workshops with our Executive team and Councillors to refine the Plan and consider the range of feedback.
- Traditional Owner engagement: Council engaged with Traditional Owners with the goal that their voices and aspirations were meaningfully reflected. Council received a formal submission from the Taungurung Land and Waters Council (TLaWC), outlining key recommendations for inclusion. Following the release of the draft Council Plan, TLaWC provided further feedback specific to our municipality.

This process, and the community submissions to the Council Plan are detailed in the previous agenda report. Submitters will receive formal responses to their submissions following adoption of the Council Plan.

CONCLUSION

All submissions received have been considered by Council. The Alpine Shire Council Plan 2025-2029 reflects the Officers' recommendations to Council following a review of each submission, and a process of detailed review of initiatives, to ensure that the Plan aligns with Council's ongoing activities and community needs.

The Community Vision and Council Plan are the outcome of a robust, detailed and highly consultative process. They ensure Council is acting transparently and with accountability to respond to community needs over the coming four-year Council term.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate and Community
- Manager Customer Experience

ATTACHMENT(S)

1. **8.3.2.1** [Alpine Shire Community Vision and Council Plan 2025-29](#)
2. **8.3.2.2** [Action Plan | Council Plan 2025-29](#)

8.3.3 Draft Financial Plan 2025 - 2035

INTRODUCTION

Council is legislatively required to adopt a Financial Plan by 31 October in the year after a general election.

RECOMMENDATION

That Council:

- 1. Endorses the draft Financial Plan 2025-2035 to be released for community consultation for a period of not less than 28 days;***
- 2. Notes that public feedback on the draft Financial Plan 2025-2035 will be presented back to Council for consideration at a future time; and***
- 3. Notes that Council is required to adopt the Financial Plan 2025-2035 by 31 October 2025.***

BACKGROUND

The *Local Government Act 2020, s91(4)* states that a:

"A Council must develop or review the Financial Plan in accordance with its deliberative engagement practices and adopt the Financial Plan by 31 October in the year following a general election."

LGA 2020 s91(2) states that the "scope of a Financial Plan is a period of at least the next 10 financial years."

Council has developed a draft Financial Plan 2025-2035 for comment from the Community.

ISSUES

The Financial Plan 2025-2035 provides a financial projection to effectively support implementation of the Council Plan, and to achieve the Community Vision.

The Plan outlines the assumptions, policy and decisions of Council used to determine the allocation and management of Council resources over the next 10 years.

The Financial Plan shows an ongoing adjusted underlying deficit for Council for the term of the plan. This position was identified during the development and approval of the 2025/26 Budget. The Financial Plan also shows an increasing cash deficit position from 2027/28. This position is caused by the adjusted underlying deficit and the level of funding required to maintain Council's assets to the level identified in Council's asset plans.

Addressing Council's financial sustainability is included in the draft Council Plan as a major initiative, to ensure Council reports regularly on progress against this item.

A Financial Sustainability Strategy (the Strategy) will be drafted and presented to Council. This is a major initiative detailed in the Council Plan. The Strategy will set forward a series

of actions required over the four-year period to address the adjusted underlying deficit position and return Council to a financially sustainable position. These actions will focus on reducing Council's expenditure, increasing revenue through targeted strategies, undertaking service reviews and putting in place greater financial control and reporting mechanisms.

Following development of the Strategy, a further review of the underpinning data within the Financial Plan will be undertaken as part of the 2026/27 Budget process. The Strategy is in development, and therefore at this stage has had no impact on the numbers reflected in the draft Financial Plan.

The draft Financial Plan 2025-2035 is ready for consultation with our community for a period of 28 days.

Councillors will be briefed on feedback received during the consultation period.

Council is required to endorse its Financial Plan 2025-2035 by 31 October 2025.

POLICY IMPLICATIONS

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

5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

The Financial Plan will support Council in meeting its obligations in accordance with Section 91 of *Local Government Act 2020*. Once adopted the Financial Plan will be used to guide the development of future budgets of Council, in conjunction with a Financial Sustainability Strategy and Asset Plans with a view to ensure Council's sustainability and ongoing financial viability.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Operating outside legislative obligation	Rare	Major	<ul style="list-style-type: none"> Develop and implement a project plan taking into account Council meeting/briefing schedule and engagement plan to achieve legislated timeframes.

Risk	Likelihood	Impact	Mitigation Action / Control
Significant adverse impact on Council's financial sustainability	Likely	Major	<ul style="list-style-type: none"> Develop a financial sustainability strategy to address underlying deficit. Regular budget reporting to monitor actual expenditure against budget. Develop a sustainable Workforce Plan.

CONSULTATION

The following consultation processes are to be undertaken in line with the Community Engagement Policy, to inform development of the Financial Plan, and to ensure that feedback from relevant stakeholders has been sought and considered:

1. Draft Financial Plan informed by community engagement processes;
2. Draft Financial Plan placed on public exhibition at the August 2025 Council meeting calling for public submissions;
3. Community engagement conducted using Council's Engage Alpine online platform, local news outlets; social media and with hard copies available at Council facilities;
4. Draft Financial Plan, including any changes informed by feedback, presented to the October 2025 Council Meeting for adoption.

CONCLUSION

The Financial Plan 2025-2035 provides a financial projection to effectively support implementation of the Council Plan, and to achieve the Community Vision.

The Plan outlines the assumptions, policy and decisions of Council used to determine the allocation and management of Council resources over the next 10 years.

The Financial Plan shows an ongoing adjusted underlying deficit for Council for the term of the plan, and strategic work will be undertaken and presented to Council in December 2025 to recommend actions to ensure an ongoing financially sustainable position.

The draft Financial Plan 2025-2035 is provided for community consultation which will be considered and a revised plan incorporating any changes will be presented to the October 2025 Council Meeting.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate and Community
- Manager Corporate

ATTACHMENT(S)

1. **8.3.3.1** Alpine Shire Council Draft Financial Plan 2025-2035

8.3.4 P.2025.002 - Great Alpine Road, Bright

Application number:	<i>P.2025.002</i>
Proposal:	<i>Subdivision of land into 53 lots</i>
Applicant's name:	<i>Buffalo Valley Pty Ltd c/o Human Habitats</i>
Owner's name:	<i>Buffalo Valley Pty Ltd</i>
Address:	<i>Great Alpine Road, Bright 3471</i>
Land size:	<i>8 hectares</i>
Current use and development:	<i>Vacant Farmland</i>
Site features:	<i>Cleared for grazing with construction works for stages 1 and 2 of the Bright Valley Development</i>
Why is a permit required?	<i>Clause 32.08-3 – A permit is required to subdivide land</i> <i>Clause 44.04-2 – A permit is required to carry out road works within the Land Subject to Inundation Overlay, where the water flow path is redirected or obstructed</i> <i>Clause 44.04-3 – A permit is required to subdivide land</i> <i>Clause 44.06-2 – A permit is required to subdivide land</i> <i>Clause 52.29 – A permit is required to subdivide land adjacent to a Transport Zone 2</i>
Zoning:	<i>Clause 32.08 – General Residential Zone Schedule 1</i>
Overlays:	<i>Clause 44.04 – Land Subject to Inundation Overlay</i> <i>Clause 44.06 – Bushfire Management Overlay</i> <i>Clause 43.04 – Development Plan Overlay</i>
Restrictive covenants on the title?	<i>Clause 52.29 – Land Adjacent to Principal Road Network</i> <i>Clause 53.02 – Bushfire Planning</i> <i>Clause 56 – Subdivision Clause 55 – Two or More Dwellings on a Lot and Residential Buildings</i>
Date received:	<i>18 December 2025</i>
Statutory days:	<i>83 days</i>
Planner:	<i>Rebecca Mouy, Manager Regulatory Services</i>

RECOMMENDATION

That Council determines to issue a planning permit for the 53 lot subdivision of land at Great Alpine Road, Bright subject to the conditions contained in the attachment to this report.

PROPOSAL

The application proposes the subdivision of land into 53 lots and associated works which comprises of stage 3 of the Bright Valley Development. The subdivision will be a sequential continuation of Stages 1 and 2 which were approved under P.2022.150 and provides for lots to the north and east of these earlier stages. The road network contained within these earlier stages will also be extended to cater for the new lots created. The area for stage three comprises of 2.25 ha.



Figure 1 - Stage 3 Layout Plan

A varied lot mix is proposed with lots sizes ranging from 198 sqm to over 632 sqm. A breakdown of the lot configuration is as follows:

Area	Number of lots	%
100 sqm - 200 sqm	1	2%
200 sqm - 300 sqm	2	4%
300 sqm - 400 sqm	19	36%
400 sqm - 500 sqm	15	28%
500 sqm - 600 sqm	13	25%
600 sqm - 700sqm	3	6%

Stage 3 will also incorporate pedestrian and bicycle connections with the earlier stages.

SUBJECT LAND AND SURROUNDS

The land known as the Bright Valley Development comprises nine parcels, formally known as Lot 1 and 2 on Plan of Subdivision 613866, and Lots 1, 2, 4, 5, 7, and 9 on Title Plan 859376, which together have an area of approximately 35ha.

The subject land that is the subject of this Council Report comprises four parcels formally known as Lot 2 on Plan of Subdivision 613866 and Lot 7 on Title Plan 859376. It is noted the approved area for Stages 1 and 2 is approximately 8ha, while Stage 3 will comprise of 2.25ha.

Prior to development, the land was predominantly cleared for grazing, with the exception of two perpendicular rows of Cottonwood Poplars through the centre of the site and the south-eastern boundary. The land falls from the south-west to the north-east and features a steep monocline through the centre that runs from east to west across the land. Development of Stages 1 and 2 has commenced on the land and is visible through extensive earthworks having occurred on the northern portion of the site to accommodate the development of roads, services and drainage.

Vehicle access to the land is provided via an access point which has been created near the corner of Stackey Gully Road and Great Alpine Road.

The land is located approximately 2km to the north-west of the Bright town centre along the Great Alpine Road/Gavan Street. Land surrounding the subject land to the north and west is within the Farming Zone while the land to the east is within the General Residential and Low Density Residential Zones (refer to Figure 2). The land immediately to the south/south-west is a timber plantation owned by HVP Plantations

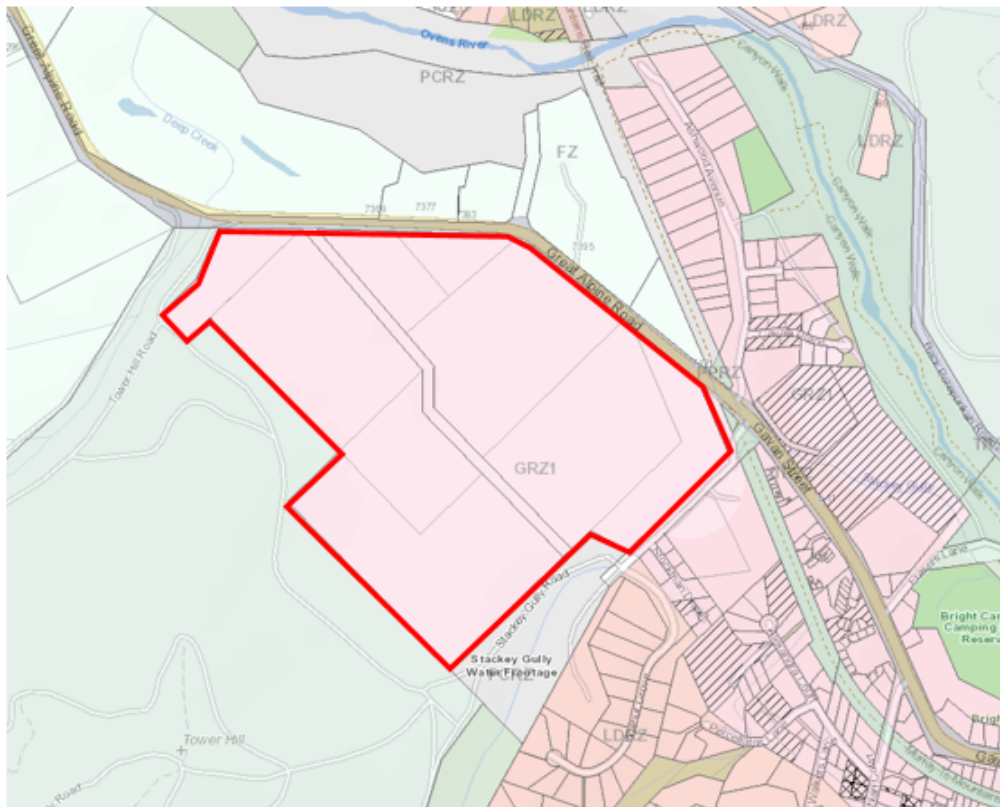


Figure 2: Zoning of subject site and surrounding land

ABORIGINAL CULTURAL HERITAGE

Regulation 7 of the Aboriginal Heritage Regulations 2018 states:

A cultural heritage management plan is required for an activity if—

- a. all or part of the activity area for the activity is an area of cultural heritage sensitivity and*
- b. all or part of the activity is a high impact activity.*

The subject site is within an area of cultural heritage sensitivity and subdivision is classified as a High Impact Activity. There are no exemptions that apply and as such, a Cultural Heritage Management Plan (CHMP) is required to be provided prior to the issue of a Planning Permit in accordance with Section 52 of the *Aboriginal Heritage Act 2006*. The applicant provided Cultural Heritage Management Plan No. 13768 by Red-Gum Environmental Consulting which was approved by Aboriginal Victoria on 17 May 2016.

PUBLIC NOTIFICATION

Pursuant to Clause 43.04-3 of the Alpine Planning Scheme, an application under any provision of the planning scheme is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act if a development plan has been prepared.

The Bright Western Gateway Development Plan (V06 June 2022) was adopted by Council in July 2022; therefore, this application is exempt from the notice requirements.

Notwithstanding the above, the application has been made available in accordance with the public availability requirements of the *Planning and Environment Act 1987* (Section 197A(2)(c) by placing a copy on Council's website.

REFERRALS

Referrals / Notice	Advice / Response / Conditions
Section 55 referrals:	<ul style="list-style-type: none"> • North East Water (NEW) – Conditional Consent dated 16 July 2025 • Country Fire Authority (CFA) – Conditional consent dated 4 June 2025 • Department of Transport and Planning (DTP) – Conditional Consent received 6 February 2025 • North East Catchment Management Authority (NECMA) – Conditional Consent dated 21 January 2025 • SP AusNet- Condition Consent dated 24 June 2025 • Goulburn Murray Water (GMW) – Conditional Consent dated 21 January 2025
Internal referrals:	<ul style="list-style-type: none"> • Engineering Department – Required additional information which can be addressed through conditions.

PLANNING ASSESSMENT

MUNICIPAL PLANNING STRATEGY AND PLANNING POLICY FRAMEWORK

The relevant Clauses from the Municipal Planning Strategy and Planning Policy Framework are listed below.

Clause 02.03-1 Settlement

This clause identifies Bright's role in servicing the surrounding settlements in the Shire. It states that opportunities for development within the Shire are influenced by the surrounding land, proximity to road infrastructure, and community, health and recreational opportunities.

The application provides the opportunity to increase the lot yield in an area which is proximate to road infrastructure as well as the community, health and recreational facilities which are located in and around the Bright township.

Clause 02.03-2 Environmental and Landscape Values

The protection of biodiversity, native vegetation and waterways is a key objective of this clause. The proposed subdivision is designed to respond to the environmental and landscape values in the surrounding area.

The application provides a site responsive design that has a diverse range of lots sizes in an area where the land features only a gentle fall. The proposed lots are located in an

area which is clear of vegetation. The layout also provides an appropriate interface to the trees which line the Great Alpine Road and the drainage basin to the west.

Clause 02.03-5 Built Environment and Heritage

Strategic directions for built environment and heritage within the Shire ensure that new development is consistent with the existing township character and responds to built and natural landscapes. This includes an emphasis on aesthetics, liveability and environmentally sustainable development. This clause states that residential land within the Alpine Shire is characterised by a variety of lot sizes and shapes including irregular battle axe type allotments.

The proposed development provides a range of lot sizes which range from 199 sqm to 610sqm which will allow for a diversity of dwelling types while also protecting and enhancing the surrounding natural landscapes.

The development offers a design featuring convenient road networks and safe and attractive spaces for walking and cycling.

Clause 11 Settlement & Clause 11.01-11-02 Bright

The objective of Clause 11 is to anticipate and respond to the needs of existing and future communities through the provision of zoned and serviced land for housing.

The proposed subdivision creates a unique and site responsive residential development that offers a diversity of lot sizes therefore opportunity for a range of housing types.

Under Clause 11.01-11-02, local policy aims to maintain and enhance the character of Bright as a vibrant place to visit and live.

The proposed subdivision responds to the established and valued character of Bright, through a subdivision design that has considered the topography and features of the land, landscaping, and the provision of a network of shared pathways.

Clause 11.02-S Supply of Urban Land

Clause 11.02-S includes the objective to ensures there is sufficient land available to meet forecast demand.

The proposal responds to the current and future residential demand, providing 53 residential lots in a variety of sizes, located within the Bright township.

Clause 11.03-2S Growth Areas

This clause includes the objective to locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas.

The proposed internal layout provides safe and convenient access and site permeability, with connections to the surrounding road network.

Clause 11.03-6S Regional and Local Places

This clause includes the objective to facilitate integrated place-based planning, along with the following strategies:

- Integrate relevant planning considerations to provide specific direction for the planning of sites, places, neighbourhoods and towns.
- Consider the distinctive characteristics and needs of regional and local places in planning for future land use and development.

The proposal responds to the existing physical environment and local character using a place-based planning and design approach. The proposal offers landscaping and an internal layout that ensures the future development respects and enhances the aesthetic context of Bright while corresponding with the existing built environment and natural values.

Clause 12.05-2S & Clause 12.05-2L – Landscapes

These clauses seek to protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments.

The Development Plan allows for a layout which responds to the surrounding landscape environment, with larger allotments on the hillside while smaller lots are proposed closer to the Great Alpine Road. Stage 3 of the development provide for a range of small to mid-sized allotments which are configured to in mitigating potential bushfire risk and subsequent environmental impacts.

Clause 13.02 Bushfire

The objective of this Clause is *“To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.”* The policy seeks to protect life and community well-being from bushfire, as well as ensuring that development does not exacerbate the risk of environmental hazards.

The subject site is within a Bushfire Prone Area and is affected by the Bushfire Management Overlay. The site is within the General Residential Zone and accordingly Clause 52.03 AM5.2 applies.

The proposal appropriately responds to and reduces bushfire risk. This is addressed in greater detail below in response to the Bushfire Management Overlay (BMO). It has been demonstrated that the proposed subdivision can comply with the requirements of AM5.2.

Clause 13.03-1S Floodplain Management

This clause includes the objective to assist the protection of life, property and community infrastructure from flood hazard, including coastal inundation, riverine and overland flows. It also assists the protection of flood carrying capacity and storage function of waterways, as well as environmentally significant floodplain areas.

While a Land Subject to Inundation Overlay (LSIO) does apply to the land, the proposed residential development that forms part of this permit application area is not within the area covered by the LSIO. The application was referred to NECMA who gave conditional consent to the proposal.

Clause 15.01-3S & Clause 15.01-4S - Subdivision Design and Healthy Neighbourhoods

Clause 15.01-3S and Clause 15.01-4S seek to ensure the design of subdivisions achieves attractive, safe, accessible and diverse and sustainable neighbourhoods that foster healthy and active living.

The proposed subdivision achieves this objective by providing a range of lot sizes that allow for development of a variety of dwelling sizes while also protecting the natural landscapes on the land. Furthermore, a convenient road network and public open space will facilitate walking and cycling throughout the subdivision and connection with the Bright township.

Clause 15.01-5S Neighbourhood Character

The objective of Clause 15.01-5S is to recognise, support and protect neighbourhood character, cultural identity and sense of place by ensuring development responds to its context and reinforces the valued features and characteristics of the local environment.

The proposal is considered to respond to this clause by utilising the existing features of the land to determine lot size and road layout. The pattern of subdivision and open spaces are responsive to the growing community and will allow for housing products and open spaces that have the ability to contribute to Bright's existing neighbourhood character.

Clause 15.03-2S Aboriginal Cultural Heritage

The objective of Clause 15.03-2S is to ensure the protection and conservation of places of Aboriginal cultural heritage significance.

The subject land is within an area of Cultural Heritage Sensitivity and subdivision is classified as a High Impact Activity. An approved CHMP No. 13768 by Red-Gum Environmental Consulting has been provided to address the objectives of this clause.

Zoning and land use

Clause 32.08 General Residential Zone – Schedule 1

The land is within the General Residential Zone – Schedule 1 (GRZ). The purpose of the General Residential Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*

- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

Pursuant to Clause 32.08-3, a permit is required to subdivide land and must meet the requirements of all the objectives and requirements of Clause 56 except for 56.03-5. An assessment of the subdivision against the provisions of Clause 56 demonstrates a high level of compliance with both the objectives and standards. The assessment is provided as an attachment to this report.

Overlays:

Clause 43.04 Development Plan Overlay Schedule 3

The land is affected by the Development Plan Overlay Schedule 3 (DPO3) The purpose of the DPO is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.*
- *To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.*

Pursuant to Clause 43.04-2 a permit must not be granted to use or subdivide land or construct or carry out works until a Development Plan has been prepared. As a Development Plan was adopted by Council in July 2022, a permit granted must be generally in accordance with the approved Development Plan and include any conditions or requirements specified in a schedule to the overlay.

The proposed stage 3 of the subdivision is considered to be generally in accordance with the approved Development Plan.

The proposal is consistent with these requirements and the strategic intent for the land as it:

- Integrates the existing and proposed land uses, road networks and intersections;
- Provides a range of lot sizes;
- Demonstrates that landscaping can be delivered and maintained in accordance with the relevant bushfire mitigation requirements;
- Has the ability to comply with the Bushfire Mitigation requirements of DPO3;
- Works within the LSIO have the consent of NECMA;
- Continues to add to the expansive path network with provision for pedestrians and cyclists;
- Respects the views of the land from the Great Alpine Road, including the 50 metre amenity buffer within the site which will be subject to conditions on permit requiring landscape master planning.

The overall proposal and subdivision design is considered to be generally in accordance with the Development Plan.

Clause 44.06 – Bushfire Management Overlay

The site is included in the Bushfire Management Overlay which has the purpose:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

Pursuant to Clause 44.06-2, a permit is required to subdivide land. An application must be accompanied by a bushfire hazard site assessment, a bushfire hazard landscape assessment and a bushfire management statement. The applicant supplied a Bushfire Development Report which addressed the application requirements of Clause 44.06-3.

The mandatory condition listed under Clause 44.06-5 will be included on any permit issued. The application was referred to the CFA and conditional consent was provided in June 2025 which includes a number of conditions that will be included on the permit. The application has been considered against the decision guidelines of Clause 44.06-8 and can be supported as the proposal positively responds to the Municipal Planning Strategy and the Planning Policy including bushfire provisions.

Clause 44.04 Land Subject to Inundation Overlay

A portion of the subject site is affected by the Land Subject to Inundation Overlay (LSIO). The purpose of the LSIO is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority.*
- *To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.*
- *To minimise the potential flood risk to life, health and safety associated with development.*
- *To reflect a declaration under Division 4 of Part 10 of the Water Act, 1989.*
- *To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.*

- *To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.*

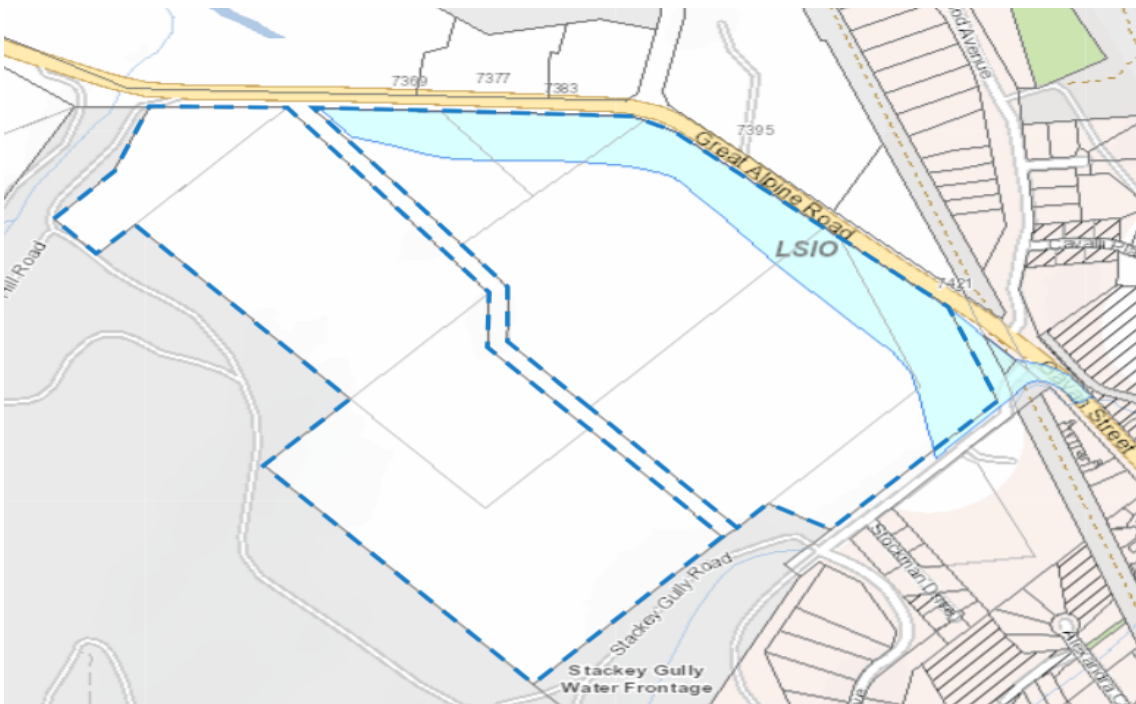


Figure 3: Subject site and LSIO

Pursuant to Clause 44.04-3, a permit is required to subdivide land as well as roadworks if the water flow path is redirected or obstructed. While no residential lots are proposed within the LSIO, the access road into the subject site will extend into the area affected by the overlay.

Pursuant to Clause 44.04-7 the application was referred to NECMA who consented to the grant of a planning permit, subject to conditions being included on any permit issued.

PARTICULAR PROVISIONS

Clause 52.29 Land Adjacent to the Principal Road Network

The purpose of this clause is to ensure appropriate access to the Principal Road Network and appropriate subdivision of land adjacent to the Principal Road Network.

Pursuant to Clause 52.29-2 a permit is required to create or alter access to a road in a Transport Zone 2 and to subdivide land adjacent to a road in a Transport Zone 2.

The application was referred to the DTP as the relevant road authority for the Great Alpine Road, pursuant to Section 55 of the *Planning and Environment Act 1987*. DTP have consented to the application subject to conditions.

Clause 53.02 Bushfire Planning

Clause 53.02 applies to an application under Clause 44.06 – Bushfire Management Overlay. The purpose of this clause is to ensure development is only permitted where the

risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.

Clause 53.02-4.4 – Subdivision Objectives specifies bushfire protection measures to develop on land zoned for residential purposed to be implemented at the subdivision stage.

The Bushfire Development report submitted as part of this application includes a *Bushfire Management Statement* which details how the proposal responds to the requirements and objectives of Clause 53.02. The subject land is within the General Residential Zone, therefore AM5.2 applies, and it has been demonstrated that the proposed subdivision can comply with the requirements of AM 5.2. The CFA have provided condition consent which includes the requirement for dwellings to be constructed to a BAL 29.

Clause 56 Subdivision

The purpose of Clause 56 is to create liveable and sustainable neighbourhoods with character and identity and achieve residential subdivision outcomes that appropriately respond to the site and its context.

Pursuant to Clause 32.08-3, an application to subdivide land must meet the requirements of all the objectives and requirements of Clause 56.

- A Clause 56 assessment is provided as an attachment to this report.

GENERAL PROVISIONS:

Clause 65.01 and Clause 65.02 - Decision Guidelines

For all planning permit applications made under the Alpine Planning Scheme, consideration must be given, as appropriate, to the decision guidelines at Clause 65.01 and 65.02.

The assessment of the application has included an assessment against these guidelines and found that the proposal is consistent with relevant zones, overlays, provisions and policy in the Planning Scheme and should be supported.

CONCLUSION

The proposed subdivision provides for the creation of 53 allotments of varying sizes and provides for the logical and sequential expansion of the residential development which form stages 1, 2a and 2b of the Bright Valley Development.

The layout has been assessed and is considered to be consistent with the policies contained within the Planning Policy Framework, and the purpose and decision guidelines of the General Residential Zone Bushfire Management Overlay and Land Subject to Inundation Overlay; and is considered to be generally in accordance with the approved Development Plan.

In summary, stage 3 of the Bright Valley Development supports the continued and appropriate increase in lot yield within a developing and serviced area of the Bright township and on this basis can be supported.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate and Community
- Manager Regulatory Services

ATTACHMENTS

1. **8.3.4.1** P.2025.002 Stage 3 - Urban Design Master Plan
2. **8.3.4.2** P.2025.002 Stage 3 - Conditions

8.3.5 P.2024.068 - 12 Jubilee Street, Myrtleford

Application number:	<i>P.2024.068</i>
Proposal:	<i>Use and development of the land for industry; construction of a shed; reduction to car parking requirements.</i>
Applicant's name:	<i>Amandah Downie, Vic Permit Applications</i>
Owner's name:	<i>K & M Golden</i>
Address:	<i>12 Jubilee Street, Myrtleford</i>
Land size:	<i>779m²</i>
Current use and development:	<i>Vacant</i>
Site features:	<i>Nil</i>
Why is a permit required?	<i>Clause 33.03-1 - Use land for Industry (due to being within 30m of a residential zone)</i> <i>Clause 33.01-4 - Construct a building or construct or carry out works</i> <i>Clause 52.06-3 - Reduce the number of car parking spaces required</i>
Zoning:	<i>Industrial 1 Zone (IN1Z)</i>
Overlays:	<i>Nil</i>
Restrictive covenants on the title?	<i>Nil</i>
Date received:	<i>8 July 2024</i>
Statutory days:	<i>257 days</i>
Planner:	<i>Matt Novacevski, Statutory Planning Coordinator</i>

RECOMMENDATION

That a Notice of Decision to grant a planning permit be issued for use of the land for the purpose of Industry, construction of a shed and reduction to car parking requirements in accordance with the conditions outlined in as per the Attachment - Condition and for the following reasons:

- 1. The proposal demonstrates broad compliance with the relevant provisions of the Alpine Planning Scheme, including***

- a. Clause 02.03-7 (Economic Development) of the Municipal Planning Strategy.*
 - b. Clauses 17.01-1L (Diversified Economy), 17.02-1S (Business) and 17.03-2L (Sustainable Industry) of the Planning Policy Framework and the Industrial 1 Zone.*
 - c. The purpose of the Industrial 1 Zone.*
- 2. The proposed reduction to car parking requirements is appropriate given the nature of the use. Of note:*
 - a. The Applicant has provided a Car Parking Demand Assessment which adequately outlines the operational requirements of the business and associated vehicle movements.*
 - b. The reduction of five spaces is unlikely to have any impact on local amenity, nor on the character of the area.*

PROPOSAL

The application seeks approval to use the land for the purpose of Industry with associated construction of a shed and reduction to car parking requirements. The use and construction will support an electrician's business, essentially being a 'base' for tradespeople associated with the business. The building will provide a space for the business owners to store tools and vehicles, carry out repair works and minor activities such as welding, as well as provision for a staff lunchroom and carrying out administrative work.

The premises will not be accessible to the general public and will only be used by the business owners and occasional sub-contractors.

Finished in Slate Grey Colorbond, the building will measure 32 metres long by 13 metres wide, with a maximum height of 6.16 metres. Access will be provided via two roller doors and a pedestrian door on the north-west (front) elevation.

In regard to the reduction to car parking requirements, the use will provide 7 spaces within the shed structure. Pursuant to Clause 52.06, 12 spaces are required based on the floor area of the building. A reduction of 5 spaces is thus sought and given this is greater than a 20% reduction the application is required to be decided by Council in line with the 2023 Alpine Shire Better Planning Approval Guidelines. The application included a Car Parking Demand Assessment which provided detail about the operational nature of the business and its parking requirements, and officers view is that the assessment justifies the proposed reduction in car parking spaces onsite.

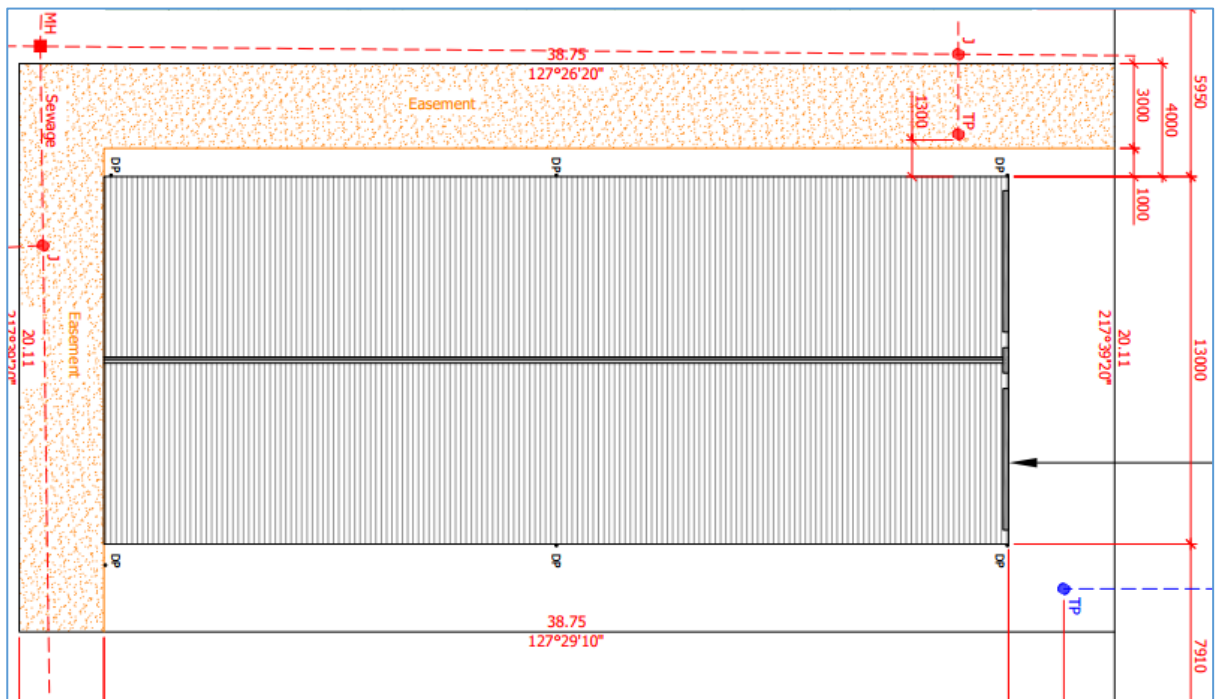


Figure 1: Development layout on site.

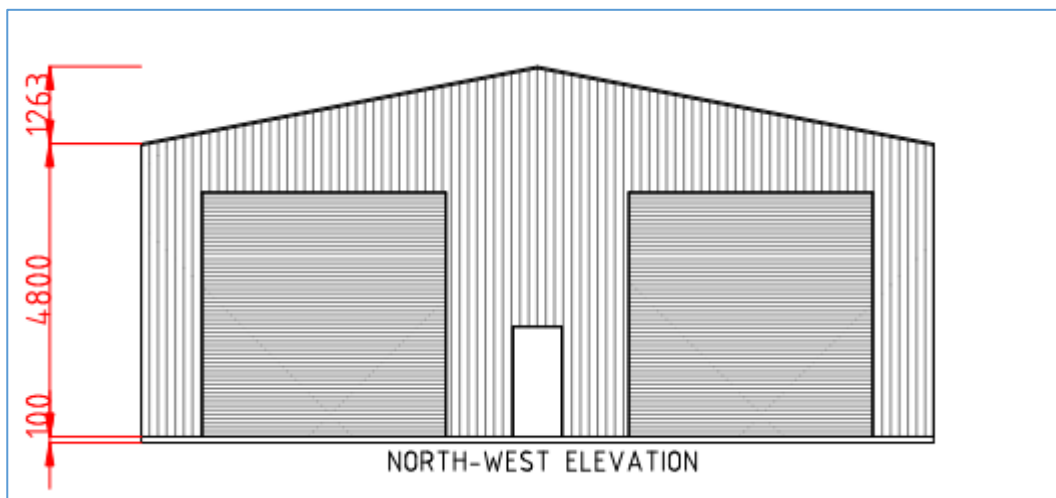


Figure 2: Front elevation facing Jubilee St

SUBJECT LAND AND SURROUNDS

The subject site is located on the south-east side of Jubilee Street. The site is regular in shape with a frontage to Jubilee Street of just over 20 metres, and a depth of 38.75 metres. The land is currently vacant.

Many allotments in the vicinity of the site are developed with warehouse-type buildings similar to what is currently proposed, while others appear to be used for vehicle storage or other industrial uses.

Properties to the rear of the subject site contain dwellings in Toner Avenue, which falls under the General Residential Zone.



Figure 3: Aerial image of subject site and surrounding properties.

PUBLIC NOTIFICATION

The application was advertised in accordance with Section 52 of the *Planning and Environment Act 1987*. Notice of the application was sent to owners and occupiers of five surrounding properties, while a sign was also displayed on the subject land.

One submission was received from a nearby resident, raising the following matters:

- No objection to the construction of the shed and activity relating to its use.
- Flooding occurs to the rear of submitter's property during heavy rain events, with concern that adding further development will exacerbate the flooding issue.

REFERRALS

Referrals / Notice	Advice / Response / Conditions
Section 55 referrals:	Goulburn Murray Water: No objection subject to inclusion of standard conditions on permit.
Internal / external referrals:	ASC Engineering: No objection subject to inclusion of standard conditions on permit, including some relating to drainage.

PLANNING ASSESSMENT AND RESPONSE TO GROUNDS OF OBJECTION

All applicable policy and decision guidelines can be found below.

STATE AND LOCAL PLANNING POLICY FRAMEWORK

The Municipal Planning Strategy (MPS) and Planning Policy Framework (PPF) give support to the proposal with the following relevant objectives and policy listed:

Clause 02.03-7: Economic Development

In regard to business, this clause identifies that most commercial operators are retail and service businesses in the large townships, with a key strategic direction being to 'encourage economic diversity and emerging shifts in economic activity.

In regard to industry, the policy notes that existing industrial precincts within the Shire are close to capacity, with some also located in close proximity to residential uses.

Clause 17.01-1L: Diversified Economy

Key strategies of this policy are to:

- Reinforce the important commercial, service and employment roles played by large townships.
- Facilitate the growth of existing businesses.

Clause 17.02-1S: Business

The objective of this policy is to encourage development that meets the community's needs for retail, entertainment, office and other commercial services.

Clause 17.03-2L: Sustainable Industry

The policy seeks to ensure that the use and development of sites within industrial precincts are for industrial uses.

The above policy gives clear support to the proposal. The following response can be provided:

- The proposal facilitates the growth of a service business within a large township, but which will likely provide service across the Shire.
- The use will contribute to the service and employment roles played by large townships and will facilitate the growth of an existing business.
- The use and development will contribute to meeting the community's needs for relevant service businesses.
- The use and development of an industrial-type business within a designated industrial precinct is entirely appropriate and supported by the policy.

ZONING AND LAND USE

The subject land is zone Industrial 1. The use and development are consistent with the purpose and decision guidelines for the following reasons:

- They facilitate an industry-type use which includes storage of goods and vehicles and carrying out of repairs associated with a trade business.
- The use does not incorporate any manufacturing activities, thus is unlikely to have any impact on the safety or amenity of the surrounding area, nor would the use itself be impacted by other uses in the vicinity.
- The site has full access to reticulated services.
- The application has indicated that there would be no visitors to the site - it would only be used by the owners and some sub-contractors of an electrician business as their 'base'. Consequently, there would be limited traffic movement to and from the site.
- The dimensions, colours and materials of the building are consistent with other developments in the surrounding industrial area and are therefore considered appropriate within this context.
- While some concerns have been raised by a nearby property owner around drainage, it is considered the recommended permit conditions are sufficient to mitigate these concerns.

TRAFFIC MANAGEMENT

Council's Engineering Coordinator reviewed the development and granted consent subject to conditions. In particular, they noted in consideration of the operational nature of the use that the proposed reduction to car parking requirements is reasonable.

A key purpose of Clause 52.06 is to 'provide an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality'. The car parking rate for an industrial use is 2.9 spaces to each 100 square metres of floor area which, in this case, equates to 12 spaces. A total of 7 spaces are to be provided within the building, equating to a shortfall of 5 spaces.

The unique nature of the use and the demand assessment supplied demonstrate that a reduction is appropriate. The building will not be open to the general public and will typically only be attended by the two owners of the business along with occasional sub-contractors. Consequently, vehicle movements to and from the site will be low. The application explains that the owners' private vehicles will be parked in the building during business hours while they utilise the work vehicles, meaning the work vehicles will be stored on site after hours. This arrangement means it is unlikely any vehicles associated with the business will be parked on the street.

Given this context, it is reiterated that the proposed reduction to car parking is acceptable.

NOISE POLLUTION

It is not expected that the use of the building would result in any unreasonable noise impacts.

WASTE POLLUTION

The subject site is able to be connected to reticulated services.

CONCLUSION

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

- The proposed use and development are consistent with the purpose of the zone and with surrounding land uses.
- A reduction to car parking requirements by five spaces is acceptable given the operational nature of the use.
- Permit conditions around drainage matters are considered appropriate to mitigate concerns raised by a nearby property owner.
- The use will facilitate the ongoing operation of a local business, contributing to employment within the local area.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate and Community
- Manager Regulatory Services
- Statutory Planning Coordinator

ATTACHMENTS

1. **8.3.5.1** P.2024.068 - Conditions

8.3.6 P.2025.017 - 13 McGeehan Crescent, Myrtleford

Application number:	<i>P.2025.017</i>
Proposal:	<i>Construction of an industrial shed for the purpose of heavy machinery repairs and a reduction in the parking requirements.</i>
Applicant's name:	<i>Habitat Planning</i>
Owner's name:	<i>Alpine Heavy Machinery</i>
Address:	<i>Lot 37 on LP216262 (6 Chambers Street, Myrtleford)</i>
Land size:	<i>2026sqm (0.501acres)</i>
Current use and development:	<i>Vacant</i>
Site features:	<i>Flat, cleared land.</i>
Why is a permit required?	<i>Clause 33.01-4 – to construct a building or construct or carry out works.</i> <i>Clause 52.05-2 - to construct or put up for display a sign in Section 2.</i> <i>Clause 52.06-3 – To reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay.</i>
Zoning:	<i>IN1Z</i>
Overlays:	<i>None</i>
Restrictive covenants on the title?	<i>None</i>
Date received:	<i>5 March 2025</i>
Statutory days:	<i>47 days</i>
Planner:	<i>Matt Novacevski, Statutory Planning Coordinator</i>

RECOMMENDATION

That a Notice of Decision to grant a planning permit be issued for Construction of an industrial shed for the purpose of heavy machinery repairs and a reduction in the parking requirements, in accordance with the Conditions outlined in the Attachment - Conditions for the following reasons:

- 1. The proposal broadly aligns with the objectives and provisions of the Industrial 1 Zone.***
- 2. The proposed buildings and works align with the purpose of the Industrial 1 Zone, Planning Policy Framework and are an acceptable response to the streetscape character, pursuant to Clause 33.01 of the Alpine Planning Scheme.***
- 3. The proposed signage is appropriate for the proposed operation and the location, in line with 52.05 of the Alpine Planning Scheme.***
- 4. The reduction in car parking requirements has been assessed and is considered appropriate for the proposed use, pursuant to Clause 52.06 of the Alpine Planning Scheme.***

PROPOSAL

The application seeks approval for the development of an industrial building to be used for motor repairs, comprising a workshop area, parts store, storage area, reception lunchroom, toilet and a mezzanine level storage and office area. The proposal includes a 2100mm Colorbond boundary fence to the eastern, southern and western boundaries; Colorbond roller doors, Colorbond cladding and roof in monument and shale grey respectively.

The total floor area of the development is 696m², comprising of 522m² on the ground floor and 174m² on the mezzanine level.

The proposal includes ten (10) outdoor parking spaces, three (3) service bays, a new crossover and vehicle accessway from Chambers Street Avenue. Vehicle accessways and car spaces on site are to be provided with all-weather seal. The aggregate total of 13 car parking spaces is less than the standard rate specified at Clause 52.06 for this type and floor area of development, which would be 22. The parking space provision is more than 20% below the standard set in the Alpine Planning Scheme, hence the proposal being referred to Council in accordance with the Alpine Shire Council Better Planning Approval Guidelines (2023).

The development also involves a north-facing, non-illuminated business identification sign 2.35m high by 4.95m wide and depth of 2 mm with an area of 11.8m, for which a permit is required under Clause 52.05 of the Alpine Planning Scheme.

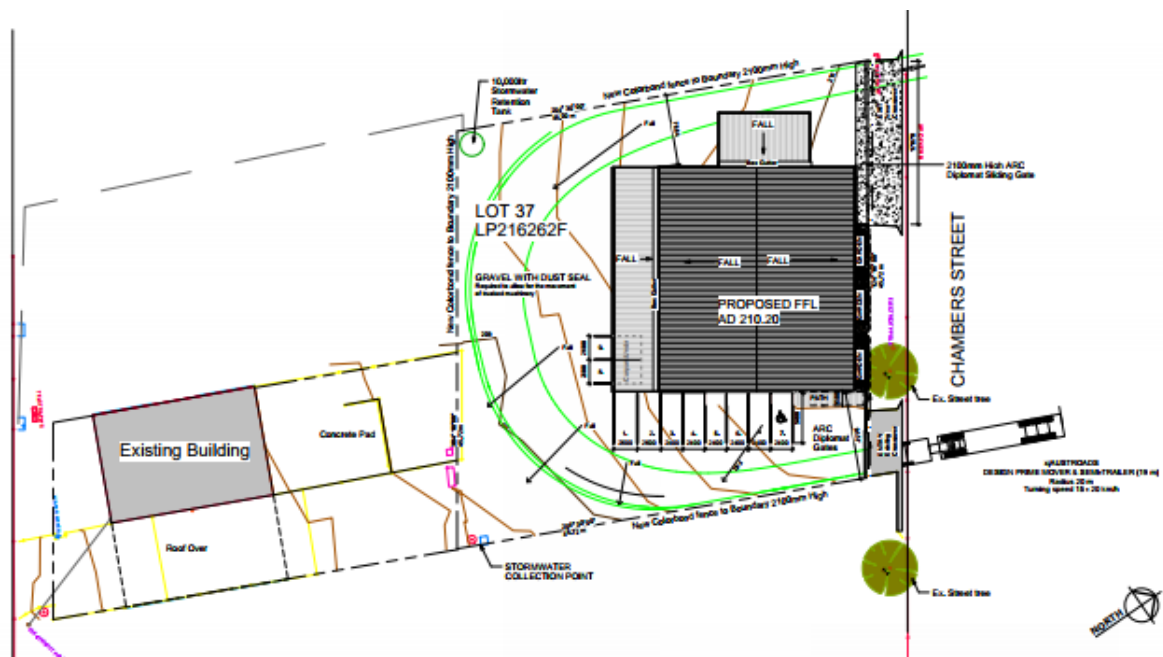


Figure 4: Shows the development layout on site.

SUBJECT LAND AND SURROUNDS

The subject site is located on the southern side of Chambers Street. The site is generally square in shape with a frontage to Chambers Street of 46m and a depth of 45m with an area of 2026m². The site, known as 37\LP216262, adjoins industrial properties on either side, to the rear and opposite. The site is cleared and vacant. The street address on title is 13 McGeehan Crescent, however this lot has no frontage to McGeehan Crescent.

PUBLIC NOTIFICATION

This permit application was exempt from any public notification requirements or third-party appeal rights under the Alpine Planning Scheme as follows: Pursuant to Clause 33.01-4, 52.05-7 and 52.06-4 of the Alpine Planning Scheme, applications to construct or carry out works are exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

REFERRALS

The application was required to be referred to GMW Water under Section 55 of the *Planning and Environment Act (1987)*, and to Council's Engineering department. Both provided no objection subject to conditions, as follows:

Referrals / Notice	Authority	Advice / Response / Conditions
Section 55 referrals:	Goulburn Murray Water	Consent with conditions

Referrals / Notice	Authority	Advice / Response / Conditions
Internal/external referrals:	Engineering	Consent with conditions

PLANNING ASSESSMENT

STATE AND LOCAL PLANNING POLICY FRAMEWORK

The State Planning Policy Framework (SPPF) and Local Planning Policy Framework (LPPF) give support to the proposal with the following objectives and policy listed: Clause 02.03-1 (Settlement), Clause 02.03-7 (Economic development), Clause 11.01-1L-03 (Myrtleford) and Clause 15.01-1L-03 (Design of Industrial Development). The proposal supports the provision appropriately designed and located industrial development in Myrtleford.

ZONING AND LAND USE

The subject land is zoned Industrial 1. The development is consistent with the zone's purpose and decision guidelines. A key purpose of this zone is to provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities. The proposed buildings and works satisfy this purpose.

The proposed buildings and works are proposed to be used for motor vehicle repairs. This is classified as a form of Light Industry in the Alpine Planning Scheme, and this use is exempt from planning permit requirements in the scheme where the following is met:

- Must not be a purpose listed in the table to Clause 53.10 with no threshold distance specified.
- The land must be at least the following distances from land (not a road) which is in an Activity Centre Zone, Capital City Zone, Commercial 1 Zone, Docklands Zone, residential zone or Rural Living Zone, land used for a hospital, an education centre or a corrective institution or land in a Public Acquisition Overlay to be acquired for a hospital, an education centre or a corrective institution:
 - a. The threshold distance, for a purpose listed in the table to Clause 53.10.
 - b. 30 metres, for a purpose not listed in the table to Clause 53.10.
- Must not:
 - a. Exceed a fire protection quantity under the Dangerous Goods (Storage and Handling) Regulations 2022.
 - b. Require a notification under the Occupational Health and Safety Regulations 2017.
 - c. Require a licence under the Dangerous Goods (Explosives) Regulations 2011.
 - d. Require a licence under the Dangerous Goods (HCDG) Regulations 2016.
- Must not adversely affect the amenity of the neighbourhood, including through the:

- a. Transport of materials, goods or commodities to or from the land.
- b. Appearance of any stored goods or materials.
- c. Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

The proposed development complies with the above requirements.

SIGNAGE

Pursuant to Clause 52.05-2, the site is located within a Category 2 area, whereby a permit is required to display a business identification sign. The proposed sign complies with the decision guidelines at Clause 52.05-8, in that it integrates with the existing and desired character of the area and is appropriate in relation to the site, building and proposed activities.

TRAFFIC MANAGEMENT

Council's Engineering Coordinator reviewed the development and granted consent subject to conditions.

CAR PARKING REQUIREMENTS

A permit is required to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5.

The application provides for ten (10) off street car spaces and an additional three (3) for vehicles being serviced. The applicant assessed the application as "motor repairs" which is nested in the scheme within "service industry".

For motor repairs, the car parking required is three (3) spaces per 100sqm (648sqm) of net floor area plus one (1) for each vehicle being serviced, repaired or fitted with accessories, including vehicles waiting to be serviced, repaired, fitted with accessories or collected by owners. Based on these calculations, 22 car parking spaces would be required to meet the standards specified at Clause 52.06, and therefore a waiver of car parking requirements is sought. As the waiver sought involves a more than 20% reduction in car parking, the application has been referred to Council for decision.

The initial plans proposed nine (9) car parks (including three (3) for vehicles being serviced). Following feedback around the parking requirements, revised plans were submitted allowing for a total of 13 spaces. The revised plans have been taken into consideration in conjunction with the submitted Car Parking Demand Assessment when assessing the application to waive the requirements of Clause 52.06. In this instance, the parking provision on site is considered appropriate to service the operation.

CONCLUSION

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

- The proposed use is "as of right" use in the Industrial 1 Zone, pursuant to Clause 33.01-1 of the Alpine Planning Scheme.

- The proposed buildings and works align with the purpose of the Industrial 1 Zone, Planning Policy Framework and are an acceptable response to the streetscape character, pursuant to Clause 33.01 of the Alpine Planning Scheme.
- The proposed business identification sign is appropriate for the proposed operation and the location, pursuant to Clause 52.05 of the Alpine Planning Scheme.
- The reduction in car parking requirements has been assessed and is considered appropriate for the proposed use, pursuant to Clause 52.06 of the Alpine Planning Scheme.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate and Community
- Manager Regulatory Services
- Statutory Planning Coordinator

ATTACHMENT(S)

1. **8.3.6.1** P. 2025.017 - Conditions

8.3.7 P.2025.062 - Development Plan - 12 Simmonds Creek Road, Tawonga South

Application number:	<i>P.2025.062</i>
Proposal:	<i>Approval of Development Plan</i>
Applicant's name:	<i>Oxley and Co.</i>
Address:	<i>12 Simmonds Creek Road, Tawonga South</i>
Land size:	<i>48.53ha</i>
Current use and development:	<i>Vacant land</i>
Why is a permit required?	<i>43.04-2 - Development plan approval required before land is subdivided.</i>
Zoning:	<i>Low Density Residential Zone (LDRZ)</i>
Overlays:	<i>Development Plan Overlay Schedule 2 (DPO2), Bushfire Management Overlay (BMO)</i>
Restrictive covenants on the title?	<i>None</i>
Date received:	<i>8 July 2025</i>
Statutory days:	<i>49 days</i>
Planner:	<i>Rebecca Mouy, Manager Regulatory Services</i>

RECOMMENDATION

That the Development Plan be approved subject to the following notations being provided on the plan:

- a. The Development Plan will expire ten years from the date of approval.***
- b. A Traffic Impact Assessment Report will be required to be submitted to the satisfaction of Council and the Head, Transport for Victoria covering the whole development, before a permit is issued for any subdivision stage proposed in the Development Plan.***
- c. A Water and Sewer Servicing Strategy must be submitted to and approved by North East Water before a permit is issued for any subdivision stage proposed in the Development Plan.***
- d. The Development Plan is conceptual and may be subject to minor change following further detailed design in relation to stormwater treatment, in particular conveyance and detention; creation of access; and the need to retain where appropriate existing street trees. Any subsequent plan of***

subdivision must be generally in accordance with the approved Development Plan.

PROPOSAL

Council has received an application to approve a Development Plan for land at 12 Simmonds Creek Road, Tawonga South, otherwise known as Lot 1, PS538191. The Development Plan presents a high-level plan that would facilitate future subdivision of land with public infrastructure and facilities. Broadly, the plan sets out:

- A four-staged approach to developing the site.
- Drainage reserves and an open space path corridor along the eastern boundary of the site, fronting the Kiewa River.
- Connections to the existing road network including Glenbourn Drive to the south and west.
- How interfaces, including to the Alpine National Park and the Kiewa River, would be addressed.

The four stages of development would be sequenced and allow for different lot sizes in accordance with the Low Density Residential Zone that applies to the site:

- Stage one involves lots between 2000m² and 3500m² across 6.38ha.
- Stage two involves lots between 2000m² and 4500m² across 8.11ha.
- Stage three involves lots between 2000m² and 4500m² across 5.23ha.
- Stage four involves lots between 2000m² and 3500m² as well as a single lot over 14ha that includes an interface to the south of the site and an area as having potential for landslide risk. This is seen as an appropriate response to development constraints in the south of the site.

The lot yield across the development will depend on the final subdivision design.

The process to approve a development plan under the *Planning and Environment Act (1987)* is different from the process by which Council considers and approves planning permits. The remainder of this report steps through the specifics of the site, what the Development Plan entails and what Council must consider in its decision-making. The recommendation for Council to approve the Development Plan would allow for future planning permit applications to be submitted for subdivision or other activities, and these applications would need to generally accord with the approved Development Plan in order for a permit to be granted.

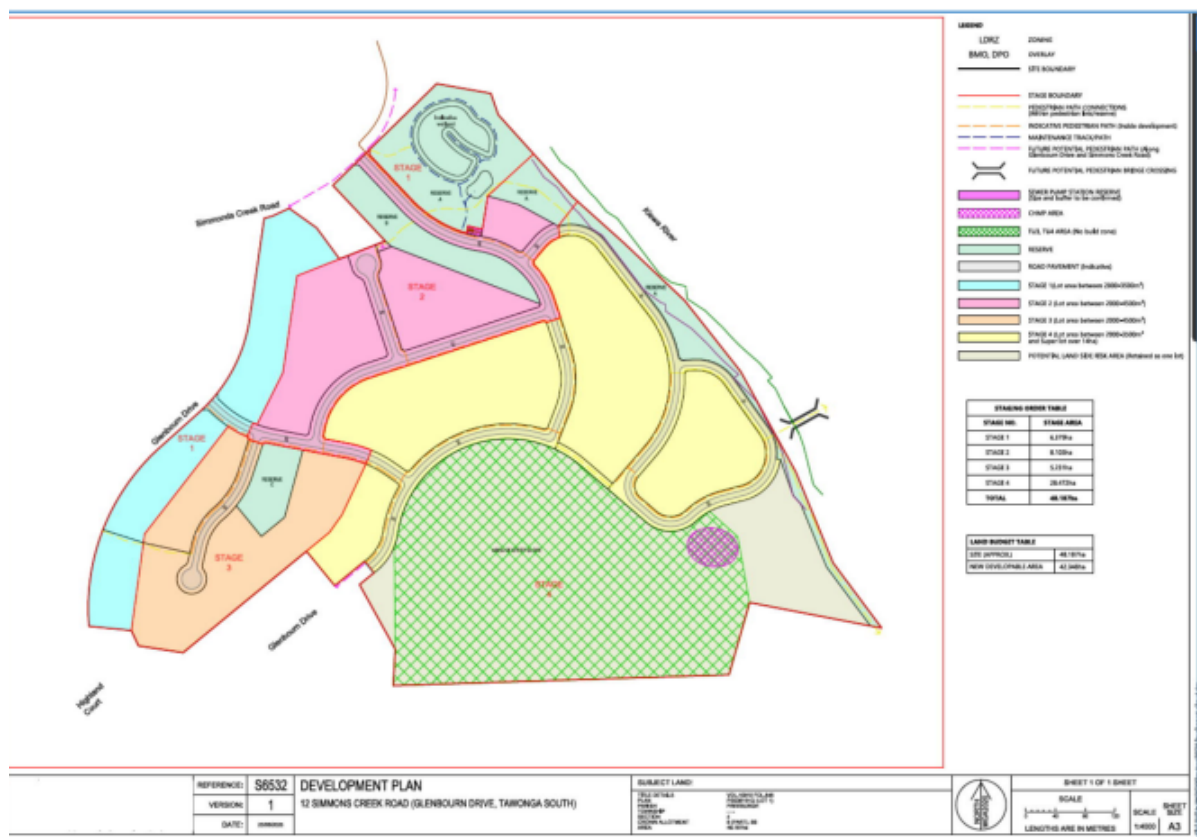


Figure 5: Shows the development layout on site including the road network, pathways along the eastern edge and stages of development in yellow, orange and pink with reserves/no build areas in green.

SUBJECT LAND AND SURROUNDS

The site is a 48.19ha allotment that is currently used for intermittent grazing. Glenbourn Drive, a sealed all-weather road, fronts the west and south west of the site and Simmonds Creek Road runs along the north.

The site is mostly cleared with sparse vegetation that becomes more dense towards the southern boundary that interfaces with forested areas in the Alpine National Park and an area with potential for land slide risks in the south-east of the site. Topography varies, with the south-west of the site a high point that slopes downward toward the Kiewa River in the east. The centre of the site is the flattest area, and a dam is located along the northern boundary.



Figure 6: Subject site overlaid in red. Source: Proponent's planning report/AIMS 2021 Imagery.

MUNICIPAL PLANNING STRATEGY AND PLANNING POLICY FRAMEWORK

Clause 02.03-1 Settlement

This clause identifies Mount Beauty and Tawonga South as a large township which provides a range of community, health and recreational facilities and employment opportunities.

Further the policy directs the 'focus urban land use and development in the townships of Bright, Mount Beauty-Tawonga South and Myrtleford, and Porepunkah.

Clause 02.03-2 Environmental and Landscape Values

The protection of biodiversity, native vegetation and waterways is a key objective of this clause. The proposed subdivision is designed to respond to the environmental and landscape values in the surrounding area.

Clause 02.03-5 Built Environment and Heritage

Strategic directions for built environment and heritage within the Shire ensure that new development is consistent with the existing township character and responds to built and natural landscapes. In particular, it is noted that Mount Beauty and Tawonga South

as distinct townships nestled in the foothills of the Alpine National Park. This includes an emphasis on aesthetics, liveability and environmentally sustainable development. This clause states that residential land within the Alpine Shire is characterised by a variety of lot sizes and shapes including irregular battle axe type allotments.

Clause 02.03-9 Infrastructure

In relation to infrastructure, it is recognised that the major towns in the shire are well served by way of civil infrastructure. This policy also seeks to ensure that development is avoided in areas where infrastructure is limited.

Clause 11 Settlement & Clause 11.01-1L-04 Mount Beauty – Tawonga South

The objective of Clause 11 is to anticipate and respond to the needs of existing and future communities through the provision of zoned and serviced land for housing.

Under Clause 11.01-1L-04, local policy aims to maintain and enhance the significant environmental, heritage, landscape and recreational qualities of the Mount Beauty – Tawonga South townships.

Strategies within this clause seek to facilitate public riverside access and ensuring that lot sizes and density within subdivisions are appropriate.

Clause 11.02-S Supply of Urban Land

Clause 11.02-S includes the objective to ensure there is sufficient land available to meet forecast demand.

Clause 11.03-2S Growth Areas

This clause includes the objective to locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas.

Clause 11.03-6S Regional and Local Places

This clause includes the objective to facilitate integrated place-based planning, along with the following strategies:

- Integrate relevant planning considerations to provide specific direction for the planning of sites, places, neighbourhoods and towns.
- Consider the distinctive characteristics and needs of regional and local places in planning for future land use and development.

Clause 12.05-2S & Clause 12.05-2L – Landscapes

These clauses seek to protect and enhance significant landscapes and open spaces that contribute to character, identity and sustainable environments. In particular these policies reflect the needs to ensure that development does not detract from the qualities or values associated with the natural landscape.

Clause 13.02 Bushfire

The objective of this Clause is *"To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life."* The policy seeks to protect life and community well-being from bushfire, as well as ensuring that development does not exacerbate the risk of environmental hazards.

Clause 15.01-3S & Clause 15.01-4S - Subdivision Design and Healthy Neighbourhoods

Clause 15.01-3S and Clause 15.01-4S seek to ensure the design of subdivisions achieves attractive, safe, accessible and diverse and sustainable neighbourhoods that foster healthy and active living.

Clause 15.01-3S - Aboriginal Cultural Heritage

This policy includes strategies to *"provide for the protection and conservation of pre-contact and post-contact Aboriginal cultural heritage places"*.

Clause 19.03 - Infrastructure

This policy seeks to ensure that infrastructure is planned for and appropriately meets the requirements of the current and future needs of the community.

It also seeks for physical infrastructure should enable it to be provided in a way that is efficient, equitable, accessible and timely.

ZONING AND OVERLAYS

The subject land is zoned Low Density Residential Zone (LDRZ) and is covered by a Bushfire Management Overlay and Development Plan Overlay.

Clause 32.03 - Low Density Residential Zone

The purpose of the Low Density Residential Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.*

There are no triggers under the zone for the approval of a Development Plan.

Clause 43.04 Development Plan Overlay

The land is affected by the Development Plan Overlay. The purpose of the DPO is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.*

- *To exempt an application from notice and review if a development plan has been prepared to the satisfaction of the responsible authority.*

Pursuant to Clause 43.04-2 a permit must not be granted to use or subdivide land or construct or carry out works until a Development Plan has been prepared.

Policy at Clause 43.02 requires Council to consider the Planning Policy Framework, as above, when assessing Development Plans. Clause 43.04-4 also sets out parameters for the preparation of a development plan, which must include the proposed use and development for each part of the land.

The Development Plan is being considered under these provisions.

Clause 44.06 – Bushfire Management Overlay

The site is affected by the Bushfire Management Overlay (BMO). The purpose of the BMO is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.*
- *To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.*

While the risk of bushfire will be considered in the assessment of the Development Plan, there are no triggers under there provision for the approval of a Development Plan.

PROCESS CONSIDERATIONS

As stated in this report, a Development Plan is a high level document that is produced in locations where a Development Plan Overlay applies, to set out an outline for future development that allows for permit applications to be considered.

Council received a previous Development Plan for the site along with a planning permit application for subdivision (P.2021.58). This matter was referred by the permit applicant to VCAT. In VCAT Practice Day hearings earlier this year, preliminary deliberations determined that it would be preferable for the Development Plan itself to be determined before any subdivision application was considered, and that the matter be returned to Council for determination. VCAT subsequently issued an order on 23 May 2025 that returned the permit application P.2021.58 to Council for decision.

The application now before Council (P.2025.062) only involves determining the development plan, in accordance with VCAT's order. Should the development plan submitted under P.2025.062 be approved, future subdivision applications would be assessed against the approved Development Plan.

PUBLIC NOTIFICATION

There is no statutory process for dealing with public input into the consideration and adoption of Development Plans. Further, after Development Plans are adopted, they remove third party appeal rights from subsequent planning applications which are in accordance with an approved Development Plan. Notwithstanding this, Council sent letters to adjoining property owners and occupiers inviting comments in relation to the proposed Development Plan. Submissions received are then duly considered and where appropriate the development Plan amended prior to a final decision being made on the merits or otherwise of the Development Plan. This is consistent with the VCAT decision *Block & Ors v Indigo Shire & Ors [2002] VCAT 199* (28 December 2000).

Two submissions have been received to the application which raised the following concerns:

- Lack of infrastructure to service the development and future residents
- Risk of bushfire
- Risk of landslip
- Lot sizes are inconsistent with existing area of Glenbourn Drive
- Impact on flora and fauna
- Traffic and carparking
- Other issues - economic development, noise pollution, property values and crime

REFERRALS

Similarly, there are no statutory referral requirements applicable for the consideration of a Development Plan. Council has sent a copy of the application to the relevant authorities for comments for consideration in the assessment of the application.

The responses are as follows:

Authority	Advice / Response / Conditions
Transport for Victoria (Department of Transport and Planning)	Seeking a Transport Impact Assessment before approval of any Development Plan. Under the Planning and Environment Act, Council cannot seek a Transport Impact Assessment before approving a Development Plan. As part of the approval, Council can place a condition requiring a Transport Impact Assessment Report for the whole proposed development be submitted before any permit is granted under the Development Plan. This is reflected in the recommendation before Council.
North East Water	No objection, subject to a notation confirming that "a water and sewer servicing strategy must be submitted to North East Water for review and acceptance". The recommendation before Council reflects this and requires that the requested strategy be approved by North East Water before any permit is granted under the Development Plan.

Authority	Advice / Response / Conditions
Goulburn-Murray Water (GMW)	<p>No objection subject to the following notations being included on the development plan:</p> <ul style="list-style-type: none"> • The developer must contact Goulburn-Murray Water's Diversions Operations (Eastern) to determine if a waterway determination is required to be carried out to establish whether there is a waterway which intersects the site and continues as groundwater, prior to discharging into the Kiewa River. • The developer must be able to clearly demonstrate that any water to be captured and managed as stormwater is only water captured from works associated with the management of runoff from built surfaces and not flow from a waterway or the broader catchment. • Drilling or excavation in close proximity to waterways is to be avoided. Should the applicant need to excavate on a waterway (non-registered or designated) or alter a waterway to enable excavation to occur, contact will need to be made with GMW to discuss the Waterway Determination process and the relevant Catchment Management Authority to discuss if a Works on a Waterway would be required.
Country Fire Authority (CFA)	Provided conditions which are not applicable to the consideration of a Development Plan.
Department of Energy, Environment and Climate Action (DEECA)	No objection.

PLANNING ASSESSMENT AND RESPONSE TO SUBMISSIONS

Like planning permit applications, the assessment of a Development Plan must be undertaken against relevant planning policies including the Planning Policy Framework, the zone of the land and applicable overlays including the Development Plan Overlay policy at Clause 43.04 of the Alpine Planning Scheme. An assessment against these provisions now follows.

ASSESSMENT

The application provides the opportunity to increase the lot yield in an area which is proximate to road infrastructure as well as the community, health and recreational facilities which are located in and around the Mount Beauty and Tawonga township which is consistent with the policy direction set out in Clause 02.03-2 of the Municipal Planning Strategy.

The Development Plan provides a responsive design density that will provide for a diverse range of lots sizes in an area where the land features only a gentle fall and is clear of vegetation. The Development Plan provides for areas of public open space along the Kiewa River which provides an appropriate interface and response to sensitivities of the waterway and adjoining environs. This is considered to be consistent with the strategies contained within Clause 11.01-1L-04.

The southern portion of Stage 4 is characterised by steep topography which adjoins forested areas adjacent to the southern boundary. This area has to the has been identified as a 'no build area' which is an appropriate design response given the terrain and interface. The restriction on built form in this elevated area will also ensure that view lines towards the vegetated hills remain unobstructed. It will also enable any future development to be setback from the vegetated area which will assist within mitigating the potential impacts of bushfire which is consistent with Clause 13.02-1S.

Overall, it is considered that the development plan provides an appropriate response to the natural features and constraints of the site which is consistent with the policy objectives of Clauses 02.03-2 and 02.03-5 of the Municipal Planning Strategy as well as Clauses 12.05-2S, 12.05-2L, 15.013S and 15.01-4S of the Planning Policy Framework.

The Development Plan identifies an internal road layout which provides safe and convenient access within the site with connections to the surrounding road network consistent with Clause 11.03-2S.

The Development Plan achieves the objectives of Clause 15.01-3S and Clause 15.01-4S by providing a range of densities across the site as well as an indicative transport connections and areas of public open space.

The area in which the Development Plan applies has been identified as having challenges in relation to the current capacity of water and sewer. This matter was also raised in the submissions received by nearby property owners/occupiers.

The application was referred to North East Water who sought to have a notation included on the Development Plan requiring that the proponent provide a 'Water and Serwer Servicing Strategy' prior to any subsequent subdivision applications being approved. Conditionally, the proposed Development Plan is considered to be consistent with the objectives of Clauses 02.03-9 and 19.03 of the Alpine Planning Scheme.

The Development Plan has been assessed against the purpose and decision guidelines of the Low Density Residential Zone and is considered to demonstrate capacity for future subdivision of lots that meet the zones lot sizes for subdivision specified at Clause 32.03-3 of the Alpine Planning Scheme. The Development Plan also presents a response to site context that reflects to local open space and community infrastructure opportunities.

RESPONSE TO SUBMISSIONS

Lack of infrastructure to service the development and future residents

The provision, delivery and connection to infrastructure and services will form part of the application requirements for any subsequent subdivision. North East Water have noted

that there are servicing issues with current their current infrastructure and as such require a notation to be included on the Development Plan.

Bushfire risk

The application for the subdivision will need to address the requirements of Clause 44.02 and 53.02.

Risk of landslides

The Development Plan provides for a 'no build area' to the south of the site. A geotechnical report can also be requested and form part of the assessment process for any future subdivision application.

Lot sizes are inconsistent with existing area of Glenbourn Drive

The Development Plan gives an indicative indication of proposed lot density and size. The size of the lots will be more formally determined through a planning application for the subdivision. The size of any lots will be determined according to the requirements of the zone and overlays as well as any physical constraints of the land.

Impact on flora and fauna.

As the land does not exhibit any significant native vegetation, there is no requirement for an ecological assessment to accompany the Development Plan. This can be considered in more detail though any future planning application for a subdivision.

Traffic and carparking

The Development Plan provides a conceptual layout for the road network to service any future subdivision. The Department of Transport and Planning have identified the need for a Traffic Impact Assessment to be submitted, and this will need to form part of any future planning permit application or the subdivision. This requirement will be included as a notation of the Development Plan.

Other issues

Other issues were raised in relation to economic development, noise pollution, property values and crime. These are not relevant in the consideration of the Development Plan.

CONCLUSION

The proposed Development Plan provides for a conceptual layout for a future Low Density Residential subdivision which supports the continued and increase of lot yield within an area which is adjacent to an established area of Tawonga South. The site and any future development will also benefit from the services which exist in the Mount Beauty and Tawonga South area. While there are challenges by way of infrastructure servicing and bushfire risk, these details of these would be more appropriately addressed through a subdivision application process. On this basis it is considered appropriate that the Development Plan be approved.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate and Community
- Manager Regulatory Services

ATTACHMENT(S)

1. **8.3.7.1** Council Report Attachment - Development Plan

8.3.8 Debtor Management Policy

INTRODUCTION

The Debtor Management Policy is an important means of ensuring that Council manages monies owed appropriately, fairly and consistently, and provides an overarching position on debt management.

RECOMMENDATION

That Council:

- 1. Adopts the reviewed Debtor Management Policy (V5);***
- 2. Revokes the Debtor Management Policy (V4); and***
- 3. Signs and seals the Debtor Management Policy (V5) at the appropriate stage of this meeting,***

BACKGROUND

Council last formally adopted the Debtor Management Policy (the Policy) in 2023. A review of the Policy has been undertaken, and the reviewed policy is presented to Council for adoption.

The Debtor Management Policy provides a process for Council staff to:

- Raise invoices, including the circumstances they can do this;
- Manage invoices which are not paid within the allocated time; and
- Establish payment arrangements and forgoing money owed.

The Policy does not address processes and support available to customers experiencing financial hardship, which is covered by the Financial Hardship Policy (available on Council's website).

ISSUES

A review of the Debtor Management Policy was undertaken with only minor amendments proposed. The proposed updates are:

- Cross referenced the Financial Hardship Policy for debtors requiring additional support in paying rates and charges;
- Clarified and strengthened the process for debt write-off;
- Provides for a consistent approach to the processes for payment arrangements and debt write-off requests;
- Completed Human Rights Charter and Gender Impact Assessments;
- Updated Council officer roles and transfer limits;
- Updated related legislation references;
- Updated definitions; and
- Corrected general typographical and grammatical errors.

During the review, Officers identified that there were no set templates for debtors to complete to seek a payment plan or to request Council to write a debt off. These forms

are being finalised to support the Policy and will be available on Council's website by the end of September 2025.

Council's Financial Hardship Policy will be reviewed in 2025/26, public consultation on this policy will be undertaken and the reviewed policy will be presented to Council for consideration.

POLICY IMPLICATIONS

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

5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

The Policy does not have any financial implications related to implementation. Getting debtor management right is imperative for the sustained financial health of any business.

The operation of the Policy allows for payment delay or debt written off processes which could impact revenue in line with the approval thresholds detailed in the Policy.

RISK MANAGEMENT

Risk	Likelihood	Impact	Mitigation Action / Control
Adverse impact on Council's financial sustainability.	Possible	Moderate	<ul style="list-style-type: none"> Training with relevant managers and staff on debt management/recovery policy and process obligations
Operating outside policy obligations.	Possible	Moderate	<ul style="list-style-type: none"> Training with relevant managers and staff on debt management/recovery policy and process obligations Make debt management/recovery policy, procedure and templates available to staff

CONSULTATION

The Audit and Risk Committee was provided the proposed updates to the Policy at the May 2025 meeting. No feedback was received from the Committee.

CONCLUSION

Council is being asked to adopt the updated Debtor Management Policy, noting the updates made to the Policy as listed earlier in this report.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate and Community
- Manager Corporate

ATTACHMENT(S)

1. **8.3.8.1** Debtor Management Policy

8.3.9 Instruments of Delegation

INTRODUCTION

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

RECOMMENDATION

That Council:

- 1. Exercises the powers conferred by section 11(1)(b) of the Local Government Act 2020, so that:***
 - a. There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in attachment "S5 - Instrument of Delegation from Council to the Chief Executive Officer" (instrument S5), subject to the conditions and limitations specified in that instrument;***
 - b. Instrument S5 be signed and sealed at the appropriate stage of this meeting;***
 - c. Instrument S5 comes into force immediately the common seal of Council is affixed to the instrument;***
 - d. On the coming into force of instrument S5, the previous version of instrument S5 dated 24 June 2025 be revoked; and***
 - e. The duties and functions set out in instrument S5 must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.***
- 2. Exercises the powers conferred by the legislation referred to in attachment "S6 - Instrument of Delegation from Council to Members of Council Staff" (instrument S6), so that:***
 - a. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in instrument S6, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument;***
 - b. Instrument S6 be signed and sealed at the appropriate stage of this meeting;***
 - c. Instrument S6 comes into force immediately the common seal of Council is affixed to the instrument;***
 - d. On the coming into force of instrument S6, the previous version of instrument S6 dated 24 June 2025 be revoked; and***
 - e. The duties and functions set out in instrument S6 must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.***

3. Exercises the powers conferred by the legislation referred to in attachment "S18 - Instrument of Sub-Delegation from Council to Members of Council Staff (EPA 2017)" (instrument S18), so that:

- a. There be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in instrument S18, the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument**
- b. Instrument S18 be signed and sealed at the appropriate stage of this meeting**
- c. Instrument S18 comes into force immediately the common seal of Council is affixed to the Instrument**
- d. On the coming into force of instrument S18, the previous version of instrument S18 dated 24 June 2025 be revoked; and**
- e. The duties and functions set out in instrument S18 must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

BACKGROUND

Council operates under more than 110 different pieces of legislation, each of which provides specific powers, duties or functions either to Council as the governing body, or directly to the Chief Executive Officer. To enable Council as an organisation to run smoothly, and to avoid the need for every legislative decision to be presented to a Council meeting, many of these powers, duties and functions are passed on by Instruments of Delegation from Council to the Chief Executive Officer (CEO) and members of Council staff.

The delegation of Council's powers, duties, and functions is a routine process presented to a Council meeting, which was most recently presented to the Ordinary Council meeting held in June 2025. Changes in legislation and staff titles are key reasons that Instruments of Delegation must be kept up to date.

Legislative powers, duties, and functions

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

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

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

ISSUES

Legislative updates

S5 Instrument of Delegation to the Chief Executive Officer

The S5 Instrument of Delegation has been updated to reflect the introduction of the Essential Services and Volunteer Funding Levy, which replaces the previous Fire Services Property Levy. This is required to ensure that the CEO has the ability to transfer the levy to the State Revenue Office at the scheduled time. Updating the S5 Instrument of Delegation also ensures that all the legislative powers available at the time of this meeting are passed on the CEO.

S6 Instrument of Delegation to members of Council staff

There have minor updates to the legislative powers, duties, and function in the S6 Instrument of Delegation since it was last adopted in June 2025, affecting on the *Cemeteries and Crematoria Act 2003*, *Cemeteries and Crematoria Regulations 2025*, and *Planning and Environment Act 1987*. These have been included in the document, with the appropriate members of Council staff delegated to those legislative provisions.

S18 Instrument of Delegation to members of Council staff (EPA 2017)

There have been no legislative changes to the S18 Instrument, however the Instrument is being updated to ensure continuity with the entire delegations package.

Staff members with delegated duties

No changes to staff titles have been made in this update.

POLICY IMPLICATIONS

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

5.2 A responsible, transparent and responsive organisation

FINANCIAL AND RESOURCE IMPLICATIONS

Council allows for a delegations and authorisations template service in the annual Budget to ensure that all relevant legislative provisions are included in Council's Instruments. Council officers are responsible for ensuring that the appropriate members of staff are provided with delegations and authorisations to undertake their duties.

RISK MANAGEMENT

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

CONSULTATION

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

CONCLUSION

A review and update of the S5 Instrument of Delegation to the CEO, S5 Instrument of Delegation to members of Council staff, and S18 Instrument of Delegation to members of Council staff (EPA 2017) will ensure that the CEO and Council officers can undertake the legislative powers, duties and functions related to their role.

DECLARATION OF CONFLICT OF INTEREST

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

- Director Corporate and Community
- Manager Corporate
- Governance Officer

ATTACHMENT(S)

1. **8.3.9.1** S5 - Instrument of Delegation from Council to CEO - August 2025
2. **8.3.9.2** S6 - Instrument of Delegation from Council to members of Council staff - August 2025
3. **8.3.9.3** S18 - Instrument of Delegation from Council to members of staff (EPA 2017) - August 2025

9 Informal Meetings of Councillors

INTRODUCTION

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

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

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

RECOMMENDATION

That the summary of informal meetings of Councillors for July / August 2025 be received.

BACKGROUND

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

Date	Meeting
29 July	Briefing Session
12 August	Briefing Session
19 August	Briefing Session

ATTACHMENT(S)

1. **9.1.1** Informal Meeting of Councillors 20250729
2. **9.1.2** Informal Meeting of Councillors 20250812
3. **9.1.3** Informal Meeting of Councillors 20250819

10 Presentation of reports by delegates

11 General business

12 Motions for which notice has previously been given

13 Reception and reading of petitions

14 Documents for signing and sealing

RECOMMENDATION

That the following documents be signed and sealed.

- 1. S5 - Instrument of Delegation from Council to CEO - August 2025*
- 2. S6 - Instrument of Delegation from Council to members of Council Staff - August 2025*
- 3. S18 - Instrument of Delegation from Council to members of staff (EPA 2017) - August 2025*
- 4. Myrtleford Bowls Club lease for part of Crown Allotment 20D Section E, Parish of Myrtleford*
- 5. Debtor Management Policy (V5)*

15 Closure of meeting